

By the Committee on Water & Resource Management and  
Representatives Alexander, Boyd, K. Smith, Kelly, Brummer,  
Betancourt, Waters and Johnson

1                                   A bill to be entitled  
2           An act relating to the creation of the Fish and  
3           Wildlife Conservation Commission; providing for  
4           technical revisions; creating part I of chapter  
5           370, F.S., relating to saltwater fisheries;  
6           amending s. 370.07, F.S.; transferring specific  
7           regulatory powers from the Department of  
8           Environmental Protection to the Fish and  
9           Wildlife Conservation Commission and the  
10          Department of Agriculture and Consumer  
11          Services; providing for the deposit of certain  
12          funds in the General Inspection Trust Fund of  
13          the Department of Agriculture and Consumer  
14          Services; amending s. 370.101, F.S.; providing  
15          certain responsibilities for the Division of  
16          Marine Fisheries at the Fish and Wildlife  
17          Conservation Commission; amending s. 370.11,  
18          F.S.; authorizing the Division of Marine  
19          Fisheries to issue permits for scientific  
20          purposes; amending s. 370.1107, F.S.; revising  
21          the definition of "licensed saltwater fisheries  
22          trap"; amending ss. 370.13 and 370.1405, F.S.;  
23          transferring specific regulatory powers from  
24          the Department of Environmental Protection to  
25          the Fish and Wildlife Conservation Commission;  
26          amending s. 370.25, F.S.; transferring  
27          responsibilities for the artificial fishing  
28          reef program from the Department of  
29          Environmental Protection to the Fish and  
30          Wildlife Conservation Commission; creating part  
31          II of chapter 370, F.S., relating to freshwater

1 fisheries; creating s. 370.40, F.S.; providing  
2 definitions; renumbering s. 372.0225, F.S.,  
3 relating to certain responsibilities for the  
4 Division of Freshwater Fisheries of the Fish  
5 and Wildlife Conservation Commission;  
6 renumbering s. 372.26, F.S., relating to  
7 prohibiting the importation of freshwater fish  
8 into the state; renumbering s. 372.27, F.S.,  
9 relating to closing Silver Springs and Rainbow  
10 Springs to all fishing; renumbering s. 372.31,  
11 F.S., relating to the disposition of illegal  
12 fishing devices; renumbering s. 372.311, F.S.,  
13 relating to the disposition and appraisal of  
14 seized property; renumbering s. 372.312, F.S.,  
15 relating to forfeiture proceedings; renumbering  
16 s. 372.313, F.S., relating to the delivery of  
17 property to claimant; renumbering s. 372.314,  
18 F.S., relating to certain proceedings;  
19 renumbering s. 372.315, F.S., relating to  
20 procedures when claims are filed; renumbering  
21 s. 372.316, F.S., relating to representation by  
22 the state attorney; renumbering s. 372.317,  
23 F.S., relating to judgment of forfeiture;  
24 renumbering s. 372.318, F.S., relating to  
25 service charges; renumbering s. 372.319, F.S.,  
26 relating to disposition of forfeiture proceeds;  
27 renumbering s. 372.321, F.S., relating to the  
28 lawful exercise of police powers; creating s.  
29 370.45, F.S.; regulating the sale of licenses  
30 and permits for the taking of freshwater  
31 aquatic life; providing for costs and

1 reporting; creating s. 370.46, F.S.; providing  
2 requirements for licenses to take freshwater  
3 fish within the state; providing fees;  
4 providing exemptions from requirements;  
5 renumbering s. 372.5705, F.S., relating to fish  
6 pond licenses; creating s. 370.462, F.S.;  
7 providing for the expiration of licenses and  
8 permits; creating s. 370.463, F.S.; providing  
9 for review of fees for licenses and permits;  
10 creating s. 370.464, F.S.; providing  
11 requirements for the expenditure of management  
12 area permit revenues; creating s. 370.465,  
13 F.S.; providing for the appointment of  
14 subagents for the sale of licenses and permits;  
15 creating ss. 370.47 and 370.471, F.S.;  
16 providing penalties for false statements on  
17 applications for licenses or permits; creating  
18 s. 370.48, F.S.; prohibiting the transfer of  
19 licenses or permits; creating s. 370.49, F.S.;  
20 establishing a process for issuing replacement  
21 licenses or permits; renumbering s. 372.65,  
22 F.S., relating to freshwater fish dealer's  
23 license; correcting a cross reference;  
24 renumbering s. 372.651, F.S., relating to haul  
25 seine and trawl permits; renumbering s.  
26 372.653, F.S., relating to the tagging of fish;  
27 creating s. 370.60, F.S.; providing for  
28 prosecution of violators of laws relating to  
29 freshwater fish; creating s. 370.601, F.S.;  
30 prohibiting harassment of persons fishing;  
31 creating s. 370.61, F.S.; providing causes and

1 penalties for noncriminal infractions; creating  
2 s. 370.62, F.S.; providing for the disposition  
3 of fines, penalties, and forfeitures; creating  
4 s. 370.63, F.S.; authorizing the confiscation  
5 of illegally taken freshwater fish; creating s.  
6 370.64, F.S.; providing for cooperative  
7 agreements with the United States Forest  
8 Service; providing penalties; renumbering s.  
9 372.75, F.S., relating to the prohibited use of  
10 explosives and other substances in the fresh  
11 waters of the state; creating s. 370.66, F.S.;  
12 authorizing limited search and seizure by  
13 conservation officers; creating s. 370.661,  
14 F.S.; authorizing the issuance of search  
15 warrants in certain circumstances; creating s.  
16 370.67, F.S.; assenting to the provisions of  
17 the Federal Aid in Fish Restoration Act of  
18 1950; creating s. 370.671, F.S.; providing for  
19 federal conservation of fish and limited  
20 jurisdiction of the United States; creating s.  
21 370.68, F.S.; providing for noncriminal  
22 infractions; providing penalties; creating s.  
23 370.69, F.S.; providing for the forfeiture or  
24 denial of licenses and permits; renumbering s.  
25 372.85, F.S., relating to the contamination of  
26 fresh waters of the state; providing penalties;  
27 creating ss. 370.71 and 370.72, F.S.; providing  
28 for reciprocal agreements for taking fish in  
29 certain waters; renumbering s. 372.9903, F.S.,  
30 relating to the illegal possession or  
31 transportation of freshwater game fish in

1 commercial quantities; renumbering s. 372.9904,  
2 F.S.; providing for the seizure and disposition  
3 of illegal devices; renumbering s. 372.9905,  
4 F.S., relating to the seizure and forfeiture of  
5 vehicles, vessels, or other transportation  
6 devices; renumbering s. 372.993, F.S., relating  
7 to land-based commercial and recreational  
8 fishing activities; amending s. 372.001, F.S.;  
9 providing definitions; amending s. 372.021,  
10 F.S.; providing authority to the Fish and  
11 Wildlife Conservation Commission; amending s.  
12 372.05, F.S.; establishing the duties of the  
13 Executive Director of the Fish and Wildlife  
14 Conservation Commission; amending s. 372.07,  
15 F.S.; providing for the police powers of the  
16 Fish and Wildlife Conservation Commission;  
17 amending s. 372.105, F.S.; authorizing certain  
18 revenues to be deposited into the Lifetime Fish  
19 and Wildlife Trust Fund; amending s. 372.106,  
20 F.S.; authorizing certain revenues to be  
21 deposited into the Dedicated License Trust  
22 Fund; amending s. 372.121, F.S., relating to  
23 the control and management of state game lands;  
24 including referral to marine life; amending s.  
25 372.561, F.S.; providing for licenses to take  
26 wild animal life; deleting reference to  
27 fisheries; amending s. 372.57, F.S.;  
28 establishing requirements for licenses to take  
29 wild animal life; providing fees; providing  
30 exemptions; deleting reference to fisheries;  
31 amending s. 372.571, F.S., relating to

1 conditions for the expiration of licenses and  
2 permits; correcting a cross reference; amending  
3 s. 372.5712, F.S., relating to the expenditure  
4 of Florida waterfowl permit revenues;  
5 correcting a cross reference; amending s.  
6 372.5715, F.S., relating to the expenditure of  
7 Florida wild turkey permit revenues; correcting  
8 a cross reference; amending s. 372.573, F.S.,  
9 relating to the expenditure of management area  
10 permit revenues; correcting a cross reference;  
11 amending s. 372.574, F.S., relating to the  
12 appointment of subagents for the sale of  
13 licenses and permits; providing cross  
14 references; amending s. 372.60, F.S., relating  
15 to procedures for issuing replacement licenses  
16 or permits; amending s. 372.661, F.S., relating  
17 to requirements for private hunting preserves;  
18 correcting cross references; amending s.  
19 372.70, F.S., relating to the prosecution of  
20 violators of certain laws; deleting reference  
21 to freshwater fish; amending s. 372.7015, F.S.,  
22 relating to penalties for the illegal killing  
23 and taking of wildlife; correcting a cross  
24 reference; amending s. 372.7016, F.S., relating  
25 to a voluntary authorized hunter identification  
26 program; correcting a cross reference; amending  
27 s. 372.705, F.S., relating to the harassment of  
28 hunters and trappers; amending s. 372.73, F.S.,  
29 relating to the confiscation and disposition of  
30 illegally taken game; deleting reference to  
31 freshwater fish; amending s. 372.74, F.S.,

1 relating to cooperative agreements with the  
2 United States Forest Service; amending s.  
3 372.76, F.S., relating to limited search and  
4 seizure authority for the Fish and Wildlife  
5 Conservation Commission; amending s. 372.761,  
6 F.S., relating to warrants to search private  
7 dwellings; amending s. 372.7701, F.S.;  
8 assenting to certain provisions of the Federal  
9 Aid in Fish Restoration Act of 1950; amending  
10 s. 372.771, F.S., relating to federal  
11 conservation of wildlife and limited  
12 jurisdiction of the United States; amending s.  
13 372.83, F.S., relating to noncriminal  
14 infractions; establishing criminal penalties,  
15 providing for the suspension and revocation of  
16 licenses and permits; deleting reference to  
17 freshwater fish; amending ss. 372.97 and  
18 372.971, F.S.; providing for reciprocal  
19 agreements for taking game in certain areas;  
20 amending s. 372.9901, F.S.; conforming  
21 provisions for seizure and disposition of  
22 illegal devices; correcting a cross reference;  
23 amending s. 372.991, F.S.; establishing that  
24 certain fees collected by the Fish and Wildlife  
25 Conservation Commission will be deposited into  
26 the Nongame Wildlife Trust Fund; renumbering s.  
27 370.0205, F.S., relating to the authority of  
28 the Department of Environmental Protection to  
29 create partnerships with citizen support  
30 organizations; amending ss. 161.031 and 161.36,  
31 F.S.; authorizing the Department of

1 Environmental Protection to retain specific  
2 powers; renumbering s. 370.041, F.S., relating  
3 to the harvesting of sea oats; amending s.  
4 259.101, F.S.; providing for distribution of  
5 Preservation 2000 funds to the Fish and  
6 Wildlife Conservation Commission; amending s.  
7 270.22, F.S.; authorizing the Department of  
8 Agriculture and Consumer Services to deposit  
9 aquaculture lease fees into the General  
10 Inspection Trust Fund; amending s. 288.109,  
11 F.S.; integrating the Fish and Wildlife  
12 Conservation Commission into the One-Stop  
13 Permitting System; amending s. 327.02, F.S.;  
14 revising definitions; amending s. 327.04, F.S.,  
15 relating to rules; amending s. 327.41, F.S.;  
16 requiring a permit from the Fish and Wildlife  
17 Conservation Commission to place regulatory  
18 markers in the Florida Intracoastal Waterway;  
19 amending s. 327.53, F.S., relating to marine  
20 sanitation; amending s. 327.54, F.S., relating  
21 to liveries; amending s. 328.72, F.S., relating  
22 to vessel registration fees; providing for  
23 distribution; amending s. 373.4149, F.S.;  
24 appointing the Executive Director of the Fish  
25 and Wildlife Conservation Commission as a  
26 member of the Miami-Dade County Lake Belt Plan  
27 Implementation Committee; amending s.  
28 373.41492, F.S.; appointing a representative of  
29 the Fish and Wildlife Conservation Commission  
30 as a member of an interagency committee;  
31 amending s. 403.141, F.S.; authorizing the Fish



1 and Wildlife Conservation Commission to  
2 establish tables of value with the Department  
3 of Environmental Protection; amending s.  
4 570.235, F.S.; appointing a representative of  
5 the Fish and Wildlife Conservation Commission  
6 as a member of the Pest Exclusion Advisory  
7 Committee; amending s. 590.02, F.S.; appointing  
8 the Executive Director of the Fish and Wildlife  
9 Conservation Commission to an advisory  
10 committee; amending s. 597.004, F.S.; providing  
11 that the Department of Agriculture and Consumer  
12 Services will regulate the handling of  
13 aquaculture shellfish; amending ss. 212.08,  
14 323.001, 810.09, and 932.7055, F.S.; conforming  
15 cross references; amending s. 705.101, F.S.;  
16 redefining the term "abandoned property";  
17 amending s. 705.103, F.S., relating to  
18 procedures for abandoned or lost property;  
19 amending s. 832.06, F.S.; correcting references  
20 to the commission; repealing s. 370.013, F.S.,  
21 relating to general functions of the Department  
22 of Environmental Protection; repealing s.  
23 370.017, F.S., relating to responsibilities for  
24 the Secretary of the Department of  
25 Environmental Protection; repealing s. 370.032,  
26 F.S., relating to definitions; repealing s.  
27 370.033, F.S., relating to Legislative intent;  
28 repealing s. 370.034, F.S., relating to  
29 certificates; repealing s. 370.036, F.S.,  
30 relating to dredge and fill records; repealing  
31 s. 370.037, F.S., relating to denial,

1 suspension, or revocation of certificates;  
2 repealing s. 370.038, F.S., relating to rules  
3 and regulations; repealing s. 370.0606, F.S.,  
4 relating to authorizing subagents to sell  
5 saltwater fishing licenses; repealing s.  
6 370.0805, F.S., relating to the net ban  
7 assistance program; repealing s. 372.04, F.S.,  
8 relating to salary and per diem for the  
9 Executive Director of the Fish and Wildlife  
10 Conservation Commission; repealing s. 372.061,  
11 F.S., relating to the authority of the Game and  
12 Fresh Water Fish Commission to hold meetings;  
13 repealing s. 403.261, F.S., relating to the  
14 repeal of rulemaking jurisdiction over air and  
15 water pollution; repealing s. 370.14(12), F.S.,  
16 relating to the 2-day sport season for  
17 harvesters of spiny lobster; repealing s.  
18 373.197, F.S., relating to the Kissimmee River  
19 Valley and Taylor Creek-Nubbins Slough Basin  
20 restoration project; providing an effective  
21 date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Part I of chapter 370, Florida Statutes,  
26 consisting of sections 370.01 through 370.31, Florida  
27 Statutes, is designated as "Saltwater Fisheries."

28 Section 2. Subsection (1), paragraphs (f), (h), (i),  
29 and (k) of subsection (3), paragraphs (e), (g), and (h) of  
30 subsection (4), subsections (5) and (6) of section 370.07,  
31 Florida Statutes, are amended to read:

1           370.07 Wholesale and retail saltwater products  
2 dealers; regulation.--  
3           (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license  
4 or privilege taxes are hereby levied and imposed upon dealers  
5 in the state in saltwater products. It is unlawful for any  
6 person, firm, or corporation to deal in any such products  
7 without first paying for and procuring the license required by  
8 this section. Application for all licenses shall be made to  
9 the Fish and Wildlife Conservation Commission ~~Department of~~  
10 ~~Environmental Protection~~ on blanks to be furnished by it. All  
11 licenses shall be issued by the commission ~~department~~ upon  
12 payment to it of the license tax. The licenses are defined as:  
13           (a)1. "Wholesale county dealer" is any person, firm,  
14 or corporation which sells saltwater products to any person,  
15 firm, or corporation except to the consumer and who may buy  
16 saltwater products in the county designated on the wholesale  
17 license from any person licensed pursuant to s. 370.06(2) or  
18 from any licensed wholesale dealer.  
19           2. "Wholesale state dealer" is a person, firm, or  
20 corporation which sells saltwater products to any person,  
21 firm, or corporation except to the consumer and who may buy  
22 saltwater products in any county of the state from any person  
23 licensed pursuant to s. 370.06(2) or from any licensed  
24 wholesale dealer.  
25           3. "Wholesale dealer" is either a county or a state  
26 dealer.  
27           (b) A "retail dealer" is any person, firm, or  
28 corporation which sells saltwater products directly to the  
29 consumer, but no license is required of a dealer in  
30 merchandise who deals in or sells saltwater products consumed  
31 on the premises or prepared for immediate consumption and sold

1 to be taken out of any restaurant licensed by the Division of  
2 Hotels and Restaurants of the Department of Business and  
3 Professional Regulation.

4  
5 Any person, firm, or corporation which is both a wholesale  
6 dealer and a retail dealer shall obtain both a wholesale  
7 dealer's license and a retail dealer's license. If a wholesale  
8 dealer has more than one place of business, the annual license  
9 tax shall be effective for all places of business, provided  
10 that the wholesale dealer supplies to the commission  
11 ~~department~~ a complete list of additional places of business  
12 upon application for the annual license tax.

13 (3) APALACHICOLA BAY OYSTER SURCHARGE.--

14 (f) The Department of Revenue shall collect the  
15 surcharge for transfer into the General Inspection Trust Fund  
16 of the Department of Agriculture and Consumer Services ~~Marine~~  
17 ~~Resources Conservation Trust Fund of the Department of~~  
18 ~~Environmental Protection.~~

19 (h) Annually, the Department of Agriculture and  
20 Consumer Services ~~Environmental Protection~~ shall furnish the  
21 Department of Revenue with a current list of wholesale dealers  
22 in the state.

23 (i) Collections received by the Department of Revenue  
24 from the surcharge shall be transferred quarterly to the  
25 Department of Agriculture and Consumer Services General  
26 Inspection Trust Fund ~~Environmental Protection~~ ~~Marine~~  
27 ~~Resources Conservation Trust Fund~~, less the costs of  
28 administration.

29 (k) The Department of Agriculture and Consumer  
30 Services ~~Environmental Protection~~ shall use or distribute  
31 funds generated by this surcharge, less reasonable costs of

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

13       (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

14       (e) It is unlawful to sell, deliver, ship, or  
15 transport, or to possess for the purpose of selling,  
16 delivering, shipping, or transporting, any saltwater products  
17 without all invoices of such products having thereon the  
18 wholesale dealer license number in such form as may be  
19 prescribed under the provisions of this subsection and the  
20 rules and regulations of the commission ~~department~~. Any  
21 saltwater products found in the possession of any person who  
22 is in violation of this provision may be seized by the  
23 commission ~~department~~ and disposed of in the manner provided  
24 by law.

25       (g) Wholesale dealers' licenses shall be issued only  
26 to applicants who furnish to the commission ~~department~~  
27 satisfactory evidence of law-abiding reputation and who pledge  
28 themselves to faithfully observe all of the laws and  
29 regulations of this state relating to the conservation of,  
30 dealing in, taking, selling, transporting, or possession of  
31 saltwater products and to cooperate in the enforcement of all

1 such laws to every reasonable extent. This pledge may be  
2 included in the application for license.

3 (h) Any person who violates the provisions of this  
4 subsection commits ~~is guilty of~~ a misdemeanor of the first  
5 degree, punishable as provided in s. 775.082 or s. 775.083.

6 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7 (a) A license issued to a wholesale or retail dealer  
8 is good only to the person to whom issued and named therein  
9 and is not transferable. The commission ~~department~~ may  
10 revoke, suspend, or deny the renewal of the license of any  
11 licensee:

12 1. Upon the conviction of the licensee of any  
13 violation of the laws or regulations designed for the  
14 conservation of saltwater products;

15 2. Upon conviction of the licensee of knowingly  
16 dealing in, buying, selling, transporting, possessing, or  
17 taking any saltwater product, at any time and from any waters,  
18 in violation of the laws of this state; or

19 3. Upon satisfactory evidence of any violation of the  
20 laws or any regulations of this state designed for the  
21 conservation of saltwater products or of any of the laws of  
22 this state relating to dealing in, buying, selling,  
23 transporting, possession, or taking of saltwater products.

24 (b) Upon revocation of such license, no other or  
25 further license may be issued to the dealer within 3 years  
26 from the date of revocation except upon special order of the  
27 commission ~~department~~. After revocation, it is unlawful for  
28 such dealer to exercise any of the privileges of a licensed  
29 wholesale or retail dealer.

30  
31

1 (c) In addition to, or in lieu of, the penalty imposed  
2 pursuant to this subsection, the commission ~~department~~ may  
3 impose penalties pursuant to s. 370.021.

4 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

5 (a) Wholesale dealers shall be required by the  
6 commission ~~department~~ to make and preserve a record of the  
7 names and addresses of persons from whom or to whom saltwater  
8 products are purchased or sold, the quantity so purchased or  
9 sold from or to each vendor or purchaser, and the date of each  
10 such transaction. Retail dealers shall be required to make and  
11 preserve a record from whom all saltwater products are  
12 purchased. Such record shall be open to inspection at all  
13 times by the commission ~~department~~. A report covering the  
14 sale of saltwater products shall be made monthly or as often  
15 as required by rule to the commission ~~department~~ by each  
16 wholesale dealer. All reports required under this subsection  
17 are confidential and shall be exempt from the provisions of s.  
18 119.07(1) except that, pursuant to authority related to  
19 interstate fishery compacts as provided by ss. 370.19(3) and  
20 370.20(3), reports may be shared with another state if that  
21 state is a member of an interstate fisheries compact, and if  
22 that state has signed a Memorandum of Agreement or a similar  
23 instrument agreeing to preserve confidentiality as established  
24 by Florida law.

25 (b) The commission ~~department~~ may revoke, suspend, or  
26 deny the renewal of the license of any dealer for failure to  
27 make and keep required records, for failure to make required  
28 reports, for failure or refusal to permit the examination of  
29 required records, or for falsifying any such record. In  
30 addition to, or in lieu of, the penalties imposed pursuant to  
31 this paragraph and s. 370.021, the commission ~~department~~ may

1 impose against any person, firm, or corporation who is  
2 determined to have violated any provision of this paragraph or  
3 any provisions of any commission ~~department~~ rules promulgated  
4 pursuant to s. 370.0607, the following additional penalties:

5         1. For the first violation, a civil penalty of up to  
6 \$1,000;

7         2. For a second violation committed within 24 months  
8 of any previous violation, a civil penalty of up to \$2,500;  
9 and

10         3. For a third or subsequent violation committed  
11 within 36 months of any previous two violations, a civil  
12 penalty of up to \$5,000.

13  
14 The proceeds of all civil penalties collected pursuant to this  
15 subsection shall be deposited into the Marine Resources  
16 Conservation Trust Fund and shall be used for administration,  
17 auditing, and law enforcement purposes.

18         Section 3. Subsection (1) of section 370.101, Florida  
19 Statutes, is amended to read:

20         370.101 Saltwater fish; regulations.--

21         (1) The Division of Marine Fisheries of the Fish and  
22 Wildlife Conservation Commission ~~Resources~~ is authorized to  
23 establish weight equivalencies when minimum lengths of  
24 saltwater fish are established by law, in those cases where  
25 the fish are artificially cultivated.

26         Section 4. Subsection (2) of section 370.11, Florida  
27 Statutes, is amended to read:

28         370.11 Fish; regulation.--

29         (2) REGULATION; FISH; TARPON, ETC.--No person may  
30 sell, offer for sale, barter, exchange for merchandise,  
31 transport for sale, either within or without the state, offer



1 to purchase or purchase any species of fish known as tarpon  
2 (Tarpon atlanticus) provided, however, any one person may  
3 carry out of the state as personal baggage or transport within  
4 or out of the state not more than two tarpon if they are not  
5 being transported for sale. The possession of more than two  
6 tarpon by any one person is unlawful; provided, however, any  
7 person may catch an unlimited number of tarpon if they are  
8 immediately returned uninjured to the water and released where  
9 the same are caught. No common carrier in the state shall  
10 knowingly receive for transportation or transport, within or  
11 without the state, from any one person for shipment more than  
12 two tarpon, except as hereinafter provided. It is expressly  
13 provided that any lawful established taxidermist, in the  
14 conduct of taxidermy, may be permitted to move or transport  
15 any reasonable number of tarpon at any time and in any manner  
16 he or she may desire, as specimens for mounting; provided,  
17 however, satisfactory individual ownership of the fish so  
18 moved or transported can be established by such taxidermist at  
19 any time upon demand. Common carriers shall accept for  
20 shipment tarpon from a taxidermist when statement of  
21 individual ownership involved accompanies bill of lading or  
22 other papers controlling the shipment. The Division of Marine  
23 Fisheries Resources may, in its discretion, upon application  
24 issue permits for the taking and transporting of tarpon for  
25 scientific purposes.

26 Section 5. Subsection (1) of section 370.1107, Florida  
27 Statutes, is amended to read:

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

30 (1) As used in this section, the term "licensed  
31 saltwater fisheries trap" means any trap for the taking of

1 saltwater products required to be licensed by the Fish and  
2 Wildlife Conservation Commission, and whose license fees and  
3 penalties are authorized by the Legislature pursuant to this  
4 chapter ~~or by the commission for the taking of saltwater~~  
5 ~~products.~~

6 Section 6. Subsection (4) and paragraph (d) of  
7 subsection (5) of section 370.13, Florida Statutes, are  
8 amended to read:

9 370.13 Stone crab; regulation.--

10 (4) Any gear, equipment, boat, vehicle, or item used  
11 in the violation of this section is subject to confiscation.  
12 In addition, the Fish and Wildlife Conservation Commission  
13 ~~Department of Environmental Protection~~ shall revoke the permit  
14 of any permit holder convicted of a violation of paragraph  
15 (1)(a) for a period of 1 year from the date of the conviction,  
16 and he or she is prohibited during that period from catching  
17 or having in his or her possession any stone crab for the  
18 person's own use or to sell or offer to sell, whether or not  
19 he or she is accompanied by the holder of a valid permit and  
20 regardless of where taken.

21 (5)

22 (d) If a person holding an active trap number, or a  
23 member of that person's immediate family, does not request  
24 renewal of the number before the applicable dates as specified  
25 in this subsection, the commission ~~department~~ shall deactivate  
26 that trap number.

27 Section 7. Subsections (1), (3), (4), (5), and (6) of  
28 section 370.1405, Florida Statutes, are amended to read:

29 370.1405 Crawfish reports by dealers during closed  
30 season required.--

31

1           (1) Within 3 days after the commencement of the closed  
2 season for the taking of saltwater crawfish, each and every  
3 seafood dealer, either retail or wholesale, intending to  
4 possess whole crawfish, crawfish tails, or crawfish meat  
5 during closed season shall submit to the Fish and Wildlife  
6 Conservation Commission ~~Department of Environmental~~  
7 ~~Protection~~, on forms provided by the commission ~~department~~, a  
8 sworn report of the quantity, in pounds, of saltwater whole  
9 crawfish, crawfish tails, and crawfish meat in the dealer's  
10 name or possession as of the date the season closed. This  
11 report shall state the location and number of pounds of whole  
12 crawfish, crawfish tails, and crawfish meat. The commission  
13 ~~department~~ shall not accept any reports not delivered or  
14 postmarked by midnight of the 3rd calendar day after the  
15 commencement of the closed season, and any stocks of crawfish  
16 reported therein are declared a nuisance and may be seized by  
17 the commission ~~department~~.

18           (3) All dealers having reported stocks of crawfish may  
19 sell or offer to sell such stocks of crawfish; however, such  
20 dealers shall submit an additional report on the last day of  
21 each month during the duration of the closed season. Reports  
22 shall be made on forms supplied by the commission ~~department~~.  
23 Each dealer shall state on this report the number of pounds  
24 brought forward from the previous report period, the number of  
25 pounds sold during the report period, the number of pounds, if  
26 any, acquired from a licensed wholesale dealer during the  
27 report period, and the number of pounds remaining on hand. In  
28 every case, the amount of crawfish sold plus the amount  
29 reported on hand shall equal the amount acquired plus the  
30 amount reported remaining on hand in the last submitted  
31 report. Copies of records or invoices documenting the number

1 of pounds acquired during the closed season must be maintained  
2 by the wholesale or retail dealer and shall be kept available  
3 for inspection by the commission ~~department~~ for a period not  
4 less than 3 years from the date of the recorded transaction.  
5 Reports postmarked later than midnight on the 3rd calendar day  
6 of each month during the duration of the closed season will  
7 not be accepted by the commission ~~department~~. Dealers for  
8 which late supplementary reports are not accepted by the  
9 commission ~~department~~ must show just cause why their entire  
10 stock of whole crawfish, crawfish tails, or crawfish meat  
11 should not be seized by the commission ~~department~~. Whenever a  
12 dealer fails to timely submit the monthly supplementary report  
13 as described in this subsection, the dealer may be subject to  
14 the following civil penalties:

15 (a) For a first violation, the commission ~~department~~  
16 shall assess a civil penalty of \$500.

17 (b) For a second violation within the same crawfish  
18 closed season, the commission ~~department~~ shall assess a civil  
19 penalty of \$1,000.

20 (c) For a third violation within the same crawfish  
21 closed season, the commission ~~department~~ shall assess a civil  
22 penalty of \$2,500 and may seize said dealer's entire stock of  
23 whole crawfish, crawfish tails, or crawfish meat and carry the  
24 same before the court for disposal. The dealer shall post a  
25 cash bond in the amount of the fair value of the entire  
26 remaining quantity of crawfish as determined by the judge.  
27 After posting the cash bond, a dealer shall have 24 hours to  
28 transport said products outside the limits of Florida for sale  
29 as provided by s. 370.061. Otherwise, the product shall be  
30 declared a nuisance and disposed of by the commission  
31 ~~department~~ according to law.

1           (4) All seafood dealers shall at all times during the  
2 closed season make their stocks of whole crawfish, crawfish  
3 tails, or crawfish meat available for inspection by the  
4 commission ~~department~~.

5           (5) Each wholesale and retail dealer in whole  
6 crawfish, crawfish tails, or crawfish meat shall keep  
7 throughout the period of the crawfish closed season copies of  
8 the bill of sale or invoice covering each transaction  
9 involving whole crawfish, crawfish tails, or crawfish meat.  
10 Such invoices and bills shall be kept available at all times  
11 for inspection by the commission ~~department~~.

12           (6) The Fish and Wildlife Conservation Commission  
13 ~~Department of Environmental Protection~~ is authorized to adopt  
14 rules incorporating by reference such forms as are necessary  
15 to implement the provisions of this section.

16           Section 8. Section 370.25, Florida Statutes, is  
17 amended to read:

18           370.25 Artificial fishing reef program; construction  
19 grants to local governments.--

20           (1) An artificial fishing reef program is created  
21 within the Fish and Wildlife Conservation Commission  
22 ~~Department of Environmental Protection~~ to enhance saltwater  
23 fishing opportunities and to promote proper management of  
24 fisheries resources associated with artificial reefs for the  
25 public interest. Under the program, the commission ~~department~~  
26 shall provide grants and technical assistance to coastal local  
27 governments and nonprofit organizations qualified under s.  
28 501(c)(3) of the Internal Revenue Code for the siting and  
29 development of saltwater artificial fishing reefs as well as  
30 monitoring and evaluating their recreational, economic, and  
31

1 biological effectiveness. The program may be funded from  
2 state, federal, and private contributions.

3 (2) The commission ~~department~~ may adopt by rule  
4 procedures for submitting a grant application and criteria for  
5 allocating available funds. Such criteria shall include, but  
6 not be limited to, the following:

7 (a) The number of artificial fishing reefs and extent  
8 of the natural reef community currently located in the general  
9 vicinity;

10 (b) The documented demand and public support for the  
11 proposed reef;

12 (c) The number of public and private access points to  
13 the proposed reef;

14 (d) The commitment of the local government or  
15 authorized nonprofit organization to provide funds or other  
16 support for the development, monitoring, evaluation, and  
17 management of the proposed reef;

18 (e) The estimated cost for developing or monitoring  
19 the proposed reef;

20 (f) The stated objectives for developing or evaluating  
21 the reef and a means to measure the level of attainment of  
22 these objectives; and

23 (g) The ability of applicants to conduct artificial  
24 reef monitoring projects using established scientific protocol  
25 either independently or in collaboration with marine research  
26 entities.

27 (3) The commission ~~department~~ shall establish criteria  
28 for siting, constructing, managing, and evaluating the  
29 effectiveness of artificial reefs, including the specification  
30 of what materials are permissible to use in constructing  
31 fishing reefs. No material shall be permitted to be used as an

1 artificial reef under conditions where hurricane force storm  
2 events could reasonably be expected to cause the underwater  
3 lateral movement of the material off the permitted reef site,  
4 or cause substantial structural failure of the material. No  
5 material shall be permitted to be used as an artificial reef  
6 which has a demonstrated life expectancy in sea water as a  
7 functioning reef community of less than 20 years, or which has  
8 not been found to be safe for marine life and human health by  
9 the commission ~~department~~. Each artificial reef must be  
10 constructed in a manner that is consistent with the public  
11 interest, will not harm the marine environment, or impede  
12 navigation or other traditional uses.

13 (4) The commission ~~department~~ shall establish criteria  
14 for determining the eligibility of nonprofit organizations  
15 qualified under s. 501(c)(3) of the Internal Revenue Code to  
16 apply for and receive available reef development or evaluation  
17 funds. The criteria must include, but are not limited to:

18 (a) The organization must show proof that it is a  
19 nonprofit organization qualified under s. 501(c)(3) of the  
20 Internal Revenue Code and currently operating in full  
21 compliance with United States Internal Revenue Service  
22 regulations defining and governing those organizations.

23 (b) The organization must have as one of its principal  
24 charges the development or monitoring of artificial reefs and  
25 must agree to use the best science-based management practices  
26 available.

27 (c) The organization must be a not-for-profit  
28 corporation and must have its principal place of business  
29 within the state.

30 (5) The commission's ~~department's~~ artificial reef  
31 program shall track artificial reef development activities

1 statewide and maintain a computer database of this activity  
2 for the public interest and to facilitate long-range planning  
3 and coordination within the commission ~~department~~ and among  
4 local governments.

5 (6) It is unlawful for any person to:

6 (a) Place artificial-reef-construction materials in  
7 state water outside zones permitted under the terms and  
8 conditions defined in the applicable environmental permits and  
9 under United States Army Corps of Engineers permits held by  
10 the commission ~~department~~ or a local government.

11 (b) Place in state waters artificial-reef-construction  
12 materials that have not been inspected and approved by the  
13 commission ~~department~~ or a commission-certified  
14 ~~department-certified~~ inspector.

15 (7)(a) An initial violation of subsection (6) is a  
16 misdemeanor of the first degree, punishable as provided in s.  
17 775.082 or s. 775.083. A subsequent violation of subsection  
18 (6) which is committed within 12 months after a previous  
19 violation of that subsection is a felony of the third degree,  
20 punishable as provided in s. 775.082, s. 775.083, or s.  
21 775.084.

22 (b) If a violation of paragraph (4)(a) or paragraph  
23 (6)(a) occurs, a law enforcement officer may terminate a  
24 vessel's voyage and order the vessel operator to return  
25 immediately to port. The vessel operator must immediately  
26 dispose of the materials on shore according to applicable  
27 waste disposal laws.

28 (c) If, at the time of the violation, the vessel that  
29 is involved in the violation:

30 1. Is moored, the registered owner of the vessel is  
31 responsible for the violation.



1           2. Is underway, the captain or operator of the vessel  
2 and the registered owner of the vessel are jointly responsible  
3 for the violation.

4           (d) In addition to the penalties imposed in this  
5 subsection, the commission ~~department~~ shall assess civil  
6 penalties of up to \$5,000 against any person convicted of  
7 violating subsection (6) and may suspend or revoke the vessel  
8 registration and may revoke existing reef-construction permits  
9 and other state marine licenses held by the violator. For the  
10 purposes of this section, conviction includes any judicial  
11 disposition other than acquittal or dismissal.

12           Section 9. Part II of chapter 370, Florida Statutes,  
13 consisting of sections 370.40 through 370.74, Florida  
14 Statutes, is created and entitled "Freshwater Fisheries."

15           Section 10. Section 370.40, Florida Statutes, is  
16 created to read:

17           370.40 Definitions.--In construing these statutes,  
18 when applied to saltwater and freshwater fish, shellfish,  
19 crustacea, sponges, where the context permits, the word,  
20 phrase, or term:

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

25           (2) "Closed season" is that portion of the year  
26 wherein the laws of Florida forbid the taking of particular  
27 varieties of fish.

28           (3) "Commission" means the Fish and Wildlife  
29 Conservation Commission.

30           (4) "Common carrier" includes any person, firm, or  
31 corporation which undertakes for hire, as a regular business,

1 the transportation of persons or commodities from place to  
2 place, offering its services to all who may choose to employ  
3 it and pay its charges.

4 (5) "Fish" includes all freshwater and saltwater fish,  
5 shellfish, crustacea, and sponges.

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

16 (7) "Fish pond" means a body of water that does not  
17 occur naturally and that has been constructed and is  
18 maintained primarily for the purpose of fishing.

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

29 (9) "Freshwater fish" includes all classes of pisces  
30 that are indigenous to fresh water.

31

1       (10) "Open season" is that portion of the year wherein  
2 the laws of Florida for the preservation of fish permit the  
3 taking of particular varieties of fish.

4       (11) "Resident" means:

5       (a) Any person who has continually resided in this  
6 state for 6 months; or

7       (b) Any member of the United States Armed Forces who  
8 is stationed in this state.

9       (12) "Take" means taking, attempting to take,  
10 pursuing, hunting, molesting, capturing, or killing freshwater  
11 fish or their nests or eggs, by any means, whether or not such  
12 actions result in obtaining possession of such freshwater fish  
13 or their nests or eggs.

14       (13) "Transport" includes shipping, transporting,  
15 carrying, importing, exporting, receiving or delivering for  
16 shipment, transportation, carriage, or export.

17       Section 11. Section 372.0225, Florida Statutes, is  
18 renumbered as section 370.41, Florida Statutes, and amended to  
19 read:

20       370.41 ~~372.0225~~ Freshwater organisms.--

21       (1) The Division of Freshwater Fisheries of the Fish  
22 and Wildlife Conservation Commission, in order to manage the  
23 promotion, marketing, and quality control of all freshwater  
24 organisms produced in Florida and utilized commercially so  
25 that such organisms shall be used to produce the optimum  
26 sustained yield consistent with the protection of the breeding  
27 stock, is responsible for ~~directed and charged with the~~  
28 ~~responsibility of:~~

29       (a) Regulating ~~Providing for the regulation of~~ the  
30 promotion, marketing, and quality control of freshwater  
31 organisms produced in Florida and utilized commercially.

1 (b) Regulating the processing of commercial freshwater  
2 organisms on the water or on the shore.

3 (c) Providing documentation standards and statistical  
4 record requirements with respect to commercial freshwater  
5 organism catches.

6 (d) Conducting scientific, economic, and other studies  
7 and research on all freshwater organisms produced in the state  
8 and used commercially.

9 (2) The responsibility with which the Division of  
10 Freshwater Fisheries is charged under subsection (1) shall in  
11 no way supersede or duplicate the responsibilities of the  
12 Department of Agriculture and Consumer Services under chapter  
13 500, the Florida Food Safety Act, chapter 597, the Florida  
14 Aquaculture Policy Act, and the rules adopted thereunder.

15 Section 12. Section 372.26, Florida Statutes, is  
16 renumbered as section 370.42, Florida Statutes, and amended to  
17 read:

18 370.42 ~~372.26~~ Imported fish.--

19 (1) No person shall import into the state or place in  
20 any of the fresh waters of the state any freshwater fish of  
21 any species without having first obtained a permit from the  
22 Fish and Wildlife Conservation Commission. The commission is  
23 authorized to issue or deny such a permit upon the completion  
24 of studies of the species made by it to determine any  
25 detrimental effect the species might have on the ecology of  
26 the state.

27 (2) Any person ~~Persons~~ in violation of this section  
28 commits ~~shall be guilty of~~ a misdemeanor of the first degree,  
29 punishable as provided in s. 775.082 or s. 775.083.

30  
31

1           Section 13. Section 372.27, Florida Statutes, is  
2 renumbered as section 370.43, Florida Statutes, and amended to  
3 read:

4           370.43 ~~372.27~~ Silver Springs and Rainbow Springs,  
5 etc., closed to all fishing.--It is unlawful for any person to  
6 take any fish within Marion County, from the waters of Rainbow  
7 Springs and Rainbow River (formerly known as Blue Springs and  
8 Blue Springs River) within a radius of 1 mile from the head of  
9 said spring,or from the waters of Silver Springs or Silver  
10 Springs Run from the head of said spring to its junction with  
11 the Oklawaha River; provided, that the Fish and Wildlife  
12 Conservation Commission may remove or cause to be removed any  
13 gar, mud fish or other predatory fish when in its judgment  
14 their removal is desirable.

15           Section 14. Section 372.31, Florida Statutes, is  
16 renumbered as section 370.44, Florida Statutes, and amended to  
17 read:

18           370.44 ~~372.31~~ Disposition of illegal fishing  
19 devices.--

20           (1) In all cases of arrest and conviction for use of  
21 illegal nets or traps or fishing devices in the fresh waters  
22 of this state, ~~as provided in this chapter~~, such illegal net,  
23 trap, or fishing device is declared to be a nuisance and shall  
24 be seized and carried before the court having jurisdiction of  
25 such offense and said court shall order such illegal trap,  
26 net, or fishing device forfeited to the Fish and Wildlife  
27 Conservation Commission immediately after trial and conviction  
28 of the person in whose possession they were found.

29           (2) When any illegal net, trap, or fishing device is  
30 found in the fresh waters of the state, and the owner of same  
31 shall not be known to the officer finding the same, such

1 officer shall immediately procure from the county court judge  
2 an order forfeiting said illegal net, trap, or fishing device  
3 to the Fish and Wildlife Conservation Commission. The Fish  
4 and Wildlife Conservation Commission may destroy such illegal  
5 net, trap, or fishing device, if in its judgment said net,  
6 trap, or fishing device is not of value in the work of the  
7 commission ~~department~~.

8 ~~(3)(2)~~ When any nets, traps, or fishing devices are  
9 found being used illegally in the fresh waters of this state  
10 ~~as provided in this chapter~~, the same shall be seized and  
11 forfeited to the Fish and Wildlife Conservation Commission as  
12 provided in this part ~~chapter~~.

13 Section 15. Section 372.311, Florida Statutes, is  
14 renumbered as section 370.441, Florida Statutes, and amended  
15 to read:

16 370.441 ~~372.311~~ Disposition and appraisal of property  
17 seized under this chapter.--

18 (1) Every officer seizing illegally used property  
19 pursuant to the provisions of this law shall ~~forthwith make~~  
20 ~~return of the seizure thereof~~ and deliver the said property to  
21 the board of county commissioners of the county in which  
22 ~~wherein~~ the said property was seized. The ~~said~~ return to the  
23 board of county commissioners shall describe the property  
24 seized and give in detail the facts and circumstances under  
25 which the same was seized and state in full the reason why the  
26 seizing officer knew, or was led to believe, said property was  
27 being used for and in connection with a violation of the  
28 statutes and laws of this state prohibiting the illegal use of  
29 nets, traps, or fishing devices. The ~~said~~ return shall  
30 contain the names of all persons, firms, and corporations  
31

1 known to the seizing officer to be interested in the seized  
2 property.

3 (2) When any illegally used property is seized by any  
4 officer pursuant to this law and delivered to the board of  
5 county commissioners as aforesaid, the board shall ~~forthwith~~  
6 fix the approximate value thereof and make return ~~thereof~~ to  
7 the clerk of the circuit court as hereinafter provided.

8 (3) The return of the board of county commissioners  
9 shall contain a schedule of the property seized, describing  
10 the same in reasonable detail and giving in detail the facts  
11 and circumstances under which it was seized and state in full  
12 the reason why the seizing officer knew or was led to believe  
13 that the property was being used for or in connection with a  
14 violation of the statutes and laws of this state prohibiting  
15 the illegal use of nets, traps, or fishing devices; and a  
16 statement of the names of all persons, firms, and corporations  
17 known to be interested in the seized property and shall attach  
18 to their said return as exhibit thereto, the return of the  
19 seizing officer to the board.

20 (4) The board of county commissioners shall hold the  
21 said seized property pending its disposal by the court as  
22 hereinafter provided.

23 Section 16. Section 372.312, Florida Statutes, is  
24 renumbered as section 370.442, Florida Statutes, and amended  
25 to read:

26 370.442 ~~372.312~~ Forfeiture proceedings.--

27 (1) The return of the board aforesaid to the clerk of  
28 the circuit court shall be taken and considered as the state's  
29 petition or libel in rem for the forfeiture of the property  
30 therein described, of which the circuit court of the county  
31 shall have jurisdiction, without regard to value. The ~~said~~

1 return shall be sufficient as said petition or libel  
2 notwithstanding the fact that it may contain no formal prayer  
3 or demand for forfeiture, it being the intention of the  
4 Legislature that forfeiture may be decreed without a formal  
5 prayer or demand therefor. The ~~said~~ return shall be subject  
6 to amendment at any time before final hearing, provided that  
7 copies thereof shall be served upon all persons, firms, or  
8 corporations who may have filed a claim prior to such  
9 amendment.

10 (2) Upon the filing of said return, the clerk of the  
11 circuit court shall issue a citation, ~~directed~~ to all persons,  
12 firms, and corporations owning, having or claiming an interest  
13 in or lien upon the seized property, giving notice of the  
14 seizure and directing that all persons, firms, or corporations  
15 owning, having or claiming an interest therein or lien thereon  
16 to file their claim to, on, or in said property within the  
17 time fixed in said citation, as to persons, firms, and  
18 corporations not personally served, and within 20 days from  
19 personal service of said citation, when personal service is  
20 had.

21 (3) The said citation may be in, or substantially in,  
22 the following form:

23  
24 IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN  
25 AND FOR .... COUNTY, FLORIDA.

26  
27 IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

28 (here describe property)

29 THE STATE OF FLORIDA TO:  
30  
31





1 20 days from service thereof. A copy of the petition shall be  
2 served with the process when personally served. Personal  
3 service of process may be made in the same manner as a summons  
4 in chancery.

5 (5) If the value of the property seized is shown by  
6 the board's return to have an appraised value of \$1,000 or  
7 less, the above citation shall be served by posting at three  
8 public places in the county, one of which shall be the front  
9 door of the courthouse; if the value of the property is shown  
10 by the board's return to have an approximate value of more  
11 than \$1,000, the citation shall be published at least once  
12 each week for 2 consecutive weeks in some newspaper of general  
13 publication published in the county, if there be such a  
14 newspaper published in the county, and if not, then said  
15 notice of such publication shall be made by certificate of the  
16 clerk if publication is made by posting and by affidavit as  
17 provided in chapter 49, if made by publication in a newspaper,  
18 which affidavit or certificate shall be filed and become a  
19 part of the record in the cause. Failure of the record to  
20 show proof of such publication shall not affect any judgment  
21 made in the cause unless it shall affirmatively appear that no  
22 such publication was made.

23 Section 17. Section 372.313, Florida Statutes, is  
24 renumbered as section 370.443, Florida Statutes, and amended  
25 to read:

26 370.443 ~~372.313~~ Delivery of property to claimant.--Any  
27 person, firm, or corporation filing a claim in the cause,  
28 which claim shall state fully the ~~her or his~~ right, title,  
29 claim, or interest, in and to the seized property, may, at any  
30 time after said claim is filed with the clerk of the court,  
31 obtain possession of the seized property by filing a petition

1 therefor with the board of county commissioners and posting  
2 with said board, to be approved by it, a surety bond, payable  
3 to the Governor of the state, in twice the amount of the value  
4 of the said property as fixed in the board's return to the  
5 clerk of the circuit court, with a corporate surety duly  
6 authorized to transact business in this state as surety,  
7 conditioned upon her or his paying to the board of county  
8 commissioners the value of the property together with costs of  
9 the proceeding, if judgment of forfeiture be entered by the  
10 court. Upon the posting of such bond with the board and the  
11 release of the property to the applicant the cause shall  
12 proceed to final judgment in the same manner, as it would  
13 have, had no such bond been filed, except that any exception  
14 to be issued in the cause pursuant to judgment may run against  
15 and be enforced against the person posting said bond and her  
16 or his surety.

17 Section 18. Section 372.314, Florida Statutes, is  
18 renumbered as section 370.4431, Florida Statutes, to read:

19 370.4431 ~~372.314~~ Proceeding when no claim filed.--When  
20 no claim is filed in the cause within the time required the  
21 clerk shall enter a default against all persons, firms and  
22 corporations owning, claiming or having an interest in and to  
23 the property seized and the cause may then proceed in the same  
24 manner as a common-law cause after default, and final judgment  
25 shall be entered therein ex parte, except as may be herein  
26 otherwise provided.

27 Section 19. Section 372.315, Florida Statutes, is  
28 renumbered as section 370.444, Florida Statutes, and amended  
29 to read:

30 370.444 ~~372.315~~ Proceeding when claim filed.--When one  
31 or more claims are filed in the cause, the cause shall be

1 | tried upon the issues made thereby with the petition for  
2 | forfeiture with any affirmative defenses being deemed denied  
3 | without further pleading. Judgment by default shall be  
4 | entered against all other persons, firms, and corporations  
5 | owning, claiming, or having an interest in and to the property  
6 | seized, after which the cause shall proceed as in other  
7 | common-law cases; except any claimant shall prove to the  
8 | satisfaction of the court that said claimant ~~she or he~~ did not  
9 | know or have any reason to believe, at the time the claimant's  
10 | right, title, interest, or lien arose, that the property was  
11 | being used for or in connection with the violation of any of  
12 | the statutes or laws ~~of this state~~ prohibiting the illegal use  
13 | of nets, traps, or fishing devices in the fresh waters of the  
14 | state, and further that at said time there was no reasonable  
15 | reason to believe that the said property might be used for  
16 | such purpose. Where the owner or user of the property has  
17 | been convicted of a violation of the statutes and laws ~~of this~~  
18 | ~~state~~ prohibiting the illegal use of nets, traps, or fishing  
19 | devices in the fresh waters of the state, such conviction  
20 | shall be prima facie evidence that each claimant had reason to  
21 | believe that the property might be used for or in connection  
22 | with a violation of such statutes and laws, and the burden of  
23 | proof shall be upon each claimant to satisfy the court that  
24 | she or he was without knowledge of such conviction, providing,  
25 | however, the prima facie presumption of knowledge of a  
26 | previous conviction of a violation of this law shall only  
27 | apply to a subsequent proceeding involving the forfeiture of  
28 | nets, traps, or fishing devices, when owned by such previous  
29 | offender and upon which a lien is held by the same lienee  
30 | involved in the first claim proceedings. Trial of all such  
31 | causes shall be without a jury, except in such cases as a

1 trial by jury may be guaranteed by the State Constitution and  
2 in such cases trial by jury shall be deemed waived unless  
3 demanded in the claim filed.

4 Section 20. Section 372.316, Florida Statutes, is  
5 renumbered as section 370.445, Florida Statutes, and amended  
6 to read:

7 370.445 ~~372.316~~ State attorney to represent  
8 state.--Upon the filing of the board's return with the clerk  
9 of the circuit court, ~~the~~ said clerk shall furnish the state  
10 attorney with a copy thereof and ~~the~~ said state attorney shall  
11 represent the state in the forfeiture proceeding. The  
12 Department of Legal Affairs shall represent the state in all  
13 appeals from judgments of forfeiture to the Supreme Court.  
14 The state may appeal any judgment denying forfeiture in whole  
15 or in part or that may be otherwise adverse to the state.

16 Section 21. Section 372.317, Florida Statutes, is  
17 renumbered as section 370.446, Florida Statutes, and amended  
18 to read:

19 370.446 ~~372.317~~ Judgment of forfeiture.--On final  
20 hearing, ~~the~~ return of the board to the clerk of the circuit  
21 court shall be taken as prima facie evidence that the property  
22 seized was or had been used in, or in connection with, the  
23 violation of the statutes and laws ~~of this state~~ prohibiting  
24 the illegal use of nets, traps, or fishing devices in the  
25 fresh waters of the ~~this~~ state and shall be sufficient  
26 predicate for a judgment of forfeiture in the absence of other  
27 proofs and evidence. The burden shall be upon the claimant to  
28 show that the property was not so used or, if so used, that  
29 the claimant ~~they~~ had no knowledge of such violation and no  
30 reason to believe that the seized property was or would be  
31 used for the violation of such statutes and laws. Where such

1 property is encumbered by a lien or retained title agreement  
2 under circumstances wherein the lienholder had no knowledge  
3 that the property was or would be used in violating such  
4 statutes and laws, and no reasonable reason to believe that it  
5 might be so used, then the court may declare a forfeiture of  
6 all other rights, titles and interests, subject, however, to  
7 the lien of such innocent lienholder, or may direct the  
8 payment of such lien from the proceeds of any sale of the said  
9 property. The proceedings and the judgment of forfeiture  
10 shall be in rem and shall be primarily against the property  
11 itself. Upon the entry of a judgment of forfeiture the court  
12 shall determine the disposition to be made of the property,  
13 which may include the destruction thereof, the sale thereof,  
14 the allocation thereof to some governmental function or use,  
15 or otherwise as the court may determine. Sales of such  
16 property shall be at public sale to the highest and best  
17 bidder therefor for cash after 2 weeks' public notice as the  
18 court may direct. Where the property has been delivered to a  
19 claimant upon the posting of a bond the court shall determine  
20 the value of the property or portion thereof subject to  
21 forfeiture and shall enter judgment against the principal and  
22 surety of the bond in such amount for which execution shall  
23 issue in the usual manner. Upon the application of any  
24 claimant the court may fix the value of the forfeitable  
25 interest or interests in the seized property and permit such  
26 claimant to redeem the said property upon the payment of a sum  
27 equal to said value which sum shall be disposed of as would  
28 the proceeds of a sale of the said property under a judgment  
29 of forfeiture.  
30  
31

1           Section 22. Section 372.318, Florida Statutes, is  
2 renumbered as section 370.447, Florida Statutes, and amended  
3 to read:

4           370.447 ~~372.318~~ Service charges.--Service charges  
5 required hereunder shall be the same as provided for sheriffs  
6 and clerks ~~by~~ under law for similar services in other cases  
7 and matters.

8           Section 23. Section 372.319, Florida Statutes, is  
9 renumbered as section 370.448, Florida Statutes, and amended  
10 to read:

11           370.448 ~~372.319~~ Disposition of proceeds of  
12 forfeiture.--All sums received from sale or other disposition  
13 of the seized property shall be paid into the county fine and  
14 forfeiture fund ~~and shall become a part thereof.~~

15           Section 24. Section 372.321, Florida Statutes, is  
16 renumbered as section 370.449, Florida Statutes, and amended  
17 to read:

18           370.449 ~~372.321~~ Exercise of police power.--It is  
19 deemed by the Legislature that this law (ss. 370.44 to 370.448  
20 ~~372.31 to 372.319~~, both inclusive) is necessary for the more  
21 efficient and proper enforcement of the statutes and laws ~~of~~  
22 ~~this state~~ prohibiting the illegal use of nets, traps, or  
23 fishing devices in the fresh waters of the state and a lawful  
24 exercise of the police power of the state for the protection  
25 of the public welfare, health, and safety of the people of the  
26 state. All the provisions of this law shall be liberally  
27 construed for the accomplishment of these purposes.

28           Section 25. Section 370.45, Florida Statutes, is  
29 created to read:

30           370.45 Issuance of licenses or permits to take  
31 freshwater aquatic life; costs; reporting.--

1       (1) The provisions of this section shall apply to such  
2 licenses or permits as are established in part II of this  
3 chapter.

4       (2) The commission shall issue licenses and permits  
5 for taking freshwater aquatic life upon proof by the applicant  
6 for licensure that she or he is entitled to such license or  
7 permit. The commission shall establish the forms for such  
8 licenses and permits. Each applicant for a license, permit, or  
9 authorization shall provide the applicant's social security  
10 number on the application form. Disclosure of social security  
11 numbers obtained through this requirement shall be limited to  
12 the purpose of administration of the Title IV-D program for  
13 child support enforcement and use by the commission, and as  
14 otherwise provided by law.

15       (3) Licenses and permits for the state may be sold by  
16 the commission, by any tax collector in this state, or by any  
17 appointed subagent.

18       (4)(a) In addition to any license or permit fee, the  
19 sum of \$1.50 shall be charged for each license or fish  
20 management area permit sold. Such charge is for the purpose  
21 of, and the source from which is subtracted, all  
22 administrative costs of issuing a license or permit,  
23 including, but not limited to, printing, distribution, and  
24 credit card fees.

25       (b) Tax collectors may retain \$1 for each license or  
26 fish management area permit sold.

27       (5) Licenses and permits shall be issued, without fee,  
28 to any resident who is certified to be totally and permanently  
29 disabled by the United States Department of Veterans Affairs  
30 or its predecessor, by the United States Social Security  
31 Administration, by any branch of the United States Armed



1 Forces, or by the verified written statement which is based  
2 upon the criteria for permanent and total disability in  
3 chapter 440 of a physician licensed in this state or who holds  
4 a valid identification card issued under the provisions of s.  
5 295.17, upon proof of same. Any license issued after January  
6 1, 1997, expires after 5 years and must be reissued, upon  
7 request, every 5 years thereafter. A Disability Award Notice  
8 issued by the United States Social Security Administration is  
9 not sufficient certification for obtaining a permanent fishing  
10 license under this section unless said form certifies a  
11 resident is totally and permanently disabled.

12 (6)(a) Tax collectors shall remit license and permit  
13 moneys, along with a report of funds collected and other  
14 required documentation, to the commission within 7 days  
15 following the last business day of the week in which the fees  
16 were received by the tax collector. The tax collector shall  
17 maintain records of all such licenses and permits which are  
18 sold, and all stamps issued, voided, stolen, or lost. The tax  
19 collector is responsible to the commission for the fee for all  
20 licenses and permits sold and for the value of all stamps  
21 reported as lost. The tax collector shall report stolen  
22 permits to the appropriate law enforcement agency. The tax  
23 collector shall submit a written report and a copy of the law  
24 enforcement agency's report to the commission within 5 days  
25 after discovering the theft. The value of a validation stamp  
26 is \$5.

27 (b) The tax collector is also responsible for fees for  
28 all licenses and permits sold by the tax collector's subagents  
29 and for the value of all stamps reported as lost. The  
30 commission may adopt rules to implement this section.  
31

1       (c) Not later than August 15 of each year, each county  
2 tax collector shall submit to the commission all unissued  
3 stamps for the previous year along with a written audit  
4 report, on forms prescribed or approved by the commission, of  
5 the numbers of the unissued stamps.

6       (7) Within 30 days after the submission of the annual  
7 audit report, each county tax collector shall provide the  
8 commission with a written audit report on unissued, sold, and  
9 voided licenses, permits, and stamps with a certified  
10 reconciliation statement prepared by a certified public  
11 accountant. Concurrent with the submission of the  
12 certification, the county tax collector shall remit to the  
13 commission the monetary value of all licenses, permits, and  
14 stamps that are unaccounted for. Each tax collector is also  
15 responsible for fees for all licenses, permits, and stamps  
16 distributed by him or her to subagents, sold by him or her, or  
17 reported by him or her as lost.

18       Section 26. Section 370.46, Florida Statutes, is  
19 created to read:

20       370.46 Licenses and permits; exemptions; fees.--No  
21 person, except as provided herein, shall take freshwater fish  
22 within this state without having first obtained a license,  
23 permit, or authorization and paid the fees hereinafter set  
24 forth, unless such license is issued without fee as provided  
25 in s. 370.45. Such license, permit, or authorization shall  
26 authorize the person to whom it is issued to take freshwater  
27 fish in accordance with law and commission rules. Such  
28 license, permit, or authorization is not transferable. Each  
29 license or permit must bear on its face in indelible ink the  
30 name of the person to whom it is issued and other information  
31 requested by the commission. Such license, permit, or

1 authorization issued by the commission or any agent must be in  
2 the personal possession of the person to whom issued while  
3 taking freshwater fish. The failure of such person to exhibit  
4 such license, permit, or authorization to the commission or  
5 its wildlife officers, when such person is found taking  
6 freshwater fish is a violation of law. A positive form of  
7 identification is required when using an authorization, a  
8 lifetime license, or a 5-year license, or when otherwise  
9 required by the license or permit. The lifetime licenses and  
10 5-year licenses provided herein shall be embossed with the  
11 name, date of birth, the date of issuance, and other pertinent  
12 information as deemed necessary by the commission. A  
13 certified copy of the applicant's birth certificate shall  
14 accompany all applications for a lifetime license for  
15 residents 12 years of age and younger. Each applicant for a  
16 license, permit, or authorization shall provide the  
17 applicant's social security number on the application form.  
18 Disclosure of social security numbers obtained through this  
19 requirement shall be limited to the purpose of administration  
20 of the Title IV-D child support enforcement program and use by  
21 the commission, and as otherwise provided by law.

22 (1) A license or permit is not required for:

23 (a) Any child under 16 years of age except as  
24 otherwise provided in this chapter.

25 (b) Any person freshwater fishing in the person's  
26 county of residence on the person's homestead or the homestead  
27 of the person's spouse or minor child, or any minor child  
28 freshwater fishing on the homestead of her or his parent.

29 (c) Any resident who is a member of the Armed Forces  
30 of the United States, who is not stationed in this state, when  
31 home on leave for 30 days or less, upon submission of orders.

1       (d) Any resident when freshwater fishing with live or  
2 natural bait, using poles or lines which are not equipped with  
3 a fishing line retrieval mechanism, and freshwater fishing for  
4 noncommercial purposes in the county of her or his residence,  
5 except on legally established fish management areas. This  
6 paragraph may be cited as the "Dempsey J. Barron, W. D.  
7 Childers, and Joe Kershaw Cane Pole Tax Repeal Act of 1976."

8       (e) Any person fishing in a fish pond of 20 acres or  
9 less which is located entirely within the private property of  
10 the fish pond owner.

11       (f) Any person fishing in a fish pond which is  
12 licensed in accordance with s. 370.461.

13       (g) Any person freshwater fishing who has been  
14 accepted as a client for developmental services by the  
15 Department of Children and Family Services, which department  
16 shall furnish such person proof thereof.

17       (h) Any resident 65 years of age or older who has in  
18 her or his possession proof of age and residency. A free  
19 license may be obtained from any tax collector's office upon  
20 proof of age and residency.

21       (2) For residents and nonresidents, the license and  
22 fees for noncommercial fishing in this state, and the activity  
23 authorized thereby, are as follows:

24       (a) A fishing license for a resident to take  
25 freshwater fish in this state is \$12.

26       (b) A fishing license for a nonresident to take  
27 freshwater fish in this state for 7 consecutive days is \$15.

28       (c) A fishing license for a nonresident to take  
29 freshwater fish in this state is \$30.

30  
31

1           (d) A combination fishing and hunting license for a  
2 resident to take freshwater fish and game in this state is  
3 \$22.

4           (e) A sportsman's license for a resident is \$66. The  
5 sportsman's license authorizes the holder to take freshwater  
6 fish and game, subject to state and federal regulations and  
7 rules of the commission in effect at the time of taking, and  
8 authorizes the same activities authorized by a management area  
9 permit, a muzzle-loading gun permit, a turkey permit, a  
10 Florida waterfowl permit, and an archery permit. A  
11 nonresident may not purchase a sportsman's license.

12           (3) In addition to any license required by this  
13 chapter, the following permits and fees for certain fishing,  
14 and recreational uses, and the activities authorized thereby,  
15 are:

16           (a)1. Management area permits to fish or otherwise use  
17 for outdoor recreational purposes, land owned, leased, or  
18 managed by the commission or the state for the use and benefit  
19 of the commission, up to \$25 annually. Permits and fees for  
20 short-term use of land which is owned, leased, or managed by  
21 the commission may be established by rule of the commission  
22 for any activity on such lands. Such permits and fees may be  
23 in lieu of or in addition to the annual management area  
24 permit. Other than for fishing, the provisions of this  
25 paragraph shall not apply on any lands not owned by the  
26 commission, unless the commission shall have obtained the  
27 written consent of the owner or primary custodian of such  
28 lands.

29           2. A recreational user permit fee to fish or otherwise  
30 use for outdoor recreational purposes, land leased by the  
31 commission from private nongovernmental owners, except for

1 those lands located directly north of the Apalachicola  
2 National Forest, east of the Ochlockonee River until the point  
3 the river meets the dam forming Lake Talquin, and south of the  
4 closest federal highway. The fee for this permit shall be  
5 based upon economic compensation desired by the landowner,  
6 fish population levels, and administrative costs. The permit  
7 fee shall be set by commission rule on a per-acre basis. On  
8 property currently in the private landowner payment program,  
9 the prior year's landowner payment shall be used to augment  
10 the recreational user permit fee so as to decrease the permit  
11 fee for the users of that property. The spouse and dependent  
12 children of a permittee are exempt from the recreational user  
13 permit fee when engaged in outdoor recreational activities  
14 other than hunting in the company of the  
15 permittee. Notwithstanding any other provision of this  
16 chapter, there are no other exclusions, exceptions, or  
17 exemptions from this permit fee. The recreational user permit  
18 fee, less an administrative permit fee of up to \$25 per  
19 permit, shall be remitted to the landowner as provided in the  
20 lease agreement for each area.

21 (b) A special use permit for limited entry fishing,  
22 where such fishing is authorized by commission rule, shall be  
23 up to \$100 per day but shall not exceed \$250 per week.  
24 Notwithstanding any other provision of this part, there are no  
25 exclusions, exceptions, or exemptions from this fee. In  
26 addition to the fee, the commission may charge each applicant  
27 for a special use permit a nonrefundable application fee of up  
28 to \$10.

29 (c) The fee for a permanent hunting and fishing  
30 license for a resident 64 years of age or older is \$12.

31

1       (4) The commission is authorized to reduce the fees  
2 for licenses and permits under this section for residents of  
3 those states with which the commission has entered into  
4 reciprocal agreements with respect to such fees.

5       (5) The commission may designate by rule no more than  
6 2 consecutive or nonconsecutive days in each year as free  
7 fishing days. Notwithstanding any other provision of this  
8 chapter, any person may take freshwater fish for noncommercial  
9 purposes on a free fishing day without obtaining or possessing  
10 a license or paying a license fee as prescribed in this  
11 section. A person who takes freshwater fish on a free fishing  
12 day without obtaining a license or paying a fee must comply  
13 with all laws and regulations governing holders of a fishing  
14 license and all other conditions and limitations regulating  
15 the taking of freshwater fish as are imposed by law or rule.

16       (6) A resident lifetime sportsman's license authorizes  
17 the holder to engage in the following noncommercial  
18 activities:

19       (a) To take or attempt to take or possess freshwater  
20 fish, marine fish, and game, consistent with state and federal  
21 regulations and rules of the commission in effect at the time  
22 of taking.

23       (b) All activities authorized by a management area  
24 permit, a muzzle-loading gun permit, a turkey permit, an  
25 archery permit, a Florida waterfowl permit, a snook permit,  
26 and a crawfish permit.

27       (7) The fee for a resident lifetime sportsman's  
28 license is:

- 29       (a) Four years of age or younger.....\$400  
30       (b) Five through 12 years of age.....\$700  
31       (c) Thirteen years of age or older.....\$1,000

1       (8) A resident lifetime freshwater fishing license  
2 authorizes the holder to engage in the following noncommercial  
3 activities:  
4       (a) To take or attempt to take or possess freshwater  
5 fish consistent with state and federal regulations and rules  
6 of the commission in effect at the time of taking.  
7       (b) All activities authorized by a management area  
8 permit, excluding hunting.  
9       (9) The fee for a resident lifetime freshwater fishing  
10 license shall be:  
11       (a) Four years of age or younger.....\$125  
12       (b) Five through 12 years of age.....\$225  
13       (c) Thirteen years of age or older.....\$300  
14       (10) Fees collected pursuant to s. 370.0605(2) for  
15 5-year saltwater fishing licenses, fees collected pursuant to  
16 s. 370.0605(6)(e) for replacement 5-year and lifetime  
17 licenses, fees collected pursuant to s. 370.0615 for lifetime  
18 saltwater fishing licenses, and 30 percent of the fee for the  
19 lifetime sportsman's license shall be transferred within 30  
20 days following the last day of the month in which the license  
21 fees were received by the commission to the Marine Resources  
22 Conservation Trust Fund.  
23       (11) A 5-year freshwater fishing license for a  
24 resident to take or attempt to take or possess freshwater fish  
25 in this state for 5 consecutive years is \$60 and authorizes  
26 the holder to engage in noncommercial activities to take or  
27 attempt to take or possess freshwater fish consistent with  
28 state and federal regulations and rules of the commission in  
29 effect at the time of taking.  
30       (12) Proceeds from the sale of 5-year licenses as  
31 provided in part II of this chapter shall be deposited into



1 the Dedicated License Trust Fund. One-fifth of the total  
2 proceeds derived from the sale of 5-year licenses, replacement  
3 5-year licenses, and all interest derived therefrom shall be  
4 available for appropriation annually.

5 Section 27. Section 372.5705, Florida Statutes, is  
6 renumbered as section 370.461, Florida Statutes, and is  
7 amended to read:

8 370.461 ~~372.5705~~ Fish pond license.--The owner of a  
9 fish pond of more than 20 acres which is located entirely  
10 within the owner's ~~her or his~~ property may obtain a license  
11 from the commission for such pond at a fee of \$3 per surface  
12 acre., and No fishing license shall be required of any person  
13 fishing in such licensed pond.

14 Section 28. Section 370.462, Florida Statutes, is  
15 created to read:

16 370.462 Expiration of licenses and permits.--Each  
17 license or permit issued under this chapter must be dated when  
18 issued. Each license or permit issued under this chapter  
19 remains valid for 12 months after the date of issuance, except  
20 for a lifetime license issued pursuant to s. 370.46 which is  
21 valid from the date of issuance until the death of the  
22 individual to whom the license is issued unless otherwise  
23 revoked in accordance with s. 372.99, or a 5-year license  
24 issued pursuant to s. 370.46 which is valid for 5 consecutive  
25 years from the date of purchase unless otherwise revoked in  
26 accordance with s. 372.99, or a license issued pursuant to s.  
27 370.46(2)(b), which is valid for the period specified on the  
28 license. A resident lifetime license or a resident 5-year  
29 license that has been purchased by a resident of this state  
30 and who subsequently resides in another state shall be honored  
31 for activities authorized by that license.

1           Section 29. Section 370.463, Florida Statutes, is  
2 created to read:

3           370.463 Review of fees for licenses and permits;  
4 review of exemptions.--The fees for licenses and permits  
5 established under this chapter, and exemptions thereto, shall  
6 be reviewed by the Legislature during its regular session  
7 every 5 years beginning in 2000.

8           Section 30. Section 370.464, Florida Statutes, is  
9 created to read:

10           370.464 Management area permit revenues.--The  
11 commission shall expend the revenue generated from the sale of  
12 the management area permit as provided for in s. 370.46(3)(a)  
13 or that pro rata portion of any license that includes  
14 management area privileges as provided for in s. 370.46(2)(e)  
15 for the lease, management, and protection of lands for  
16 fishing.

17           Section 31. Section 370.465, Florida Statutes, is  
18 created to read:

19           370.465 Appointment of subagents for the sale of  
20 licenses and permits.--

21           (1) A county tax collector who elects to sell licenses  
22 and permits may appoint any person as a subagent for the sale  
23 of licenses and permits that the tax collector is allowed to  
24 sell under this chapter. The following are requirements for  
25 subagents:

26           (a) Each subagent must serve at the pleasure of the  
27 county tax collector.

28           (b) Neither an employee of the county tax collector  
29 nor her or his relative or next of kin, by blood or otherwise,  
30 may be appointed as a subagent.

31

1       (c) The tax collector may require each subagent to  
2 post an appropriate bond as determined by the tax collector,  
3 using an insurance company acceptable to the tax collector.  
4 In lieu of such bond, the tax collector may purchase blanket  
5 bonds covering all or selected subagents or may allow a  
6 subagent to post such other security as is required by the tax  
7 collector.

8       (d) A subagent may sell licenses and permits as are  
9 determined by the tax collector at such specific locations  
10 within the county and in states contiguous to Florida as will  
11 best serve the public interest and convenience in obtaining  
12 said licenses and permits. The commission may uniformly  
13 prohibit subagents from selling certain licenses or permits.

14       (e) It is unlawful for any person to handle licenses  
15 or permits for a fee or compensation of any kind unless she or  
16 he has been appointed as a subagent.

17       (f) Any person who willfully violates any of the  
18 provisions of this law commits a misdemeanor of the second  
19 degree, punishable as provided in s. 775.082 or s. 775.083.

20       (g) A subagent may charge and receive as her or his  
21 compensation 50 cents for each license or permit sold. This  
22 charge is in addition to the sum required by law to be  
23 collected for the sale and issuance of each fishing license or  
24 permit.

25       (h) A subagent shall submit payment for and report the  
26 sale of licenses and permits to the tax collector as  
27 prescribed by the tax collector but no less frequently than  
28 monthly.

29       (i) Subagents shall submit an activity report for  
30 sales made during the reporting period on forms prescribed or  
31

1 approved by the commission. Periodic audits may be performed  
2 at the discretion of the commission.

3 (2) If a tax collector elects not to appoint  
4 subagents, the commission may appoint subagents within that  
5 county. Subagents shall serve at the pleasure of the  
6 commission. The commission may establish, by rule, procedures  
7 for selection of subagents. The following are requirements  
8 for subagents so appointed:

9 (a) The commission may require each subagent to post  
10 an appropriate bond as determined by the commission, using an  
11 insurance company acceptable to the commission. In lieu of  
12 the bond, the commission may purchase blanket bonds covering  
13 all or selected subagents or may allow a subagent to post  
14 other security as required by the commission.

15 (b) A subagent may sell licenses and permits as  
16 authorized by the commission at specific locations within the  
17 county and in states as will best serve the public interest  
18 and convenience in obtaining licenses and permits. The  
19 commission may prohibit subagents from selling certain  
20 licenses or permits.

21 (c) It is unlawful for any person to handle licenses  
22 or permits for a fee or compensation of any kind unless she or  
23 he has been appointed as a subagent.

24 (d) Any person who willfully violates any of the  
25 provisions of this section commits a misdemeanor of the second  
26 degree, punishable as provided in s. 775.082 or s. 775.083.

27 (e) A subagent may charge and receive as her or his  
28 compensation 50 cents for each license or permit sold. This  
29 charge is in addition to the sum required by law to be  
30 collected for the sale and issuance of each license or permit.  
31 In addition, a subagent fee for the sale of licenses over the

1 telephone by credit card shall be established by competitive  
2 bid procedures which are overseen by the Fish and Wildlife  
3 Conservation Commission.

4 (f) A subagent shall submit payment for and report the  
5 sale of licenses and permits to the commission as prescribed  
6 by the commission.

7 (g) Subagents shall maintain records of all licenses  
8 and permits sold and all stamps issued, voided, stolen, or  
9 lost. Subagents are responsible to the commission for the  
10 fees for all licenses and permits sold and for the value of  
11 all stamps reported as lost. Subagents must report all stolen  
12 validation stamps to the appropriate law enforcement agency.  
13 The subagent shall submit a written report and a copy of the  
14 law enforcement agency's report to the commission within 5  
15 days after discovering the theft. The value of a lost  
16 validation stamp is \$5.

17 (h) Each subagent shall submit an activity report for  
18 sales made during the reporting period on forms prescribed or  
19 approved by the commission. Periodic audits may be performed  
20 at the discretion of the commission.

21 (i) By July 15 of each year, each subagent shall  
22 submit to the commission all unissued stamps for the previous  
23 year along with a written audit report, on forms prescribed or  
24 approved by the commission, on the numbers of the unissued  
25 stamps.

26 (3) All social security numbers which are provided  
27 pursuant to ss. 370.45 and 370.46 and are contained in records  
28 of any subagent appointed pursuant to this section are  
29 confidential as provided in those sections.

30 Section 32. Section 370.47, Florida Statutes, is  
31 created to read:

1           370.47 False statement in application for license or  
2 permit.--Any person who swears or affirms to any false  
3 statement in any application for fishing license or permit  
4 provided by this chapter, is guilty of violating this chapter,  
5 and shall be subject to the penalty provided in s. 372.83, and  
6 any false statement contained in any application for such  
7 license or permit renders the fishing license or permit void.

8           Section 33. Section 370.471, Florida Statutes, is  
9 created to read:

10           370.471 Entering false information on licenses or  
11 permits.--Whoever knowingly and willfully enters false  
12 information on or allows or causes false information to be  
13 entered on or shown upon any license or permit issued under  
14 the provisions of this chapter in order to avoid prosecution  
15 or to assist another to avoid prosecution, or for any other  
16 wrongful purpose shall be punished as provided in s. 372.83.

17           Section 34. Section 370.48, Florida Statutes, is  
18 created to read:

19           370.48 License and permit not transferable.--A person  
20 may not alter or change in any manner, or lend or transfer to  
21 another, any fishing license or permit issued pursuant to the  
22 provisions of this chapter, nor may any other person, other  
23 than the person to whom it is issued, use the same.

24           Section 35. Section 370.49, Florida Statutes, is  
25 created to read:

26           370.49 Issuing of replacement license or permit.--A  
27 license or permit to replace a lost or destroyed license  
28 issued under this chapter may be obtained by submitting an  
29 application requesting replacement. The fee is \$10 for each  
30 application for a replacement of a lifetime license and \$2 for  
31 each application for replacement for any other license or

1 permit, which shall be for the purpose of, and the source from  
2 which is subtracted, all administrative costs of issuing the  
3 fishing license or permit, including, but not limited to,  
4 printing, distribution, and credit card fees. The office of  
5 the tax collector may retain \$1 for each application for a  
6 replacement license. Fees collected from the issuance of  
7 replacement lifetime licenses and 5-year licenses shall be  
8 deposited into the Dedicated License Trust Fund and shall be  
9 available for appropriation.

10 Section 36. Section 372.65, Florida Statutes, is  
11 renumbered as section 370.50, Florida Statutes, and amended to  
12 read:

13 370.50 ~~372.65~~ Freshwater fish dealer's license.--

14 (1) No person shall engage in the business of taking  
15 for sale or selling any frogs or freshwater fish, including  
16 live bait, of any species or size, or importing any exotic or  
17 nonindigenous fish, until such person has obtained a license  
18 and paid the fee therefor as set forth herein. The license  
19 issued shall be in the possession of the person to whom issued  
20 while such person is engaging in the business of taking for  
21 sale or selling freshwater fish or frogs, is not transferable,  
22 shall bear on its face in indelible ink the name of the person  
23 to whom it is issued, and shall be affixed to a license  
24 identification card issued by the commission. Such license is  
25 not valid unless it bears the name of the person to whom it is  
26 issued and is so affixed. The failure of such person to  
27 exhibit such license to the commission or any of its wildlife  
28 officers when such person is found engaging in such business  
29 is a violation of law. The license fees and activities  
30 permitted under particular licenses are as follows:

31

1           (a) The fee for a resident commercial fishing license,  
2 which permits a resident to take freshwater fish or frogs by  
3 any lawful method prescribed by the commission and to sell  
4 such fish or frogs, shall be \$25. The license provided for in  
5 this paragraph shall also allow noncommercial fishing as  
6 provided by law and commission rules, and the license in s.  
7 370.46(2)(a)~~372.57(2)(a)~~ shall not be required.

8           (b) The fee for a resident freshwater fish dealer's  
9 license, which permits a resident to import, export, or sell  
10 freshwater fish or frogs, including live bait, shall be \$40.

11           (c) The fee for a nonresident commercial freshwater  
12 fishing license, which permits a nonresident to take  
13 freshwater fish or frogs as provided in paragraph (a), shall  
14 be \$100.

15           (d) The fee for a nonresident retail freshwater fish  
16 dealer's license, which permits a nonresident to sell  
17 freshwater fish or frogs to a consumer, shall be \$100.

18           (e) The fee for a nonresident wholesale freshwater  
19 fish dealer's license, which permits a nonresident to sell  
20 freshwater fish or frogs within the state, and to buy  
21 freshwater fish or frogs for resale, shall be \$500.

22           (f) The fee for a nonresident wholesale freshwater  
23 fish buyer's license, which permits a nonresident who does not  
24 sell freshwater fish or frogs in Florida to buy freshwater  
25 fish or frogs from resident fish dealers for resale outside  
26 the state, shall be \$50.

27           (g) Any individual or business issued an aquaculture  
28 certificate, pursuant to s. 597.004, shall be exempt from the  
29 requirements of this chapter with respect to aquaculture  
30 products authorized under such certificate.

31



1 (h) There is levied, in addition to any other license  
2 fee thereon, an annual gear license fee of \$50 upon each  
3 person fishing with trawl seines used in the fresh waters of  
4 the state.

5 (i) There is levied, in addition to any other license  
6 fee thereon, an annual gear license fee of \$100 upon each  
7 person fishing with haul seines used in the fresh waters of  
8 the state.

9 (2) The provisions of ss. 370.45 ~~372.561~~ and 370.462  
10 ~~372.571~~, except those provisions relating to issuance without  
11 fee to certain classes of persons, shall apply to licenses  
12 issued under this section.

13 (3) Each boat engaged in commercial freshwater fishing  
14 shall have at least one licensed commercial fisher on board.

15 (4) It shall be unlawful for any resident freshwater  
16 fish dealer, or any nonresident wholesale or nonresident  
17 retail freshwater fish dealer, or any nonresident wholesale  
18 freshwater fish buyer to buy freshwater fish or frogs from any  
19 unlicensed person.

20 Section 37. Section 372.651, Florida Statutes, is  
21 renumbered as section 370.501, Florida Statutes, and amended  
22 to read:

23 370.501 ~~372.651~~ Haul seine and trawl permits;  
24 freshwater lakes in excess of 500 square miles; fees.--

25 (1) The Fish and Wildlife Conservation Commission is  
26 authorized to issue haul seine and trawl permits for each haul  
27 seine or trawl used in freshwater lakes in the state having an  
28 area in excess of 500 square miles.

29 (2) The commission may charge an annual fee for the  
30 issuance of such permits which shall not exceed:

31 (a) For a resident trawl permit, \$50.

1 (b) For a resident haul seine permit, \$100.

2 (c) For a nonresident or alien trawl or haul seine  
3 permit, \$500.

4 Section 38. Section 372.653, Florida Statutes, is  
5 renumbered as section 370.502, Florida Statutes, and amended  
6 to read:

7 370.502 ~~372.653~~ Required tagging of fish; lakes in  
8 excess of 500 square miles; tag fee; freshwater game fish  
9 taken in lakes of 500 square miles or less.--

10 (1)(a) No freshwater game fish taken from, or caught  
11 in, a lake in this state the area of which is in excess of 500  
12 square miles shall be sold for consumption in this state  
13 unless it is tagged in the manner required by the Fish and  
14 Wildlife Conservation Commission. Bass or pickerel taken by  
15 any method other than hook and line shall be returned  
16 immediately to the water. Trawls and haul seines shall not be  
17 operated within 1 mile of rooted aquatic vegetation.

18 (b) In order that such program of tagging be  
19 self-sufficient, the Fish and Wildlife Conservation Commission  
20 is authorized to assess a fee of not more than 5 cents per  
21 tag, payable at the time of delivery of the tag.

22 (2) No freshwater game fish shall be taken from a lake  
23 in this state the area of which is 500 square miles or less  
24 other than with pole and line; rod and reel; or plug, bob,  
25 spinner, spoon, or other artificial bait or lure.

26 (3) No freshwater game fish taken from a lake in this  
27 state the area of which is 500 square miles or less shall be  
28 offered for sale or sold.

29 Section 39. Section 370.60, Florida Statutes, is  
30 created to read:

31

1           370.60 Prosecutions.--The prosecuting officers of the  
2 several courts of criminal jurisdiction of this state shall  
3 investigate and prosecute all violations of the laws relating  
4 to freshwater fish, which may be brought to their attention by  
5 the Fish and Wildlife Conservation Commission or its  
6 conservation officers, or which may otherwise come to their  
7 knowledge.

8           Section 40. Section 370.601, Florida Statutes, is  
9 created to read:

10           370.601 Harassment of fishers.--

11           (1) A person may not intentionally, within a publicly  
12 or privately owned fish management area or on any state-owned  
13 water body:

14           (a) Interfere with or attempt to prevent the lawful  
15 taking of fish by another.

16           (b) Attempt to disturb fish, or attempt to affect  
17 their behavior with the intent to prevent their lawful taking  
18 by another.

19           (2) Any person who violates subsection (1) commits a  
20 misdemeanor of the second degree, punishable as provided in s.  
21 775.082 or s. 775.083.

22           Section 41. Section 370.61, Florida Statutes, is  
23 created to read:

24           370.61 Noncriminal infractions.--

25           (1) Any person cited for committing a noncriminal  
26 infraction specified in s. 370.68 shall be cited to appear  
27 before the county court. The civil penalty for any  
28 noncriminal infraction involving the license and permit  
29 requirements of s. 370.46 is \$50, in addition to the cost of  
30 the amount of the license or permit involved in the  
31 infraction, except as otherwise provided in this section. The

1 civil penalty for any other noncriminal infraction is \$50,  
2 except as otherwise provided in this section.

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

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

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

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

13 (3) Any person who willfully refuses to post a bond or  
14 accept and sign a summons commits a misdemeanor of the second  
15 degree.

16 (4) Any person charged with a noncriminal infraction  
17 under this section may:

18 (a) Pay the civil penalty, either by mail or in  
19 person, within 30 days after the date of receiving the  
20 citation; or

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

23  
24 If the person cited follows either of these procedures, she or  
25 he shall be deemed to have admitted the infraction and to have  
26 waived her or his right to a hearing on the issue of  
27 commission of the infraction. Such admission shall not be  
28 used as evidence in any other proceeding.

29 (5) Any person electing to appear before the county  
30 court or who is required so to appear shall be deemed to have  
31 waived the limitations on the civil penalty specified in

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

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

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

10 Section 42. Section 370.62, Florida Statutes, is  
11 created to read:

12 370.62 Disposition of fines, penalties, and  
13 forfeitures.--All moneys collected from fines, penalties, or  
14 forfeitures of bail of persons convicted under part II of this  
15 chapter shall be deposited in the fine and forfeiture fund of  
16 the county where such convictions are had.

17 Section 43. Section 370.63, Florida Statutes, is  
18 created to read:

19 370.63 Confiscation and disposition of illegally taken  
20 freshwater fish.--All freshwater fish seized under the  
21 authority of part II of this chapter shall, upon conviction of  
22 the offender or sooner if the court so orders, be forfeited  
23 and given to some hospital or charitable institution and  
24 receipt therefor sent to the Fish and Wildlife Conservation  
25 Commission.

26 Section 44. Section 370.64, Florida Statutes, is  
27 created to read:

28 370.64 Cooperative agreements with United States  
29 Forest Service; penalty.--The Fish and Wildlife Conservation  
30 Commission is authorized and empowered:

31

1       (1) To enter into cooperative agreements with the  
2 United States Forest Service for the development of fish  
3 management and demonstration projects on and in the Osceola  
4 National Forest in Columbia and Baker Counties, and in the  
5 Ocala National Forest in Marion, Lake, and Putnam Counties,  
6 and in the Apalachicola National Forest in Liberty County.  
7 However, no such cooperative agreements shall become effective  
8 in any county concerned until confirmed by the board of county  
9 commissioners of such county expressed through appropriate  
10 resolution.

11       (2) In cooperation with the United States Forest  
12 Service, to make, adopt, promulgate, amend, and repeal rules  
13 and regulations, consistent with law, for the further or  
14 better control of fishing, shorten seasons, and reduce bag  
15 limits, or shorten or close seasons on any species of fish,  
16 within the limits prescribed by the Florida law, in the above  
17 enumerated National Forests or parts thereof, when it shall  
18 find after investigation that such action is necessary to  
19 assure the maintenance of an adequate supply of wildlife.

20       (3) To fix a charge not to exceed \$5, for persons 18  
21 years of age and over, and not to exceed \$2 for persons under  
22 the age of 18 years, over and above the license fee for  
23 hunting now required by law. This additional fee is to apply  
24 only on areas covered by above cooperative agreements. The  
25 proceeds from this additional license fee shall be used in the  
26 development of fish management, propagation of fish and  
27 protection of the areas covered by the cooperative agreements  
28 as the commission and the United States Forest Service may  
29 deem proper. Nothing in this section shall be construed as  
30 authorizing the commission to change any penalty prescribed by  
31

1 law or to change the amount of general license fees or the  
2 general authority conferred by licenses prescribed by law.

3 (4) In addition to the requirements of chapter 120,  
4 notice of the making, adoption, and promulgation of the above  
5 rules and regulations shall be given by posting said notices,  
6 or copies of the rules and regulations, in the offices of the  
7 county judges and in the post offices within the area to be  
8 affected and within 10 miles thereof. In addition to the  
9 posting of said notices, as aforesaid, copies of said notices  
10 or of said rules and regulations shall also be published in  
11 newspapers published at the county seats of Baker, Columbia,  
12 Marion, Lake, Putnam, and Liberty Counties, or so many thereof  
13 as have newspapers, once not more than 35 nor less than 28  
14 days and once not more than 21 nor less than 14 days prior to  
15 the opening of the state hunting season in said areas. Any  
16 person violating any rules or regulations promulgated by the  
17 commission to cover these areas under cooperative agreements  
18 between the Fish and Wildlife Conservation Commission and the  
19 United States Forest Service, none of which shall be in  
20 conflict with the laws of Florida, commits a misdemeanor of  
21 the second degree, punishable as provided in s. 775.082 or s.  
22 775.083.

23 Section 45. Section 372.75, Florida Statutes, is  
24 renumbered as section 370.65, Florida Statutes, to read:

25 370.65 ~~372.75~~ Use of explosives and other substances  
26 prohibited.--No person may throw or place, or cause to be  
27 thrown or placed, any dynamite, lyddite, gunpowder, cannon  
28 cracker, acids, filtration discharge, debris from mines,  
29 Indian berries, sawdust, green walnuts, walnut leaves,  
30 creosote, oil, or other explosives or deleterious substance or  
31 force into the fresh waters of this state whereby fish therein

1 are or may be injured. Nothing in this section may be  
2 construed as preventing the release of water slightly  
3 discolored by mining operations or water escaping from such  
4 operations as the result of providential causes.

5 Section 46. Section 370.66, Florida Statutes, is  
6 created to read:

7 370.66 Search and seizure authorized and limited.--The  
8 Fish and Wildlife Conservation Commission and its conservation  
9 officers shall have authority when they have reasonable and  
10 probable cause to believe that the provisions of this chapter  
11 have been violated, to board any vessel, boat, or vehicle or  
12 to enter any fishhouse or warehouse or other building,  
13 exclusive of residence, in which fish or fish nets are kept  
14 and to search for and seize any such fish or fish nets had or  
15 held therein in violation of law. However, no search without  
16 warrant shall be made under any of the provisions of part II  
17 of this chapter, unless the officer making such search has  
18 such information from a reliable source as would lead a  
19 prudent and cautious person to believe that some provision of  
20 part II of this chapter is being violated.

21 Section 47. Section 370.661, Florida Statutes, is  
22 created to read:

23 370.661 Issuance of warrant for search of private  
24 dwelling.--

25 (1) A search warrant may be issued on application by a  
26 commissioned officer of the Fish and Wildlife Conservation  
27 Commission to search any private dwelling occupied as such  
28 when it is being used for the unlawful sale or purchase of  
29 freshwater fish being unlawfully kept therein. The term  
30 "private dwelling" shall be construed to include the room or  
31 rooms used and occupied, not transiently but solely as a



1 residence, in an apartment house, hotel, boardinghouse, or  
2 lodginghouse. No warrant for the search of any private  
3 dwelling shall be issued except upon probable cause supported  
4 by sworn affidavit of some creditable witness that she or he  
5 has reason to believe that the said conditions exist, which  
6 affidavit shall set forth the facts on which such reason for  
7 belief is based.

8 (2) This section shall not be construed as being in  
9 conflict with, but is supplemental to, chapter 933.

10 Section 48. Section 370.67, Florida Statutes, is  
11 created to read:

12 370.67 Assent to federal acts.--

13 (1) The state hereby assents to the provisions of the  
14 Federal Aid in Fish Restoration Act of August 9, 1950, as  
15 amended. The Fish and Wildlife Conservation Commission shall  
16 perform such activities as are necessary to conduct sportfish  
17 restoration projects, as defined in such act of Congress and  
18 in compliance with the act and rules adopted thereunder by the  
19 United States Department of the Interior. Furthermore, the  
20 commission shall develop and implement programs to manage,  
21 protect, restore, and conserve marine mammals and the marine  
22 fishery and shall develop and implement similar programs for  
23 freshwater aquatic life.

24 (2) Revenues from fees paid by sport fishers may not  
25 be diverted to purposes other than the administration of fish  
26 programs by the Fish and Wildlife Conservation Commission.  
27 Administration of the state fish programs includes only those  
28 functions of fish management as are the responsibility of and  
29 under the authority of the Fish and Wildlife Conservation  
30 Commission.

31

1       (3) This section shall be construed in harmony with s.  
2 372.77.

3           Section 49. Section 370.671, Florida Statutes, is  
4 created to read:

5           370.671 Federal conservation of fish; limited  
6 jurisdiction.--

7           (1) Consent of the State of Florida is hereby given to  
8 the United States for acquisition of lands, waters, or lands  
9 and waters, or interests therein, for the purpose of managing,  
10 protecting, and propagating fish and for other conservation  
11 uses in the state, provided prior notice has been given by the  
12 Federal Government to the Board of Trustees of the Internal  
13 Improvement Trust Fund and the board of county commissioners  
14 of the county where the lands proposed for purchase are  
15 located, of such proposed action stating the specific use to  
16 be made of and the specific location and description of such  
17 lands desired by the Federal Government for any such  
18 conservation use, and that such plans for acquisition and use  
19 of said lands be approved by the Board of Trustees of the  
20 Internal Improvement Trust Fund and the board of county  
21 commissioners of the county where the lands proposed for  
22 purchase are located, provided further that nothing herein  
23 contained shall be construed to give the consent of the State  
24 of Florida to the acquisition by the United States of lands,  
25 waters, or lands and waters, or interests therein, through  
26 exercise of the power of eminent domain, provided further that  
27 the provisions of this act shall not apply to lands owned by  
28 the several counties or by public corporations.

29           (2) The United States may exercise concurrent  
30 jurisdiction over lands so acquired and carry out the intent  
31 and purpose of the authority except that the existing laws of

1 Florida relating to the Department of Environmental Protection  
2 or the Fish and Wildlife Conservation Commission shall prevail  
3 relating to any area under their supervision.

4 Section 50. Section 370.68, Florida Statutes, is  
5 created to read:

6 370.68 Noncriminal infractions; criminal penalties;  
7 suspension and revocation of licenses and permits.--

8 (1) A person is guilty of a noncriminal infraction,  
9 punishable as provided in s. 370.61, if she or he violates any  
10 of the following provisions:

11 (a) Rules, regulations, or orders relating to the  
12 filing of reports or other documents required of persons who  
13 are licensed or who hold permits issued by the commission.

14 (b) Rules, regulations, or orders relating to fish  
15 management areas.

16 (c) Rules, regulations, or orders relating to daily  
17 use permits, camping restrictions, the use of alcoholic  
18 beverages, vehicle use, and check station requirements within  
19 fish management areas or other areas managed by the  
20 commission.

21 (d) Rules, regulations, or orders establishing size or  
22 slot limits for freshwater game fish.

23 (e) Rules, regulations, or orders regulating vessel  
24 size or specifying motor restrictions on specified water  
25 bodies.

26 (f) Rules, regulations, or orders relating to the  
27 registration of airboats operated on state lands.

28 (g) Section 370.46, relating to fishing licenses.

29  
30 A person who fails to pay the civil penalty specified in s.  
31 370.61 within 30 days after being cited for a noncriminal

1 infraction or to appear before the court pursuant to that  
2 section commits a misdemeanor of the second degree, punishable  
3 as provided in s. 775.082 or s. 775.083.

4 (2) A person commits a misdemeanor of the second  
5 degree, punishable as provided in s. 775.082 or s. 775.083, if  
6 she or he violates any of the following rules, regulations, or  
7 orders of the commission:

8 (a) Rules, regulations, or orders that specify season  
9 or time periods for the taking of freshwater fish.

10 (b) Rules, regulations, or orders that specify bag  
11 limits or restrict methods of taking freshwater fish.

12 (c) Rules, regulations, or orders that relate to the  
13 sale, possession for sale, purchase, transfer, transportation,  
14 or importation of freshwater fish.

15 (d) Rules, regulations, or orders that prohibit public  
16 access for specified periods to fish management areas or other  
17 areas managed by the commission.

18 (e) All other rules, regulations, and orders of the  
19 commission, except those specified in subsection (1).

20 (3) Unless otherwise provided in this chapter, a  
21 person who violates any provision of this chapter commits, for  
22 the first offense, a misdemeanor of the second degree,  
23 punishable as provided in s. 775.082 or s. 775.083, and  
24 commits, for the second offense or any subsequent offense, a  
25 misdemeanor of the first degree, punishable as provided in s.  
26 775.082 or s. 775.083.

27 (4) The court may order the suspension or revocation  
28 of any license or permit issued to a person pursuant to this  
29 chapter, if that person commits a criminal offense specified  
30 in this chapter or a noncriminal infraction specified in this  
31 section.

1           Section 51. Section 370.69, Florida Statutes, is  
2 created to read:

3           370.69 Forfeiture or denial of licenses and  
4 permits.--Any person convicted as aforesaid shall forfeit to  
5 the state any license or permit that may have been issued to  
6 her or him under the provisions of part II of this chapter and  
7 forthwith surrender the same to the court.

8           Section 52. Section 372.85, Florida Statutes, is  
9 renumbered as section 370.70, Florida Statutes, and amended to  
10 read:

11           370.70 ~~372.85~~ Contaminating fresh waters.--

12           (1) It shall be unlawful for any person or persons,  
13 firm or corporation to cause any dyestuff, coal tar, oil,  
14 sawdust, poison, or deleterious substances to be thrown, run,  
15 or drained into any of the fresh running waters of this state  
16 in quantities sufficient to injure, stupefy, or kill fish  
17 which may inhabit the same at or below the point where any  
18 such substances are discharged, or caused to flow or be thrown  
19 into such waters; provided, that it shall not be a violation  
20 of this section for any person, firm, or corporation engaged  
21 in any mining industry to cause any water handled or used in  
22 any branch of such industry to be discharged on the surface of  
23 land where such industry or branch thereof is being carried on  
24 under such precautionary measures as shall be approved by the  
25 Fish and Wildlife Conservation Commission.

26           (2) Any person, firm or corporation violating any of  
27 the provisions of this section commits ~~shall be guilty of~~ a  
28 misdemeanor of the second degree, punishable as provided in s.  
29 775.082 or s. 775.083 for the first offense, and for the  
30 second or subsequent offense commits ~~shall be guilty of~~ a  
31

1 misdemeanor of the first degree, punishable as provided in s.  
2 775.082 or s. 775.083.

3 Section 53. Section 370.71, Florida Statutes, is  
4 created to read:

5 370.71 Jim Woodruff Dam; reciprocity agreements.--The  
6 Fish and Wildlife Conservation Commission of the State of  
7 Florida is hereby authorized to enter into an agreement of the  
8 reciprocity with the game and fish commissioners or the  
9 appropriate officials or departments of the State of Georgia  
10 and the State of Alabama relative to the taking of freshwater  
11 fish from the waters of the lake created by the Jim Woodruff  
12 Dam by permitting reciprocal license privileges.

13 Section 54. Section 370.72, Florida Statutes, is  
14 created to read:

15 370.72 St. Mary's River; reciprocity agreements.--The  
16 Fish and Wildlife Conservation Commission of the State of  
17 Florida is hereby authorized to enter into an agreement of  
18 reciprocity with the game and fish commissioner or the  
19 appropriate officials or departments of the State of Georgia  
20 relative to the taking of freshwater fish from the waters of  
21 the St. Mary's River by permitting reciprocal agreement  
22 license privileges.

23 Section 55. Section 372.9903, Florida Statutes, is  
24 renumbered as section 370.73, Florida Statutes, and amended to  
25 read:

26 370.73 ~~372.9903~~ Illegal possession or transportation  
27 of freshwater game fish in commercial quantities; penalty.--

28 (1) Whoever possesses, moves, or transports any black  
29 bass, bream, speckled perch, or other freshwater game fish in  
30 commercial quantities in violation of law or the rules of the  
31 Fish and Wildlife Conservation Commission commits ~~shall be~~

1 ~~guilty~~ of a misdemeanor of the first degree, punishable as  
2 provided in s. 775.082 or s. 775.083.

3 (2) For the purposes of this section "commercial  
4 quantities" shall be deemed to be a quantity of freshwater  
5 game fish of 150 or more pounds, and the possession, movement,  
6 or transportation of freshwater game fish in excess of such  
7 weight shall constitute prima facie evidence of possession or  
8 transportation for commercial purposes.

9 Section 56. Section 372.9904, Florida Statutes, is  
10 renumbered as section 370.731, Florida Statutes, and amended  
11 to read:

12 370.731 ~~372.9904~~ Seizure of illegal devices;  
13 disposition; appraisal; forfeiture.--

14 (1) Any vehicle, vessel, or other transportation  
15 device used in the commission of the offense prohibited by s.  
16 370.73 ~~372.9903~~, except a vehicle, vessel, or other  
17 transportation device duly registered as a common carrier and  
18 operated in lawful transaction of business as such carrier,  
19 shall be seized by the arresting officer, who shall promptly  
20 make return of the seizure and deliver the property to the  
21 director of the Fish and Wildlife Conservation Commission.  
22 The return shall describe the property seized and recite in  
23 detail the facts and circumstances under which it was seized,  
24 together with the reason that the property was subject to  
25 seizure. The return shall also contain the names of all  
26 persons known to the officer to be interested in the property.

27 (2) The commission, upon receipt of the property,  
28 shall promptly fix its value and make return thereof to the  
29 clerk of the circuit court of the county wherein the article  
30 was seized; after which, on proper showing of ownership of the  
31

1 property by someone other than the person arrested, the  
2 property shall be returned by the court to the said owner.

3 (3) Upon conviction of the violator, the property, if  
4 owned by the person convicted, shall be forfeited to the state  
5 under the procedure set forth in ss. 370.442-370.447  
6 ~~372.312-372.318~~, when not inconsistent with this section. All  
7 amounts received from the sale or other disposition of the  
8 property shall be paid into the State Game Trust Fund or into  
9 the commission's Federal Law Enforcement Trust Fund as  
10 provided in s. 372.107, ~~as applicable~~. If the property is not  
11 sold or converted, it shall be delivered to the director of  
12 the Fish and Wildlife Conservation Commission.

13 Section 57. Section 372.9905, Florida Statutes, is  
14 renumbered as section 370.732, Florida Statutes, and amended  
15 to read:

16 370.732 ~~372.9905~~ Applicability of ss. 370.73 and  
17 370.731 ~~372.9903~~ and ~~372.9904~~.--The provisions of ss. 370.73  
18 and 370.731 ~~372.9903~~ and ~~372.9904~~ relating to seizure and  
19 forfeiture of vehicles, vessels, or other transportation  
20 devices shall not apply when such vehicles, vessels, or other  
21 transportation devices are owned by, or titled in the name of,  
22 innocent parties. The provisions of said sections shall not  
23 vitiate any valid lien, retain title contract, or chattel  
24 mortgage on such vehicles, vessels, or other transportation  
25 devices if such lien, retain title contract, or chattel  
26 mortgage is properly of public record at the time of the  
27 seizure.

28 Section 58. Section 372.993, Florida Statutes, is  
29 renumbered as section 370.74, Florida Statutes, to read:

30 370.74 ~~372.993~~ Land-based commercial and recreational  
31 fishing activities; legislative findings and purpose;



1 definitions; legal protection; local ordinances; prohibited  
2 activity.--

3 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature  
4 finds that commercial and recreational fishing constitute  
5 activities of statewide importance and that the continuation  
6 of commercial and recreational fishing will benefit the health  
7 and welfare of the people of this state. The Legislature  
8 further finds that commercial and recreational fishing  
9 operations conducted in developing and urbanizing areas are  
10 potentially subject to curtailment as a result of local  
11 government zoning and nuisance ordinances which may  
12 unreasonably force the closure of productive commercial and  
13 recreational fishing operations. It is the purpose of this  
14 act to prevent the curtailment or abolishment of commercial  
15 and recreational fishing operations solely because the area in  
16 which they are located has changed in character or the  
17 operations are displeasing to neighboring residents.

18 (2) DEFINITIONS.--As used in this act, "commercial  
19 fishing operation" means any type of activity conducted on  
20 land, requiring the location or storage of commercial fishing  
21 equipment such as fishing vessels, fishing gear, docks, piers,  
22 loading areas, landing areas, and cold storage facilities,  
23 including any activity necessary to prepare finfish or  
24 shellfish for refrigeration. This definition does not include  
25 operations with the sole or primary function of processing  
26 seafood.

27 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL  
28 FISHING OPERATIONS.--No commercial or recreational fishing  
29 operation shall be declared a public or private nuisance  
30 solely because of a change in ownership or a change in the  
31

1 character of the property in or around the locality of the  
2 operation.

3 (4) LOCAL ORDINANCE.--No local governing authority  
4 shall adopt any ordinance that declares any commercial or  
5 recreational fishing operation to be a nuisance solely because  
6 it is a commercial or recreational fishing operation, or any  
7 zoning ordinance that unreasonably forces the closure of any  
8 commercial or recreational fishing operation. Nothing in this  
9 act shall prevent a local government from regulating  
10 commercial and recreational fishing operations, including by  
11 requiring the use of methods, structures, or appliances where  
12 such use will prevent, ameliorate, or remove conditions which  
13 create or may create a nuisance or, pursuant to the applicable  
14 local zoning code, by declaring a commercial or recreational  
15 fishing operation to be a nonconforming use.

16 (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This  
17 act shall not be construed to permit an existing commercial or  
18 recreational fishing operation to change to a larger operation  
19 with regard to emitting more noise or odor, where such change  
20 violates local ordinances or regulations or creates a  
21 nuisance.

22 Section 59. Section 372.001, Florida Statutes, is  
23 amended to read:

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

28 (1)~~(17)~~ "Authorization" means a number issued by the  
29 Fish and Wildlife Conservation Commission, or its authorized  
30 agent, which serves in lieu of a license or permit issued

31

1 under the provisions of this chapter and affords the privilege  
2 purchased for a specified period of time.

3 (2)~~(8)~~ "Closed season" is that portion of the year  
4 wherein the laws of Florida forbid the taking of particular  
5 species of game ~~or varieties of fish~~.

6 (3)~~(16)~~ "Commission" means the Fish and Wildlife  
7 Conservation Commission.

8 (4)~~(12)~~ "Common carrier" includes any person, firm, or  
9 corporation which undertakes for hire, as a regular business,  
10 the transportation of persons or commodities from place to  
11 place, offering its services to all who may choose to employ  
12 it and pay its charges.

13 (5)~~(4)~~ "Fur-bearing animals" includes muskrat, mink,  
14 raccoon, otter, civet cat, skunk, red and gray fox, and  
15 opossum.

16 (6)~~(3)~~ "Game" means deer, bear, squirrel, rabbits,  
17 and, where designated by commission rules, wild hogs, ducks,  
18 geese, rails, coots, gallinules, snipe, woodcock, wild  
19 turkeys, grouse, pheasants, quail, and doves.

20 (7)~~(5)~~ "Nongame" includes all species and populations  
21 of indigenous wild vertebrates and invertebrates in the state  
22 that are not defined as game.

23 (8)~~(7)~~ "Open season" is that portion of the year  
24 wherein the laws of Florida for the preservation of ~~fish and~~  
25 game permit the taking of particular species of game ~~or~~  
26 ~~varieties of fish~~.

27 (9)~~(14)~~ "Private hunting preserve" includes any area  
28 set aside by a private individual or concern on which  
29 artificially propagated game or birds are taken.

30 (10)~~(1)~~ "Resident" means:  
31

1           (a) Any person who has continually resided in this  
2 state for 6 months; or

3           (b) Any member of the United States Armed Forces who  
4 is stationed in this state.

5           (11)~~(10)~~ "Take" means taking, attempting to take,  
6 pursuing, hunting, molesting, capturing, or killing any  
7 wildlife ~~or freshwater fish~~, their nests or eggs, by any  
8 means, whether or not such actions result in obtaining  
9 possession of such wildlife ~~or freshwater fish~~ or their nests  
10 or eggs.

11           (12)~~(13)~~ "Transport" includes shipping, transporting,  
12 carrying, importing, exporting, receiving or delivering for  
13 shipment, transportation, carriage, or export.

14           ~~(2) "Fish and game" includes all fresh and saltwater~~  
15 ~~fish, shellfish, crustacea, sponges, wild birds, and wild~~  
16 ~~animals.~~

17           ~~(6) "Freshwater fish" includes all classes of pisces~~  
18 ~~that are indigenous to fresh water.~~

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

29           ~~(11) "Fish pond" means a body of water that does not~~  
30 ~~occur naturally and that has been constructed and is~~  
31 ~~maintained primarily for the purpose of fishing.~~

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

11           Section 60. Section 372.021, Florida Statutes, is  
12 amended to read:

13           372.021 Powers, duties, and authority of commission;  
14 rules, regulations, and orders.--The Fish and Wildlife  
15 Conservation Game and Fresh Water Fish Commission may exercise  
16 the powers, duties, and authority granted by s. 9, Art. IV of  
17 the Constitution of Florida, and as otherwise authorized by  
18 the Legislature, by the adoption of rules, regulations, and  
19 orders in accordance with chapter 120.

20           Section 61. Section 372.05, Florida Statutes, is  
21 amended to read:

22           372.05 Duties of executive director.--The Executive  
23 Director of the Fish and Wildlife Conservation Commission  
24 shall:

25           (1) Keep full and correct minutes of the proceedings  
26 of said commission at its meetings, which minutes shall be  
27 open for public inspection.

28           (2) Purchase such supplies and employ such help and  
29 assistants as may be reasonably necessary in the performance  
30 of the executive director's duties.

31

1           (3) Have full authority to represent the commission in  
2 its dealings with other state departments, county  
3 commissioners, and the federal government.

4           (4) Submit to the commission at each of its meetings a  
5 report of all the executive director's actions and doings as  
6 official representative of the commission.

7           (5) Visit each county in the state at least once each  
8 year and oftener if it appears to the executive director to be  
9 necessary.

10           (6) Appoint, fix salaries of, and at pleasure remove,  
11 subject to the approval of the commission, assistants and  
12 other employees who shall have such powers and duties as may  
13 be assigned to them by the commission or executive director.

14           (7) Have such other powers and duties as may be  
15 prescribed by the commission in pursuance of its duties under  
16 s. 9, Art. IV of the State Constitution.

17           Section 62. Section 372.07, Florida Statutes, is  
18 amended to read:

19           372.07 Police powers of commission and its agents.--

20           (1) The Fish and Wildlife Conservation Commission, the  
21 executive director and the executive director's assistants  
22 designated by her or him, and each wildlife officer are  
23 constituted peace officers with the power to make arrests for  
24 violations of the laws of this state when committed in the  
25 presence of the officer or when committed on lands under the  
26 supervision and management of the commission. The general  
27 laws applicable to arrests by peace officers of this state  
28 shall also be applicable to said director, assistants, and  
29 wildlife officers. Such persons may enter upon any land or  
30 waters of the state for performance of their lawful duties and  
31

1 may take with them any necessary equipment, and such entry  
2 shall not constitute a trespass.

3 (2) Said officers shall have power and authority to  
4 enforce throughout the state all laws relating to game,  
5 nongame birds, ~~freshwater~~ fish, and fur-bearing animals and  
6 all rules and regulations of the Fish and Wildlife  
7 Conservation Commission relating to wild animal life, marine  
8 life, and freshwater aquatic life, and in connection with said  
9 laws, rules, and regulations, in the enforcement thereof and  
10 in the performance of their duties thereunder, to:

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

12 (b) Execute warrants and search warrants for the  
13 violation of said laws;

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

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

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

30 (f) Secure and execute search warrants and in  
31 pursuance thereof to enter any building, enclosure, or car and

1 to break open, when found necessary, any apartment, chest,  
2 locker, box, trunk, crate, basket, bag, package, or container  
3 and examine the contents thereof;

4 (g) Seize and take possession of all wild animal life,  
5 marine life, or freshwater aquatic life taken or in possession  
6 or under control of, or shipped or about to be shipped by, any  
7 person at any time in any manner contrary to said laws.

8 (3) It is unlawful for any person to resist an arrest  
9 authorized by this section or in any manner to interfere,  
10 either by abetting, assisting such resistance, or otherwise  
11 interfering with said executive director, assistants, or  
12 wildlife officers while engaged in the performance of the  
13 duties imposed upon them by law or regulation of the Fish and  
14 Wildlife Conservation Commission.

15 Section 63. Paragraph (b) of subsection (2) of section  
16 372.105, Florida Statutes, is amended to read:

17 372.105 Lifetime Fish and Wildlife Trust Fund.--

18 (2) The principal of the fund shall be derived from  
19 the following:

20 (b) Proceeds from the sale of lifetime licenses issued  
21 in accordance with ss. 370.46 and ~~ss. 372.57~~ with the exception  
22 of the saltwater portion of the lifetime sportsman's license.

23 Section 64. Subsection (1) of section 372.106, Florida  
24 Statutes, is amended to read:

25 372.106 Dedicated License Trust Fund.--

26 (1) There is established within the Fish and Wildlife  
27 Conservation Commission the Dedicated License Trust Fund. The  
28 fund shall be credited with moneys collected pursuant to ss.  
29 370.0605, 370.46, and 372.57 for 5-year licenses and  
30 replacement 5-year licenses.  
31



1           Section 65. Section 372.121, Florida Statutes, is  
2 amended to read:

3           372.121 Control and management of state game lands.--

4           (1) The Fish and Wildlife Conservation Commission is  
5 authorized to make, adopt, promulgate, amend, repeal, and  
6 enforce all reasonable rules and regulations necessary for the  
7 protection, control, operation, management, or development of  
8 lands or waters owned by, leased by, or otherwise assigned to,  
9 the commission for fish or wildlife management purposes,  
10 including but not being limited to the right of ingress and  
11 egress. Before any such rule or regulation is adopted, other  
12 than one relating to wild animal life, marine life, or  
13 freshwater aquatic life, the commission shall obtain the  
14 consent and agreement, in writing, of the owner, in the case  
15 of privately owned lands or waters, or the owner or primary  
16 custodian, in the case of public lands or waters.

17           (2) Any person violating or otherwise failing to  
18 comply with any rule or regulation so adopted commits is  
19 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
20 provided in s. 775.082 or s. 775.083.

21           Section 66. Section 372.561, Florida Statutes, is  
22 amended to read:

23           372.561 Issuance of licenses to take wild animal life  
24 ~~or freshwater aquatic life~~; costs; reporting.--

25           (1) The provisions of this section shall apply to such  
26 licenses or permits as are established in s. 372.57.

27           (2) The commission shall issue licenses and permits to  
28 take wild animal life ~~or freshwater aquatic life~~ upon proof by  
29 the applicant for licensure that she or he is entitled to such  
30 license or permit. The commission shall establish the forms  
31 for such licenses and permits. Each applicant for a license,

1 permit, or authorization shall provide the applicant's social  
2 security number on the application form. Disclosure of social  
3 security numbers obtained through this requirement shall be  
4 limited to the purpose of administration of the Title IV-D  
5 program for child support enforcement and use by the  
6 commission, and as otherwise provided by law.

7 (3) Licenses and permits for the state may be sold by  
8 the commission, by any tax collector in this state, or by any  
9 appointed subagent.

10 (4)(a) In addition to any license or permit fee, the  
11 sum of \$1.50 shall be charged for each license or management  
12 area permit sold. Such charge is for the purpose of, and the  
13 source from which is subtracted, all administrative costs of  
14 issuing a license or permit, including, but not limited to,  
15 printing, distribution, and credit card fees.

16 (b) Tax collectors may retain \$1 for each license or  
17 management area permit sold.

18 (5) Hunting ~~and fishing~~ licenses and permits shall be  
19 issued, without fee, to any resident who is certified to be  
20 totally and permanently disabled by the United States  
21 Department of Veterans Affairs or its predecessor, by the  
22 United States Social Security Administration, by any branch of  
23 the United States Armed Forces, or by the verified written  
24 statement which is based upon the criteria for permanent and  
25 total disability in chapter 440 of a physician licensed in  
26 this state or who holds a valid identification card issued  
27 under the provisions of s. 295.17, upon proof of same. Any  
28 license issued after January 1, 1997, expires after 5 years  
29 and must be reissued, upon request, every 5 years thereafter.  
30 A Disability Award Notice issued by the United States Social  
31 Security Administration is not sufficient certification for

1 obtaining a permanent hunting ~~and fishing~~ license under this  
2 section unless said form certifies a resident is totally and  
3 permanently disabled.

4 (6)(a) Tax collectors shall remit license and permit  
5 moneys, along with a report of funds collected and other  
6 required documentation, to the commission within 7 days  
7 following the last business day of the week in which the fees  
8 were received by the tax collector. The tax collector shall  
9 maintain records of all such licenses and permits which are  
10 sold, and all stamps issued voided, stolen, or lost. The tax  
11 collector is responsible to the commission for the fee for all  
12 licenses and permits sold and for the value of all stamps  
13 reported as lost. The tax collector shall report stolen  
14 permits to the appropriate law enforcement agency. The tax  
15 collector shall submit a written report and a copy of the law  
16 enforcement agency's report to the commission within 5 days  
17 after discovering the theft. The value of a validation stamp  
18 is \$5.

19 (b) Tax collectors are also responsible for fees for  
20 all licenses and permits sold by their subagents and for the  
21 value of all stamps reported as lost. The commission may  
22 adopt rules to implement this section.

23 (c) Not later than August 15 of each year, each county  
24 tax collector shall submit to the commission all unissued  
25 stamps for the previous year along with a written audit  
26 report, on forms prescribed or approved by the commission, of  
27 the numbers of the unissued stamps.

28 (7) Within 30 days after the submission of the annual  
29 audit report, each county tax collector shall provide the  
30 commission with a written audit report on unissued, sold, and  
31 voided licenses, permits, and stamps with a certified

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

9 Section 67. Section 372.57, Florida Statutes, is  
10 amended to read:

11 372.57 Licenses and permits; exemptions; fees.--No  
12 person, except as provided herein, shall take game, ~~freshwater~~  
13 ~~fish~~, or fur-bearing animals within this state without having  
14 first obtained a license, permit, or authorization and paid  
15 the fees hereinafter set forth, unless such license is issued  
16 without fee as provided in s. 372.561. Such license, permit,  
17 or authorization shall authorize the person to whom it is  
18 issued to take game, ~~freshwater fish~~, or fur-bearing animals  
19 in accordance with law and commission rules. Such license,  
20 permit, or authorization is not transferable. Each license or  
21 permit must bear on its face in indelible ink the name of the  
22 person to whom it is issued and other information requested by  
23 the commission. Such license, permit, or authorization issued  
24 by the commission or any agent must be in the personal  
25 possession of the person to whom issued while taking game,  
26 ~~freshwater fish~~, or fur-bearing animals. The failure of such  
27 person to exhibit such license, permit, or authorization to  
28 the commission or its wildlife officers, when such person is  
29 found taking game, ~~freshwater fish~~, or fur-bearing animals, is  
30 a violation of law. A positive form of identification is  
31 required when using an authorization, a lifetime license, a

1 5-year license, or when otherwise required by the license or  
2 permit. The lifetime licenses and 5-year licenses provided  
3 herein shall be embossed with the name, date of birth, the  
4 date of issuance, and other pertinent information as deemed  
5 necessary by the commission. A certified copy of the  
6 applicant's birth certificate shall accompany all applications  
7 for a lifetime license for residents 12 years of age and  
8 younger. Each applicant for a license, permit, or  
9 authorization shall provide the applicant's social security  
10 number on the application form. Disclosure of social security  
11 numbers obtained through this requirement shall be limited to  
12 the purpose of administration of the Title IV-D child support  
13 enforcement program and use by the commission, and as  
14 otherwise provided by law.

15 (1) A license or permit is not required for:

16 (a) Any child under 16 years of age except as  
17 otherwise provided in this chapter.

18 (b) Any person hunting ~~or fishing~~ in the person's  
19 county of residence on the person's homestead or the homestead  
20 of the person's spouse or minor child, or any minor child  
21 hunting ~~or fishing~~ on the homestead of her or his parent.

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

25 ~~(d) Any resident when fishing with live or natural~~  
26 ~~bait, using poles or lines which are not equipped with a~~  
27 ~~fishing line retrieval mechanism, and fishing for~~  
28 ~~noncommercial purposes in the county of her or his residence,~~  
29 ~~except on legally established fish management areas. This~~  
30 ~~paragraph, as amended by chapter 76-156, Laws of Florida, may~~  
31

1 ~~be cited as the "Dempsey J. Barron, W. D. Childers, and Joe~~  
2 ~~Kershaw Cane Pole Tax Repeal Act of 1976."~~

3 ~~(e) Any person fishing in a fish pond of 20 acres or~~  
4 ~~less which is located entirely within the private property of~~  
5 ~~the fish pond owner.~~

6 ~~(f) Any person fishing in a fish pond which is~~  
7 ~~licensed in accordance with s. 372.5705.~~

8 ~~(g) Any person fishing who has been accepted as a~~  
9 ~~client for developmental services by the Department of~~  
10 ~~Children and Family Services, which department shall furnish~~  
11 ~~such person proof thereof.~~

12 ~~(d)~~(h) Any resident 65 years of age or older who has  
13 in her or his possession proof of age and residency. A free  
14 license may be obtained from any tax collector's office upon  
15 proof of age and residency.

16 (2) For residents and nonresidents, the license and  
17 fees for noncommercial ~~fishing and for~~ hunting and trapping in  
18 this state, and the activity authorized thereby, are as  
19 follows:

20 ~~(a) A fishing license for a resident to take~~  
21 ~~freshwater fish in this state is \$12.~~

22 ~~(b) A fishing license for a nonresident to take~~  
23 ~~freshwater fish in this state for 7 consecutive days is \$15.~~

24 ~~(c) A fishing license for a nonresident to take~~  
25 ~~freshwater fish in this state is \$30.~~

26 ~~(a)~~(e) A hunting license for a resident to take game  
27 in this state is \$11.

28 ~~(b)~~(f) A hunting license for a nonresident to take  
29 game in this state is \$150.

30 ~~(c)~~(g) A hunting license for a nonresident to take  
31 game in this state for 10 consecutive days is \$25.

1           (d)~~(h)~~ A license for a resident and nonresident to  
2 take fur-bearing animals in this state is \$25.

3           (e)~~(d)~~ A combination fishing and hunting license for a  
4 resident to take freshwater fish and game in this state is  
5 \$22.

6           (f)~~(i)~~ A sportsman's license for a resident is \$66.  
7 The sportsman's license authorizes the holder to take  
8 freshwater fish and game, subject to state and federal  
9 regulations and rules of the commission in effect at the time  
10 of taking, and authorizes the same activities authorized by a  
11 management area permit, a muzzle-loading gun permit, a turkey  
12 permit, a Florida waterfowl permit, and an archery permit. A  
13 nonresident may not purchase a sportsman's license.

14           (3) A resident or nonresident taking fur-bearing  
15 animals by the use of guns or dogs only and not by the use of  
16 traps or other devices, and not for commercial purposes, who  
17 has purchased the license provided for hunting in this  
18 section, received a no-cost license, or is exempt from the  
19 license requirements of this chapter is not required to  
20 purchase the license provided in paragraph (2)(d)~~(h)~~. A  
21 resident who is age 65 or older is not required to purchase  
22 the license provided in paragraph (2)(d)~~(h)~~.

23           (4) In addition to any license required by this  
24 chapter, the following permits and fees for certain hunting,  
25 ~~fishing~~, and recreational uses, and the activities authorized  
26 thereby, are:

27           (a) A Florida waterfowl permit to take wild ducks or  
28 geese within this state or its coastal waters is \$3.

29           (b)1. Management area permits to hunt, ~~fish~~, or  
30 otherwise use for outdoor recreational purposes, land owned,  
31 leased, or managed by the commission or the State of Florida

1 for the use and benefit of the commission, up to \$25 annually.  
2 Permits, and fees thereof, for short-term use of land which is  
3 owned, leased, or managed by the commission may be established  
4 by rule of the commission for any activity on such lands.  
5 Such permits and fees may be in lieu of or in addition to the  
6 annual management area permit. Other than for hunting or  
7 fishing, the provisions of this paragraph shall not apply on  
8 any lands not owned by the commission, unless the commission  
9 shall have obtained the written consent of the owner or  
10 primary custodian of such lands.

11         2. A recreational user permit fee to hunt, ~~fish,~~ or  
12 otherwise use for outdoor recreational purposes, land leased  
13 by the commission from private nongovernmental owners, except  
14 for those lands located directly north of the Apalachicola  
15 National Forest, east of the Ochlockonee River until the point  
16 the river meets the dam forming Lake Talquin, and south of the  
17 closest federal highway. The fee for this permit shall be  
18 based upon economic compensation desired by the landowner,  
19 game population levels, desired hunter density, and  
20 administrative costs. The permit fee shall be set by  
21 commission rule on a per-acre basis. On property currently in  
22 the private landowner payment program, the prior year's  
23 landowner payment shall be used to augment the recreational  
24 user permit fee so as to decrease the permit fee for the users  
25 of that property. One minor dependent child, 16 years old or  
26 under, per permittee may hunt under the supervision of the  
27 permittee and is exempt from the permit fee. ~~The spouse and~~  
28 ~~dependent children of a permittee are exempt from the permit~~  
29 ~~fee when engaged in outdoor recreational activities other than~~  
30 ~~hunting in the company of the permittee.~~ Notwithstanding any  
31 other provision of this chapter, there are no other



1 exclusions, exceptions, or exemptions from this permit fee.  
2 The recreational user permit fee, less an administrative  
3 permit fee of up to \$25 per permit, shall be remitted to the  
4 landowner as provided in the lease agreement for each area.

5 (c) A muzzle-loading gun permit to hunt within this  
6 state with a muzzle-loading gun during those game seasons in  
7 which hunting with a modern firearm is not allowed is \$5.

8 (d) An archery permit to hunt within this state with a  
9 bow and arrow during those game seasons in which hunting with  
10 a firearm is not allowed is \$5.

11 (e) A Florida turkey permit to take wild turkeys  
12 within this state is \$5.

13 (f) A special use permit for limited entry hunting ~~or~~  
14 ~~fishing~~, where such hunting ~~or fishing~~ is authorized by  
15 commission rule, shall be up to \$100 per day but shall not  
16 exceed \$250 per week. Notwithstanding any other provision of  
17 this chapter, there are no exclusions, exceptions, or  
18 exemptions from this fee. In addition to the fee, the  
19 commission may charge each applicant for a special use permit  
20 a nonrefundable application fee of up to \$10.

21 (g) The fee for a permanent hunting and fishing  
22 license for a resident 64 years of age or older is \$12.

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

27 ~~(6) The commission may designate by rule no more than~~  
28 ~~2 consecutive or nonconsecutive days in each year as free~~  
29 ~~fishing days. Notwithstanding any other provision of this~~  
30 ~~chapter, any person may take freshwater fish for noncommercial~~  
31 ~~purposes on a free fishing day without obtaining or possessing~~

1 ~~a license or paying a license fee as prescribed in this~~  
2 ~~section. A person who takes freshwater fish on a free fishing~~  
3 ~~day without obtaining a license or paying a fee must comply~~  
4 ~~with all laws and regulations governing holders of a fishing~~  
5 ~~license and all other conditions and limitations regulating~~  
6 ~~the taking of freshwater fish as are imposed by law or rule.~~

7 (6)~~(7)~~ A resident lifetime sportsman's license  
8 authorizes the holder to engage in the following noncommercial  
9 activities:

10 (a) To take or attempt to take or possess freshwater  
11 fish, marine fish, and game, consistent with state and federal  
12 regulations and rules of the commission in effect at the time  
13 of taking.

14 (b) All activities authorized by a management area  
15 permit, a muzzle-loading gun permit, a turkey permit, an  
16 archery permit, a Florida waterfowl permit, a snook permit,  
17 and a crawfish permit.

18 (7)~~(8)~~ The fee for a resident lifetime sportsman's  
19 license is:

- 20 (a) 4 years of age or younger.....\$400  
21 (b) 5-12 years of age.....\$700  
22 (c) 13 years of age or older.....\$1,000

23 (8)~~(9)~~ A resident lifetime hunting license authorizes  
24 the holder to engage in the following noncommercial  
25 activities:

26 (a) To take or attempt to take or possess game  
27 consistent with state and federal regulations and rules of the  
28 commission in effect at the time of taking.

29 (b) All activities authorized by a management area  
30 permit, excluding fishing, a muzzle-loading gun permit, a  
31

1 turkey permit, an archery permit, and a Florida waterfowl  
2 permit.  
3 (9)~~(10)~~ The fee for a resident lifetime hunting  
4 license shall be:  
5 (a) 4 years of age or younger.....\$200  
6 (b) 5-12 years of age.....\$350  
7 (c) 13 years of age or older.....\$500  
8 ~~(11) A resident lifetime freshwater fishing license~~  
9 ~~authorizes the holder to engage in the following noncommercial~~  
10 ~~activities:~~  
11 ~~(a) To take or attempt to take or possess freshwater~~  
12 ~~fish consistent with state and federal regulations and rules~~  
13 ~~of the commission in effect at the time of taking.~~  
14 ~~(b) All activities authorized by a management area~~  
15 ~~permit, excluding hunting.~~  
16 ~~(12) The fee for a resident lifetime freshwater~~  
17 ~~fishing license shall be:~~  
18 ~~(a) 4 years of age or younger.....\$125~~  
19 ~~(b) 5-12 years of age.....\$225~~  
20 ~~(c) 13 years of age or older.....\$300~~  
21 ~~(13) Fees collected pursuant to s. 370.0605(2) for~~  
22 ~~5-year saltwater fishing licenses, fees collected pursuant to~~  
23 ~~s. 370.0605(6)(e) for replacement 5-year and lifetime~~  
24 ~~licenses, fees collected pursuant to s. 370.0615 for lifetime~~  
25 ~~saltwater fishing licenses, and 30 percent of the fee for the~~  
26 ~~lifetime sportsman's license shall be transferred within 30~~  
27 ~~days following the last day of the month in which the license~~  
28 ~~fees were received by the commission to the Marine Resources~~  
29 ~~Conservation Trust Fund.~~  
30 ~~(14) The following 5-year licenses are authorized:~~  
31

1       ~~(a) A 5-year freshwater fishing license for a resident~~  
2 ~~to take or attempt to take or possess freshwater fish in this~~  
3 ~~state for 5 consecutive years is \$60 and authorizes the holder~~  
4 ~~to engage in noncommercial activities to take or attempt to~~  
5 ~~take or possess freshwater fish consistent with state and~~  
6 ~~federal regulations and rules of the commission in effect at~~  
7 ~~the time of taking.~~

8       (10)~~(b)~~ A 5-year hunting license for a resident to  
9 take or attempt to take or possess game in this state for 5  
10 consecutive years is \$55 and authorizes the holder to engage  
11 in noncommercial activities to take or attempt to take or  
12 possess game consistent with state and federal regulations and  
13 rules of the commission in effect at the time of taking.

14       (11)~~(15)~~ Proceeds from the sale of 5-year licenses as  
15 provided in this chapter shall be deposited into the Dedicated  
16 License Trust Fund. One-fifth of the total proceeds derived  
17 from the sale of 5-year licenses, replacement 5-year licenses,  
18 and all interest derived therefrom shall be available for  
19 appropriation annually.

20       Section 68. Section 372.571, Florida Statutes, is  
21 amended to read:

22       372.571 Expiration of licenses and permits.--Each  
23 license or permit issued under this chapter must be dated when  
24 issued. Each license or permit issued under this chapter  
25 remains valid for 12 months after the date of issuance, except  
26 for a lifetime license issued pursuant to s. 372.57 which is  
27 valid from the date of issuance until the death of the  
28 individual to whom the license is issued unless otherwise  
29 revoked in accordance with s. 372.99, or a 5-year license  
30 issued pursuant to s. 372.57 which is valid for 5 consecutive  
31 years from the date of purchase unless otherwise revoked in

1 accordance with s. 372.99 or a license issued pursuant to s.  
2 372.57(2)(b) ~~or (g)~~, which is valid for the period specified  
3 on the license. A resident lifetime license or a resident  
4 5-year license that has been purchased by a resident of this  
5 state and who subsequently resides in another state shall be  
6 honored for activities authorized by that license.

7 Section 69. Subsection (1) of section 372.5712,  
8 Florida Statutes, is amended to read:

9 372.5712 Florida waterfowl permit revenues.--

10 (1) The commission shall expend the revenues generated  
11 from the sale of the Florida waterfowl permit as provided in  
12 s. 372.57(4)(a) or that pro rata portion of any license that  
13 includes waterfowl hunting privileges, as provided in s.  
14 372.57(2)(f)(i) and (10)(14)(b) as follows: A maximum of 5  
15 percent of the gross revenues shall be expended for  
16 administrative costs; a maximum of 25 percent of the gross  
17 revenues shall be expended for waterfowl research approved by  
18 the commission; and a maximum of 70 percent of the gross  
19 revenues shall be expended for projects approved by the  
20 commission, in consultation with the Waterfowl Advisory  
21 Council, for the purpose of protecting and propagating  
22 migratory waterfowl and for the development, restoration,  
23 maintenance, and preservation of wetlands within the state.

24 Section 70. Subsection (1) of section 372.5715,  
25 Florida Statutes, is amended to read:

26 372.5715 Florida wild turkey permit revenues.--

27 (1) The commission shall expend the revenues generated  
28 from the sale of the turkey permit as provided for in s.  
29 372.57(4)(e) or that pro rata portion of any license that  
30 includes turkey hunting privileges as provided for in s.

31

1 372.57(2)(f)(i)and(10)(14)(b)for research and management  
2 of wild turkeys.

3 Section 71. Section 372.573, Florida Statutes, is  
4 amended to read:

5 372.573 Management area permit revenues.--The  
6 commission shall expend the revenue generated from the sale of  
7 the management area permit as provided for in s. 372.57(4)(b)  
8 or that pro rata portion of any license that includes  
9 management area privileges as provided for in s.  
10 372.57(2)(f)(i)and(10)(14)(b)for the lease, management,  
11 and protection of lands for public hunting, fishing, and other  
12 outdoor recreation.

13 Section 72. Section 372.574, Florida Statutes, is  
14 amended to read:

15 372.574 Appointment of subagents for the sale of  
16 hunting, ~~fishing~~, and trapping licenses and permits.--

17 (1) A county tax collector who elects to sell licenses  
18 and permits authorized in s. 372.57 may appoint any person as  
19 a subagent for the sale of ~~fishing~~, hunting, and trapping  
20 licenses and permits that the tax collector is allowed to  
21 sell. The following are requirements for subagents:

22 (a) Each subagent must serve at the pleasure of the  
23 county tax collector.

24 (b) Neither an employee of the county tax collector  
25 nor her or his relative or next of kin, by blood or otherwise,  
26 may be appointed as a subagent.

27 (c) The tax collector may require each subagent to  
28 post an appropriate bond as determined by the tax collector,  
29 using an insurance company acceptable to the tax collector.  
30 In lieu of such bond, the tax collector may purchase blanket  
31 bonds covering all or selected subagents or may allow a

1 subagent to post such other security as is required by the tax  
2 collector.

3 (d) A subagent may sell licenses and permits  
4 authorized in s. 372.57 as are determined by the tax collector  
5 at such specific locations within the county and in states  
6 contiguous to Florida as will best serve the public interest  
7 and convenience in obtaining licenses and permits. The  
8 commission may uniformly prohibit subagents from selling  
9 certain licenses or permits.

10 (e) It is unlawful for any person to handle licenses  
11 or permits authorized in s. 372.57 for a fee or compensation  
12 of any kind unless she or he has been appointed as a subagent.

13 (f) Any person who willfully violates any of the  
14 provisions of this law commits ~~is guilty of~~ a misdemeanor of  
15 the second degree, punishable as provided in s. 775.082 or s.  
16 775.083.

17 (g) A subagent may charge and receive as her or his  
18 compensation 50 cents for each license or permit sold as  
19 authorized in s. 372.57. This charge is in addition to the  
20 sum required by law to be collected for the sale and issuance  
21 of each license or permit.

22 (h) A subagent shall submit payment for and report the  
23 sale of licenses and permits as authorized in s. 372.57 to the  
24 tax collector as prescribed by the tax collector but no less  
25 frequently than monthly.

26 (i) Subagents shall submit an activity report for  
27 sales made during the reporting period on forms prescribed or  
28 approved by the commission. Periodic audits may be performed  
29 at the discretion of the commission.

30 (2) If a tax collector elects not to appoint  
31 subagents, the commission may appoint subagents within that

1 county. Subagents shall serve at the pleasure of the  
2 commission. The commission may establish, by rule, procedures  
3 for selection of subagents. The following are requirements  
4 for subagents so appointed:

5 (a) The commission may require each subagent to post  
6 an appropriate bond as determined by the commission, using an  
7 insurance company acceptable to the commission. In lieu of  
8 the bond, the commission may purchase blanket bonds covering  
9 all or selected subagents or may allow a subagent to post  
10 other security as required by the commission.

11 (b) A subagent may sell licenses and permits  
12 authorized in s. 372.57 ~~as authorized~~ by the direction of the  
13 commission at specific locations within the county and in  
14 states as will best serve the public interest and convenience  
15 in obtaining licenses and permits. The commission may prohibit  
16 subagents from selling certain licenses or permits.

17 (c) It is unlawful for any person to handle licenses  
18 or permits for a fee or compensation of any kind unless he or  
19 she has been appointed as a subagent.

20 (d) Any person who willfully violates any of the  
21 provisions of this section commits a misdemeanor of the second  
22 degree, punishable as provided in s. 775.082 or s. 775.083.

23 (e) A subagent may charge and receive as his or her  
24 compensation 50 cents for each license or permit sold as  
25 authorized in s. 372.57. This charge is in addition to the  
26 sum required by law to be collected for the sale and issuance  
27 of said ~~each~~ license or permit. In addition, no later than  
28 July 1, 1997, a subagent fee for the sale of licenses over the  
29 telephone by credit card shall be established by competitive  
30 bid procedures which are overseen by the Fish and Wildlife  
31 Conservation Commission.



1 (f) A subagent shall submit payment for and report the  
2 sale of licenses and permits authorized in s. 372.57 to the  
3 commission as prescribed by the commission.

4 (g) Subagents shall maintain records of all licenses  
5 and permits authorized in s. 372.57 to be sold and all stamps  
6 issued, voided, stolen, or lost. Subagents are responsible to  
7 the commission for the fees for all licenses and permits sold  
8 and for the value of all stamps reported as lost. Subagents  
9 must report all stolen validation stamps to the appropriate  
10 law enforcement agency. The subagent shall submit a written  
11 report and a copy of the law enforcement agency's report to  
12 the commission within 5 days after discovering the theft. The  
13 value of a lost validation stamp is \$5.

14 (h) Subagents shall submit an activity report for  
15 sales made during the reporting period on forms prescribed or  
16 approved by the commission. Periodic audits may be performed  
17 at the discretion of the commission.

18 (i) By July 15 of each year, each subagent shall  
19 submit to the commission all unissued stamps for the previous  
20 year along with a written audit report, on forms prescribed or  
21 approved by the commission, on the numbers of the unissued  
22 stamps.

23 (3) All social security numbers which are provided  
24 pursuant to ss. 372.561 and 372.57 and are contained in  
25 records of any subagent appointed pursuant to this section are  
26 confidential as provided in those sections.

27 Section 73. Section 372.60, Florida Statutes, is  
28 amended to read:

29 372.60 Issuing of replacement license or permit.--A  
30 license or permit to replace a lost or destroyed license  
31 issued pursuant to the provisions of this chapter may be

1 obtained by submitting an application requesting replacement.  
2 The fee is \$10 for each application for a replacement of a  
3 lifetime license and \$2 for each application for replacement  
4 for any other license or permit, which shall be for the  
5 purpose of, and the source from which is subtracted, all  
6 administrative costs of issuing the license or permit,  
7 including, but not limited to, printing, distribution, and  
8 credit card fees. The office of the tax collector may retain  
9 \$1 for each application for a replacement license. Fees  
10 collected from the issuance of replacement lifetime licenses  
11 and 5-year licenses authorized in this chapter shall be  
12 deposited into the Dedicated License Trust Fund and shall be  
13 available for appropriation.

14 Section 74. Subsection (2) of section 372.661, Florida  
15 Statutes, is amended to read:

16 372.661 Private hunting preserve, license;  
17 exception.--

18 (2) A commercial hunting preserve license, which shall  
19 exempt patrons of licensed preserves from the licensure  
20 requirements of s. 372.57(2)(a), (b), (c), and (f)~~(e), (f),~~  
21 ~~(g), and (i)~~, (4)(a), (c), (d), and (e), (6)(7), (8)(9), and  
22 (10)(14)(b) while hunting on the licensed preserve property,  
23 shall be \$500. Such commercial hunting preserve license shall  
24 be available only to those private hunting preserves licensed  
25 pursuant to this section which are operated exclusively for  
26 commercial purposes, which are open to the public, and for  
27 which a uniform fee is charged to patrons for hunting  
28 privileges.

29 Section 75. Section 372.70, Florida Statutes, is  
30 amended to read:

31

1           372.70 Prosecutions.--The prosecuting officers of the  
2 several courts of criminal jurisdiction of this state shall  
3 investigate and prosecute all violations of the laws relating  
4 to game, ~~freshwater fish~~, nongame birds, and fur-bearing  
5 animals which may be brought to their attention by the Fish  
6 and Wildlife Conservation Commission or its conservation  
7 officers, or which may otherwise come to their knowledge.

8           Section 76. Section 372.7015, Florida Statutes, is  
9 amended to read:

10           372.7015 Illegal killing, taking, possessing, or  
11 selling wildlife or game; fines; disposition of fines.--In  
12 addition to any other penalty provided by law, any person who  
13 violates the criminal provisions of this chapter and rules  
14 adopted pursuant to this chapter by illegally killing, taking,  
15 possessing, or selling game or fur-bearing animals as defined  
16 in s. 372.001(5) or (6)~~(3) or (4)~~ in or out of season while  
17 violating chapter 810 shall pay a fine of \$250 for each such  
18 violation, plus court costs and any restitution ordered by the  
19 court. All fines collected under this section shall be  
20 deposited into the Fish and Wildlife Conservation Commission's  
21 State Game Trust Fund.

22           Section 77. Paragraph (a) of subsection (2) of section  
23 372.7016, Florida Statutes, is amended to read:

24           372.7016 Voluntary Authorized Hunter Identification  
25 Program.--

26           (2) Any person hunting on private land enrolled in the  
27 Voluntary Authorized Hunter Identification Program shall have  
28 readily available on the land at all times when hunting on the  
29 property written authorization from the owner or his or her  
30 authorized representative to be on the land for the purpose of  
31 hunting. The written authorization shall be presented on

1 demand to any law enforcement officer, the owner, or the  
2 authorized agent of the owner.

3 (a) For purposes of this section, the term "hunting"  
4 means to be engaged in or reasonably equipped to engage in the  
5 pursuit or taking by any means of any animal described in s.  
6 372.001(5) or (6)(3) or (4), and the term "written  
7 authorization" means a card, letter, or other written  
8 instrument which shall include, but need not be limited to,  
9 the name of the person or entity owning the property, the name  
10 and signature of the person granting the authorization, a  
11 description by township, range, section, partial section, or  
12 other geographical description of the land to which the  
13 authorization applies, and a statement of the time period  
14 during which the authorization is valid.

15 Section 78. Section 372.705, Florida Statutes, is  
16 amended to read:

17 372.705 Harassment of hunters,or trappers,or  
18 ~~fishers~~.--

19 (1) A person may not intentionally, within a publicly  
20 or privately owned wildlife management ~~or fish management~~ area  
21 or on any state-owned water body:

22 (a) Interfere with or attempt to prevent the lawful  
23 taking of ~~fish, game, or~~ nongame animals by another.

24 (b) Attempt to disturb ~~fish, game, or~~ nongame animals  
25 or attempt to affect their behavior with the intent to prevent  
26 their lawful taking by another.

27 (2) Any person who violates subsection (1) commits is  
28 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
29 provided in s. 775.082 or s. 775.083.

30 Section 79. Section 372.73, Florida Statutes, is  
31 amended to read:

1           372.73 Confiscation and disposition of illegally taken  
2 game.--All game ~~and freshwater fish~~ seized under the authority  
3 of this chapter shall, upon conviction of the offender or  
4 sooner if the court so orders, be forfeited and given to some  
5 hospital or charitable institution and receipt therefor sent  
6 to the Fish and Wildlife Conservation Commission. All furs or  
7 hides or fur-bearing animals seized under the authority of  
8 this chapter shall, upon conviction of the offender, be  
9 forfeited and sent to the commission, which shall sell the  
10 same and deposit the proceeds of such sale to the credit of  
11 the State Game Trust Fund or into the commission's Federal Law  
12 Enforcement Trust Fund as provided in s. 372.107, as  
13 applicable. If any such hides or furs are seized and the  
14 offender is unknown, the court shall order such hides or furs  
15 sent to the Fish and Wildlife Conservation Commission, which  
16 shall sell such hides and furs and deposit the proceeds of  
17 such sale to the credit of the State Game Trust Fund or into  
18 the commission's Federal Law Enforcement Trust Fund as  
19 provided in s. 372.107, as applicable.

20           Section 80. Subsections (1), (2), and (4) of section  
21 372.74, Florida Statutes, are amended to read:

22           372.74 Cooperative agreements with U. S. Forest  
23 Service; penalty.--The Fish and Wildlife Conservation  
24 Commission is authorized and empowered:

25           (1) To enter into cooperative agreements with the  
26 United States Forest Service for the development of game,  
27 bird, ~~fish~~, reptile, or fur-bearing animal management and  
28 demonstration projects on and in the Osceola National Forest  
29 in Columbia and Baker Counties, and in the Ocala National  
30 Forest in Marion, Lake, and Putnam Counties and in the  
31 Apalachicola National Forest in Liberty County. Provided,

1 however, that no such cooperative agreements shall become  
2 effective in any county concerned until confirmed by the board  
3 of county commissioners of such county expressed through  
4 appropriate resolution.

5 (2) In cooperation with the United States Forest  
6 Service, to make, adopt, promulgate, amend, and repeal rules  
7 and regulations, consistent with law, for the further or  
8 better control of hunting, ~~fishing~~, and control of wildlife in  
9 the above National Forests or parts thereof; to shorten  
10 seasons and reduce bag limits, or shorten or close seasons on  
11 any species of game, bird, ~~fish~~, reptile, or fur-bearing  
12 animal within the limits prescribed by the Florida law, in the  
13 above enumerated National Forests or parts thereof, when it  
14 shall find after investigation that such action is necessary  
15 to assure the maintenance of an adequate supply of wildlife.

16 (4) In addition to the requirements of chapter 120,  
17 notice of the making, adoption, and promulgation of the above  
18 rules and regulations shall be given by posting said notices,  
19 or copies of the rules and regulations, in the offices of the  
20 county judges and in the post offices within the area to be  
21 affected and within 10 miles thereof. In addition to the  
22 posting of said notices, as aforesaid, copies of said notices  
23 or of said rules and regulations shall also be published in  
24 newspapers published at the county seats of Baker, Columbia,  
25 Marion, Lake, Putnam, and Liberty Counties, or so many thereof  
26 as have newspapers, once not more than 35 nor less than 28  
27 days and once not more than 21 nor less than 14 days prior to  
28 the opening of the state hunting season in said areas. Any  
29 person violating any rules or regulations promulgated by the  
30 commission to cover these areas under cooperative agreements  
31 between the Fish and Wildlife Conservation Commission and the

1 United States Forest Service, none of which shall be in  
2 conflict with the laws of Florida, commits ~~shall be guilty of~~  
3 a misdemeanor of the second degree, punishable as provided in  
4 s. 775.082 or s. 775.083.

5 Section 81. Section 372.76, Florida Statutes, is  
6 amended to read:

7 372.76 Search and seizure authorized and limited.--The  
8 Fish and Wildlife Conservation Commission and its conservation  
9 officers shall have authority when they have reasonable and  
10 probable cause to believe that the provisions of this chapter  
11 have been violated, to board any vessel, boat, or vehicle or  
12 to enter any fishhouse or warehouse or other building,  
13 exclusive of residence, in which game, hides, or fur-bearing  
14 animals, ~~fish, or fish nets~~ are kept and to search for and  
15 seize any such game, hides, or fur-bearing animals, ~~fish, or~~  
16 ~~fish nets~~ had or held therein in violation of law. Provided,  
17 however, that no search without warrant shall be made under  
18 any of the provisions of this chapter, unless the officer  
19 making such search has such information from a reliable source  
20 as would lead a prudent and cautious person to believe that  
21 some provision of this chapter is being violated.

22 Section 82. Subsection (1) of section 372.761, Florida  
23 Statutes, is amended to read:

24 372.761 Issuance of warrant for search of private  
25 dwelling.--

26 (1) A search warrant may be issued on application by a  
27 commissioned officer of the Fish and Wildlife Conservation  
28 Commission to search any private dwelling occupied as such  
29 when it is being used for the unlawful sale or purchase of  
30 wildlife ~~or freshwater fish~~ being unlawfully kept therein.  
31 The term "private dwelling" shall be construed to include the

1 room or rooms used and occupied, not transiently but solely as  
2 a residence, in an apartment house, hotel, boardinghouse, or  
3 lodginghouse. No warrant for the search of any private  
4 dwelling shall be issued except upon probable cause supported  
5 by sworn affidavit of some creditable witness that she or he  
6 has reason to believe that the said conditions exist, which  
7 affidavit shall set forth the facts on which such reason for  
8 belief is based.

9 Section 83. Subsections (1) and (2) of section  
10 372.7701, Florida Statutes, are amended to read:

11 372.7701 Assent to federal acts.--

12 (1) The state hereby assents to the provisions of the  
13 Federal Aid in Fish Restoration Act of August 9, 1950, as  
14 amended. The Fish and Wildlife Conservation Commission shall  
15 perform such activities as are necessary to conduct wildlife  
16 ~~and sportfish~~ restoration projects, as defined in such Act of  
17 Congress and in compliance with the act and rules adopted  
18 thereunder by the United States Department of the Interior.  
19 Furthermore, the commission shall develop and implement  
20 programs to manage, protect, restore, and conserve marine  
21 ~~mammals and the marine fishery and shall develop and implement~~  
22 ~~similar programs for wild animal life and freshwater aquatic~~  
23 ~~life.~~

24 (2) Revenues from fees paid by hunters ~~and sport~~  
25 ~~fishers~~ may not be diverted to purposes other than the  
26 administration of ~~fish and~~ wildlife programs by the Fish and  
27 Wildlife Conservation Commission. Administration of the state  
28 ~~fish and~~ wildlife programs includes only those functions of  
29 ~~fish and~~ wildlife management as are the responsibility of and  
30 under the authority of the Fish and Wildlife Conservation  
31 Commission.



1           Section 84. Subsection (1) of section 372.771, Florida  
2 Statutes, is amended to read:

3           372.771 Federal conservation of ~~fish and~~ wildlife;  
4 limited jurisdiction.--

5           (1) Consent of the State of Florida is hereby given,  
6 to the United States for acquisition of lands, waters, or  
7 lands and waters or interests therein, for the purpose of  
8 managing, protecting and propagating ~~fish and~~ wildlife and for  
9 other conservation uses in the state, providing prior notice  
10 has been given by the Federal Government to the Board of  
11 Trustees of the Internal Improvement Trust Fund, the board of  
12 county commissioners of the county where the lands proposed  
13 for purchase are located, of such proposed action stating the  
14 specific use to be made of and the specific location and  
15 description of such lands desired by the Federal Government  
16 for any such conservation use, and that such plans for  
17 acquisition and use of said lands be approved by the Board of  
18 Trustees of the Internal Improvement Trust Fund, the board of  
19 county commissioners of the county where the lands proposed  
20 for purchase are located; provided further that nothing herein  
21 contained shall be construed to give the consent of the State  
22 of Florida to the acquisition by the United States of lands,  
23 waters, or lands and waters, or interests therein, through  
24 exercise of the power of eminent domain; provided further that  
25 the provisions of this act shall not apply to lands owned by  
26 the several counties or by public corporations.

27           Section 85. Section 372.83, Florida Statutes, is  
28 amended to read:

29           372.83 Noncriminal infractions; criminal penalties;  
30 suspension and revocation of licenses and permits.--

31

1           (1) A person is guilty of a noncriminal infraction,  
2 punishable as provided in s. 372.711, if she or he violates  
3 any of the following provisions:

4           (a) Rules, regulations, or orders relating to the  
5 filing of reports or other documents required of persons who  
6 are licensed or who hold permits issued by the commission  
7 under the provisions of this chapter.

8           ~~(b) Rules, regulations, or orders relating to fish~~  
9 ~~management areas.~~

10           (b)~~(c)~~ Rules, regulations, or orders relating to quota  
11 hunt permits, daily use permits, hunting zone assignments,  
12 camping restrictions, the use of alcoholic beverages, vehicle  
13 use, and check station requirements within wildlife management  
14 areas or other areas managed by the commission.

15           (c)~~(d)~~ Rules, regulations, or orders requiring permits  
16 free of charge to possess captive wildlife for personal use.

17           ~~(e) Rules, regulations, or orders establishing size or~~  
18 ~~slot limits for freshwater game fish.~~

19           (d)~~(f)~~ Rules, regulations, or orders regulating vessel  
20 size or specifying motor restrictions on specified water  
21 bodies.

22           (e)~~(g)~~ Rules, regulations, or orders relating to the  
23 registration of off-road vehicles and airboats operated on  
24 state lands.

25           (f)~~(h)~~ Section 372.57, relating to hunting, ~~fishing,~~  
26 and trapping licenses.

27           (g)~~(i)~~ Section 372.988, relating to required clothing  
28 for persons hunting deer.

29  
30 A person who fails to pay the civil penalty specified in s.  
31 372.711 within 30 days after being cited for a noncriminal

1 infraction or to appear before the court pursuant to that  
2 section commits ~~is guilty of~~ a misdemeanor of the second  
3 degree, punishable as provided in s. 775.082 or s. 775.083.

4 (2) A person commits ~~is guilty of~~ a misdemeanor of the  
5 second degree, punishable as provided in s. 775.082 or s.  
6 775.083, if she or he violates any of the following rules,  
7 regulations, or orders of the commission:

8 (a) Rules, regulations, or orders that specify season  
9 or time periods for the taking of ~~freshwater fish or~~ wildlife.

10 (b) Rules, regulations, or orders that specify bag  
11 limits or restrict methods of taking ~~freshwater fish or~~  
12 wildlife.

13 (c) Rules, regulations, or orders that relate to the  
14 sale, possession for sale, purchase, transfer, transportation,  
15 or importation of ~~freshwater fish or~~ wildlife.

16 (d) Rules, regulations, or orders that prohibit public  
17 access for specified periods to wildlife management areas or  
18 other areas managed by the commission.

19 (e) Rules, regulations, or orders that require a  
20 person to pay a fee to obtain a permit to possess captive  
21 wildlife or that require the maintenance of records relating  
22 to captive wildlife.

23 (f) All other rules, regulations, and orders of the  
24 commission, except those specified in subsection (1).

25 (3) Unless otherwise provided in this chapter, a  
26 person who violates any provision of this chapter commits ~~is~~  
27 ~~guilty~~, for the first offense, ~~of~~ a misdemeanor of the second  
28 degree, punishable as provided in s. 775.082 or s. 775.083,  
29 and commits ~~is guilty~~, for the second offense or any  
30 subsequent offense, ~~of~~ a misdemeanor of the first degree,  
31 punishable as provided in s. 775.082 or s. 775.083.

1           (4) The court may order the suspension or revocation  
2 of any license or permit issued to a person pursuant to this  
3 chapter, if that person commits a criminal offense specified  
4 in this chapter or a noncriminal infraction specified in this  
5 section.

6           Section 86. Section 372.97, Florida Statutes, is  
7 amended to read:

8           372.97 Jim Woodruff Dam; reciprocity agreements.--The  
9 Fish and Wildlife Conservation Commission of the state is  
10 hereby authorized to enter into an agreement of the  
11 reciprocity with the game and fish commissioners or the  
12 appropriate officials or departments of the State of Georgia  
13 and the State of Alabama relative to the taking of game ~~and~~  
14 ~~freshwater fish~~ from the waters of the lake created by the Jim  
15 Woodruff Dam by permitting reciprocal license privileges.

16           Section 87. Section 372.971, Florida Statutes, is  
17 amended to read:

18           372.971 St. Mary's River; reciprocity agreements.--The  
19 Fish and Wildlife Conservation Commission of the state is  
20 hereby authorized to enter into an agreement of reciprocity  
21 with the game and fish commissioner or the appropriate  
22 officials or departments of the State of Georgia relative to  
23 the taking of game ~~and freshwater fish~~ from the waters of the  
24 St. Mary's River by permitting reciprocal agreement license  
25 privileges.

26           Section 88. Subsection (3) of section 372.9901,  
27 Florida Statutes, is amended to read:

28           372.9901 Seizure of illegal devices; disposition;  
29 appraisal; forfeiture.--

30           (3) Upon conviction of the violator, the property, if  
31 owned by the person convicted, shall be forfeited to the state

1 under the procedure set forth in ss. 370.442 through 370.447  
2 ~~372.312 through 372.318~~, where not inconsistent with this  
3 section. All amounts received from the sale or other  
4 disposition of the property shall be paid into the State Game  
5 Trust Fund or into the commission's Federal Law Enforcement  
6 Trust Fund as provided in s. 372.107, as applicable. If the  
7 property is not sold or converted, it shall be delivered to  
8 the Executive Director of the Fish and Wildlife Conservation  
9 Commission.

10 Section 89. Subsection (1) of section 372.991, Florida  
11 Statutes, is amended to read:

12 372.991 Nongame Wildlife Trust Fund.--

13 (1) The Legislature recognizes the value of  
14 maintaining ecologically healthy and stable populations of a  
15 wide diversity of fish and wildlife species and recognizes the  
16 need for monitoring, research, management, and public  
17 awareness of all wildlife species in order to guarantee that  
18 self-sustaining populations be conserved. The Legislature  
19 further recognizes that research and management for game  
20 species traditionally have been supported by licenses and fees  
21 collected by the Fish and Wildlife Conservation ~~Game and Fresh~~  
22 ~~Water Fish~~ Commission for consumptive uses of wildlife and  
23 that no such support mechanism is available for species not  
24 commonly pursued for sport or profit. It is the intent of the  
25 Legislature that the funds provided herein be spent to  
26 identify and meet the needs of nongame wildlife as a first  
27 priority with the ultimate goal of establishing an integrated  
28 approach to the management and conservation of all native  
29 fish, wildlife, and plants.

30 Section 90. Section 370.0205, Florida Statutes, is  
31 renumbered as section 20.2551, Florida Statutes, to read:

1           20.2551 ~~370.0205~~ Citizen support organizations; use of  
2 property; audit; public records; partnerships.--

3           (1) DEFINITIONS.--For the purposes of this section, a  
4 "citizen support organization" means an organization which is:

5           (a) A Florida corporation not for profit incorporated  
6 under the provisions of chapter 617 and approved by the  
7 Department of State;

8           (b) Organized and operated to conduct programs and  
9 activities; raise funds; request and receive grants, gifts,  
10 and bequests of money; acquire, receive, hold, invest, and  
11 administer, in its own name, securities, funds, objects of  
12 value, or other property, real or personal; and make  
13 expenditures to or for the direct or indirect benefit of the  
14 Department of Environmental Protection or individual units of  
15 the department. The citizen support organization may not  
16 receive funds from the department or the Florida Marine  
17 Research Institute by grant, gift, or contract unless  
18 specifically authorized by the Legislature;

19           (c) Determined by the appropriate division of the  
20 Department of Environmental Protection to be consistent with  
21 the goals of the department and in the best interests of the  
22 state; and

23           (d) Approved in writing by the department to operate  
24 for the direct or indirect benefit of the individual units of  
25 the department. Such approval shall be given in a letter of  
26 agreement from the department.

27           (2) USE OF PROPERTY.--

28           (a) The department may permit, without charge,  
29 appropriate use of fixed property and facilities of the  
30 department by a citizen support organization subject to the  
31 provisions of this section. Such use shall be directly in

1 keeping with the approved purposes of the citizen support  
2 organization and may not be made at times or places that would  
3 unreasonably interfere with normal department operations.

4 (b) The department may prescribe by rule any condition  
5 with which a citizen support organization shall comply in  
6 order to use fixed property or facilities of the department.

7 (c) The department shall not permit the use of any  
8 fixed property or facilities by a citizen support organization  
9 which does not provide equal membership and employment  
10 opportunities to all persons regardless of race, color,  
11 religion, sex, age, or national origin.

12 (3) ANNUAL AUDIT.--Any citizen support organization  
13 which has annual expenditures of \$100,000 or more shall cause  
14 an annual postaudit of its financial accounts to be conducted  
15 by an independent certified public accountant in accordance  
16 with rules to be adopted by the department. The annual audit  
17 report shall be submitted to the Auditor General and the  
18 department for review. The Auditor General and the department  
19 are each authorized to require and obtain from the citizen  
20 support organization, or from its independent auditor, such  
21 data as may be needed relative to the operation of the  
22 organization.

23 (4) PUBLIC RECORDS.--All records of the citizen  
24 support organization constitute public records for the  
25 purposes of chapter 119.

26 (5) PARTNERSHIPS.--

27 (a) The Legislature recognizes that many of the lands  
28 managed by the department need a variety of facilities to  
29 enhance the use and potential of such lands and that many of  
30 the department's programs are of interest to, and could  
31 benefit from the support of, local citizen groups. Such

1 facilities and programs include, but are not limited to,  
2 improved access, camping areas, picnicking shelters,  
3 management offices and facilities, environmental education  
4 facilities and programs, and cleanup and restoration projects.  
5 The need for such facilities and programs has exceeded the  
6 ability of the state to provide funding in a timely manner  
7 with available moneys. The Legislature finds it to be in the  
8 public interest to provide incentives for partnerships with  
9 private entities whose intent is the production of additional  
10 revenues to help enhance the use and potential of state  
11 property and environmental programs and projects funded by the  
12 department.

13 (b) The Legislature may annually appropriate funds, to  
14 be used as matching funds in conjunction with private  
15 donations, for capital improvement facilities development on  
16 state lands or the enhancement of department sponsored  
17 environmental programs or projects of local interest to  
18 citizen support organizations formed under this section.  
19 Citizen support organizations organized and operating for the  
20 benefit of the department may acquire private donations  
21 pursuant to this section, and matching state funds for  
22 approved projects or programs may be provided in accordance  
23 with this subsection. The department is authorized to properly  
24 recognize and honor a private donor by placing a plaque or  
25 other appropriate designation noting the contribution to  
26 project or program facilities or by naming project or program  
27 facilities after the person or organization that provided  
28 matching funds.

29 Section 91. Section 161.031, Florida Statutes, is  
30 amended to read:

31



1           161.031 Personnel and facilities.--The Department of  
2 Environmental Protection may call to its assistance  
3 temporarily, any engineer or other employee in any state  
4 agency or department or in the University of Florida or other  
5 educational institution financed wholly or in part by the  
6 state, for the purpose of devising the most effective and  
7 economical method of averting and preventing erosion,  
8 hurricane, and storm damages. These employees shall not  
9 receive additional compensation, except for actual necessary  
10 expenses incurred while working under the direction of the  
11 department ~~Division of Marine Resources~~.

12           Section 92. Section 370.041, Florida Statutes, is  
13 renumbered as section 161.242, Florida Statutes, to read:

14           161.242 ~~370.041~~ Harvesting of sea oats and sea grapes  
15 prohibited; possession prima facie evidence of violation.--

16           (1) The purpose of this section is to protect the  
17 beaches and shores of the state from erosion by preserving  
18 natural vegetative cover to bind the sand.

19           (2) It is unlawful for any purpose to cut, harvest,  
20 remove, or eradicate any of the grass commonly known as sea  
21 oats or Uniola paniculata and Coccolobis uvifera commonly  
22 known as sea grapes from any public land or from any private  
23 land without consent of the owner of such land or person  
24 having lawful possession thereof. Possession of either Uniola  
25 paniculata or Coccolobis uvifera by other than the owner of  
26 such land shall constitute prima facie evidence of violation  
27 of this section. However, licensed, certified nurserymen who  
28 grow any of the native plants listed in this section from  
29 seeds or by vegetative propagation are specifically permitted  
30 to sell these commercially grown plants and shall not be in  
31 violation of this section of the law if they do so, as it is

1 the intent of the law to preserve and encourage the growth of  
2 these native plants which are rapidly disappearing from the  
3 state.

4 Section 93. Section 161.36, Florida Statutes, is  
5 amended to read:

6 161.36 General powers of authority.--In order to most  
7 effectively carry out the purposes of this part, the board of  
8 county commissioners, as the county beach and shore  
9 preservation authority and as the governing body of each beach  
10 and shore preservation district established thereby, shall be  
11 possessed of broad powers to do all manner of things necessary  
12 or desirable in pursuance of this end; provided, however,  
13 nothing herein shall diminish or impair the regulatory  
14 authority of the Department of Environmental Protection  
15 ~~department or Division of Marine Resources~~ under part I of  
16 this chapter, or the Board of Trustees of the Internal  
17 Improvement Trust Fund under chapter 253. Such powers shall  
18 specifically include, but not be limited to, the following:

- 19 (1) To make contracts and enter into agreements;  
20 (2) To sue and be sued;  
21 (3) To acquire and hold lands and property by any  
22 lawful means;  
23 (4) To exercise the power of eminent domain;  
24 (5) To enter upon private property for purposes of  
25 making surveys, soundings, drillings and examinations, and  
26 such entry shall not be deemed a trespass;  
27 (6) To construct, acquire, operate and maintain works  
28 and facilities;  
29 (7) To make rules and regulations; and  
30 (8) To do any and all other things specified or  
31 implied in this part.

1 Section 94. Paragraph (f) of subsection (3) of section  
2 259.101, Florida Statutes, is amended to read:

3 259.101 Florida Preservation 2000 Act.--

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

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

29  
30 Local governments may use federal grants or loans, private  
31 donations, or environmental mitigation funds, including

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

26 Section 95. Subsection (2) of section 270.22, Florida  
27 Statutes, is amended to read:

28 270.22 Proceeds of state lands to go into Internal  
29 Improvement Trust Fund; exception.--

30 (2) Rental fees for aquaculture leases pursuant to s.  
31 253.71(2) shall be deposited into the General Inspection

1 ~~Marine Resources Conservation~~ Trust Fund of the Department of  
2 ~~Agriculture and Consumer Services Environmental Protection.~~  
3 Such fees generated by shellfish-related aquaculture leases  
4 shall be used for shellfish-related aquaculture activities,  
5 including research, lease compliance inspections, mapping, and  
6 siting.

7 Section 96. Paragraph (h) of subsection (5) of section  
8 288.109, Florida Statutes, is amended to read:

9 288.109 One-Stop Permitting System.--

10 (5) By January 1, 2001, the following state agencies,  
11 and the programs within such agencies which require the  
12 issuance of licenses, permits, and approvals to businesses,  
13 must also be integrated into the One-Stop Permitting System:

14 (h) The Fish and Wildlife Conservation ~~Game and~~  
15 ~~Freshwater Fish~~ Commission.

16 Section 97. Subsections (14) and (15) of section  
17 327.02, Florida Statutes, are amended to read:

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

22 (14) "Lien" means a security interest which is  
23 reserved or created by a written agreement recorded with the  
24 Department of Highway Safety and Motor Vehicles pursuant to s.  
25 328.15 which secures payment or performance of an obligation  
26 and is generally valid against third parties.

27 (15) "Lienholder" means a person holding a security  
28 interest in a vessel, which interest is recorded with the  
29 Department of Highway Safety and Motor Vehicles pursuant to s.  
30 328.15.

31

1           Section 98. Section 327.04, Florida Statutes, is  
2 amended to read:

3           327.04 Rules.--The commission ~~department~~ has authority  
4 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
5 implement the provisions of this chapter conferring powers or  
6 duties upon it.

7           Section 99. Subsections (3) and (4) of section 327.41,  
8 Florida Statutes, are amended to read:

9           327.41 Uniform waterway regulatory markers.--

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

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

21           Section 100. Subsection (2) of section 327.53, Florida  
22 Statutes, is amended to read:

23           327.53 Marine sanitation.--

24           (2)~~(a)~~ Every houseboat shall be equipped with at least  
25 one permanently installed toilet which shall be properly  
26 connected to a United States Coast Guard certified or labeled  
27 Type III marine sanitation device. If the toilet is  
28 simultaneously connected to both a Type III marine sanitation  
29 device and to another approved marine sanitation device, the  
30 valve or other mechanism selecting between the two marine  
31 sanitation devices shall be set to direct all sewage to the

1 Type III marine sanitation device and, while the vessel is on  
2 the waters of the state, shall be locked or otherwise secured  
3 by the boat operator, so as to prevent resetting.

4 ~~(b) A houseboat on which a Type I marine sanitation~~  
5 ~~device was installed before January 30, 1980, need not install~~  
6 ~~a Type III device until October 1, 1996. A houseboat on which~~  
7 ~~a Type II marine sanitation device was installed before July~~  
8 ~~1, 1994, need not install a Type III device until October 1,~~  
9 ~~1996.~~

10 Section 101. Subsection (4) of section 327.54, Florida  
11 Statutes, is amended to read:

12 327.54 Liveries; safety regulations; penalty.--

13 (4) A livery may not lease, hire, or rent a personal  
14 watercraft to any person who is under 16 years of age, nor may  
15 it lease, hire, or rent such watercraft or other vessel to any  
16 other person, unless the livery displays boating safety  
17 information about the safe and proper operation of vessels and  
18 requires a signature by the lessee that he or she has received  
19 instruction in the safe handling of the personal watercraft in  
20 compliance with standards established by the commission  
21 department.

22 Section 102. Subsection (15) of section 328.72,  
23 Florida Statutes, is amended to read:

24 328.72 Classification; registration; fees and charges;  
25 surcharge; disposition of fees; fines; marine turtle  
26 stickers.--

27 (15) DISTRIBUTION OF FEES.--Moneys deposited pursuant  
28 to s. 328.76 to be returned to the counties are for the sole  
29 purposes of providing recreational channel marking and public  
30 launching facilities and other boating-related activities, for  
31 removal of vessels and floating structures deemed a hazard to

1 public safety and health for failure to comply with s. 327.53,  
2 and for manatee and marine mammal protection and recovery.  
3 The commission ~~department~~ shall ascertain, as a guideline in  
4 determining the amounts of distributions each county may  
5 receive, the number of noncommercial vessels registered in the  
6 county during the preceding fiscal year according to the fee  
7 schedule provided in subsection (1) and shall promulgate rules  
8 to effectuate this. Each fiscal year, prior to determination  
9 of distributions to the counties under this section, an amount  
10 equal to \$1 for each vessel registered in this state shall be  
11 transferred to the Save the Manatee Trust Fund for manatee and  
12 marine mammal research, protection, and recovery.

13 Section 103. Subsections (6) and (12) of section  
14 373.4149, Florida Statutes, are amended to read:

15 373.4149 Miami-Dade County Lake Belt Plan.--

16 (6) The Miami-Dade County Lake Belt Plan  
17 Implementation Committee shall be appointed by the governing  
18 board of the South Florida Water Management District to  
19 develop a strategy for the design and implementation of the  
20 Miami-Dade County Lake Belt Plan. The committee shall consist  
21 of the chair of the governing board of the South Florida Water  
22 Management District, who shall serve as chair of the  
23 committee, the policy director of Environmental and Growth  
24 Management in the office of the Governor, the secretary of the  
25 Department of Environmental Protection, the director of the  
26 Division of Water Facilities or its successor division within  
27 the Department of Environmental Protection, the director of  
28 the Office of Tourism, Trade, and Economic Development within  
29 the office of the Governor, the secretary of the Department of  
30 Community Affairs, the Executive Director of the Fish and  
31 Wildlife Conservation ~~Game and Freshwater Fish~~ Commission, the



1 director of the Department of Environmental Resource  
2 Management of Miami-Dade County, the director of the  
3 Miami-Dade County Water and Sewer Department, the Director of  
4 Planning in Miami-Dade County, a representative of the Friends  
5 of the Everglades, a representative of the Florida Audubon  
6 Society, a representative of the Florida chapter of the Sierra  
7 Club, four representatives of the nonmining private landowners  
8 within the Miami-Dade County Lake Belt Area, and four  
9 representatives from the limestone mining industry to be  
10 appointed by the governing board of the South Florida Water  
11 Management District. Two ex officio seats on the committee  
12 will be filled by one member of the Florida House of  
13 Representatives to be selected by the Speaker of the House of  
14 Representatives from among representatives whose districts, or  
15 some portion of whose districts, are included within the  
16 geographical scope of the committee as described in subsection  
17 (3), and one member of the Florida Senate to be selected by  
18 the President of the Senate from among senators whose  
19 districts, or some portion of whose districts, are included  
20 within the geographical scope of the committee as described in  
21 subsection (3). The committee may appoint other ex officio  
22 members, as needed, by a majority vote of all committee  
23 members. A committee member may designate in writing an  
24 alternate member who, in the member's absence, may participate  
25 and vote in committee meetings.

26 (12) The secretary of the Department of Environmental  
27 Protection, the secretary of the Department of Community  
28 Affairs, the secretary of the Department of Transportation,  
29 the Commissioner of Agriculture, the Executive Director of the  
30 Fish and Wildlife Conservation ~~Game and Freshwater Fish~~  
31 Commission, and the executive director of the South Florida

1 Water Management District may enter into agreements with  
2 landowners, developers, businesses, industries, individuals,  
3 and governmental agencies as necessary to effectuate the  
4 provisions of this section.

5 Section 104. Paragraph (b) of subsection (6) of  
6 section 373.41492, Florida Statutes, is amended to read:

7 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
8 mitigation for mining activities within the Miami-Dade County  
9 Lake Belt.--

10 (6)

11 (b) Expenditures must be approved by an interagency  
12 committee consisting of representatives from each of the  
13 following: the Miami-Dade County Department of Environmental  
14 Resource Management, the Department of Environmental  
15 Protection, the South Florida Water Management District, and  
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission. In addition, the limerock mining industry shall  
18 select a representative to serve as a nonvoting member of the  
19 interagency committee. At the discretion of the committee,  
20 additional members may be added to represent federal  
21 regulatory, environmental, and fish and wildlife agencies.

22 Section 105. Subsection (3) of section 403.141,  
23 Florida Statutes, is amended to read:

24 403.141 Civil liability; joint and several  
25 liability.--

26 (3) In assessing damages for fish killed, the value of  
27 the fish is to be determined in accordance with a table of  
28 values for individual categories of fish which shall be  
29 promulgated by the department. At the time the table is  
30 adopted, the department shall utilize tables of values  
31 established by the Department of Environmental Protection and

1 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
2 Commission. The total number of fish killed may be estimated  
3 by standard practices used in estimating fish population.

4 Section 106. Paragraph (b) of subsection (1) of  
5 section 570.235, Florida Statutes, is amended to read:

6 570.235 Pest Exclusion Advisory Committee.--

7 (1) There is created within the department a Pest  
8 Exclusion Advisory Committee. The advisory committee shall be  
9 composed of 24 members.

10 (b) In addition, the committee shall be composed of  
11 the following 7 members:

12 1. Two members representing and appointed by the  
13 Animal and Plant Health Inspection Service, United States  
14 Department of Agriculture.

15 2. One member representing and appointed by the  
16 Florida Department of Health.

17 3. One member representing and appointed by the  
18 Florida Department of Environmental Protection.

19 4. One member representing and appointed by the Fish  
20 and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
21 Commission.

22 5. One member appointed by the Speaker of the House of  
23 Representatives.

24 6. One member appointed by the President of the  
25 Senate.

26 Section 107. Paragraph (e) of subsection (7) of  
27 section 590.02, Florida Statutes, is amended to read:

28 590.02 Division powers, authority, and duties;  
29 liability; building structures; Florida Center for Wildfire  
30 and Forest Resources Management Training.--

31

1           (7) The division may organize, staff, equip, and  
2 operate the Florida Center for Wildfire and Forest Resources  
3 Management Training. The center shall serve as a site where  
4 fire and forest resource managers can obtain current  
5 knowledge, techniques, skills, and theory as they relate to  
6 their respective disciplines.

7           (e) An advisory committee consisting of the following  
8 individuals or their designees must review program curriculum,  
9 course content, and scheduling: the Director of the Florida  
10 Division of Forestry; the Assistant Director of the Florida  
11 Division of Forestry; the Director of the School of Forest  
12 Resources and Conservation of the University of Florida; the  
13 Director of the Division of Recreation and Parks of the  
14 Department of Environmental Protection; the Director of the  
15 Division of the State Fire Marshal; the Director of the  
16 Florida Chapter of The Nature Conservancy; the Executive Vice  
17 President of the Florida Forestry Association; the President  
18 of the Florida Farm Bureau Federation; the Executive Director  
19 of the Fish and Wildlife Conservation ~~Florida Game and Fresh~~  
20 ~~Water Fish~~ Commission; the Executive Director of a Water  
21 Management District as appointed by the Commissioner of  
22 Agriculture; the Supervisor of the National Forests in  
23 Florida; the President of the Florida Fire Chief's  
24 Association; and the Executive Director of the Tall Timbers  
25 Research Station.

26           Section 108. Paragraph (b) of subsection (5) of  
27 section 597.004, Florida Statutes, is amended to read:

28           597.004 Aquaculture certificate of registration.--

29           (5) SALE OF AQUACULTURE PRODUCTS.--

30           (b) Aquaculture shellfish must be sold and handled in  
31 accordance with shellfish handling regulations of the

1 Department of Agriculture and Consumer Services ~~Environmental~~  
2 ~~Protection~~ established to protect public health.

3 Section 109. Paragraph (kk) of subsection (7) of  
4 section 212.08, Florida Statutes, is amended to read:

5 212.08 Sales, rental, use, consumption, distribution,  
6 and storage tax; specified exemptions.--The sale at retail,  
7 the rental, the use, the consumption, the distribution, and  
8 the storage to be used or consumed in this state of the  
9 following are hereby specifically exempt from the tax imposed  
10 by this chapter.

11 (7) MISCELLANEOUS EXEMPTIONS.--

12 (kk) Citizen support organizations.--Beginning July 1,  
13 1996, nonprofit organizations that are incorporated under  
14 chapter 617 or hold a current exemption from federal corporate  
15 income tax under s. 501(c)(3) of the Internal Revenue Code, as  
16 amended, and that have been designated citizen support  
17 organizations in support of state-funded environmental  
18 programs or the management of state-owned lands in accordance  
19 with s. 20.2551 ~~370.0205~~, or to support one or more state  
20 parks in accordance with s. 258.015 are exempt from the tax  
21 imposed by this chapter.

22 Section 110. Paragraph (b) of subsection (4) of  
23 section 323.001, Florida Statutes, is amended to read:

24 323.001 Wrecker operator storage facilities; vehicle  
25 holds.--

26 (4) The requirements for a written hold apply when the  
27 following conditions are present:

28 (b) The officer has probable cause to believe the  
29 vehicle should be seized and forfeited under s. 370.442  
30 ~~372.312~~;

31

1           Section 111. Subsection (3) of section 705.101,  
2 Florida Statutes, is amended to read:

3           705.101 Definitions.--As used in this chapter:

4           (3) "Abandoned property" means all tangible personal  
5 property which does not have an identifiable owner and which  
6 has been disposed on public property in a wrecked,  
7 inoperative, or partially dismantled condition or which has no  
8 apparent intrinsic value to the rightful owner. However,  
9 vessels determined to be derelict by the Fish and Wildlife  
10 Conservation Commission ~~Department of Environmental Protection~~  
11 or a county or municipality in accordance with the provisions  
12 of s. 823.11 shall not be included in this definition.

13           Section 112. Subsections (2) and (4) of section  
14 705.103, Florida Statutes, are amended to read:

15           705.103 Procedure for abandoned or lost property.--

16           (2) Whenever a law enforcement officer ascertains that  
17 an article of lost or abandoned property is present on public  
18 property and is of such nature that it cannot be easily  
19 removed, the officer shall cause a notice to be placed upon  
20 such article in substantially the following form:

21  
22 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
23 PROPERTY. This property, to wit: ...(setting forth brief  
24 description)... is unlawfully upon public property known as  
25 ...(setting forth brief description of location)... and must  
26 be removed within 5 days; otherwise, it will be removed and  
27 disposed of pursuant to chapter 705, Florida Statutes. The  
28 owner will be liable for the costs of removal, storage, and  
29 publication of notice. Dated this: ...(setting forth the date  
30 of posting of notice)..., signed: ...(setting forth name,  
31

1 title, address, and telephone number of law enforcement  
2 officer)....  
3  
4 Such notice shall be not less than 8 inches by 10 inches and  
5 shall be sufficiently weatherproof to withstand normal  
6 exposure to the elements. In addition to posting, the law  
7 enforcement officer shall make a reasonable effort to  
8 ascertain the name and address of the owner. If such is  
9 reasonably available to the officer, she or he shall mail a  
10 copy of such notice to the owner on or before the date of  
11 posting. If the property is a motor vehicle as defined in s.  
12 320.01(1) or a vessel as defined in s. 327.02, the law  
13 enforcement agency shall contact the Department of Highway  
14 Safety and Motor Vehicles ~~or the Department of Environmental~~  
15 ~~Protection, respectively,~~ in order to determine the name and  
16 address of the owner and any person who has filed a lien on  
17 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
18 328.15(1). On receipt of this information, the law enforcement  
19 agency shall mail a copy of the notice by certified mail,  
20 return receipt requested, to the owner and to the lienholder,  
21 if any. If, at the end of 5 days after posting the notice and  
22 mailing such notice, if required, the owner or any person  
23 interested in the lost or abandoned article or articles  
24 described has not removed the article or articles from public  
25 property or shown reasonable cause for failure to do so, the  
26 following shall apply:  
27       (a) For abandoned property, the law enforcement agency  
28 may retain any or all of the property for its own use or for  
29 use by the state or unit of local government, trade such  
30 property to another unit of local government or state agency,  
31

1 donate the property to a charitable organization, sell the  
2 property, or notify the appropriate refuse removal service.

3 (b) For lost property, the officer shall take custody  
4 and the agency shall retain custody of the property for 90  
5 days. The agency shall publish notice of the intended  
6 disposition of the property, as provided in this section,  
7 during the first 45 days of this time period.

8 1. If the agency elects to retain the property for use  
9 by the unit of government, donate the property to a charitable  
10 organization, surrender such property to the finder, sell the  
11 property, or trade the property to another unit of local  
12 government or state agency, notice of such election shall be  
13 given by an advertisement published once a week for 2  
14 consecutive weeks in a newspaper of general circulation in the  
15 county where the property was found if the value of the  
16 property is more than \$100. If the value of the property is  
17 \$100 or less, notice shall be given by posting a description  
18 of the property at the law enforcement agency where the  
19 property was turned in. The notice must be posted for not less  
20 than 2 consecutive weeks in a public place designated by the  
21 law enforcement agency. The notice must describe the property  
22 in a manner reasonably adequate to permit the rightful owner  
23 of the property to claim it.

24 2. If the agency elects to sell the property, it must  
25 do so at public sale by competitive bidding. Notice of the  
26 time and place of the sale shall be given by an advertisement  
27 of the sale published once a week for 2 consecutive weeks in a  
28 newspaper of general circulation in the county where the sale  
29 is to be held. The notice shall include a statement that the  
30 sale shall be subject to any and all liens. The sale must be  
31 held at the nearest suitable place to that where the lost or



1 abandoned property is held or stored. The advertisement must  
2 include a description of the goods and the time and place of  
3 the sale. The sale may take place no earlier than 10 days  
4 after the final publication. If there is no newspaper of  
5 general circulation in the county where the sale is to be  
6 held, the advertisement shall be posted at the door of the  
7 courthouse and at three other public places in the county at  
8 least 10 days prior to sale. Notice of the agency's intended  
9 disposition shall describe the property in a manner reasonably  
10 adequate to permit the rightful owner of the property to  
11 identify it.

12 (4) The owner of any abandoned or lost property who,  
13 after notice as provided in this section, does not remove such  
14 property within the specified period shall be liable to the  
15 law enforcement agency for all costs of removal, storage, and  
16 destruction of such property, less any salvage value obtained  
17 by disposal of the property. Upon final disposition of the  
18 property, the law enforcement officer shall notify the owner,  
19 if known, of the amount owed. In the case of an abandoned boat  
20 or motor vehicle, any person who neglects or refuses to pay  
21 such amount is not entitled to be issued a certificate of  
22 registration for such boat or motor vehicle, or any other boat  
23 or motor vehicle, until such costs have been paid. The law  
24 enforcement officer shall supply the Department of Highway  
25 Safety and Motor Vehicles ~~Environmental Protection~~ with a list  
26 of persons whose boat registration privileges have been  
27 revoked under this subsection or ~~and the Department of Motor~~  
28 ~~Vehicles with a list of persons~~ whose motor vehicle privileges  
29 have been revoked under this subsection. Neither the  
30 department nor any other person acting as agent thereof shall  
31 issue a certificate of registration to a person whose boat or

1 motor vehicle registration privileges have been revoked, as  
2 provided by this subsection, until such costs have been paid.

3 Section 113. Paragraph (f) of subsection (2) of  
4 section 810.09, Florida Statutes, is amended to read:

5 810.09 Trespass on property other than structure or  
6 conveyance.--

7 (2)

8 (f) Any person who in taking or attempting to take any  
9 animal described in s. 372.001(5) or (6)~~(3)~~ or ~~(4)~~, or in  
10 killing, attempting to kill, or endangering any animal  
11 described in s. 585.01(13) knowingly propels or causes to be  
12 propelled any potentially lethal projectile over or across  
13 private land without authorization commits trespass, a felony  
14 of the third degree, punishable as provided in s. 775.082, s.  
15 775.083, or s. 775.084. For purposes of this paragraph, the  
16 term "potentially lethal projectile" includes any projectile  
17 launched from any firearm, bow, crossbow, or similar tensile  
18 device. This section shall not apply to any governmental  
19 agent or employee acting within the scope of his or her  
20 official duties.

21 Section 114. Subsection (1) of section 832.06, Florida  
22 Statutes, is amended to read:

23 832.06 Prosecution for worthless checks given tax  
24 collector for licenses or taxes; refunds.--

25 (1) Whenever any person, firm, or corporation violates  
26 the provisions of s. 832.05 by drawing, making, uttering,  
27 issuing, or delivering to any county tax collector any check,  
28 draft, or other written order on any bank or depository for  
29 the payment of money or its equivalent for any tag, title,  
30 lien, tax (except ad valorem taxes), penalty, or fee relative  
31 to a boat, airplane, motor vehicle, driver license, or

1 identification card; any occupational license, beverage  
2 license, or sales or use tax; or any hunting or fishing  
3 license, the county tax collector, after the exercise of due  
4 diligence to locate the person, firm, or corporation which  
5 drew, made, uttered, issued, or delivered the check, draft, or  
6 other written order for the payment of money, or to collect  
7 the same by the exercise of due diligence and prudence, shall  
8 swear out a complaint in the proper court against the person,  
9 firm, or corporation for the issuance of the worthless check  
10 or draft. If the state attorney cannot sign the information  
11 due to lack of proof, as determined by the state attorney in  
12 good faith, for a prima facie case in court, he or she shall  
13 issue a certificate so stating to the tax collector. If  
14 payment of the dishonored check, draft, or other written  
15 order, together with court costs expended, is not received in  
16 full by the county tax collector within 30 days after service  
17 of the warrant, 30 days after conviction, or 60 days after the  
18 collector swears out the complaint or receives the certificate  
19 of the state attorney, whichever is first, the county tax  
20 collector shall make a written report to this effect to the  
21 Department of Highway Safety and Motor Vehicles relative to  
22 motor vehicles and vessels, to the Department of Revenue  
23 relative to occupational licenses and the sales and use tax,  
24 to the Division of Alcoholic Beverages and Tobacco of the  
25 Department of Business and Professional Regulation relative to  
26 beverage licenses, or to the Fish and Wildlife Conservation  
27 ~~Game and Fresh Water Fish~~ Commission relative to hunting and  
28 fishing licenses, containing a statement of the amount  
29 remaining unpaid on the worthless check or draft. If the  
30 information is not signed, the certificate of the state  
31 attorney is issued, and the written report of the amount

1 remaining unpaid is made, the county tax collector may request  
2 the sum be forthwith refunded by the appropriate governmental  
3 entity, agency, or department. If a warrant has been issued  
4 and served, he or she shall certify to that effect, together  
5 with the court costs and amount remaining unpaid on the check.  
6 The county tax collector may request that the sum of money  
7 certified by him or her be forthwith refunded by the  
8 Department of Highway Safety and Motor Vehicles, the  
9 Department of Revenue, the Division of Alcoholic Beverages and  
10 Tobacco of the Department of Business and Professional  
11 Regulation, or the Fish and Wildlife Conservation ~~Game and~~  
12 ~~Fresh Water Fish~~ Commission to the county tax collector.  
13 Within 30 days after receipt of the request, the Department of  
14 Highway Safety and Motor Vehicles, the Department of Revenue,  
15 the Division of Alcoholic Beverages and Tobacco of the  
16 Department of Business and Professional Regulation, or the  
17 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
18 Commission, upon being satisfied as to the correctness of the  
19 certificate of the tax collector, or the report, shall refund  
20 to the county tax collector the sums of money so certified or  
21 reported. If any officer of any court issuing the warrant is  
22 unable to serve it within 60 days after the issuance and  
23 delivery of it to the officer for service, the officer shall  
24 make a written return to the county tax collector to this  
25 effect. Thereafter, the county tax collector may certify that  
26 the warrant has been issued and that service has not been had  
27 upon the defendant and further certify the amount of the  
28 worthless check or draft and the amount of court costs  
29 expended by the county tax collector, and the county tax  
30 collector may file the certificate with the Department of  
31 Highway Safety and Motor Vehicles relative to motor vehicles

1 and vessels, with the Department of Revenue relative to  
2 occupational licenses and the sales and use tax, with the  
3 Division of Alcoholic Beverages and Tobacco of the Department  
4 of Business and Professional Regulation relative to beverage  
5 licenses, or with the Fish and Wildlife Conservation ~~Game and~~  
6 ~~Fresh Water Fish~~ Commission relative to hunting and fishing  
7 licenses, together with a request that the sums of money so  
8 certified be forthwith refunded by the Department of Highway  
9 Safety and Motor Vehicles, the Department of Revenue, the  
10 Division of Alcoholic Beverages and Tobacco of the Department  
11 of Business and Professional Regulation, or the Fish and  
12 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to  
13 the county tax collector, and within 30 days after receipt of  
14 the request, the Department of Highway Safety and Motor  
15 Vehicles, the Department of Revenue, the Division of Alcoholic  
16 Beverages and Tobacco of the Department of Business and  
17 Professional Regulation, or the Fish and Wildlife Conservation  
18 ~~Game and Fresh Water Fish~~ Commission, upon being satisfied as  
19 to the correctness of the certificate, shall refund the sums  
20 of money so certified to the county tax collector.

21 Section 115. Paragraph (e) of subsection (5) of  
22 section 932.7055, Florida Statutes, is amended to read:

23 932.7055 Disposition of liens and forfeited  
24 property.--

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

28 (e) The Fish and Wildlife Conservation Commission, the  
29 proceeds accrued pursuant to the provisions of the Florida  
30 Contraband Forfeiture Act shall be deposited into the State  
31 Game Trust Fund as provided in ss. 372.73, 372.9901, and

1 370.731 ~~372.9904~~, into the Marine Resources Conservation Trust  
2 Fund as provided in s. 370.061, or into the commission's  
3 Federal Law Enforcement Trust Fund as provided in s. 372.107,  
4 as applicable.

5 Section 116. Sections 370.013, 370.017, 370.032,  
6 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606,  
7 370.0805, 372.04, 372.061, 373.197, 403.261, and subsection  
8 (12) of section 370.14, Florida Statutes, are repealed.

9 Section 117. This act shall take effect upon becoming  
10 a law.

11 \*\*\*\*\*

12 HOUSE SUMMARY

13  
14 Amends, transfers, and revises provisions of law relating  
15 to wildlife and freshwater fish to reorganize the  
16 statutes to provide for the authority of the Fish and  
17 Wildlife Conservation Commission. See bill for details.