

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Alexander offered the following:

12

13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause

15

16 and insert in lieu thereof:

17

18 Section 1. Section 20.255, Florida Statutes, is amended to read:

19

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

21

22 (1) The head of the Department of Environmental Protection shall be a secretary, who shall be appointed by the Governor, with the concurrence of three or more members of the Cabinet. The secretary shall be confirmed by the Florida Senate. The secretary shall serve at the pleasure of the Governor.

23

24 (2)(a) There shall be three ~~two~~ deputy secretaries ~~and an executive coordinator for ecosystem management~~ who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign any ~~either~~ deputy secretary the responsibility to supervise, coordinate, and

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1 formulate policy for any division, office, or district. The
2 following special offices are established and headed by
3 managers, each of whom is to be appointed by and serve at the
4 pleasure of the secretary:

5 1. Office of Chief of Staff,

6 ~~2.1. Office of General Counsel,~~

7 ~~3.2. Office of Inspector General,~~

8 ~~4.3. Office of External Affairs Communication, the~~
9 ~~latter including public information, legislative liaison,~~
10 ~~cabinet liaison, and special projects,~~

11 ~~4. Office of Water Policy,~~

12 5. Office of Legislative and Government Affairs, and
13 Intergovernmental Programs,

14 ~~6. Office of Ecosystem Planning and Coordination,~~

15 ~~7. Office of Environmental Education, and an~~

16 6.8. Office of Greenways and Trails.

17 ~~(b) The executive coordinator for ecosystem management~~
18 ~~shall coordinate policy within the department to assure the~~
19 ~~implementation of the ecosystem management provisions of~~
20 ~~chapter 93-213, Laws of Florida. The executive coordinator for~~
21 ~~ecosystem management shall supervise only the Office of Water~~
22 ~~Policy, the Office of Intergovernmental Programs, the Office~~
23 ~~of Ecosystem Planning and Coordination, and the Office of~~
24 ~~Environmental Education. The executive coordinator for~~
25 ~~ecosystem management may also be delegated authority by the~~
26 ~~secretary to act on behalf of the secretary; this authority~~
27 ~~may include the responsibility to oversee the inland~~
28 ~~navigation districts.~~

29 ~~(c) The other special offices not supervised by the~~
30 ~~executive coordinator for ecosystem management shall report to~~
31 ~~the secretary; however, the secretary may assign them, for~~

1 ~~daily coordination purposes, to report through a senior~~
2 ~~manager other than the secretary.~~

3 (b)~~(d)~~ There shall be six administrative districts
4 involved in regulatory matters of waste management, water
5 resource management facilities, wetlands, and air resources,
6 which shall be headed by managers, each of whom is to be
7 appointed by and serve at the pleasure of the secretary.
8 Divisions of the department may have one assistant or two
9 deputy division directors, as required to facilitate effective
10 operation.

11
12 The managers of all divisions and offices specifically named
13 in this section and the directors of the six administrative
14 districts are exempt from part II of chapter 110 and are
15 included in the Senior Management Service in accordance with
16 s. 110.205(2)(i). ~~No other deputy secretaries or senior~~
17 ~~management positions at or above the division level, except~~
18 ~~those established in chapter 110, may be created without~~
19 ~~specific legislative authority.~~

20 (3) The following divisions of the Department of
21 Environmental Protection are established:

- 22 (a) Division of Administrative Services.
- 23 (b) Division of Air Resource Management.
- 24 (c) Division of Water Resource Management.
- 25 (d) Division of Law Enforcement.
- 26 (e) Division of Resource Assessment and Management.
- 27 (f) Division of Waste Management.
- 28 (g) Division of Recreation and Parks.
- 29 (h) Division of State Lands, the director of which is
30 to be appointed by the secretary of the department, subject to
31 confirmation by the Governor and Cabinet sitting as the Board

1 of Trustees of the Internal Improvement Trust Fund.

2
3 In order to ensure statewide and intradepartmental
4 consistency, the department's divisions shall direct the
5 district offices and bureaus on matters of interpretation and
6 applicability of the department's rules and programs.~~All of~~
7 ~~the existing legal authorities and actions of the Department~~
8 ~~of Environmental Regulation and the Department of Natural~~
9 ~~Resources are transferred to the Department of Environmental~~
10 ~~Protection, including, but not limited to, all pending and~~
11 ~~completed actions on orders and rules, all enforcement~~
12 ~~matters, and all delegations, interagency agreements, and~~
13 ~~contracts with federal, state, regional, and local~~
14 ~~governments, and private entities.~~

15 ~~(4) The secretary of the Department of Environmental~~
16 ~~Protection is vested with the authority to take agency action~~
17 ~~under laws in effect on or before the effective date of this~~
18 ~~act, including those actions which were within the purview of~~
19 ~~the Governor and Cabinet. However, the existing functions of~~
20 ~~the Governor and Cabinet, sitting as the Siting Board as set~~
21 ~~forth in part II of chapter 403, reviewing stricter than~~
22 ~~federal standards of the Environmental Regulatory Commission~~
23 ~~as set forth in s. 403.804, siting a multipurpose hazardous~~
24 ~~waste facility as set forth in part IV of chapter 403, or~~
25 ~~certifying an industrial project as set forth in part IV of~~
26 ~~chapter 288, shall not be transferred to the Secretary of~~
27 ~~Environmental Protection, and nothing herein shall be~~
28 ~~construed to change any such function of the Governor and~~
29 ~~Cabinet.~~

30 ~~(5) Except for those orders reviewable as provided in~~
31 ~~s. 373.4275, the Governor and Cabinet, sitting as the Land and~~

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1 ~~Water Adjudicatory Commission, has the exclusive authority to~~
2 ~~review any order or rule of the department which, prior to~~
3 ~~July 1, 1994, the Governor and Cabinet, as head of the~~
4 ~~Department of Natural Resources, had authority to issue or~~
5 ~~promulgate, other than a rule or order relating to an internal~~
6 ~~procedure of the department.~~

7 ~~(a) Such review may be initiated by a party to the~~
8 ~~proceeding by filing a request for review with the Land and~~
9 ~~Water Adjudicatory Commission and serving a copy on the~~
10 ~~department and on any person named in the rule or order within~~
11 ~~20 days after adoption of the rule or the rendering of the~~
12 ~~order. Where a proceeding on an order has been initiated~~
13 ~~pursuant to ss. 120.569 and 120.57, such review shall be~~
14 ~~initiated within 20 days after the department has taken final~~
15 ~~agency action in the proceeding. The request for review may be~~
16 ~~accepted by any member of the commission. For the purposes of~~
17 ~~this section, the term "party" shall mean any affected person~~
18 ~~who submitted oral or written testimony, sworn or unsworn, to~~
19 ~~the department of a substantive nature which stated, with~~
20 ~~particularity, objections to or support for the rule or order~~
21 ~~that are cognizable within the scope of the provisions and~~
22 ~~purposes of the applicable statutory provisions, or any person~~
23 ~~who participated as a party in a proceeding instituted~~
24 ~~pursuant to chapter 120.~~

25 ~~(b) Review by the Land and Water Adjudicatory~~
26 ~~Commission is appellate in nature and shall be based on the~~
27 ~~record below. The matter shall be heard by the commission not~~
28 ~~more than 60 days after receipt of the request for review.~~

29 ~~(c) If the Land and Water Adjudicatory Commission~~
30 ~~determines that a rule or order is not consistent with the~~
31 ~~provisions and purposes of this chapter, it may, in the case~~

1 ~~of a rule, require the department to initiate rulemaking~~
2 ~~proceedings to amend or repeal the rule or, in the case of an~~
3 ~~order, rescind or modify the order or remand the proceeding to~~
4 ~~the department for further action consistent with the order of~~
5 ~~the Land and Water Adjudicatory Commission.~~

6 ~~(d) A request for review under this section shall not~~
7 ~~be a precondition to the seeking of judicial review pursuant~~
8 ~~to s. 120.68, or the seeking of an administrative~~
9 ~~determination of rule validity pursuant to s. 120.56.~~

10
11 ~~The Land and Water Adjudicatory Commission may adopt rules~~
12 ~~setting forth its procedures for reviewing orders or rules of~~
13 ~~the department consistent with the provisions of this section.~~

14 ~~(6) The following divisions of the Department of~~
15 ~~Environmental Protection are established:~~

16 ~~(a) Division of Administrative and Technical Services.~~

17 ~~(b) Division of Air Resource Management.~~

18 ~~(c) Division of Water Resource Management.~~

19 ~~(d) Division of Law Enforcement.~~

20 ~~(e) Division of Resource Assessment and Management.~~

21 ~~(f) Division of Waste Management.~~

22 ~~(g) Division of Recreation and Parks.~~

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

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

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1 ~~(4)(7)~~ Law enforcement officers of the Department of
2 Environmental Protection who meet the provisions of s. 943.13
3 are constituted law enforcement officers of this state with
4 full power to investigate and arrest for any violation of the
5 laws of this state, and the rules of the department and the
6 Board of Trustees of the Internal Improvement Trust Fund. The
7 general laws applicable to investigations, searches, and
8 arrests by peace officers of this state apply to such law
9 enforcement officers.

10 ~~(5)(8)~~ Records and documents of the Department of
11 Environmental Protection shall be retained by the department
12 as specified in record retention schedules established under
13 the general provisions of chapters 119 and 257. Further, the
14 department is authorized to:

15 (a) Destroy, or otherwise dispose of, those records
16 and documents in conformity with the approved retention
17 schedules.

18 (b) Photograph, microphotograph, or reproduce such
19 records and documents on film, as authorized and directed by
20 the approved retention schedules, whereby each page will be
21 exposed in exact conformity with the original records and
22 documents retained in compliance with the provisions of this
23 section. Photographs or microphotographs in the form of film
24 or print of any records, made in compliance with the
25 provisions of this section, shall have the same force and
26 effect as the originals thereof would have and shall be
27 treated as originals for the purpose of their admissibility in
28 evidence. Duly certified or authenticated reproductions of
29 such photographs or microphotographs shall be admitted in
30 evidence equally with the original photographs or
31 microphotographs. The impression of the seal of the Department

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1 of Environmental Protection on a certificate made by the
2 department and signed by the Secretary of Environmental
3 Protection entitles the certificate to be received in all
4 courts and in all proceedings in this state and is prima facie
5 evidence of all factual matters set forth in the certificate.
6 A certificate may relate to one or more records as set forth
7 in the certificate or in a schedule attached to the
8 certificate.

9 ~~(6)(9)~~ The Department of Environmental Protection may
10 require that bond be given by any employee of the department,
11 payable to the Governor of the state and the Governor's
12 successor in office, for the use and benefit of those whom it
13 concerns, in such penal sums and with such good and sufficient
14 surety or sureties as are approved by the department,
15 conditioned upon the faithful performance of the duties of the
16 employee.

17 ~~(7)(10)~~ There is created as a part of the Department
18 of Environmental Protection an Environmental Regulation
19 Commission. The commission shall be composed of seven
20 residents of this state appointed by the Governor, subject to
21 confirmation by the Senate. The commission shall include one,
22 but not more than two, members from each water management
23 district who have resided in the district for at least 1 year,
24 and the remainder shall be selected from the state at
25 large. Membership shall be representative of agriculture, the
26 development industry, local government, the environmental
27 community, lay citizens, and members of the scientific and
28 technical community who have substantial expertise in the
29 areas of the fate and transport of water pollutants,
30 toxicology, epidemiology, geology, biology, environmental
31 sciences, or engineering. The Governor shall appoint the

1 chair, and the vice chair shall be elected from among the
2 membership. The members serving on the commission on July 1,
3 1995, shall continue to serve on the commission for the
4 remainder of their current terms. All appointments thereafter
5 shall continue to be for 4-year terms. The Governor may at any
6 time fill a vacancy for the unexpired term. The members of the
7 commission shall serve without compensation, but shall be paid
8 travel and per diem as provided in s. 112.061 while in the
9 performance of their official duties. Administrative,
10 personnel, and other support services necessary for the
11 commission shall be furnished by the department.

12 Section 2. Section 370.0205, Florida Statutes, is
13 transferred and renumbered as section 20.2551, Florida
14 Statutes.

15 Section 3. Paragraph (c) of subsection (6) of section
16 20.331, Florida Statutes, is amended to read:

17 20.331 Fish and Wildlife Conservation Commission.--

18 (6)

19 (c) The commission shall follow the provisions of
20 chapter 120 when adopting rules ~~shall be accorded to any party~~
21 ~~whose substantial interests will be affected by any action of~~
22 ~~the commission~~ in the performance of its statutory duties or
23 responsibilities. For purposes of this subsection, statutory
24 duties or responsibilities include, but are not limited to,
25 the following:

26 1. Research and management responsibilities for marine
27 species listed as endangered, threatened, or of special
28 concern, including, but not limited to, manatees and marine
29 turtles;

30 2. Establishment and enforcement of boating safety
31 regulations;

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- 1 3. Land acquisition ~~and management~~;
- 2 4. Enforcement and collection of fees for all
- 3 recreational and commercial hunting or fishing licenses or
- 4 permits;
- 5 5. Aquatic plant removal ~~and management~~ using fish as
- 6 a biological control agent;
- 7 6. Enforcement of penalties for violations of
- 8 commission rules, including, but not limited to, the seizure
- 9 and forfeiture of vessels and other equipment used to commit
- 10 those violations;
- 11 7. Establishment of free fishing days;
- 12 8. Regulation of off-road vehicles on state lands;
- 13 9. Establishment and coordination of a statewide
- 14 hunter safety course;
- 15 10. Establishment of programs and activities to
- 16 develop and distribute public education materials;
- 17 11. Police powers of wildlife and marine officers;
- 18 12. Establishment of citizen support organizations to
- 19 provide assistance, funding, and promotional support for
- 20 programs of the commission;
- 21 13. Creation of the Voluntary Authorized Hunter
- 22 Identification Program; and
- 23 14. Regulation of required clothing of persons hunting
- 24 deer.
- 25 (d) The commission is directed to provide a report on
- 26 the development and implementation of its adequate due process
- 27 provisions to the President of the Senate, the Speaker of the
- 28 House of Representatives, and the appropriate substantive
- 29 committees of the House of Representatives and the Senate no
- 30 later than December 1, 1999.

31 Section 4. Section 161.031, Florida Statutes, is

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1 amended to read:

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

13 Section 5. Section 161.36, Florida Statutes, is
14 amended to read:

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

- 28 (1) To make contracts and enter into agreements;
29 (2) To sue and be sued;
30 (3) To acquire and hold lands and property by any
31 lawful means;

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- 1 (4) To exercise the power of eminent domain;
- 2 (5) To enter upon private property for purposes of
- 3 making surveys, soundings, drillings and examinations, and
- 4 such entry shall not be deemed a trespass;
- 5 (6) To construct, acquire, operate and maintain works
- 6 and facilities;
- 7 (7) To make rules and regulations; and
- 8 (8) To do any and all other things specified or
- 9 implied in this part.

10 Section 6. Paragraph (kk) of subsection (7) of section

11 212.08, Florida Statutes, is amended to read:

12 212.08 Sales, rental, use, consumption, distribution,

13 and storage tax; specified exemptions.--The sale at retail,

14 the rental, the use, the consumption, the distribution, and

15 the storage to be used or consumed in this state of the

16 following are hereby specifically exempt from the tax imposed

17 by this chapter.

18 (7) MISCELLANEOUS EXEMPTIONS.--

19 (kk) Citizen support organizations.--Beginning July 1,

20 1996, nonprofit organizations that are incorporated under

21 chapter 617 or hold a current exemption from federal corporate

22 income tax under s. 501(c)(3) of the Internal Revenue Code, as

23 amended, and that have been designated citizen support

24 organizations in support of state-funded environmental

25 programs or the management of state-owned lands in accordance

26 with s.20.2551 ~~s. 370.0205~~, or to support one or more state

27 parks in accordance with s. 258.015 are exempt from the tax

28 imposed by

29 Section 7. Paragraph (f) of subsection (3) of section

30 259.101, Florida Statutes, is amended to read:

31 259.101 Florida Preservation 2000 Act.--

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

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

26 Section 8. Subsection (5) of section 288.109, Florida
27 Statutes, is amended to read:

28 288.109 One-Stop Permitting System.--

29 (5) By January 1, 2001, the following state agencies,
30 and the programs within such agencies which require the
31 issuance of licenses, permits, and approvals to businesses,

1 must also be integrated into the One-Stop Permitting System:

2 (a) The Department of Agriculture and Consumer
3 Services.

4 (b) The Department of Business and Professional
5 Regulation.

6 (c) The Department of Health.

7 (d) The Department of Insurance.

8 (e) The Department of Labor.

9 (f) The Department of Revenue.

10 (g) The Department of State.

11 (h) The Fish and Wildlife Conservation ~~Game and~~
12 ~~Freshwater Fish~~ Commission.

13 (i) Other state agencies.

14 Section 9. Paragraph (b) of subsection (4) of section
15 323.001, Florida Statutes, is amended to read:

16 323.001 Wrecker operator storage facilities; vehicle
17 holds.--

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

20 (b) The officer has probable cause to believe the
21 vehicle should be seized and forfeited under s. 370.442
22 ~~372.312~~;

23 Section 10. Subsection (1) of section 370.021, Florida
24 Statutes, is amended to read:

25 370.021 Administration; rules, publications, records;
26 penalties; injunctions.--

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

1 punished:

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

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

10 Section 11. Section 370.041, Florida Statutes, is
11 transferred and renumbered as section 161.242, Florida
12 Statutes.

13 Section 12. Subsections (1), (4), (5), (6), (7), and
14 (8) of section 370.07, Florida Statutes, are amended to read:

15 370.07 Wholesale and retail saltwater products
16 dealers; regulation.--

17 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license
18 or privilege taxes are hereby levied and imposed upon dealers
19 in the state in saltwater products. It is unlawful for any
20 person, firm, or corporation to deal in any such products
21 without first paying for and procuring the license required by
22 this section. Application for all licenses shall be made to
23 the Fish and Wildlife Conservation Commission ~~Department of~~
24 ~~Environmental Protection~~ on blanks to be furnished by it. All
25 licenses shall be issued by the commission ~~department~~ upon
26 payment to it of the license tax. The licenses are defined as:

27 (a)1. "Wholesale county dealer" is any person, firm,
28 or corporation which sells saltwater products to any person,
29 firm, or corporation except to the consumer and who may buy
30 saltwater products in the county designated on the wholesale
31 license from any person licensed pursuant to s. 370.06(2) or

1 from any licensed wholesale dealer.

2 2. "Wholesale state dealer" is a person, firm, or
3 corporation which sells saltwater products to any person,
4 firm, or corporation except to the consumer and who may buy
5 saltwater products in any county of the state from any person
6 licensed pursuant to s. 370.06(2) or from any licensed
7 wholesale dealer.

8 3. "Wholesale dealer" is either a county or a state
9 dealer.

10 (b) A "retail dealer" is any person, firm, or
11 corporation which sells saltwater products directly to the
12 consumer, but no license is required of a dealer in
13 merchandise who deals in or sells saltwater products consumed
14 on the premises or prepared for immediate consumption and sold
15 to be taken out of any restaurant licensed by the Division of
16 Hotels and Restaurants of the Department of Business and
17 Professional Regulation.

18
19 Any person, firm, or corporation which is both a wholesale
20 dealer and a retail dealer shall obtain both a wholesale
21 dealer's license and a retail dealer's license. If a wholesale
22 dealer has more than one place of business, the annual license
23 tax shall be effective for all places of business, provided
24 that the wholesale dealer supplies to the commission
25 ~~department~~ a complete list of additional places of business
26 upon application for the annual license tax.

27 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

28 (a) A person transporting in this state saltwater
29 products that were produced in this state, regardless of
30 destination, shall have in his or her possession invoices,
31 bills of lading, or other similar instruments showing the

1 number of packages, boxes, or containers and the number of
2 pounds of each species and the name, physical address, and the
3 Florida wholesale dealer number of the dealer of origin.

4 (b) A person transporting in this state saltwater
5 products that were produced outside this state to be delivered
6 to a destination in this state shall have in his or her
7 possession invoices, bills of lading, or other similar
8 instruments showing the number of packages, boxes, or
9 containers and the number of pounds of each species, the name
10 and physical address of the dealer of origin, and the name,
11 physical address, and Florida wholesale dealer number of the
12 Florida dealer to whom the shipment is to be delivered.

13 (c) A person transporting in this state saltwater
14 products that were produced outside this state which are to be
15 delivered to a destination outside this state shall have in
16 his or her possession invoices, bills of lading, or other
17 similar instruments showing the number of packages, boxes, or
18 containers and the number of pounds of each species, the name
19 and physical address of the dealer of origin, and the name and
20 physical address of the dealer to whom the shipment is to be
21 delivered.

22 (d) If the saltwater products in transit came from
23 more than one dealer, distributor, or producer, each lot from
24 each dealer shall be covered by invoices, bills of lading, and
25 other similar instruments showing the number of boxes or
26 containers and the number of pounds of each species. Each
27 invoice, bill of lading, and other similar instrument shall
28 display the wholesale dealer license number and the name and
29 physical address of the dealer, distributor, or producer of
30 the lot covered by the instrument.

31 (e) It is unlawful to sell, deliver, ship, or

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1 transport, or to possess for the purpose of selling,
2 delivering, shipping, or transporting, any saltwater products
3 without all invoices of such products having thereon the
4 wholesale dealer license number in such form as may be
5 prescribed under the provisions of this subsection and the
6 rules and regulations of the Fish and Wildlife Conservation
7 Commission ~~department~~. Any saltwater products found in the
8 possession of any person who is in violation of this provision
9 may be seized by the commission ~~department~~ and disposed of in
10 the manner provided by law.

11 (f) Nothing contained in this subsection may be
12 construed to apply to the sale and delivery to a consumer of
13 saltwater products in an ordinary retail transaction by a
14 licensed retail dealer who has purchased such products from a
15 licensed wholesale dealer or to the sale and delivery of the
16 catch or products of a saltwater products licensee to a
17 Florida-licensed wholesale dealer.

18 (g) Wholesale dealers' licenses shall be issued only
19 to applicants who furnish to the commission ~~department~~
20 satisfactory evidence of law-abiding reputation and who pledge
21 themselves to faithfully observe all of the laws and
22 regulations of this state relating to the conservation of,
23 dealing in, taking, selling, transporting, or possession of
24 saltwater products and to cooperate in the enforcement of all
25 such laws to every reasonable extent. This pledge may be
26 included in the application for license.

27 (h) Any person who violates the provisions of this
28 subsection is guilty of a misdemeanor of the first degree,
29 punishable as provided in s. 775.082 or s. 775.083.

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

31 (a) A license issued to a wholesale or retail dealer

1 is good only to the person to whom issued and named therein
2 and is not transferable. The commission ~~department~~ may
3 revoke, suspend, or deny the renewal of the license of any
4 licensee:

5 1. Upon the conviction of the licensee of any
6 violation of the laws or regulations designed for the
7 conservation of saltwater products;

8 2. Upon conviction of the licensee of knowingly
9 dealing in, buying, selling, transporting, possessing, or
10 taking any saltwater product, at any time and from any waters,
11 in violation of the laws of this state; or

12 3. Upon satisfactory evidence of any violation of the
13 laws or any regulations of this state designed for the
14 conservation of saltwater products or of any of the laws of
15 this state relating to dealing in, buying, selling,
16 transporting, possession, or taking of saltwater products.

17 (b) Upon revocation of such license, no other or
18 further license may be issued to the dealer within 3 years
19 from the date of revocation except upon special order of the
20 commission ~~department~~. After revocation, it is unlawful for
21 such dealer to exercise any of the privileges of a licensed
22 wholesale or retail dealer.

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

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

27 (a) Wholesale dealers shall be required by the
28 commission ~~department~~ to make and preserve a record of the
29 names and addresses of persons from whom or to whom saltwater
30 products are purchased or sold, the quantity so purchased or
31 sold from or to each vendor or purchaser, and the date of each

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

16 (b) The commission department may revoke, suspend, or
17 deny the renewal of the license of any dealer for failure to
18 make and keep required records, for failure to make required
19 reports, for failure or refusal to permit the examination of
20 required records, or for falsifying any such record. In
21 addition to, or in lieu of, the penalties imposed pursuant to
22 this paragraph and s. 370.021, the commission department may
23 impose against any person, firm, or corporation who is
24 determined to have violated any provision of this paragraph or
25 any provisions of any commission department rules adopted
26 ~~promulgated~~ pursuant to s. 370.0607, the following additional
27 penalties:

- 28 1. For the first violation, a civil penalty of up to
29 \$1,000;
- 30 2. For a second violation committed within 24 months
31 of any previous violation, a civil penalty of up to \$2,500;

1 and

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

5

6 The proceeds of all civil penalties collected pursuant to this
7 subsection shall be deposited into the Marine Resources
8 Conservation Trust Fund and shall be used for administration,
9 auditing, and law enforcement purposes.

10 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY
11 LOCATION.--Wholesale dealers purchasing saltwater products
12 pursuant to s. 370.06(2)(a) at any site other than a site
13 located in a county where the dealer has a permanent address
14 must notify the Fish and Wildlife Conservation Commission
15 ~~Division of Law Enforcement~~ of the location of the temporary
16 site of business for each day business is to be conducted at
17 such site.

18 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
19 unlawful for any licensed retail dealer or any restaurant
20 licensed by the Division of Hotels and Restaurants of the
21 Department of Business and Professional Regulation to buy
22 saltwater products from any person other than a licensed
23 wholesale or retail dealer.

24 Section 13. Section 370.101, Florida Statutes, is
25 amended to read:

26 370.101 Saltwater fish; regulations.--

27 (1) The Fish and Wildlife Conservation Commission
28 ~~Division of Marine Resources~~ is authorized to establish weight
29 equivalencies when minimum lengths of saltwater fish are
30 established by law, in those cases where the fish are
31 artificially cultivated.

1 (2) A special activity license may be issued by the
2 commission ~~division~~ pursuant to s. 370.06 for catching and
3 possession of fish protected by law after it has first
4 established that such protected specimens are to be used as
5 stock for artificial cultivation.

6 (3) A ~~No~~ permit may not be issued pursuant to
7 subsection (2) until the commission ~~division~~ determines that
8 the artificial cultivation activity complies with the
9 provisions of ss. 253.67-253.75 and any other specific
10 provisions contained within this chapter regarding leases,
11 licenses, or permits for maricultural activities of each
12 saltwater fish, so that the public interest in such fish
13 stocks is fully protected.

14 Section 14. Subsection (2) of section 370.11, Florida
15 Statutes, is amended to read:

16 370.11 Fish; regulation.--

17 (2) REGULATION; FISH; TARPON, ETC.--No person may
18 sell, offer for sale, barter, exchange for merchandise,
19 transport for sale, either within or without the state, offer
20 to purchase or purchase any species of fish known as tarpon
21 (Tarpon atlanticus) provided, however, any one person may
22 carry out of the state as personal baggage or transport within
23 or out of the state not more than two tarpon if they are not
24 being transported for sale. The possession of more than two
25 tarpon by any one person is unlawful; provided, however, any
26 person may catch an unlimited number of tarpon if they are
27 immediately returned uninjured to the water and released where
28 the same are caught. No common carrier in the state shall
29 knowingly receive for transportation or transport, within or
30 without the state, from any one person for shipment more than
31 two tarpon, except as hereinafter provided. It is expressly

1 provided that any lawful established taxidermist, in the
2 conduct of taxidermy, may be permitted to move or transport
3 any reasonable number of tarpon at any time and in any manner
4 he or she may desire, as specimens for mounting; provided,
5 however, satisfactory individual ownership of the fish so
6 moved or transported can be established by such taxidermist at
7 any time upon demand. Common carriers shall accept for
8 shipment tarpon from a taxidermist when statement of
9 individual ownership involved accompanies bill of lading or
10 other papers controlling the shipment. The Fish and Wildlife
11 Conservation Commission ~~Division of Marine Resources~~ may, in
12 its discretion, upon application issue permits for the taking
13 and transporting of tarpon for scientific purposes.

14 Section 15. Subsection (1) of section 370.1107,
15 Florida Statutes, is amended to read:

16 370.1107 Definition; possession of certain licensed
17 traps prohibited; penalties; exceptions; consent.--

18 (1) As used in this section, the term "licensed
19 saltwater fisheries trap" means any trap required to be
20 licensed by the Fish and Wildlife Conservation Commission and
21 authorized ~~pursuant to this chapter or~~ by the commission for
22 the taking of saltwater products.

23 Section 16. Section 370.1405, Florida Statutes, is
24 amended to read:

25 370.1405 Crawfish reports by dealers during closed
26 season required.--

27 (1) Within 3 days after the commencement of the closed
28 season for the taking of saltwater crawfish, each and every
29 seafood dealer, either retail or wholesale, intending to
30 possess whole crawfish, crawfish tails, or crawfish meat
31 during closed season shall submit to the Fish and Wildlife

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1 Conservation Commission ~~Department of Environmental~~
2 ~~Protection~~, on forms provided by the commission ~~department~~, a
3 sworn report of the quantity, in pounds, of saltwater whole
4 crawfish, crawfish tails, and crawfish meat in the dealer's
5 name or possession as of the date the season closed. This
6 report shall state the location and number of pounds of whole
7 crawfish, crawfish tails, and crawfish meat. The commission
8 ~~department~~ shall not accept any reports not delivered or
9 postmarked by midnight of the 3rd calendar day after the
10 commencement of the closed season, and any stocks of crawfish
11 reported therein are declared a nuisance and may be seized by
12 the commission ~~department~~.

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

29 (3) All dealers having reported stocks of crawfish may
30 sell or offer to sell such stocks of crawfish; however, such
31 dealers shall submit an additional report on the last day of

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1 each month during the duration of the closed season. Reports
2 shall be made on forms supplied by the commission department.
3 Each dealer shall state on this report the number of pounds
4 brought forward from the previous report period, the number of
5 pounds sold during the report period, the number of pounds, if
6 any, acquired from a licensed wholesale dealer during the
7 report period, and the number of pounds remaining on hand. In
8 every case, the amount of crawfish sold plus the amount
9 reported on hand shall equal the amount acquired plus the
10 amount reported remaining on hand in the last submitted
11 report. Copies of records or invoices documenting the number
12 of pounds acquired during the closed season must be maintained
13 by the wholesale or retail dealer and shall be kept available
14 for inspection by the commission department for a period not
15 less than 3 years from the date of the recorded transaction.
16 Reports postmarked later than midnight on the 3rd calendar day
17 of each month during the duration of the closed season will
18 not be accepted by the commission department. Dealers for
19 which late supplementary reports are not accepted by the
20 commission department must show just cause why their entire
21 stock of whole crawfish, crawfish tails, or crawfish meat
22 should not be seized by the commission department. Whenever a
23 dealer fails to timely submit the monthly supplementary report
24 as described in this subsection, the dealer may be subject to
25 the following civil penalties:

26 (a) For a first violation, the commission department
27 shall assess a civil penalty of \$500.

28 (b) For a second violation within the same crawfish
29 closed season, the commission department shall assess a civil
30 penalty of \$1,000.

31 (c) For a third violation within the same crawfish

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1 closed season, the commission ~~department~~ shall assess a civil
2 penalty of \$2,500 and may seize said dealer's entire stock of
3 whole crawfish, crawfish tails, or crawfish meat and carry the
4 same before the court for disposal. The dealer shall post a
5 cash bond in the amount of the fair value of the entire
6 remaining quantity of crawfish as determined by the judge.
7 After posting the cash bond, a dealer shall have 24 hours to
8 transport said products outside the limits of Florida for sale
9 as provided by s. 370.061. Otherwise, the product shall be
10 declared a nuisance and disposed of by the commission
11 ~~department~~ according to law.

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

16 (5) Each wholesale and retail dealer in whole
17 crawfish, crawfish tails, or crawfish meat shall keep
18 throughout the period of the crawfish closed season copies of
19 the bill of sale or invoice covering each transaction
20 involving whole crawfish, crawfish tails, or crawfish meat.
21 Such invoices and bills shall be kept available at all times
22 for inspection by the commission ~~department~~.

23 (6) The Fish and Wildlife Conservation Commission may
24 ~~Department of Environmental Protection is authorized to adopt~~
25 rules incorporating by reference such forms as are necessary
26 to administer ~~implement the provisions of~~ this section.

27 Section 17. Section 372.021, Florida Statutes, is
28 amended to read:

29 372.021 Powers, duties, and authority of commission;
30 rules, regulations, and orders.--The Fish and Wildlife
31 Conservation ~~Game and Fresh Water Fish~~ Commission may exercise

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1 the powers, duties, and authority granted by s. 9, Art. IV of
2 the Constitution of Florida, and as otherwise authorized by
3 the Legislature by the adoption of rules, regulations, and
4 orders in accordance with chapter 120.

5 Section 18. Section 372.05, Florida Statutes, is
6 amended to read:

7 372.05 Duties of executive director.--The executive
8 director of the Fish and Wildlife Conservation Commission
9 shall:

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

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

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

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

22 ~~(5) Visit each county in the state at least once each~~
23 ~~year and oftener if it appears to the director to be~~
24 ~~necessary.~~

25 ~~(5)(6)~~ Appoint, fix salaries of, and at pleasure
26 remove, subject to the approval of the commission, assistants
27 and other employees who shall have such powers and duties as
28 may be assigned to them by the commission or executive
29 director.

30 ~~(6)(7)~~ Have such other powers and duties as may be
31 prescribed by the commission in pursuance of its duties under

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1 s. 9, Art. IV of the State Constitution.

2 Section 19. Section 372.07, Florida Statutes, is
3 amended to read:

4 372.07 Police powers of commission and its agents.--

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

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

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

27 (b) Execute warrants and search warrants for the
28 violation of said laws;

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

31 (d) Carry firearms or other weapons, concealed or

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1 otherwise, in the performance of their duties;

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

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

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

23 (3) It is unlawful for any person to resist an arrest
24 authorized by this section or in any manner to interfere,
25 either by abetting, assisting such resistance, or otherwise
26 interfering with said executive director, assistants, or
27 wildlife officers while engaged in the performance of the
28 duties imposed upon them by law or regulation of the Fish and
29 Wildlife Conservation Commission.

30 Section 20. Section 372.121, Florida Statutes, is
31 amended to read:

1 372.121 Control and management of state game lands.--

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

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

19 Section 21. Subsection (1) of section 372.991, Florida
20 Statutes, is amended to read:

21 372.991 Nongame Wildlife Trust Fund.--

22 (1) The Legislature recognizes the value of
23 maintaining ecologically healthy and stable populations of a
24 wide diversity of fish and wildlife species and recognizes the
25 need for monitoring, research, management, and public
26 awareness of all wildlife species in order to guarantee that
27 self-sustaining populations be conserved. The Legislature
28 further recognizes that research and management for game
29 species traditionally have been supported by licenses and fees
30 collected by the Fish and Wildlife Conservation ~~Game and Fresh~~
31 ~~Water Fish~~ Commission for consumptive uses of wildlife and

1 that no such support mechanism is available for species not
2 commonly pursued for sport or profit. It is the intent of the
3 Legislature that the funds provided herein be spent to
4 identify and meet the needs of nongame wildlife as a first
5 priority with the ultimate goal of establishing an integrated
6 approach to the management and conservation of all native
7 fish, wildlife, and plants.

8 Section 22. Subsections (6) and (12) of section
9 373.4149, Florida Statutes, are amended to read:

10 373.4149 Miami-Dade County Lake Belt Plan.--

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

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

21 (12) The secretary of the Department of Environmental
22 Protection, the secretary of the Department of Community
23 Affairs, the secretary of the Department of Transportation,
24 the Commissioner of Agriculture, the executive director of the
25 Fish and Wildlife Conservation ~~Game and Freshwater Fish~~
26 Commission, and the executive director of the South Florida
27 Water Management District may enter into agreements with
28 landowners, developers, businesses, industries, individuals,
29 and governmental agencies as necessary to effectuate the
30 provisions of this section.

31 Section 23. Paragraph (b) of subsection (6) of section

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1 373.41492, Florida Statutes, is amended to read:

2 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
3 mitigation for mining activities within the Miami-Dade County
4 Lake Belt.--

5 (6)

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

17 Section 24. Subsection (3) of section 403.141, Florida
18 Statutes, is amended to read:

19 403.141 Civil liability; joint and several
20 liability.--

21 (3) In assessing damages for fish killed, the value of
22 the fish is to be determined in accordance with a table of
23 values for individual categories of fish which shall be
24 promulgated by the department. At the time the table is
25 adopted, the department shall use ~~utilize~~ tables of values
26 established by the Department of Environmental Protection and
27 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
28 Commission. The total number of fish killed may be estimated
29 by standard practices used in estimating fish population.

30 Section 25. Paragraph (h) of subsection (12) of
31 section 403.707, Florida Statutes, is amended to read:

1 403.707 Permits.--

2 (12) The department shall establish a separate
3 category for solid waste management facilities which accept
4 only construction and demolition debris for disposal or
5 recycling. The department shall establish a reasonable
6 schedule for existing facilities to comply with this section
7 to avoid undue hardship to such facilities. However, a
8 permitted solid waste disposal unit which receives a
9 significant amount of waste prior to the compliance deadline
10 established in this schedule shall not be required to be
11 retrofitted with liners or leachate control systems.
12 Facilities accepting materials defined in s. 403.703(17)(b)
13 must implement a groundwater monitoring system adequate to
14 detect contaminants that may reasonably be expected to result
15 from such disposal prior to the acceptance of those materials.

16 (h) The department shall ensure that the requirements
17 of this section are applied and interpreted consistently
18 throughout the state. In accordance with s. 20.255 ~~s.~~
19 ~~20.255(6)~~, the Division of Waste Management shall direct the
20 district offices and bureaus on matters relating to the
21 interpretation and applicability of this section.

22 Section 26. Paragraph (b) of subsection (1) of section
23 570.235, Florida Statutes, is amended to read:

24 570.235 Pest Exclusion Advisory Committee.--

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

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

30 1. Two members representing and appointed by the
31 Animal and Plant Health Inspection Service, United States

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1 Department of Agriculture.

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

4 3. One member representing and appointed by the
5 Florida Department of Environmental Protection.

6 4. One member representing and appointed by the Fish
7 and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
8 Commission.

9 5. One member appointed by the Speaker of the House of
10 Representatives.

11 6. One member appointed by the President of the
12 Senate.

13 Section 27. Paragraph (e) of subsection (7) of section
14 590.02, Florida Statutes, is amended to read:

15 590.02 Division powers, authority, and duties;
16 liability; building structures; Florida Center for Wildfire
17 and Forest Resources Management Training.--

18 (7) The division may organize, staff, equip, and
19 operate the Florida Center for Wildfire and Forest Resources
20 Management Training. The center shall serve as a site where
21 fire and forest resource managers can obtain current
22 knowledge, techniques, skills, and theory as they relate to
23 their respective disciplines.

24 (e) An advisory committee consisting of the following
25 individuals or their designees must review program curriculum,
26 course content, and scheduling: the Director of the Florida
27 Division of Forestry; the Assistant Director of the Florida
28 Division of Forestry; the Director of the School of Forest
29 Resources and Conservation of the University of Florida; the
30 Director of the Division of Recreation and Parks of the
31 Department of Environmental Protection; the Director of the

1 Division of the State Fire Marshal; the Director of the
2 Florida Chapter of The Nature Conservancy; the Executive Vice
3 President of the Florida Forestry Association; the President
4 of the Florida Farm Bureau Federation; the Executive Director
5 of the Fish and Wildlife Conservation ~~Florida Game and Fresh~~
6 ~~Water Fish~~ Commission; the Executive Director of a Water
7 Management District as appointed by the Commissioner of
8 Agriculture; the Supervisor of the National Forests in
9 Florida; the President of the Florida Fire Chief's
10 Association; and the Executive Director of the Tall Timbers
11 Research Station.

12 Section 28. Subsection (3) of section 705.101, Florida
13 Statutes, is amended to read:

14 705.101 Definitions.--As used in this chapter:

15 (3) "Abandoned property" means all tangible personal
16 property that ~~which~~ does not have an identifiable owner and
17 that ~~which~~ has been disposed on public property in a wrecked,
18 inoperative, or partially dismantled condition or ~~which~~ has no
19 apparent intrinsic value to the rightful owner. However,
20 vessels determined to be derelict by the Fish and Wildlife
21 Conservation Commission ~~Department of Environmental Protection~~
22 or a county or municipality in accordance with the provisions
23 of s. 823.11 are ~~shall~~ not ~~be~~ included within ~~in~~ this
24 definition.

25 Section 29. Subsections (2) and (4) of section
26 705.103, Florida Statutes, are amended to read:

27 705.103 Procedure for abandoned or lost property.--

28 (2) Whenever a law enforcement officer ascertains that
29 an article of lost or abandoned property is present on public
30 property and is of such nature that it cannot be easily
31 removed, the officer shall cause a notice to be placed upon

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1 such article in substantially the following form:

2

3 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
4 PROPERTY. This property, to wit: ...(setting forth brief
5 description)... is unlawfully upon public property known as
6 ...(setting forth brief description of location)... and must
7 be removed within 5 days; otherwise, it will be removed and
8 disposed of pursuant to chapter 705, Florida Statutes. The
9 owner will be liable for the costs of removal, storage, and
10 publication of notice. Dated this: ...(setting forth the date
11 of posting of notice)..., signed: ...(setting forth name,
12 title, address, and telephone number of law enforcement
13 officer)....

14

15 Such notice shall be not less than 8 inches by 10 inches and
16 shall be sufficiently weatherproof to withstand normal
17 exposure to the elements. In addition to posting, the law
18 enforcement officer shall make a reasonable effort to
19 ascertain the name and address of the owner. If such is
20 reasonably available to the officer, she or he shall mail a
21 copy of such notice to the owner on or before the date of
22 posting. If the property is a motor vehicle as defined in s.
23 320.01(1) or a vessel as defined in s. 327.02, the law
24 enforcement agency shall contact the Department of Highway
25 Safety and Motor Vehicles ~~or the Department of Environmental~~
26 ~~Protection, respectively,~~ in order to determine the name and
27 address of the owner and any person who has filed a lien on
28 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
29 328.15(1). On receipt of this information, the law enforcement
30 agency shall mail a copy of the notice by certified mail,
31 return receipt requested, to the owner and to the lienholder,

1 if any. If, at the end of 5 days after posting the notice and
2 mailing such notice, if required, the owner or any person
3 interested in the lost or abandoned article or articles
4 described has not removed the article or articles from public
5 property or shown reasonable cause for failure to do so, the
6 following shall apply:

7 (a) For abandoned property, the law enforcement agency
8 may retain any or all of the property for its own use or for
9 use by the state or unit of local government, trade such
10 property to another unit of local government or state agency,
11 donate the property to a charitable organization, sell the
12 property, or notify the appropriate refuse removal service.

13 (b) For lost property, the officer shall take custody
14 and the agency shall retain custody of the property for 90
15 days. The agency shall publish notice of the intended
16 disposition of the property, as provided in this section,
17 during the first 45 days of this time period.

18 1. If the agency elects to retain the property for use
19 by the unit of government, donate the property to a charitable
20 organization, surrender such property to the finder, sell the
21 property, or trade the property to another unit of local
22 government or state agency, notice of such election shall be
23 given by an advertisement published once a week for 2
24 consecutive weeks in a newspaper of general circulation in the
25 county where the property was found if the value of the
26 property is more than \$100. If the value of the property is
27 \$100 or less, notice shall be given by posting a description
28 of the property at the law enforcement agency where the
29 property was turned in. The notice must be posted for not less
30 than 2 consecutive weeks in a public place designated by the
31 law enforcement agency. The notice must describe the property

1 in a manner reasonably adequate to permit the rightful owner
2 of the property to claim it.

3 2. If the agency elects to sell the property, it must
4 do so at public sale by competitive bidding. Notice of the
5 time and place of the sale shall be given by an advertisement
6 of the sale published once a week for 2 consecutive weeks in a
7 newspaper of general circulation in the county where the sale
8 is to be held. The notice shall include a statement that the
9 sale shall be subject to any and all liens. The sale must be
10 held at the nearest suitable place to that where the lost or
11 abandoned property is held or stored. The advertisement must
12 include a description of the goods and the time and place of
13 the sale. The sale may take place no earlier than 10 days
14 after the final publication. If there is no newspaper of
15 general circulation in the county where the sale is to be
16 held, the advertisement shall be posted at the door of the
17 courthouse and at three other public places in the county at
18 least 10 days prior to sale. Notice of the agency's intended
19 disposition shall describe the property in a manner reasonably
20 adequate to permit the rightful owner of the property to
21 identify it.

22 (4) The owner of any abandoned or lost property who,
23 after notice as provided in this section, does not remove such
24 property within the specified period shall be liable to the
25 law enforcement agency for all costs of removal, storage, and
26 destruction of such property, less any salvage value obtained
27 by disposal of the property. Upon final disposition of the
28 property, the law enforcement officer shall notify the owner,
29 if known, of the amount owed. In the case of an abandoned boat
30 or motor vehicle, any person who neglects or refuses to pay
31 such amount is not entitled to be issued a certificate of

1 registration for such boat or motor vehicle, or any other boat
2 or motor vehicle, until such costs have been paid. The law
3 enforcement officer shall supply the Department of Highway
4 Safety and Motor Vehicles ~~Environmental Protection~~ with a list
5 of persons whose boat registration privileges or have been
6 ~~revoked under this subsection and the Department of Motor~~
7 ~~Vehicles with a list of persons~~ whose motor vehicle privileges
8 have been revoked under this subsection. Neither the
9 department nor any other person acting as agent thereof shall
10 issue a certificate of registration to a person whose boat or
11 motor vehicle registration privileges have been revoked, as
12 provided by this subsection, until such costs have been paid.

13 Section 30. Subsection (1) of section 832.06, Florida
14 Statutes, is amended to read:

15 832.06 Prosecution for worthless checks given tax
16 collector for licenses or taxes; refunds.--

17 (1) Whenever any person, firm, or corporation violates
18 the provisions of s. 832.05 by drawing, making, uttering,
19 issuing, or delivering to any county tax collector any check,
20 draft, or other written order on any bank or depository for
21 the payment of money or its equivalent for any tag, title,
22 lien, tax (except ad valorem taxes), penalty, or fee relative
23 to a boat, airplane, motor vehicle, driver license, or
24 identification card; any occupational license, beverage
25 license, or sales or use tax; or any hunting or fishing
26 license, the county tax collector, after the exercise of due
27 diligence to locate the person, firm, or corporation which
28 drew, made, uttered, issued, or delivered the check, draft, or
29 other written order for the payment of money, or to collect
30 the same by the exercise of due diligence and prudence, shall
31 swear out a complaint in the proper court against the person,

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1 firm, or corporation for the issuance of the worthless check
2 or draft. If the state attorney cannot sign the information
3 due to lack of proof, as determined by the state attorney in
4 good faith, for a prima facie case in court, he or she shall
5 issue a certificate so stating to the tax collector. If
6 payment of the dishonored check, draft, or other written
7 order, together with court costs expended, is not received in
8 full by the county tax collector within 30 days after service
9 of the warrant, 30 days after conviction, or 60 days after the
10 collector swears out the complaint or receives the certificate
11 of the state attorney, whichever is first, the county tax
12 collector shall make a written report to this effect to the
13 Department of Highway Safety and Motor Vehicles relative to
14 motor vehicles and vessels, to the Department of Revenue
15 relative to occupational licenses and the sales and use tax,
16 to the Division of Alcoholic Beverages and Tobacco of the
17 Department of Business and Professional Regulation relative to
18 beverage licenses, or to the Fish and Wildlife Conservation
19 ~~Game and Fresh Water Fish~~ Commission relative to hunting and
20 fishing licenses, containing a statement of the amount
21 remaining unpaid on the worthless check or draft. If the
22 information is not signed, the certificate of the state
23 attorney is issued, and the written report of the amount
24 remaining unpaid is made, the county tax collector may request
25 the sum be forthwith refunded by the appropriate governmental
26 entity, agency, or department. If a warrant has been issued
27 and served, he or she shall certify to that effect, together
28 with the court costs and amount remaining unpaid on the check.
29 The county tax collector may request that the sum of money
30 certified by him or her be forthwith refunded by the
31 Department of Highway Safety and Motor Vehicles, the

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

1 Safety and Motor Vehicles, the Department of Revenue, the
2 Division of Alcoholic Beverages and Tobacco of the Department
3 of Business and Professional Regulation, or the Fish and
4 Wildlife Conservation Game and Fresh Water Fish Commission to
5 the county tax collector, and within 30 days after receipt of
6 the request, the Department of Highway Safety and Motor
7 Vehicles, the Department of Revenue, the Division of Alcoholic
8 Beverages and Tobacco of the Department of Business and
9 Professional Regulation, or the Fish and Wildlife Conservation
10 Game and Fresh Water Fish Commission, upon being satisfied as
11 to the correctness of the certificate, shall refund the sums
12 of money so certified to the county tax collector.

13 (2) The provisions of this act shall be liberally
14 construed in order to effectively carry out the purposes of
15 this act in the interest of the public.

16 Section 31. Paragraph (h) of subsection (1) of section
17 260.016, Florida Statutes, is created to read:

18 260.016 General powers of the department.--

19 (1) The department may:

20 (h) Receive or accept from any legal source, grants
21 for the purpose of providing or improving public greenways and
22 trails, and the department is authorized to disburse funds as
23 pass-through grants to federal, state, or local government
24 agencies, recognized tribal units, or to nonprofit entities
25 created for this purpose. The department has authority to
26 adopt rules pursuant to s. 120.536(1) and 120.54 to implement
27 the provisions of this subsection. Such rules shall provide,
28 but are not limited to, the following: procedures for grant
29 administration and accountability; eligibility, selection
30 criteria; maximum grant amounts and number of pending grants;
31 dedication requirements; and conversion procedures and

1 requirements.

2 Section 32. Subsection (1) of section 375.075, Florida
3 Statutes, is amended to read:

4 375.075 Outdoor recreation; financial assistance to
5 local governments.--

6 (1) The Department of Environmental Protection is
7 authorized, ~~pursuant to s. 370.023,~~ to establish the Florida
8 Recreation Development Assistance Program to provide grants to
9 qualified local governmental entities to acquire or develop
10 land for public outdoor recreation purposes. To the extent not
11 needed for debt service on bonds issued pursuant to s.
12 375.051, each fiscal year through fiscal year 2000-2001, the
13 department shall develop and plan a program which shall be
14 based upon funding of not less than 5 percent of the money
15 credited to the Land Acquisition Trust Fund pursuant to s.
16 201.15(2) and (3) in that year. Beginning fiscal year
17 2001-2002, the department shall develop and plan a program
18 which shall be based upon funding provided from the Florida
19 Forever Trust Fund pursuant to s. 259.105(3)(c).

20 Section 33. Sections 370.013, 370.017, 370.032,
21 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606,
22 370.0805, 372.04, 372.061, 373.197, and 403.261, Florida
23 Statutes, and subsection (6) of section 370.021, and
24 subsection (12) of section 370.14, Florida Statutes, are
25 repealed.

26 Section 34. This act shall take effect upon becoming a
27 law.

28
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 On page ,
2 remove from the title of the bill:
3
4 and insert in lieu thereof:
5 An act relating to environmental
6 reorganization; amending s. 20.255, F.S.;
7 providing for the divisions and special offices
8 in the Department of Environmental Protection;
9 deleting outdated provisions relating to review
10 of orders and rules in effect before 1994;
11 transferring and renumbering s. 370.0205, F.S.;
12 providing requirements for citizen support
13 organizations for the Department of
14 Environmental Protection; amending s. 20.331,
15 F.S.; providing requirements for the Fish and
16 Wildlife Conservation Commission when adopting
17 rules; amending ss. 161.031, 161.36, F.S.;
18 authorizing the Department of Environmental
19 Protection to retain specific powers; amending
20 s. 212.08, F.S.; correcting a cross-reference;
21 amending s. 259.101, F.S.; providing for the
22 receipt of funds by the Fish and Wildlife
23 Conservation Commission; amending s. 288.109,
24 F.S.; identifying agencies participating in the
25 one-stop permitting system; amending s.
26 370.021, F.S.; providing penalties for
27 violation of rules relating to marine
28 resources; transferring and renumbering s.
29 370.041, F.S., as s. 161.242, F.S.; amending s.
30 370.07, F.S.; transferring specific regulatory
31 powers from the Department of Environmental

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1 Protection to the Fish and Wildlife
2 Conservation Commission and the Department of
3 Agriculture and Consumer Services; amending s.
4 370.101, F.S.; providing for certain saltwater
5 fish regulations to be established by the Fish
6 and Wildlife Conservation Commission; amending
7 s. 370.11, F.S.; providing for issuance of
8 permits by the Fish and Wildlife Conservation
9 Commission; amending s. 370.1107, F.S.;
10 clarifying the meaning of the term "licensed
11 saltwater fisheries trap"; amending s.
12 370.1405, F.S.; providing for reports on
13 crawfish by dealers; amending s. 372.021, F.S.;
14 prescribing powers and duties of the Fish and
15 Wildlife Conservation Commission; amending s.
16 372.05, F.S.; prescribing duties of the
17 executive director of the commission; amending
18 s. 372.07, F.S.; prescribing police powers of
19 the executive director of the commission;
20 amending s. 372.105, F.S.; clarifying the
21 regulation of saltwater life; revising the
22 deposit of specified funds; amending s.
23 372.121, F.S.; providing for management of
24 certain lands; amending ss. 372.991, 373.4149,
25 373.41492, 403.141, 570.235, 590.02, F.S.;
26 conforming references to the Fish and Wildlife
27 Conservation Commission; amending s. 403.707,
28 F.S.; conforming a statutory cross-reference;
29 amending s. 705.101, F.S.; transferring
30 specific authority over derelict vessels from
31 the Department of Environmental Protection to

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1 the Fish and Wildlife Conservation Commission;
2 amending s. 705.103, F.S.; removing authority
3 over abandoned vessels from the Department of
4 Environmental Protection; amending s. 832.06,
5 F.S.; conforming references to the Fish and
6 Wildlife Conservation Commission; repealing s.
7 370.013, F.S., relating to the Department of
8 Environmental Protection; repealing s. 370.017,
9 F.S., relating to the responsibilities of the
10 secretary of the Department of Environmental
11 Protection; repealing s. 370.032, F.S.,
12 relating to definitions; repealing s. 370.033,
13 F.S., relating to legislative intent; repealing
14 s. 370.034, F.S., relating to certificates for
15 dredge and fill equipment; repealing s.
16 370.036, F.S., relating to the maintenance of
17 records regarding dredge and fill equipment;
18 repealing s. 370.037, F.S., relating to the
19 denial, suspension, or revocation of dredge and
20 fill certificates; amending s. 260.016, F.S.;
21 authorizing the Department of Environmental
22 Protection to receive grants for improving
23 greenways and trails and to adopt rules for the
24 administering pass-through grants; amending s.
25 375.075, F.S.; correcting a cross-reference;
26 repealing s. 370.038, F.S., relating to the
27 adoption of specified rules; repealing s.
28 370.0606, F.S., relating to appointment of
29 subagents for sale of saltwater licenses and
30 permits; repealing s. 370.0805, F.S.; relating
31 to the net ban assistance program; repealing s.

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1 372.04, F.S., relating to the director of the
2 commission; repealing s. 372.061, F.S.,
3 relating to meetings of the Game and Fresh
4 Water Fish Commission; repealing s. 373.197,
5 F.S., relating to the Kissimmee River Valley
6 and Taylor Creek-Nubbins Slough Basin
7 restoration project; repealing s. 403.261,
8 F.S., relating to the repeal of rulemaking
9 jurisdiction over air and water pollution;
10 repealing s. 370.021(6), F.S., relating to
11 admissibility of rules; repealing s.
12 370.14(12), F.S., relating to the naming of a
13 sport season for spiny lobsters; providing an
14 effective date.

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