

By the Committee on Natural Resources

312-706D-00

1                                   A bill to be entitled  
2           An act relating to environmental  
3           reorganization; amending s. 20.255, F.S.;  
4           providing for the divisions and special offices  
5           in the Department of Environmental Protection;  
6           deleting outdated provisions relating to review  
7           of orders and rules in effect before 1994;  
8           transferring and renumbering s. 370.0205, F.S.;  
9           providing requirements for citizen support  
10          organizations for the Department of  
11          Environmental Protection; amending s. 20.331,  
12          F.S.; providing requirements for the Fish and  
13          Wildlife Conservation Commission when adopting  
14          rules; amending ss. 161.031, 161.36, F.S.;  
15          authorizing the Department of Environmental  
16          Protection to retain specific powers; amending  
17          s. 259.101, F.S.; providing for the receipt of  
18          funds by the Fish and Wildlife Conservation  
19          Commission; amending s. 270.22, F.S.; providing  
20          for certain fees to be deposited into the  
21          General Inspection Trust Fund of the Department  
22          of Agriculture and Consumer Services; amending  
23          s. 288.109, F.S.; identifying agencies  
24          participating in the one-stop permitting  
25          system; amending s. 327.04, F.S.; providing  
26          rulemaking authority to the Fish and Wildlife  
27          Conservation Commission; amending s. 327.41,  
28          F.S.; providing for the issuance of permits by  
29          the Fish and Wildlife Conservation Commission;  
30          amending s. 327.54, F.S., requiring the lessee  
31          of a personal watercraft to receive instruction

1 by the Fish and Wildlife Conservation  
2 Commission; amending s. 328.72, F.S.; providing  
3 for the distribution of funds by the Fish and  
4 Wildlife Conservation Commission; amending s.  
5 370.021, F.S.; providing penalties for  
6 violation of rules relating to marine  
7 resources; transferring and renumbering s.  
8 370.041, F.S., as s. 161.242, F.S.; amending s.  
9 370.07, F.S.; transferring specific regulatory  
10 powers from the Department of Environmental  
11 Protection to the Fish and Wildlife  
12 Conservation Commission and the Department of  
13 Agriculture and Consumer Services; providing  
14 for the deposit of certain funds in the General  
15 Inspection Trust Fund of the Department of  
16 Agriculture and Consumer Services; deleting the  
17 authority of the Department of Revenue to adopt  
18 emergency rules for the Apalachicola Bay Oyster  
19 Surcharge; amending s. 370.101, F.S.; providing  
20 for certain saltwater fish regulations to be  
21 established by the Fish and Wildlife  
22 Conservation Commission; amending s. 370.11,  
23 F.S.; providing for issuance of permits by the  
24 Fish and Wildlife Conservation Commission;  
25 amending s. 370.1107, F.S.; clarifying the  
26 meaning of the term "licensed saltwater  
27 fisheries trap"; amending s. 370.13, F.S.;  
28 providing for the regulation of stone crabs;  
29 amending s. 370.1405, F.S.; providing for  
30 reports on crawfish by dealers; amending s.  
31 370.16, F.S.; providing for the deposit of

1 certain fees relating to the regulation of  
2 oysters; amending s. 370.25, F.S.; deleting a  
3 provision conferring joint responsibility on  
4 the captain or operator of a vessel and the  
5 registered owner of the vessel for violations  
6 while underway; transferring responsibilities  
7 for the artificial reef program to the Fish and  
8 Wildlife Conservation Commission; amending s.  
9 372.021, F.S.; prescribing powers and duties of  
10 the Fish and Wildlife Conservation Commission;  
11 amending s. 372.05, F.S.; prescribing duties of  
12 the executive director of the commission;  
13 amending s. 372.07, F.S.; prescribing police  
14 powers of the executive director of the  
15 commission; amending s. 372.105, F.S.;  
16 clarifying the regulation of saltwater life;  
17 revising the deposit of specified funds;  
18 amending s. 372.121, F.S.; providing for  
19 management of certain lands; amending ss.  
20 372.991, 373.4149, 373.41492, 403.141, 570.235,  
21 590.02, F.S.; conforming references to the Fish  
22 and Wildlife Conservation Commission; amending  
23 s. 403.707, F.S.; conforming a statutory  
24 cross-reference; amending s. 597.004, F.S.;  
25 transferring aquaculture shellfish handling  
26 regulations from the Department of  
27 Environmental Protection to the Department of  
28 Agriculture and Consumer Services; amending s.  
29 705.101, F.S.; transferring specific authority  
30 over derelict vessels from the Department of  
31 Environmental Protection to the Fish and

1 Wildlife Conservation Commission; amending s.  
2 705.103, F.S.; removing authority over  
3 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; repealing s. 370.038, F.S.,  
21 relating to the adoption of specified rules;  
22 repealing s. 370.0606, F.S., relating to  
23 appointment of subagents for sale of saltwater  
24 licenses and permits; repealing s. 370.0615,  
25 F.S., relating to lifetime resident saltwater  
26 fishing licenses; repealing s. 370.0805, F.S.,  
27 relating to the net ban assistance program;  
28 repealing s. 372.04, F.S., relating to the  
29 director of the commission; repealing s.  
30 372.061, F.S., relating to meetings of the Game  
31 and Fresh Water Fish Commission; repealing s.

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

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Section 20.255, Florida Statutes, is  
15 amended to read:

16           20.255 Department of Environmental Protection.--There  
17 is created a Department of Environmental Protection.

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

24           (2)(a) There shall be three ~~two~~ deputy secretaries ~~and~~  
25 ~~an executive coordinator for ecosystem management~~ who are to  
26 be appointed by and shall serve at the pleasure of the  
27 secretary. The secretary may assign any ~~either~~ deputy  
28 secretary the responsibility to supervise, coordinate, and  
29 formulate policy for any division, office, or district. The  
30 following special offices are established and headed by  
31

1 managers, each of whom is to be appointed by and serve at the  
2 pleasure of the secretary:

3 1. Office of Chief of Staff,

4 ~~2.1. Office of General Counsel,~~

5 ~~3.2. Office of Inspector General,~~

6 4.3. Office of External Affairs Communication, the  
7 latter including public information, legislative liaison,  
8 cabinet liaison, and special projects,

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

10 5. Office of Legislative and Government Affairs, and  
11 ~~Intergovernmental Programs,~~

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

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

14 6.8. Office of Greenways and Trails.

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

27 ~~(c) The other special offices not supervised by the~~  
28 ~~executive coordinator for ecosystem management shall report to~~  
29 ~~the secretary; however, the secretary may assign them, for~~  
30 ~~daily coordination purposes, to report through a senior~~  
31 ~~manager other than the secretary.~~

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

9  
10 The managers of all divisions and offices specifically named  
11 in this section and the directors of the six administrative  
12 districts are exempt from part II of chapter 110 and are  
13 included in the Senior Management Service in accordance with  
14 s. 110.205(2)(i). ~~No other deputy secretaries or senior~~  
15 ~~management positions at or above the division level, except~~  
16 ~~those established in chapter 110, may be created without~~  
17 ~~specific legislative authority.~~

18           (3) The following divisions of the Department of  
19 Environmental Protection are established:

20           (a) Division of Administrative Services.

21           (b) Division of Air Resource Management.

22           (c) Division of Water Resource Management.

23           (d) Division of Law Enforcement.

24           (e) Division of Resource Assessment and Management.

25           (f) Division of Waste Management.

26           (g) Division of Recreation and Parks.

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

31

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

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

28 ~~(5) Except for those orders reviewable as provided in~~  
29 ~~s. 373.4275, the Governor and Cabinet, sitting as the Land and~~  
30 ~~Water Adjudicatory Commission, has the exclusive authority to~~  
31 ~~review any order or rule of the department which, prior to~~



1 ~~July 1, 1994, the Governor and Cabinet, as head of the~~  
2 ~~Department of Natural Resources, had authority to issue or~~  
3 ~~promulgate, other than a rule or order relating to an internal~~  
4 ~~procedure of the department.~~

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

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

27 ~~(c) If the Land and Water Adjudicatory Commission~~  
28 ~~determines that a rule or order is not consistent with the~~  
29 ~~provisions and purposes of this chapter, it may, in the case~~  
30 ~~of a rule, require the department to initiate rulemaking~~  
31 ~~proceedings to amend or repeal the rule or, in the case of an~~

1 ~~order, rescind or modify the order or remand the proceeding to~~  
2 ~~the department for further action consistent with the order of~~  
3 ~~the Land and Water Adjudicatory Commission.~~

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

8  
9 ~~The Land and Water Adjudicatory Commission may adopt rules~~  
10 ~~setting forth its procedures for reviewing orders or rules of~~  
11 ~~the department consistent with the provisions of this section.~~

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

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

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

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

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

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

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

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

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

25  
26 ~~In order to ensure statewide and intradepartmental~~  
27 ~~consistency, the department's divisions shall direct the~~  
28 ~~district offices and bureaus on matters of interpretation and~~  
29 ~~applicability of the department's rules and programs.~~

30 ~~(4)(7)~~ Law enforcement officers of the Department of  
31 Environmental Protection who meet the provisions of s. 943.13

1 are constituted law enforcement officers of this state with  
2 full power to investigate and arrest for any violation of the  
3 laws of this state, and the rules of the department and the  
4 Board of Trustees of the Internal Improvement Trust Fund. The  
5 general laws applicable to investigations, searches, and  
6 arrests by peace officers of this state apply to such law  
7 enforcement officers.

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

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

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

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

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

15 (7)~~(10)~~ There is created as a part of the Department  
16 of Environmental Protection an Environmental Regulation  
17 Commission. The commission shall be composed of seven  
18 residents of this state appointed by the Governor, subject to  
19 confirmation by the Senate. The commission shall include one,  
20 but not more than two, members from each water management  
21 district who have resided in the district for at least 1 year,  
22 and the remainder shall be selected from the state at large.  
23 Membership shall be representative of agriculture, the  
24 development industry, local government, the environmental  
25 community, lay citizens, and members of the scientific and  
26 technical community who have substantial expertise in the  
27 areas of the fate and transport of water pollutants,  
28 toxicology, epidemiology, geology, biology, environmental  
29 sciences, or engineering. The Governor shall appoint the  
30 chair, and the vice chair shall be elected from among the  
31 membership. The members serving on the commission on July 1,

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

10 Section 2. Section 370.0205, Florida Statutes, is  
11 transferred and renumbered as section 20.2551, Florida  
12 Statutes.

13 Section 3. Paragraph (c) of subsection (6) of section  
14 20.331, Florida Statutes, is amended to read:

15 20.331 Fish and Wildlife Conservation Commission.--

16 (6)

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

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

28 2. Establishment and enforcement of boating safety  
29 regulations;

30 3. Land acquisition ~~and management~~;

31

1           4. Enforcement and collection of fees for all  
2 recreational and commercial hunting or fishing licenses or  
3 permits;

4           5. Aquatic plant removal ~~and management~~ using fish as  
5 a biological control agent;

6           6. Enforcement of penalties for violations of  
7 commission rules, including, but not limited to, the seizure  
8 and forfeiture of vessels and other equipment used to commit  
9 those violations;

10          7. Establishment of free fishing days;

11          8. Regulation of off-road vehicles on state lands;

12          9. Establishment and coordination of a statewide  
13 hunter safety course;

14          10. Establishment of programs and activities to  
15 develop and distribute public education materials;

16          11. Police powers of wildlife and marine officers;

17          12. Establishment of citizen support organizations to  
18 provide assistance, funding, and promotional support for  
19 programs of the commission;

20          13. Creation of the Voluntary Authorized Hunter  
21 Identification Program; and

22          14. Regulation of required clothing of persons hunting  
23 deer.

24           (d) The commission is directed to provide a report on  
25 the development and implementation of its adequate due process  
26 provisions to the President of the Senate, the Speaker of the  
27 House of Representatives, and the appropriate substantive  
28 committees of the House of Representatives and the Senate no  
29 later than December 1, 1999.

30           Section 4. Section 161.031, Florida Statutes, is  
31 amended to read:

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

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

- 27           (1) To make contracts and enter into agreements;  
28           (2) To sue and be sued;  
29           (3) To acquire and hold lands and property by any  
30 lawful means;  
31           (4) To exercise the power of eminent domain;

1           (5) To enter upon private property for purposes of  
2 making surveys, soundings, drillings and examinations, and  
3 such entry shall not be deemed a trespass;

4           (6) To construct, acquire, operate and maintain works  
5 and facilities;

6           (7) To make rules and regulations; and

7           (8) To do any and all other things specified or  
8 implied in this part.

9           Section 6. Paragraph (f) of subsection (3) of section  
10 259.101, Florida Statutes, is amended to read:

11           259.101 Florida Preservation 2000 Act.--

12           (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
13 costs of issuance, the costs of funding reserve accounts, and  
14 other costs with respect to the bonds, the proceeds of bonds  
15 issued pursuant to this act shall be deposited into the  
16 Florida Preservation 2000 Trust Fund created by s. 375.045.  
17 Ten percent of the proceeds of any bonds deposited into the  
18 Preservation 2000 Trust Fund shall be distributed by the  
19 Department of Environmental Protection to the Department of  
20 Environmental Protection for the purchase by the South Florida  
21 Water Management District of lands in Dade, Broward, and Palm  
22 Beach Counties identified in s. 7, chapter 95-349, Laws of  
23 Florida. This distribution shall apply for any bond issue for  
24 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,  
25 \$20 million per year from the proceeds of any bonds deposited  
26 into the Florida Preservation 2000 Trust Fund shall be  
27 distributed by the Department of Environmental Protection to  
28 the St. Johns Water Management District for the purchase of  
29 lands necessary to restore Lake Apopka. The remaining proceeds  
30 shall be distributed by the Department of Environmental  
31 Protection in the following manner:



1           (f) Two and nine-tenths percent to the Fish and  
2 Wildlife Conservation Game and Fresh Water Fish Commission to  
3 fund the acquisition of inholdings and additions to lands  
4 managed by the commission which are important to the  
5 conservation of fish and wildlife.

6           Section 7. Subsection (2) of section 270.22, Florida  
7 Statutes, is amended to read:

8           270.22 Proceeds of state lands to go into Internal  
9 Improvement Trust Fund; exception.--

10           (2) Rental fees for aquaculture leases pursuant to s.  
11 253.71(2) shall be deposited into the General Inspection  
12 ~~Marine Resources Conservation~~ Trust Fund of the Department of  
13 Agriculture and Consumer Services ~~Environmental Protection~~.

14 Such fees generated by shellfish-related aquaculture leases  
15 shall be used for shellfish-related aquaculture activities,  
16 including research, lease compliance inspections, mapping, and  
17 siting.

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

20           288.109 One-Stop Permitting System.--

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

25           (a) The Department of Agriculture and Consumer  
26 Services.

27           (b) The Department of Business and Professional  
28 Regulation.

29           (c) The Department of Health.

30           (d) The Department of Insurance.

31           (e) The Department of Labor.

1 (f) The Department of Revenue.

2 (g) The Department of State.

3 (h) The Fish and Wildlife Conservation ~~Game and~~  
4 ~~Freshwater Fish~~ Commission.

5 (i) Other state agencies.

6 Section 9. Section 327.04, Florida Statutes, is  
7 amended to read:

8 327.04 Rules.--The Fish and Wildlife Conservation  
9 Commission ~~department~~ has authority to adopt rules pursuant to  
10 ss. 120.536(1) and 120.54 to administer ~~implement~~ the  
11 provisions of this chapter conferring powers or duties upon  
12 it.

13 Section 10. Subsections (3) and (4) of section 327.41,  
14 Florida Statutes, are amended to read:

15 327.41 Uniform waterway regulatory markers.--

16 (3) Application for placing regulatory markers on the  
17 Florida Intracoastal Waterway shall be made to the Fish and  
18 Wildlife Conservation Commission ~~Division of Marine Resources~~,  
19 accompanied by a map locating the approximate placement of the  
20 markers, a statement of the specification of the markers, a  
21 statement of purpose of the markers, and a statement of the  
22 city or county responsible for the placement and upkeep of the  
23 markers.

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

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

31 327.54 Liveries; safety regulations; penalty.--

1           (4) A livery may not lease, hire, or rent a personal  
2 watercraft to any person who is under 16 years of age, nor may  
3 it lease, hire, or rent such watercraft or other vessel to any  
4 other person, unless the livery displays boating safety  
5 information about the safe and proper operation of vessels and  
6 requires a signature by the lessee that he or she has received  
7 instruction in the safe handling of the personal watercraft in  
8 compliance with standards established by the commission  
9 ~~department~~.

10           Section 12. Subsection (15) of section 328.72, Florida  
11 Statutes, is amended to read:

12           328.72 Classification; registration; fees and charges;  
13 surcharge; disposition of fees; fines; marine turtle  
14 stickers.--

15           (15) DISTRIBUTION OF FEES.--Moneys deposited pursuant  
16 to s. 328.76 to be returned to the counties are for the sole  
17 purposes of providing recreational channel marking and public  
18 launching facilities and other boating-related activities, for  
19 removal of vessels and floating structures deemed a hazard to  
20 public safety and health for failure to comply with s. 327.53,  
21 and for manatee and marine mammal protection and recovery.  
22 The Fish and Wildlife Conservation Commission ~~department~~ shall  
23 ascertain, as a guideline in determining the amounts of  
24 distributions each county may receive, the number of  
25 noncommercial vessels registered in the county during the  
26 preceding fiscal year according to the fee schedule provided  
27 in subsection (1) and shall promulgate rules to effectuate  
28 this. Each fiscal year, prior to determination of  
29 distributions to the counties under this section, an amount  
30 equal to \$1 for each vessel registered in this state shall be  
31

1 transferred to the Save the Manatee Trust Fund for manatee and  
2 marine mammal research, protection, and recovery.

3 Section 13. Subsection (1) of section 370.021, Florida  
4 Statutes, is amended to read:

5 370.021 Administration; rules, publications, records;  
6 penalties; injunctions.--

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

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

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

21 Section 14. Section 370.041, Florida Statutes, is  
22 transferred and renumbered as section 161.242, Florida  
23 Statutes.

24 Section 15. Section 370.07, Florida Statutes, is  
25 amended to read:

26 370.07 Wholesale and retail saltwater products  
27 dealers; regulation.--

28 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license  
29 or privilege taxes are hereby levied and imposed upon dealers  
30 in the state in saltwater products. It is unlawful for any  
31 person, firm, or corporation to deal in any such products

1 without first paying for and procuring the license required by  
2 this section. Application for all licenses shall be made to  
3 the Fish and Wildlife Conservation Commission ~~Department of~~  
4 ~~Environmental Protection~~ on blanks to be furnished by it. All  
5 licenses shall be issued by the commission ~~department~~ upon  
6 payment to it of the license tax. The licenses are defined as:

7 (a)1. "Wholesale county dealer" is any person, firm,  
8 or corporation which sells saltwater products to any person,  
9 firm, or corporation except to the consumer and who may buy  
10 saltwater products in the county designated on the wholesale  
11 license from any person licensed pursuant to s. 370.06(2) or  
12 from any licensed wholesale dealer.

13 2. "Wholesale state dealer" is a person, firm, or  
14 corporation which sells saltwater products to any person,  
15 firm, or corporation except to the consumer and who may buy  
16 saltwater products in any county of the state from any person  
17 licensed pursuant to s. 370.06(2) or from any licensed  
18 wholesale dealer.

19 3. "Wholesale dealer" is either a county or a state  
20 dealer.

21 (b) A "retail dealer" is any person, firm, or  
22 corporation which sells saltwater products directly to the  
23 consumer, but no license is required of a dealer in  
24 merchandise who deals in or sells saltwater products consumed  
25 on the premises or prepared for immediate consumption and sold  
26 to be taken out of any restaurant licensed by the Division of  
27 Hotels and Restaurants of the Department of Business and  
28 Professional Regulation.

29  
30 Any person, firm, or corporation which is both a wholesale  
31 dealer and a retail dealer shall obtain both a wholesale

1 dealer's license and a retail dealer's license. If a wholesale  
2 dealer has more than one place of business, the annual license  
3 tax shall be effective for all places of business, provided  
4 that the wholesale dealer supplies to the commission  
5 ~~department~~ a complete list of additional places of business  
6 upon application for the annual license tax.

7 (2) LICENSES; AMOUNT, TRUST FUND.--

8 (a) A resident wholesale county seafood dealer is  
9 required to pay an annual license tax of \$300.

10 (b) A resident wholesale state dealer is required to  
11 pay an annual license tax of \$450.

12 (c) A nonresident wholesale county dealer is required  
13 to pay an annual license tax of \$500.

14 (d) A nonresident wholesale state dealer is required  
15 to pay an annual license tax of \$1,000.

16 (e) An alien wholesale county dealer is required to  
17 pay an annual license tax of \$1,000.

18 (f) An alien wholesale state dealer is required to pay  
19 an annual license tax of \$1,500.

20 (g) A resident retail dealer is required to pay an  
21 annual license tax of \$25; however, if such a dealer has more  
22 than one place of business, the dealer shall designate one  
23 place of business as a central place of business, shall pay an  
24 annual license tax of \$25 for such place of business, and  
25 shall pay an annual license tax of \$10 for each other place of  
26 business.

27 (h) A nonresident retail dealer is required to pay an  
28 annual license tax of \$200; however, if such a dealer has more  
29 than one place of business, the dealer shall designate one  
30 place of business as a central place of business, shall pay an  
31 annual license tax of \$200 for such place of business, and

1 shall pay an annual license tax of \$25 for each other place of  
2 business.

3 (i) An alien retail dealer is required to pay an  
4 annual license tax of \$250; however, if such a dealer has more  
5 than one place of business, the dealer shall designate one  
6 place of business as a central place of business, shall pay an  
7 annual license tax of \$250 for such place of business, and  
8 shall pay an annual license tax of \$50 for each other place of  
9 business.

10 (j) License or privilege taxes, together with any  
11 other funds derived from the Federal Government or from any  
12 other source, shall be deposited in a Florida Saltwater  
13 Products Promotion Trust Fund to be administered by the  
14 Department of Agriculture and Consumer Services for the sole  
15 purpose of promoting all fish and saltwater products produced  
16 in this state.

17 (3) APALACHICOLA BAY OYSTER SURCHARGE.--

18 (a) For purposes of this section, "bag" means an  
19 amount of oysters with shells weighing approximately 60  
20 pounds.

21 (b) Effective October 1, 1989, there shall be assessed  
22 a surcharge of 50 cents on each bag of oysters to be paid by  
23 the wholesale dealer first receiving, using, or selling the  
24 oysters after harvesting from the waters of Apalachicola Bay.

25 (c)1. Each wholesale dealer shall certify, on such  
26 forms as may be prescribed by the Department of Revenue, to  
27 any subsequent purchasing wholesale dealer or other purchaser  
28 that the surcharge imposed by this subsection has been paid or  
29 will be paid by such wholesale dealer first receiving the  
30 oysters.

31

1           2. In the case where the harvester is also the  
2 wholesale dealer, such wholesale dealer shall maintain  
3 documentation, on forms as may be prescribed by the Department  
4 of Revenue, adequate to establish that the surcharge has been  
5 paid or will be paid by such wholesale dealer.

6           3. In such case where the wholesale dealer is also the  
7 retail dealer under paragraph (1)(b), such wholesale dealer  
8 shall maintain documentation, on forms as may be prescribed by  
9 the Department of Revenue, adequate to establish that the  
10 surcharge has been paid or will be paid by such wholesale  
11 dealer.

12           (d) Except for the collection allowance pursuant to s.  
13 212.12 and estimated tax filing requirements pursuant to s.  
14 212.11, the same duties and privileges imposed by chapter 212  
15 upon dealers of tangible personal property respecting the  
16 remission of the surcharge, the making of returns, penalties  
17 and interest, the keeping of books, records and accounts, and  
18 the compliance with the rules of the Department of Revenue in  
19 the administration of chapter 212 shall apply and be binding  
20 upon all wholesale dealers who are subject to the surcharge  
21 imposed by this subsection.

22           (e) The Department of Revenue shall keep records  
23 showing the amount of the surcharge collected.

24           (f) The Department of Revenue shall collect the  
25 surcharge for transfer into the General Inspection Marine  
26 ~~Resources Conservation~~ Trust Fund of the Department of  
27 Agriculture and Consumer Services ~~Department of Environmental~~  
28 ~~Protection~~.

29           (g) The Department of Revenue is empowered to  
30 promulgate rules, establish audit procedures for the audit of  
31 wholesale dealers, assess for delinquency, and prescribe and



1 publish such forms as may be necessary to effectuate the  
2 provisions of this subsection.

3 (h) Annually, the Department of Agriculture and  
4 Consumer Services ~~Department of Environmental Protection~~ shall  
5 furnish the Department of Revenue with a current list of  
6 wholesale dealers in the state.

7 (i) Collections received by the Department of Revenue  
8 from the surcharge shall be transferred quarterly to the  
9 Department of Agriculture and Consumer Services General  
10 Inspection ~~Department of Environmental Protection Marine~~  
11 ~~Resources Conservation~~ Trust Fund, less the costs of  
12 administration.

13 ~~(j) The executive director of the Department of~~  
14 ~~Revenue is hereby authorized to adopt emergency rules pursuant~~  
15 ~~to s. 120.54(4) for purposes of implementing this subsection.~~  
16 ~~Notwithstanding any other provisions of law, such emergency~~  
17 ~~rules shall remain effective for 6 months from the date of~~  
18 ~~adoption. Other rules of the Department of Revenue related to~~  
19 ~~and in furtherance of the orderly implementation of this~~  
20 ~~subsection shall not be subject to a s. 120.56(2) rule~~  
21 ~~challenge or a s. 120.54(3)(c)2. drawout proceeding but, once~~  
22 ~~adopted, shall be subject to a s. 120.56(3) invalidity~~  
23 ~~challenge. Such rules shall be adopted by the Governor and~~  
24 ~~Cabinet and shall become effective upon filing with the~~  
25 ~~Department of State, notwithstanding the provisions of s.~~  
26 ~~120.54(3)(e)6.~~

27 ~~(j)(k)~~ The Department of Agriculture and Consumer  
28 Services ~~Department of Environmental Protection~~ shall use or  
29 distribute funds generated by this surcharge, less reasonable  
30 costs of collection and administration, to fund the following  
31

1 oyster management and restoration programs in Apalachicola

2 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 (a) A person transporting in this state saltwater  
15 products that were produced in this state, regardless of  
16 destination, shall have in his or her possession invoices,  
17 bills of lading, or other similar instruments showing the  
18 number of packages, boxes, or containers and the number of  
19 pounds of each species and the name, physical address, and the  
20 Florida wholesale dealer number of the dealer of origin.

21 (b) A person transporting in this state saltwater  
22 products that were produced outside this state to be delivered  
23 to a destination in this state shall have in his or her  
24 possession invoices, bills of lading, or other similar  
25 instruments showing the number of packages, boxes, or  
26 containers and the number of pounds of each species, the name  
27 and physical address of the dealer of origin, and the name,  
28 physical address, and Florida wholesale dealer number of the  
29 Florida dealer to whom the shipment is to be delivered.

30 (c) A person transporting in this state saltwater  
31 products that were produced outside this state which are to be

1 delivered to a destination outside this state shall have in  
2 his or her possession invoices, bills of lading, or other  
3 similar instruments showing the number of packages, boxes, or  
4 containers and the number of pounds of each species, the name  
5 and physical address of the dealer of origin, and the name and  
6 physical address of the dealer to whom the shipment is to be  
7 delivered.

8 (d) If the saltwater products in transit came from  
9 more than one dealer, distributor, or producer, each lot from  
10 each dealer shall be covered by invoices, bills of lading, and  
11 other similar instruments showing the number of boxes or  
12 containers and the number of pounds of each species. Each  
13 invoice, bill of lading, and other similar instrument shall  
14 display the wholesale dealer license number and the name and  
15 physical address of the dealer, distributor, or producer of  
16 the lot covered by the instrument.

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

28 (f) Nothing contained in this subsection may be  
29 construed to apply to the sale and delivery to a consumer of  
30 saltwater products in an ordinary retail transaction by a  
31 licensed retail dealer who has purchased such products from a

1 licensed wholesale dealer or to the sale and delivery of the  
2 catch or products of a saltwater products licensee to a  
3 Florida-licensed wholesale dealer.

4 (g) Wholesale dealers' licenses shall be issued only  
5 to applicants who furnish to the commission ~~department~~  
6 satisfactory evidence of law-abiding reputation and who pledge  
7 themselves to faithfully observe all of the laws and  
8 regulations of this state relating to the conservation of,  
9 dealing in, taking, selling, transporting, or possession of  
10 saltwater products and to cooperate in the enforcement of all  
11 such laws to every reasonable extent. This pledge may be  
12 included in the application for license.

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

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

17 (a) A license issued to a wholesale or retail dealer  
18 is good only to the person to whom issued and named therein  
19 and is not transferable. The commission ~~department~~ may  
20 revoke, suspend, or deny the renewal of the license of any  
21 licensee:

22 1. Upon the conviction of the licensee of any  
23 violation of the laws or regulations designed for the  
24 conservation of saltwater products;

25 2. Upon conviction of the licensee of knowingly  
26 dealing in, buying, selling, transporting, possessing, or  
27 taking any saltwater product, at any time and from any waters,  
28 in violation of the laws of this state; or

29 3. Upon satisfactory evidence of any violation of the  
30 laws or any regulations of this state designed for the  
31 conservation of saltwater products or of any of the laws of

1 this state relating to dealing in, buying, selling,  
2 transporting, possession, or taking of saltwater products.

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

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

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

13 (a) Wholesale dealers shall be required by the  
14 commission ~~department~~ to make and preserve a record of the  
15 names and addresses of persons from whom or to whom saltwater  
16 products are purchased or sold, the quantity so purchased or  
17 sold from or to each vendor or purchaser, and the date of each  
18 such transaction. Retail dealers shall be required to make and  
19 preserve a record from whom all saltwater products are  
20 purchased. Such record shall be open to inspection at all  
21 times by the commission ~~department~~. A report covering the  
22 sale of saltwater products shall be made monthly or as often  
23 as required by rule to the commission ~~department~~ by each  
24 wholesale dealer. All reports required under this subsection  
25 are confidential and shall be exempt from the provisions of s.  
26 119.07(1) except that, pursuant to authority related to  
27 interstate fishery compacts as provided by ss. 370.19(3) and  
28 370.20(3), reports may be shared with another state if that  
29 state is a member of an interstate fisheries compact, and if  
30 that state has signed a Memorandum of Agreement or a similar

31

1 instrument agreeing to preserve confidentiality as established  
2 by Florida law.

3 (b) The commission ~~department~~ may revoke, suspend, or  
4 deny the renewal of the license of any dealer for failure to  
5 make and keep required records, for failure to make required  
6 reports, for failure or refusal to permit the examination of  
7 required records, or for falsifying any such record. In  
8 addition to, or in lieu of, the penalties imposed pursuant to  
9 this paragraph and s. 370.021, the commission ~~department~~ may  
10 impose against any person, firm, or corporation who is  
11 determined to have violated any provision of this paragraph or  
12 any provisions of any commission ~~department~~ rules adopted  
13 ~~promulgated~~ pursuant to s. 370.0607, the following additional  
14 penalties:

15 1. For the first violation, a civil penalty of up to  
16 \$1,000;

17 2. For a second violation committed within 24 months  
18 of any previous violation, a civil penalty of up to \$2,500;  
19 and

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

23

24 The proceeds of all civil penalties collected pursuant to this  
25 subsection shall be deposited into the Marine Resources  
26 Conservation Trust Fund and shall be used for administration,  
27 auditing, and law enforcement purposes.

28 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY  
29 LOCATION.--Wholesale dealers purchasing saltwater products  
30 pursuant to s. 370.06(2)(a) at any site other than a site  
31 located in a county where the dealer has a permanent address

1 must notify the Fish and Wildlife Conservation Commission  
2 ~~Division of Law Enforcement~~ of the location of the temporary  
3 site of business for each day business is to be conducted at  
4 such site.

5 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is  
6 unlawful for any licensed retail dealer or any restaurant  
7 licensed by the Division of Hotels and Restaurants of the  
8 Department of Business and Professional Regulation to buy  
9 saltwater products from any person other than a licensed  
10 wholesale or retail dealer.

11 Section 16. Section 370.101, Florida Statutes, is  
12 amended to read:

13 370.101 Saltwater fish; regulations.--

14 (1) The Fish and Wildlife Conservation Commission  
15 ~~Division of Marine Resources~~ is authorized to establish weight  
16 equivalencies when minimum lengths of saltwater fish are  
17 established by law, in those cases where the fish are  
18 artificially cultivated.

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

24 (3) A ~~No~~ permit may not be issued pursuant to  
25 subsection (2) until the commission ~~division~~ determines that  
26 the artificial cultivation activity complies with the  
27 provisions of ss. 253.67-253.75 and any other specific  
28 provisions contained within this chapter regarding leases,  
29 licenses, or permits for maricultural activities of each  
30 saltwater fish, so that the public interest in such fish  
31 stocks is fully protected.

1           Section 17. Subsection (2) of section 370.11, Florida  
2 Statutes, is amended to read:

3           370.11 Fish; regulation.--

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



1           Section 18. Subsection (1) of section 370.1107,  
2 Florida Statutes, is amended to read:

3           370.1107 Definition; possession of certain licensed  
4 traps prohibited; penalties; exceptions; consent.--

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

10           Section 19. Subsection (4) and paragraph (d) of  
11 subsection (5) of section 370.13, Florida Statutes, are  
12 amended to read:

13           370.13 Stone crab; regulation.--

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

25           (5)

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

31

1           Section 20. Section 370.1405, Florida Statutes, is  
2 amended to read:

3           370.1405 Crawfish reports by dealers during closed  
4 season required.--

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

22           (2) Failure to submit a report as described in  
23 subsection (1) or reporting a greater or lesser amount of  
24 whole crawfish, crawfish tails, or crawfish meat than is  
25 actually in the dealer's possession or name is a major  
26 violation of this chapter, punishable as provided in s.  
27 370.021(1), s. 370.07(6)(b), or both. The commission shall  
28 seize the entire supply of unreported or falsely reported  
29 whole crawfish, crawfish tails, or crawfish meat, and shall  
30 carry the same before the court for disposal. The dealer shall  
31 post a cash bond in the amount of the fair value of the entire

1 quantity of unreported or falsely reported crawfish as  
2 determined by the judge. After posting the cash bond, the  
3 dealer shall have 24 hours to transport said products outside  
4 the limits of Florida for sale as provided by s. 370.061.  
5 Otherwise, the product shall be declared a nuisance and  
6 disposed of by the commission according to law.

7 (3) All dealers having reported stocks of crawfish may  
8 sell or offer to sell such stocks of crawfish; however, such  
9 dealers shall submit an additional report on the last day of  
10 each month during the duration of the closed season. Reports  
11 shall be made on forms supplied by the commission ~~department~~.  
12 Each dealer shall state on this report the number of pounds  
13 brought forward from the previous report period, the number of  
14 pounds sold during the report period, the number of pounds, if  
15 any, acquired from a licensed wholesale dealer during the  
16 report period, and the number of pounds remaining on hand. In  
17 every case, the amount of crawfish sold plus the amount  
18 reported on hand shall equal the amount acquired plus the  
19 amount reported remaining on hand in the last submitted  
20 report. Copies of records or invoices documenting the number  
21 of pounds acquired during the closed season must be maintained  
22 by the wholesale or retail dealer and shall be kept available  
23 for inspection by the commission ~~department~~ for a period not  
24 less than 3 years from the date of the recorded transaction.  
25 Reports postmarked later than midnight on the 3rd calendar day  
26 of each month during the duration of the closed season will  
27 not be accepted by the commission ~~department~~. Dealers for  
28 which late supplementary reports are not accepted by the  
29 commission ~~department~~ must show just cause why their entire  
30 stock of whole crawfish, crawfish tails, or crawfish meat  
31 should not be seized by the commission ~~department~~. Whenever a

1 dealer fails to timely submit the monthly supplementary report  
2 as described in this subsection, the dealer may be subject to  
3 the following civil penalties:

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

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

9 (c) For a third violation within the same crawfish  
10 closed season, the commission ~~department~~ shall assess a civil  
11 penalty of \$2,500 and may seize said dealer's entire stock of  
12 whole crawfish, crawfish tails, or crawfish meat and carry the  
13 same before the court for disposal. The dealer shall post a  
14 cash bond in the amount of the fair value of the entire  
15 remaining quantity of crawfish as determined by the judge.  
16 After posting the cash bond, a dealer shall have 24 hours to  
17 transport said products outside the limits of Florida for sale  
18 as provided by s. 370.061. Otherwise, the product shall be  
19 declared a nuisance and disposed of by the commission  
20 ~~department~~ according to law.

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

25 (5) Each wholesale and retail dealer in whole  
26 crawfish, crawfish tails, or crawfish meat shall keep  
27 throughout the period of the crawfish closed season copies of  
28 the bill of sale or invoice covering each transaction  
29 involving whole crawfish, crawfish tails, or crawfish meat.  
30 Such invoices and bills shall be kept available at all times  
31 for inspection by the commission ~~department~~.

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

5           Section 21. Paragraphs (b), (d), and (e) of subsection  
6 (4) of section 370.16, Florida Statutes, are amended to read:

7           370.16 Oysters and shellfish; regulation.--

8           (4) LEASES IN PERPETUITY; RENT; STIPULATIONS; TAXES;  
9 CULTIVATION, ETC.--

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

31

1 (d) Funds from receipts from the surcharge within the  
2 Board of Trustees of the Internal Improvement ~~Marine Resources~~  
3 ~~Conservation~~ Trust Fund from the surcharge established by  
4 paragraph (b) shall be disbursed for the following purposes  
5 and no others:

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

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

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

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

20 (e) Effective cultivation shall consist of the growing  
21 of the oysters or clams in a density suitable for commercial  
22 harvesting over the amount of bottom prescribed by law. This  
23 commercial density shall be accomplished by the planting of  
24 seed oysters, shell, and cultch of various descriptions. The  
25 department ~~Division of Marine Resources~~ may stipulate in each  
26 individual lease contract the types, shape, depth, size, and  
27 height of cultch materials on lease bottoms according to the  
28 individual shape, depth, location, and type of bottom of the  
29 proposed lease. Each tenant leasing from the state water  
30 bottoms under the provisions of this section shall have begun,  
31 within 1 year from the date of such lease, bona fide

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

13 Section 22. Section 370.25, Florida Statutes, is  
14 amended to read:

15 370.25 Artificial fishing reef program; construction  
16 grants to local governments.--

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

30 (2) The commission ~~department~~ may adopt by rule  
31 procedures for submitting a grant application and criteria for

1 allocating available funds. Such criteria shall include, but  
2 not be limited to, the following:

3 (a) The number of artificial fishing reefs and extent  
4 of the natural reef community currently located in the general  
5 vicinity;

6 (b) The documented demand and public support for the  
7 proposed reef;

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

10 (d) The commitment of the local government or  
11 authorized nonprofit organization to provide funds or other  
12 support for the development, monitoring, evaluation, and  
13 management of the proposed reef;

14 (e) The estimated cost for developing or monitoring  
15 the proposed reef;

16 (f) The stated objectives for developing or evaluating  
17 the reef and a means to measure the level of attainment of  
18 these objectives; and

19 (g) The ability of applicants to conduct artificial  
20 reef monitoring projects using established scientific protocol  
21 either independently or in collaboration with marine research  
22 entities.

23 (3) The commission ~~department~~ shall establish criteria  
24 for siting, constructing, managing, and evaluating the  
25 effectiveness of artificial reefs, including the specification  
26 of what materials are permissible to use in constructing  
27 fishing reefs. No material shall be permitted to be used as an  
28 artificial reef under conditions where hurricane force storm  
29 events could reasonably be expected to cause the underwater  
30 lateral movement of the material off the permitted reef site,  
31 or cause substantial structural failure of the material. No



1 material shall be permitted to be used as an artificial reef  
2 which has a demonstrated life expectancy in sea water as a  
3 functioning reef community of less than 20 years, or which has  
4 not been found to be safe for marine life and human health by  
5 the commission ~~department~~. Each artificial reef must be  
6 constructed in a manner that is consistent with the public  
7 interest, will not harm the marine environment, or impede  
8 navigation or other traditional uses.

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

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

19 (b) The organization must have as one of its principal  
20 charges the development or monitoring of artificial reefs and  
21 must agree to use the best science-based management practices  
22 available.

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

26 (5) The commission's ~~department's~~ artificial reef  
27 program shall track artificial reef development activities  
28 statewide and maintain a computer database of this activity  
29 for the public interest and to facilitate long-range planning  
30 and coordination within the commission ~~department~~ and among  
31 local governments.

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

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

7 (b) Place in state waters artificial-reef-construction  
8 materials that have not been inspected and approved by the  
9 commission ~~department~~ or a commission ~~department~~-certified  
10 inspector.

11 (7)(a) An initial violation of subsection (6) is a  
12 misdemeanor of the first degree, punishable as provided in s.  
13 775.082 or s. 775.083. A subsequent violation of subsection  
14 (6) which is committed within 12 months after a previous  
15 violation of that subsection is a felony of the third degree,  
16 punishable as provided in s. 775.082, s. 775.083, or s.  
17 775.084.

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

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

26 1. Is moored, the registered owner of the vessel is  
27 responsible for the violation.

28 2. Is underway, the captain or operator of the vessel  
29 is ~~and the registered owner of the vessel are jointly~~  
30 responsible for the violation.

31

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

9           Section 23. Section 372.021, Florida Statutes, is  
10 amended to read:

11           372.021 Powers, duties, and authority of commission;  
12 rules, regulations, and orders.--The Fish and Wildlife  
13 Conservation ~~Game and Fresh Water Fish~~ Commission may exercise  
14 the powers, duties, and authority granted by s. 9, Art. IV of  
15 the Constitution of Florida, and as otherwise authorized by  
16 the Legislature by the adoption of rules, regulations, and  
17 orders in accordance with chapter 120.

18           Section 24. Section 372.05, Florida Statutes, is  
19 amended to read:

20           372.05 Duties of executive director.--The executive  
21 director of the Fish and Wildlife Conservation Commission  
22 shall:

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

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

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

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

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

7           (5)~~(6)~~ Appoint, fix salaries of, and at pleasure  
8 remove, subject to the approval of the commission, assistants  
9 and other employees who shall have such powers and duties as  
10 may be assigned to them by the commission or executive  
11 director.

12           (6)~~(7)~~ Have such other powers and duties as may be  
13 prescribed by the commission in pursuance of its duties under  
14 s. 9, Art. IV of the State Constitution.

15           Section 25. Section 372.07, Florida Statutes, is  
16 amended to read:

17           372.07 Police powers of commission and its agents.--

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

31

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

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

10           (b) Execute warrants and search warrants for the  
11 violation of said laws;

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

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

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

28           (f) Secure and execute search warrants and in  
29 pursuance thereof to enter any building, enclosure, or car and  
30 to break open, when found necessary, any apartment, chest,  
31

1 locker, box, trunk, crate, basket, bag, package, or container  
2 and examine the contents thereof;

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

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

14 Section 26. Paragraph (b) of subsection (2) and  
15 paragraph (b) of subsection (3) of section 372.105, Florida  
16 Statutes, are 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 s. 372.57 ~~with the exception of the~~  
22 ~~saltwater portion of the lifetime sportsman's license.~~

23 (3) The fund is declared to constitute a special trust  
24 derived from a contractual relationship between the state and  
25 the members of the public whose investments contribute to the  
26 fund. In recognition of such special trust, the following  
27 limitations and restrictions are placed on expenditures from  
28 the funds:

29 (b) The interest income received and accruing from the  
30 investments of the fund shall be spent in furtherance of the  
31 commission's exercise of the regulatory and executive powers

1 of the state with respect to the management, protection, and  
2 conservation of wild animal life and saltwater and freshwater  
3 aquatic life as set forth in s. 9, Art. IV of the State  
4 Constitution and this chapter and as otherwise authorized by  
5 the Legislature.

6 Section 27. Section 372.121, Florida Statutes, is  
7 amended to read:

8 372.121 Control and management of state game lands.--

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

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

26 Section 28. Subsection (1) of section 372.991, Florida  
27 Statutes, is amended to read:

28 372.991 Nongame Wildlife Trust Fund.--

29 (1) The Legislature recognizes the value of  
30 maintaining ecologically healthy and stable populations of a  
31 wide diversity of fish and wildlife species and recognizes the

1 need for monitoring, research, management, and public  
2 awareness of all wildlife species in order to guarantee that  
3 self-sustaining populations be conserved. The Legislature  
4 further recognizes that research and management for game  
5 species traditionally have been supported by licenses and fees  
6 collected by the Fish and Wildlife Conservation ~~Game and Fresh~~  
7 ~~Water Fish~~ Commission for consumptive uses of wildlife and  
8 that no such support mechanism is available for species not  
9 commonly pursued for sport or profit. It is the intent of the  
10 Legislature that the funds provided herein be spent to  
11 identify and meet the needs of nongame wildlife as a first  
12 priority with the ultimate goal of establishing an integrated  
13 approach to the management and conservation of all native  
14 fish, wildlife, and plants.

15 Section 29. Subsections (6) and (12) of section  
16 373.4149, Florida Statutes, are amended to read:

17 373.4149 Miami-Dade County Lake Belt Plan.--

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



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

28 (12) The secretary of the Department of Environmental  
29 Protection, the secretary of the Department of Community  
30 Affairs, the secretary of the Department of Transportation,  
31 the Commissioner of Agriculture, the executive director of the

1 Fish and Wildlife Conservation ~~Game and Freshwater Fish~~  
2 Commission, and the executive director of the South Florida  
3 Water Management District may enter into agreements with  
4 landowners, developers, businesses, industries, individuals,  
5 and governmental agencies as necessary to effectuate the  
6 provisions of this section.

7 Section 30. Paragraph (b) of subsection (6) of section  
8 373.41492, Florida Statutes, is amended to read:

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

12 (6)

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

24 Section 31. Subsection (3) of section 403.141, Florida  
25 Statutes, is amended to read:

26 403.141 Civil liability; joint and several  
27 liability.--

28 (3) In assessing damages for fish killed, the value of  
29 the fish is to be determined in accordance with a table of  
30 values for individual categories of fish which shall be  
31 promulgated by the department. At the time the table is

1 adopted, the department shall use ~~utilize~~ tables of values  
2 established by the Department of Environmental Protection and  
3 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
4 Commission. The total number of fish killed may be estimated  
5 by standard practices used in estimating fish population.

6 Section 32. Paragraph (h) of subsection (12) of  
7 section 403.707, Florida Statutes, is amended to read:

8 403.707 Permits.--

9 (12) The department shall establish a separate  
10 category for solid waste management facilities which accept  
11 only construction and demolition debris for disposal or  
12 recycling. The department shall establish a reasonable  
13 schedule for existing facilities to comply with this section  
14 to avoid undue hardship to such facilities. However, a  
15 permitted solid waste disposal unit which receives a  
16 significant amount of waste prior to the compliance deadline  
17 established in this schedule shall not be required to be  
18 retrofitted with liners or leachate control systems.

19 Facilities accepting materials defined in s. 403.703(17)(b)  
20 must implement a groundwater monitoring system adequate to  
21 detect contaminants that may reasonably be expected to result  
22 from such disposal prior to the acceptance of those materials.

23 (h) The department shall ensure that the requirements  
24 of this section are applied and interpreted consistently  
25 throughout the state. In accordance with s. 20.255 ~~s.~~  
26 ~~20.255(6)~~, the Division of Waste Management shall direct the  
27 district offices and bureaus on matters relating to the  
28 interpretation and applicability of this section.

29 Section 33. Paragraph (b) of subsection (1) of section  
30 570.235, Florida Statutes, is amended to read:

31 570.235 Pest Exclusion Advisory Committee.--

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

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

6           1. Two members representing and appointed by the  
7 Animal and Plant Health Inspection Service, United States  
8 Department of Agriculture.

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

11           3. One member representing and appointed by the  
12 Florida Department of Environmental Protection.

13           4. One member representing and appointed by the Fish  
14 and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
15 Commission.

16           5. One member appointed by the Speaker of the House of  
17 Representatives.

18           6. One member appointed by the President of the  
19 Senate.

20           Section 34. Paragraph (e) of subsection (7) of section  
21 590.02, Florida Statutes, is amended to read:

22           590.02 Division powers, authority, and duties;  
23 liability; building structures; Florida Center for Wildfire  
24 and Forest Resources Management Training.--

25           (7) The division may organize, staff, equip, and  
26 operate the Florida Center for Wildfire and Forest Resources  
27 Management Training. The center shall serve as a site where  
28 fire and forest resource managers can obtain current  
29 knowledge, techniques, skills, and theory as they relate to  
30 their respective disciplines.

31

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

20           Section 35. Subsection (5) of section 597.004, Florida  
21 Statutes, is amended to read:

22           597.004 Aquaculture certificate of registration.--

23           (5) SALE OF AQUACULTURE PRODUCTS.--

24           (a) Aquaculture products, except shellfish, snook, and  
25 any fish of the genus *Micropterus*, and prohibited and  
26 restricted freshwater and marine species identified by rules  
27 of the Fish and Wildlife Conservation Commission, may be sold  
28 by an aquaculture producer certified pursuant to s. 597.004  
29 without restriction so long as product origin can be  
30 identified.

31

1 (b) Aquaculture shellfish must be sold and handled in  
2 accordance with shellfish handling regulations of the  
3 Department of Agriculture and Consumer Services ~~Department of~~  
4 ~~Environmental Protection~~ established to protect public health.

5 Section 36. Subsection (3) of section 705.101, Florida  
6 Statutes, is amended to read:

7 705.101 Definitions.--As used in this chapter:

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

18 Section 37. Subsections (2) and (4) of section  
19 705.103, Florida Statutes, are amended to read:

20 705.103 Procedure for abandoned or lost property.--

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

26  
27 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
28 PROPERTY. This property, to wit: ...(setting forth brief  
29 description)... is unlawfully upon public property known as  
30 ...(setting forth brief description of location)... and must  
31 be removed within 5 days; otherwise, it will be removed and

1 disposed of pursuant to chapter 705, Florida Statutes. The  
2 owner will be liable for the costs of removal, storage, and  
3 publication of notice. Dated this: ...(setting forth the date  
4 of posting of notice)..., signed: ...(setting forth name,  
5 title, address, and telephone number of law enforcement  
6 officer)....  
7  
8 Such notice shall be not less than 8 inches by 10 inches and  
9 shall be sufficiently weatherproof to withstand normal  
10 exposure to the elements. In addition to posting, the law  
11 enforcement officer shall make a reasonable effort to  
12 ascertain the name and address of the owner. If such is  
13 reasonably available to the officer, she or he shall mail a  
14 copy of such notice to the owner on or before the date of  
15 posting. If the property is a motor vehicle as defined in s.  
16 320.01(1) or a vessel as defined in s. 327.02, the law  
17 enforcement agency shall contact the Department of Highway  
18 Safety and Motor Vehicles ~~or the Department of Environmental~~  
19 ~~Protection, respectively,~~ in order to determine the name and  
20 address of the owner and any person who has filed a lien on  
21 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
22 328.15(1). On receipt of this information, the law enforcement  
23 agency shall mail a copy of the notice by certified mail,  
24 return receipt requested, to the owner and to the lienholder,  
25 if any. If, at the end of 5 days after posting the notice and  
26 mailing such notice, if required, the owner or any person  
27 interested in the lost or abandoned article or articles  
28 described has not removed the article or articles from public  
29 property or shown reasonable cause for failure to do so, the  
30 following shall apply:  
31

1           (a) For abandoned property, the law enforcement agency  
2 may retain any or all of the property for its own use or for  
3 use by the state or unit of local government, trade such  
4 property to another unit of local government or state agency,  
5 donate the property to a charitable organization, sell the  
6 property, or notify the appropriate refuse removal service.

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

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

28           2. If the agency elects to sell the property, it must  
29 do so at public sale by competitive bidding. Notice of the  
30 time and place of the sale shall be given by an advertisement  
31 of the sale published once a week for 2 consecutive weeks in a



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

16 (4) The owner of any abandoned or lost property who,  
17 after notice as provided in this section, does not remove such  
18 property within the specified period shall be liable to the  
19 law enforcement agency for all costs of removal, storage, and  
20 destruction of such property, less any salvage value obtained  
21 by disposal of the property. Upon final disposition of the  
22 property, the law enforcement officer shall notify the owner,  
23 if known, of the amount owed. In the case of an abandoned boat  
24 or motor vehicle, any person who neglects or refuses to pay  
25 such amount is not entitled to be issued a certificate of  
26 registration for such boat or motor vehicle, or any other boat  
27 or motor vehicle, until such costs have been paid. The law  
28 enforcement officer shall supply the Department of Highway  
29 Safety and Motor Vehicles ~~Environmental Protection~~ with a list  
30 of persons whose boat registration privileges or ~~have been~~  
31 ~~revoked under this subsection and the Department of Motor~~

1 ~~Vehicles with a list of persons~~ whose motor vehicle privileges  
2 have been revoked under this subsection. Neither the  
3 department nor any other person acting as agent thereof shall  
4 issue a certificate of registration to a person whose boat or  
5 motor vehicle registration privileges have been revoked, as  
6 provided by this subsection, until such costs have been paid.

7 Section 38. Subsection (1) of section 832.06, Florida  
8 Statutes, is amended to read:

9 832.06 Prosecution for worthless checks given tax  
10 collector for licenses or taxes; refunds.--

11 (1) Whenever any person, firm, or corporation violates  
12 the provisions of s. 832.05 by drawing, making, uttering,  
13 issuing, or delivering to any county tax collector any check,  
14 draft, or other written order on any bank or depository for  
15 the payment of money or its equivalent for any tag, title,  
16 lien, tax (except ad valorem taxes), penalty, or fee relative  
17 to a boat, airplane, motor vehicle, driver license, or  
18 identification card; any occupational license, beverage  
19 license, or sales or use tax; or any hunting or fishing  
20 license, the county tax collector, after the exercise of due  
21 diligence to locate the person, firm, or corporation which  
22 drew, made, uttered, issued, or delivered the check, draft, or  
23 other written order for the payment of money, or to collect  
24 the same by the exercise of due diligence and prudence, shall  
25 swear out a complaint in the proper court against the person,  
26 firm, or corporation for the issuance of the worthless check  
27 or draft. If the state attorney cannot sign the information  
28 due to lack of proof, as determined by the state attorney in  
29 good faith, for a prima facie case in court, he or she shall  
30 issue a certificate so stating to the tax collector. If  
31 payment of the dishonored check, draft, or other written

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

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

1 Vehicles, the Department of Revenue, the Division of Alcoholic  
2 Beverages and Tobacco of the Department of Business and  
3 Professional Regulation, or the Fish and Wildlife Conservation  
4 ~~Game and Fresh Water Fish~~ Commission, upon being satisfied as  
5 to the correctness of the certificate, shall refund the sums  
6 of money so certified to the county tax collector.

7 (2) The provisions of this act shall be liberally  
8 construed in order to effectively carry out the purposes of  
9 this act in the interest of the public.

10 Section 39. Sections 370.013, 370.017, 370.032,  
11 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606,  
12 370.0615, 370.0805, 372.04, 372.061, 373.197, and 403.261,  
13 Florida Statutes, and subsection (6) of section 370.021, and  
14 subsection (12) of section 370.14, Florida Statutes, are  
15 repealed.

16 Section 40. This act shall take effect upon becoming a  
17 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 186

4 The committee substitute contains the following new  
5 provisions:

6 Section 20.255, F.S., is amended to change the number of  
7 deputy secretaries for the DEP from two to three, provide for  
8 the offices of Chief of Staff, External Affairs, and  
9 Legislative and Government Affairs, and delete the offices of  
10 Communication, Water Policy, Ecosystem Planning and  
11 Coordination, and Environmental Education. In addition, the  
12 Division of Administrative and Technical Services is retitled  
13 as the Division of Administrative Services and obsolete  
14 provisions relating to the merger of the former Departments of  
15 Natural Resources and Environmental Regulation to create the  
16 Department of Environmental Protection are deleted.

17 Section 370.0205, F.S., is transferred and renumbered as s.  
18 20.2551, F.S., to appropriately place within the Florida  
19 Statutes the DEP's authorization to create citizen support  
20 organizations.

21 Section 20.331, F.S., is amended to clarify that the FWCC will  
22 follow ch. 120, F.S., provisions when promulgating rules in  
23 the performance of its statutory duties and responsibilities

24 Section 259.101, F.S., is amended to conform with the creation  
25 of the FWCC and clarify that the FWCC will receive 2.9 percent  
26 of the Preservation 2000 bond proceeds.

27 Section 270.22, F.S., is amended to provide that rental fees  
28 from aquaculture leases shall be deposited into the General  
29 Inspection Trust Fund of the Department of Agriculture and  
30 Consumer Services, rather than the Marine Resources  
31 Conservation Trust Fund.

Section 288.109, F.S., is amended to conform with the creation  
of the FWCC and clarify that the FWCC is integrated into the  
One-Stop Permitting System.

Section 327.54, F.S., is amended to clarify that the FWCC will  
establish safety standards for handling personal watercraft.

Section 328.72, F.S., is amended to clarify that the FWCC will  
determine the number of noncommercial vessels registered in  
each county annually.

Section 370.021, F.S., is amended to clarify that penalties  
will be imposed for any violation of ch. 370, F.S., or rule of  
the FWCC relating to the conservation of marine resources.

Section 370.041, F.S., is transferred and renumbered as s.  
161.242, F.S.

Section 370.101, F.S., is amended to conform with the deletion  
of the Division of Marine Resources from the DEP.

Section 370.13, F.S., is amended to provide that the FWCC,

1 rather than the DEP, will revoke the stone crab permit of a  
2 violator of s. 370.13(1)(a), F.S., and clarify that the FWCC  
3 will deactivate the stone crab trap number if the holder fails  
4 to timely request renewal of the number.  
5  
6 Section 370.1405, F.S., is amended to reflect that regulation  
7 of the crawfish fishery, including regulation of crawfish  
8 dealers, together with the imposition of penalties for  
9 untimely reporting of sales, is the responsibility of the FWCC.  
10  
11 Section 370.16, F.S., is amended to provide that surcharges on  
12 oyster aquaculture leases will be deposited into the Internal  
13 Improvement Trust Fund, rather than the Marine Resources  
14 Conservation Trust Fund, and used for specified purposes.  
15 Other changes conform with the deletion of the Division of  
16 Marine Resources from the DEP.  
17  
18 In an additional change to s. 370.25, F.S., a provision  
19 conferring joint responsibility on the captain or operator of  
20 a vessel and the vessel's registered owner for violations of  
21 s. 370.25(6), F.S., while the vessel is underway is amended to  
22 exempt the owner from responsibility.  
23  
24 Section 372.021, F.S., is amended to provide that the FWCC may  
25 exercise both its constitutional and statutory powers.  
26  
27 Section 372.05, F.S., is amended to clarify that the FWCC is  
28 headed by an executive director and to delete a requirement  
29 that the executive director visit every county in the state at  
30 least once annually.  
31  
32 Section 372.07, F.S., is amended to provide that the executive  
33 director of the FWCC and any designated assistants are peace  
34 officers having authority to enforce laws relating to marine  
35 life.  
36  
37 Section 372.105, F.S., is amended to provide that all proceeds  
38 of the lifetime resident saltwater fishing license fees are to  
39 be deposited into the Lifetime Fish and Wildlife Trust Fund.  
40  
41 Section 372.121, F.S., is amended to exempt rules and  
42 regulations relating to marine life from a requirement that  
43 the FWCC obtain the consent of the owner or custodian of lands  
44 and waters to be affected by proposed rules or regulations  
45 prior to adoption.  
46  
47 Section 372.991, F.S., is amended to clarify that the FWCC  
48 collects license fees for consumptive uses of wildlife.  
49  
50 Section 373.4149, F.S., is amended to clarify that the FWCC  
51 executive director is a member of the Miami-Dade County Lake  
52 Belt Plan Implementation Committee and may enter into  
53 agreements to effectuate the plan.  
54  
55 Section 373.41492, F.S., is amended to clarify that the FWCC  
56 is a member of an interagency committee authorized to approve  
57 expenditures for the Lake Belt Mitigation Plan.  
58  
59 Section 403.141, F.S., is amended to clarify that the FWCC  
60 coordinates with the DEP in creating tables of value to be  
61 used in assessing damages for fish kills.

1 Section 403.707, F.S., is amended to correct a  
cross-reference.

2  
3 Section 570.235, F.S., is amended to clarify that the FWCC is  
represented on the Pest Exclusion Advisory Committee.

4 Section 590.02, F.S., is amended to clarify that the executive  
5 director of the FWCC is a member of an advisory committee  
6 charged with reviewing the program curriculum, course content,  
and scheduling of the Florida Center for Wildfire and Forest  
Resources Management Training Program.

7 Section 832.06, F.S., is amended to provide that the FWCC must  
8 return to the county tax collector, upon request, license fees  
paid to a tax collector by a worthless check.

9 The list of repealed provisions found in section 12 of Senate  
10 Bill 186 has been revised. The bill now specifically repeals  
11 s. 370.013, F.S., relating to the general function of the DEP,  
12 s. 370.017, F.S., relating to the responsibilities of the  
secretary of the DEP; ss. 370.032-370.038, F.S., relating to  
13 certificates, records, and rules regarding dredge and fill  
equipment and activities; s. 370.0606, F.S.; relating to the  
14 appointment of subagents for the sale of saltwater fishing  
licenses and permits; s. 370.0615, F.S., relating to lifetime  
15 resident saltwater fishing licenses; s. 370.0805, F.S.;  
relating to the net ban assistance program; s. 372.061, F.S.,  
16 relating to meetings of the Game and Fresh Water Fish  
Commission; s. 373.197, F.S., relating to the outdated  
17 Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin  
Restoration Project (circa 1975); s. 403.261, F.S., relating  
18 to potential rulemaking authority relating to air and water  
pollution of several outdated agencies (circa 1967) including  
19 the Game and Fresh Water Fish Commission; subsection (6) of s.  
370.021, F.S., relating to admissibility of rules; and  
20 subsection (12) of s. 370.14, relating to the naming of the  
2-day sport season for spiny lobsters.

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