

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6 deleting outdated provisions relating to review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.
31 370.25, F.S.; deleting a provision conferring

1 joint responsibility on the captain or operator
2 of a vessel and the registered owner of the
3 vessel for violations while underway;
4 transferring responsibilities for the
5 artificial reef program to the Fish and
6 Wildlife Conservation Commission; amending s.
7 372.021, F.S.; prescribing powers and duties of
8 the Fish and Wildlife Conservation Commission;
9 amending s. 372.05, F.S.; prescribing duties of
10 the executive director of the commission;
11 amending s. 372.07, F.S.; prescribing police
12 powers of the executive director of the
13 commission; amending s. 372.105, F.S.;
14 clarifying the regulation of saltwater life;
15 revising the deposit of specified funds;
16 amending s. 372.121, F.S.; providing for
17 management of certain lands; amending ss.
18 372.991, 373.4149, 373.41492, 403.141, 570.235,
19 590.02, F.S.; conforming references to the Fish
20 and Wildlife Conservation Commission; amending
21 s. 403.707, F.S.; conforming a statutory
22 cross-reference; amending s. 597.004, F.S.;
23 transferring aquaculture shellfish handling
24 regulations from the Department of
25 Environmental Protection to the Department of
26 Agriculture and Consumer Services; amending s.
27 705.101, F.S.; transferring specific authority
28 over derelict vessels from the Department of
29 Environmental Protection to the Fish and
30 Wildlife Conservation Commission; amending s.
31 705.103, F.S.; removing authority over

1 abandoned vessels from the Department of
2 Environmental Protection; amending s. 832.06,
3 F.S.; conforming references to the Fish and
4 Wildlife Conservation Commission; repealing s.
5 370.013, F.S., relating to the Department of
6 Environmental Protection; repealing s. 370.017,
7 F.S., relating to the responsibilities of the
8 secretary of the Department of Environmental
9 Protection; repealing s. 370.032, F.S.,
10 relating to definitions; repealing s. 370.033,
11 F.S., relating to legislative intent; repealing
12 s. 370.034, F.S., relating to certificates for
13 dredge and fill equipment; repealing s.
14 370.036, F.S., relating to the maintenance of
15 records regarding dredge and fill equipment;
16 repealing s. 370.037, F.S., relating to the
17 denial, suspension, or revocation of dredge and
18 fill certificates; amending s. 260.016, F.S.;
19 authorizing the Department of Environmental
20 Protection to receive grants for improving
21 greenways and trails and to adopt rules for the
22 administering pass-through grants; amending s.
23 375.075, F.S.; correcting a cross-reference;
24 repealing s. 370.038, F.S., relating to the
25 adoption of specified rules; repealing s.
26 370.0606, F.S., relating to appointment of
27 subagents for sale of saltwater licenses and
28 permits; repealing s. 370.0805, F.S.; relating
29 to the net ban assistance program; repealing s.
30 372.04, F.S., relating to the director of the
31 commission; repealing s. 372.061, F.S.,

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

13

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

15

16 Section 1. Section 20.255, Florida Statutes, is
17 amended to read:18 20.255 Department of Environmental Protection.--There
19 is created a Department of Environmental Protection.20 (1) The head of the Department of Environmental
21 Protection shall be a secretary, who shall be appointed by the
22 Governor, with the concurrence of three or more members of the
23 Cabinet. The secretary shall be confirmed by the Florida
24 Senate. The secretary shall serve at the pleasure of the
25 Governor.26 (2)(a) There shall be three ~~two~~ deputy secretaries ~~and~~
27 ~~an executive coordinator for ecosystem management~~ who are to
28 be appointed by and shall serve at the pleasure of the
29 secretary. The secretary may assign any ~~either~~ deputy
30 secretary the responsibility to supervise, coordinate, and
31 formulate policy for any division, office, or district. The

1 following special offices are established and headed by
2 managers, each of whom is to be appointed by and serve at the
3 pleasure of the secretary:

- 4 1. Office of Chief of Staff,
- 5 2.1. Office of General Counsel,
- 6 3.2. Office of Inspector General,
- 7 4.3. Office of External Affairs Communication, the
8 ~~latter including public information, legislative liaison,~~
9 ~~cabinet liaison, and special projects,~~
- 10 ~~4. Office of Water Policy,~~
- 11 5. Office of Legislative and Government Affairs, and
12 ~~Intergovernmental Programs,~~
- 13 ~~6. Office of Ecosystem Planning and Coordination,~~
- 14 ~~7. Office of Environmental Education, and an~~
- 15 6.8. Office of Greenways and Trails.

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

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

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

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

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

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

22 (a) Division of Administrative Services.

23 (b) Division of Air Resource Management.

24 (c) Division of Water Resource Management.

25 (d) Division of Law Enforcement.

26 (e) Division of Resource Assessment and Management.

27 (f) Division of Waste Management.

28 (g) Division of Recreation and Parks.

29 (h) Division of State Lands, the director of which is
30 to be appointed by the secretary of the department, subject to
31

1 confirmation by the Governor and Cabinet sitting as the Board
2 of Trustees of the Internal Improvement Trust Fund.

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

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

1 ~~(5) Except for those orders reviewable as provided in~~
2 ~~s. 373.4275, the Governor and Cabinet, sitting as the Land and~~
3 ~~Water Adjudicatory Commission, has the exclusive authority to~~
4 ~~review any order or rule of the department which, prior to~~
5 ~~July 1, 1994, the Governor and Cabinet, as head of the~~
6 ~~Department of Natural Resources, had authority to issue or~~
7 ~~promulgate, other than a rule or order relating to an internal~~
8 ~~procedure of the department.~~

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

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

31

1 ~~(c) If the Land and Water Adjudicatory Commission~~
2 ~~determines that a rule or order is not consistent with the~~
3 ~~provisions and purposes of this chapter, it may, in the case~~
4 ~~of a rule, require the department to initiate rulemaking~~
5 ~~proceedings to amend or repeal the rule or, in the case of an~~
6 ~~order, rescind or modify the order or remand the proceeding to~~
7 ~~the department for further action consistent with the order of~~
8 ~~the Land and Water Adjudicatory Commission.~~

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

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

17 ~~(6) The following divisions of the Department of~~
18 ~~Environmental Protection are established:~~

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

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

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

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

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

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

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

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

30
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.~~

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

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

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

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

1 evidence. Duly certified or authenticated reproductions of
2 such photographs or microphotographs shall be admitted in
3 evidence equally with the original photographs or
4 microphotographs. The impression of the seal of the Department
5 of Environmental Protection on a certificate made by the
6 department and signed by the Secretary of Environmental
7 Protection entitles the certificate to be received in all
8 courts and in all proceedings in this state and is prima facie
9 evidence of all factual matters set forth in the certificate.
10 A certificate may relate to one or more records as set forth
11 in the certificate or in a schedule attached to the
12 certificate.

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

21 (7)~~(10)~~ There is created as a part of the Department
22 of Environmental Protection an Environmental Regulation
23 Commission. The commission shall be composed of seven
24 residents of this state appointed by the Governor, subject to
25 confirmation by the Senate. In making appointments, the
26 Governor shall provide reasonable representation from all
27 sections of the state.~~The commission shall include one, but~~
28 ~~not more than two, members from each water management district~~
29 ~~who have resided in the district for at least 1 year, and the~~
30 ~~remainder shall be selected from the state at large.~~
31 Membership shall be representative of agriculture, the

1 development industry, local government, the environmental
2 community, lay citizens, and members of the scientific and
3 technical community who have substantial expertise in the
4 areas of the fate and transport of water pollutants,
5 toxicology, epidemiology, geology, biology, environmental
6 sciences, or engineering. The Governor shall appoint the
7 chair, and the vice chair shall be elected from among the
8 membership. The members serving on the commission on July 1,
9 1995, shall continue to serve on the commission for the
10 remainder of their current terms. All appointments thereafter
11 shall continue to be for 4-year terms. The Governor may at any
12 time fill a vacancy for the unexpired term. The members of the
13 commission shall serve without compensation, but shall be paid
14 travel and per diem as provided in s. 112.061 while in the
15 performance of their official duties. Administrative,
16 personnel, and other support services necessary for the
17 commission shall be furnished by the department.

18 Section 2. Section 370.0205, Florida Statutes, is
19 transferred and renumbered as section 20.2551, Florida
20 Statutes.

21 Section 3. Paragraph (c) of subsection (6) of section
22 20.331, Florida Statutes, is amended to read:

23 20.331 Fish and Wildlife Conservation Commission.--

24 (6)

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

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

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

7 Section 4. Section 161.031, Florida Statutes, is
8 amended to read:

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

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

22 161.36 General powers of authority.--In order to most
23 effectively carry out the purposes of this part, the board of
24 county commissioners, as the county beach and shore
25 preservation authority and as the governing body of each beach
26 and shore preservation district established thereby, shall be
27 possessed of broad powers to do all manner of things necessary
28 or desirable in pursuance of this end; provided, however,
29 nothing herein shall diminish or impair the regulatory
30 authority of the Department of Environmental Protection ~~or~~
31 ~~Division of Marine Resources~~ under part I of this chapter, or

1 the Board of Trustees of the Internal Improvement Trust Fund
2 under chapter 253. Such powers shall specifically include, but
3 not be limited to, the following:

4 (1) To make contracts and enter into agreements;

5 (2) To sue and be sued;

6 (3) To acquire and hold lands and property by any
7 lawful means;

8 (4) To exercise the power of eminent domain;

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

12 (6) To construct, acquire, operate and maintain works
13 and facilities;

14 (7) To make rules and regulations; and

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

17 Section 6. Paragraph (f) of subsection (3) of section
18 259.101, Florida Statutes, is amended to read:

19 259.101 Florida Preservation 2000 Act.--

20 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
21 costs of issuance, the costs of funding reserve accounts, and
22 other costs with respect to the bonds, the proceeds of bonds
23 issued pursuant to this act shall be deposited into the
24 Florida Preservation 2000 Trust Fund created by s. 375.045.
25 Ten percent of the proceeds of any bonds deposited into the
26 Preservation 2000 Trust Fund shall be distributed by the
27 Department of Environmental Protection to the Department of
28 Environmental Protection for the purchase by the South Florida
29 Water Management District of lands in Dade, Broward, and Palm
30 Beach Counties identified in s. 7, chapter 95-349, Laws of
31 Florida. This distribution shall apply for any bond issue for

1 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
2 \$20 million per year from the proceeds of any bonds deposited
3 into the Florida Preservation 2000 Trust Fund shall be
4 distributed by the Department of Environmental Protection to
5 the St. Johns Water Management District for the purchase of
6 lands necessary to restore Lake Apopka. The remaining proceeds
7 shall be distributed by the Department of Environmental
8 Protection in the following manner:

9 (f) Two and nine-tenths percent to the Fish and
10 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
11 fund the acquisition of inholdings and additions to lands
12 managed by the commission which are important to the
13 conservation of fish and wildlife.

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

16 270.22 Proceeds of state lands to go into Internal
17 Improvement Trust Fund; exception.--

18 (2) Rental fees for aquaculture leases pursuant to s.
19 253.71(2) shall be deposited into the General Inspection
20 ~~Marine Resources Conservation~~ Trust Fund of the Department of
21 Agriculture and Consumer Services ~~Environmental Protection~~.
22 Such fees generated by shellfish-related aquaculture leases
23 shall be used for shellfish-related aquaculture activities,
24 including research, lease compliance inspections, mapping, and
25 siting.

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

28 288.109 One-Stop Permitting System.--

29 (5) By January 1, 2001, the following state agencies,
30 and the programs within such agencies which require the
31

1 issuance of licenses, permits, and approvals to businesses,
2 must also be integrated into the One-Stop Permitting System:

- 3 (a) The Department of Agriculture and Consumer
4 Services.
5 (b) The Department of Business and Professional
6 Regulation.
7 (c) The Department of Health.
8 (d) The Department of Insurance.
9 (e) The Department of Labor.
10 (f) The Department of Revenue.
11 (g) The Department of State.
12 (h) The Fish and Wildlife Conservation ~~Game and~~
13 ~~Freshwater Fish~~ Commission.
14 (i) Other state agencies.

15 Section 9. Section 327.04, Florida Statutes, is
16 amended to read:

17 327.04 Rules.--The Fish and Wildlife Conservation
18 Commission ~~department~~ has authority to adopt rules pursuant to
19 ss. 120.536(1) and 120.54 to administer ~~implement~~ the
20 provisions of this chapter conferring powers or duties upon
21 it.

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

24 327.41 Uniform waterway regulatory markers.--
25 (3) Application for placing regulatory markers on the
26 Florida Intracoastal Waterway shall be made to the Fish and
27 Wildlife Conservation Commission ~~Division of Marine Resources~~,
28 accompanied by a map locating the approximate placement of the
29 markers, a statement of the specification of the markers, a
30 statement of purpose of the markers, and a statement of the
31

1 city or county responsible for the placement and upkeep of the
2 markers.

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

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

10 327.54 Liveries; safety regulations; penalty.--

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

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

22 328.72 Classification; registration; fees and charges;
23 surcharge; disposition of fees; fines; marine turtle
24 stickers.--

25 (15) DISTRIBUTION OF FEES.--Moneys deposited pursuant
26 to s. 328.76 to be returned to the counties are for the sole
27 purposes of providing recreational channel marking and public
28 launching facilities and other boating-related activities, for
29 removal of vessels and floating structures deemed a hazard to
30 public safety and health for failure to comply with s. 327.53,
31 and for manatee and marine mammal protection and recovery.

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

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

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

16 (1) PENALTIES.--Unless otherwise provided by law, any
17 person, firm, or corporation who is convicted for violating
18 any provision of this chapter, or any rule of the Fish and
19 Wildlife Conservation Commission relating to the conservation
20 of marine resources ~~adopted pursuant to this chapter~~, shall be
21 punished:

22 (a) Upon a first conviction, by imprisonment for a
23 period of not more than 60 days or by a fine of not less than
24 \$100 nor more than \$500, or by both such fine and
25 imprisonment.

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

30
31

1 Section 14. Section 370.041, Florida Statutes, is
2 transferred and renumbered as section 161.242, Florida
3 Statutes.

4 Section 15. Section 370.07, Florida Statutes, is
5 amended to read:

6 370.07 Wholesale and retail saltwater products
7 dealers; regulation.--

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

18 (a)1. "Wholesale county dealer" is any person, firm,
19 or corporation which sells saltwater products to any person,
20 firm, or corporation except to the consumer and who may buy
21 saltwater products in the county designated on the wholesale
22 license from any person licensed pursuant to s. 370.06(2) or
23 from any licensed wholesale dealer.

24 2. "Wholesale state dealer" is a person, firm, or
25 corporation which sells saltwater products to any person,
26 firm, or corporation except to the consumer and who may buy
27 saltwater products in any county of the state from any person
28 licensed pursuant to s. 370.06(2) or from any licensed
29 wholesale dealer.

30 3. "Wholesale dealer" is either a county or a state
31 dealer.

1 (b) A "retail dealer" is any person, firm, or
2 corporation which sells saltwater products directly to the
3 consumer, but no license is required of a dealer in
4 merchandise who deals in or sells saltwater products consumed
5 on the premises or prepared for immediate consumption and sold
6 to be taken out of any restaurant licensed by the Division of
7 Hotels and Restaurants of the Department of Business and
8 Professional Regulation.

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

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

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

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

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

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

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

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

31

1 (g) A resident retail dealer is required to pay an
2 annual license tax of \$25; however, if such a dealer has more
3 than one place of business, the dealer shall designate one
4 place of business as a central place of business, shall pay an
5 annual license tax of \$25 for such place of business, and
6 shall pay an annual license tax of \$10 for each other place of
7 business.

8 (h) A nonresident retail dealer is required to pay an
9 annual license tax of \$200; however, if such a dealer has more
10 than one place of business, the dealer shall designate one
11 place of business as a central place of business, shall pay an
12 annual license tax of \$200 for such place of business, and
13 shall pay an annual license tax of \$25 for each other place of
14 business.

15 (i) An alien retail dealer is required to pay an
16 annual license tax of \$250; however, if such a dealer has more
17 than one place of business, the dealer shall designate one
18 place of business as a central place of business, shall pay an
19 annual license tax of \$250 for such place of business, and
20 shall pay an annual license tax of \$50 for each other place of
21 business.

22 (j) License or privilege taxes, together with any
23 other funds derived from the Federal Government or from any
24 other source, shall be deposited in a Florida Saltwater
25 Products Promotion Trust Fund to be administered by the
26 Department of Agriculture and Consumer Services for the sole
27 purpose of promoting all fish and saltwater products produced
28 in this state.

29 (3) APALACHICOLA BAY OYSTER SURCHARGE.--
30
31

1 (a) For purposes of this section, "bag" means an
2 amount of oysters with shells weighing approximately 60
3 pounds.

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

8 (c)1. Each wholesale dealer shall certify, on such
9 forms as may be prescribed by the Department of Revenue, to
10 any subsequent purchasing wholesale dealer or other purchaser
11 that the surcharge imposed by this subsection has been paid or
12 will be paid by such wholesale dealer first receiving the
13 oysters.

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

19 3. In such case where the wholesale dealer is also the
20 retail dealer under paragraph (1)(b), such wholesale dealer
21 shall maintain documentation, on forms as may be prescribed by
22 the Department of Revenue, adequate to establish that the
23 surcharge has been paid or will be paid by such wholesale
24 dealer.

25 (d) Except for the collection allowance pursuant to s.
26 212.12 and estimated tax filing requirements pursuant to s.
27 212.11, the same duties and privileges imposed by chapter 212
28 upon dealers of tangible personal property respecting the
29 remission of the surcharge, the making of returns, penalties
30 and interest, the keeping of books, records and accounts, and
31 the compliance with the rules of the Department of Revenue in

1 the administration of chapter 212 shall apply and be binding
2 upon all wholesale dealers who are subject to the surcharge
3 imposed by this subsection.

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

6 (f) The Department of Revenue shall collect the
7 surcharge for transfer into the General Inspection Marine
8 ~~Resources Conservation~~ Trust Fund of the Department of
9 Agriculture and Consumer Services ~~Department of Environmental~~
10 ~~Protection~~.

11 (g) The Department of Revenue is empowered to
12 promulgate rules, establish audit procedures for the audit of
13 wholesale dealers, assess for delinquency, and prescribe and
14 publish such forms as may be necessary to effectuate the
15 provisions of this subsection.

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

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

26 ~~(j) The executive director of the Department of~~
27 ~~Revenue is hereby authorized to adopt emergency rules pursuant~~
28 ~~to s. 120.54(4) for purposes of implementing this subsection.~~
29 ~~Notwithstanding any other provisions of law, such emergency~~
30 ~~rules shall remain effective for 6 months from the date of~~
31 ~~adoption. Other rules of the Department of Revenue related to~~

1 ~~and in furtherance of the orderly implementation of this~~
2 ~~subsection shall not be subject to a s. 120.56(2) rule~~
3 ~~challenge or a s. 120.54(3)(c)2. drawout proceeding but, once~~
4 ~~adopted, shall be subject to a s. 120.56(3) invalidity~~
5 ~~challenge. Such rules shall be adopted by the Governor and~~
6 ~~Cabinet and shall become effective upon filing with the~~
7 ~~Department of State, notwithstanding the provisions of s.~~
8 ~~120.54(3)(e)6.~~

9 (j)~~(k)~~ The Department of Agriculture and Consumer
10 Services Department of Environmental Protection shall use or
11 distribute funds generated by this surcharge, less reasonable
12 costs of collection and administration, to fund the following
13 oyster management and restoration programs in Apalachicola
14 Bay:

- 15 1. The relaying and transplanting of live oysters.
- 16 2. Shell planting to construct or rehabilitate oyster
17 bars.
- 18 3. Education programs for licensed oyster harvesters
19 on oyster biology, aquaculture, boating and water safety,
20 sanitation, resource conservation, small business management,
21 and other relevant subjects.
- 22 4. Research directed toward the enhancement of oyster
23 production in the bay and the water management needs of the
24 bay.

25 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

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

1 pounds of each species and the name, physical address, and the
2 Florida wholesale dealer number of the dealer of origin.

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

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

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

30 (e) It is unlawful to sell, deliver, ship, or
31 transport, or to possess for the purpose of selling,

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

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

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

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

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

30 (a) A license issued to a wholesale or retail dealer
31 is good only to the person to whom issued and named therein

1 and is not transferable. The commission ~~department~~ may
2 revoke, suspend, or deny the renewal of the license of any
3 licensee:

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

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

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

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

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

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

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

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

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

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

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

4
5 The proceeds of all civil penalties collected pursuant to this
6 subsection shall be deposited into the Marine Resources
7 Conservation Trust Fund and shall be used for administration,
8 auditing, and law enforcement purposes.

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

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

23 Section 16. Section 370.101, Florida Statutes, is
24 amended to read:

25 370.101 Saltwater fish; regulations.--

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

31

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

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

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

16 370.11 Fish; regulation.--

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

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

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

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

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

23 Section 19. Subsection (4) and paragraph (d) of
24 subsection (5) of section 370.13, Florida Statutes, are
25 amended to read:

26 370.13 Stone crab; regulation.--

27 (4) Any gear, equipment, boat, vehicle, or item used
28 in the violation of this section is subject to confiscation.
29 In addition, the Fish and Wildlife Conservation Commission
30 ~~Department of Environmental Protection~~ shall revoke the permit
31 of any permitholder convicted of a violation of paragraph

1 (1)(a) for a period of 1 year from the date of the conviction,
2 and he or she is prohibited during that period from catching
3 or having in his or her possession any stone crab for the
4 person's own use or to sell or offer to sell, whether or not
5 he or she is accompanied by the holder of a valid permit and
6 regardless of where taken.

7 (5)

8 (d) If a person holding an active trap number, or a
9 member of that person's immediate family, does not request
10 renewal of the number before the applicable dates as specified
11 in this subsection, the commission ~~department~~ shall deactivate
12 that trap number.

13 Section 20. Section 370.1405, Florida Statutes, is
14 amended to read:

15 370.1405 Crawfish reports by dealers during closed
16 season required.--

17 (1) Within 3 days after the commencement of the closed
18 season for the taking of saltwater crawfish, each and every
19 seafood dealer, either retail or wholesale, intending to
20 possess whole crawfish, crawfish tails, or crawfish meat
21 during closed season shall submit to the Fish and Wildlife
22 Conservation Commission ~~Department of Environmental~~
23 ~~Protection~~, on forms provided by the commission ~~department~~, a
24 sworn report of the quantity, in pounds, of saltwater whole
25 crawfish, crawfish tails, and crawfish meat in the dealer's
26 name or possession as of the date the season closed. This
27 report shall state the location and number of pounds of whole
28 crawfish, crawfish tails, and crawfish meat. The commission
29 ~~department~~ shall not accept any reports not delivered or
30 postmarked by midnight of the 3rd calendar day after the
31 commencement of the closed season, and any stocks of crawfish

1 reported therein are declared a nuisance and may be seized by
2 the commission ~~department~~.

3 (2) Failure to submit a report as described in
4 subsection (1) or reporting a greater or lesser amount of
5 whole crawfish, crawfish tails, or crawfish meat than is
6 actually in the dealer's possession or name is a major
7 violation of this chapter, punishable as provided in s.
8 370.021(1), s. 370.07(6)(b), or both. The commission shall
9 seize the entire supply of unreported or falsely reported
10 whole crawfish, crawfish tails, or crawfish meat, and shall
11 carry the same before the court for disposal. The dealer shall
12 post a cash bond in the amount of the fair value of the entire
13 quantity of unreported or falsely reported crawfish as
14 determined by the judge. After posting the cash bond, the
15 dealer shall have 24 hours to transport said products outside
16 the limits of Florida for sale as provided by s. 370.061.
17 Otherwise, the product shall be declared a nuisance and
18 disposed of by the commission according to law.

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

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

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

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

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

1 declared a nuisance and disposed of by the commission
2 ~~department~~ according to law.

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

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

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

18 Section 21. Section 370.25, Florida Statutes, is
19 amended to read:

20 370.25 Artificial fishing reef program; construction
21 grants to local governments.--

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

1 monitoring and evaluating their recreational, economic, and
2 biological effectiveness. The program may be funded from
3 state, federal, and private contributions.

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

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

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

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

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

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

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

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

28 (3) The commission ~~department~~ shall establish criteria
29 for siting, constructing, managing, and evaluating the
30 effectiveness of artificial reefs, including the specification
31 of what materials are permissible to use in constructing

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

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

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

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

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

31

1 (5) The commission's ~~department's~~ artificial reef
2 program shall track artificial reef development activities
3 statewide and maintain a computer database of this activity
4 for the public interest and to facilitate long-range planning
5 and coordination within the commission ~~department~~ and among
6 local governments.

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

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

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

17 (7)(a) An initial violation of subsection (6) is a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083. A subsequent violation of subsection
20 (6) which is committed within 12 months after a previous
21 violation of that subsection is a felony of the third degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

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

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

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

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

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

14 Section 22. Section 372.021, Florida Statutes, is
15 amended to read:

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

23 Section 23. Section 372.05, Florida Statutes, is
24 amended to read:

25 372.05 Duties of executive director.--The executive
26 director of the Fish and Wildlife Conservation Commission
27 shall:

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

31

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

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

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

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

13 ~~(5)(6)~~ Appoint, fix salaries of, and at pleasure
14 remove, subject to the approval of the commission, assistants
15 and other employees who shall have such powers and duties as
16 may be assigned to them by the commission or executive
17 director.

18 ~~(6)(7)~~ Have such other powers and duties as may be
19 prescribed by the commission in pursuance of its duties under
20 s. 9, Art. IV of the State Constitution.

21 Section 24. Section 372.07, Florida Statutes, is
22 amended to read:

23 372.07 Police powers of commission and its agents.--

24 (1) The Fish and Wildlife Conservation Commission, the
25 executive director and the executive director's assistants
26 designated by her or him, and each wildlife officer are
27 constituted peace officers with the power to make arrests for
28 violations of the laws of this state when committed in the
29 presence of the officer or when committed on lands under the
30 supervision and management of the commission. The general
31 laws applicable to arrests by peace officers of this state

1 shall also be applicable to said director, assistants, and
2 wildlife officers. Such persons may enter upon any land or
3 waters of the state for performance of their lawful duties and
4 may take with them any necessary equipment, and such entry
5 shall not constitute a trespass.

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

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

15 (b) Execute warrants and search warrants for the
16 violation of said laws;

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

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

21 (e) Arrest upon probable cause without warrant any
22 person found in the act of violating any of the provisions of
23 said laws or, in pursuit immediately following such
24 violations, to examine any person, boat, conveyance, vehicle,
25 game bag, game coat, or other receptacle for wild animal life,
26 marine life, or freshwater aquatic life, or any camp, tent,
27 cabin, or roster, in the presence of any person stopping at or
28 belonging to such camp, tent, cabin, or roster, when said
29 officer has reason to believe, and has exhibited her or his
30 authority and stated to the suspected person in charge the
31

1 officer's reason for believing, that any of the aforesaid laws
2 have been violated at such camp;

3 (f) Secure and execute search warrants and in
4 pursuance thereof to enter any building, enclosure, or car and
5 to break open, when found necessary, any apartment, chest,
6 locker, box, trunk, crate, basket, bag, package, or container
7 and examine the contents thereof;

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

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

19 Section 25. Paragraph (b) of subsection (2) and
20 paragraph (b) of subsection (3) of section 372.105, Florida
21 Statutes, are amended to read:

22 372.105 Lifetime Fish and Wildlife Trust Fund.--

23 (2) The principal of the fund shall be derived from
24 the following:

25 (b) Proceeds from the sale of lifetime licenses issued
26 in accordance with s. 372.57 ~~with the exception of the~~
27 ~~saltwater portion of the lifetime sportsman's license.~~

28 (3) The fund is declared to constitute a special trust
29 derived from a contractual relationship between the state and
30 the members of the public whose investments contribute to the
31 fund. In recognition of such special trust, the following

1 limitations and restrictions are placed on expenditures from
2 the funds:

3 (b) The interest income received and accruing from the
4 investments of the fund shall be spent in furtherance of the
5 commission's exercise of the regulatory and executive powers
6 of the state with respect to the management, protection, and
7 conservation of wild animal life and saltwater and freshwater
8 aquatic life as set forth in s. 9, Art. IV of the State
9 Constitution and this chapter and as otherwise authorized by
10 the Legislature.

11 Section 26. Section 372.121, Florida Statutes, is
12 amended to read:

13 372.121 Control and management of state game lands.--

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

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

31

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

3 372.991 Nongame Wildlife Trust Fund.--

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

21 Section 28. Subsections (6) and (12) of section
22 373.4149, Florida Statutes, are amended to read:

23 373.4149 Miami-Dade County Lake Belt Plan.--

24 (6) The Miami-Dade County Lake Belt Plan
25 Implementation Committee shall be appointed by the governing
26 board of the South Florida Water Management District to
27 develop a strategy for the design and implementation of the
28 Miami-Dade County Lake Belt Plan. The committee shall consist
29 of the chair of the governing board of the South Florida Water
30 Management District, who shall serve as chair of the
31 committee, the policy director of Environmental and Growth

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

1 alternate member who, in the member's absence, may participate
2 and vote in committee meetings.

3 (12) The secretary of the Department of Environmental
4 Protection, the secretary of the Department of Community
5 Affairs, the secretary of the Department of Transportation,
6 the Commissioner of Agriculture, the executive director of the
7 Fish and Wildlife Conservation ~~Game and Freshwater Fish~~
8 Commission, and the executive director of the South Florida
9 Water Management District may enter into agreements with
10 landowners, developers, businesses, industries, individuals,
11 and governmental agencies as necessary to effectuate the
12 provisions of this section.

13 Section 29. Paragraph (b) of subsection (6) of section
14 373.41492, Florida Statutes, is amended to read:

15 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
16 mitigation for mining activities within the Miami-Dade County
17 Lake Belt.--

18 (6)

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

30 Section 30. Subsection (3) of section 403.141, Florida
31 Statutes, is amended to read:

1 403.141 Civil liability; joint and several
2 liability.--

3 (3) In assessing damages for fish killed, the value of
4 the fish is to be determined in accordance with a table of
5 values for individual categories of fish which shall be
6 promulgated by the department. At the time the table is
7 adopted, the department shall use ~~utilize~~ tables of values
8 established by the Department of Environmental Protection and
9 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
10 Commission. The total number of fish killed may be estimated
11 by standard practices used in estimating fish population.

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

14 403.707 Permits.--

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

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

29 (h) The department shall ensure that the requirements
30 of this section are applied and interpreted consistently
31 throughout the state. In accordance with s. 20.255 ~~s.~~

1 ~~20.255(6)~~, the Division of Waste Management shall direct the
2 district offices and bureaus on matters relating to the
3 interpretation and applicability of this section.

4 Section 32. Paragraph (b) of subsection (1) of section
5 570.235, Florida Statutes, is amended to read:

6 570.235 Pest Exclusion Advisory Committee.--

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

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

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

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

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

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

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

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

26 Section 33. Paragraph (e) of subsection (7) of section
27 590.02, Florida Statutes, is amended to read:

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

31

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

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

26 Section 34. Subsection (5) of section 597.004, Florida
27 Statutes, is amended to read:

28 597.004 Aquaculture certificate of registration.--

29 (5) SALE OF AQUACULTURE PRODUCTS.--

30 (a) Aquaculture products, except shellfish, snook, and
31 any fish of the genus *Micropterus*, and prohibited and

1 restricted freshwater and marine species identified by rules
2 of the Fish and Wildlife Conservation Commission, may be sold
3 by an aquaculture producer certified pursuant to s. 597.004
4 without restriction so long as product origin can be
5 identified.

6 (b) Aquaculture shellfish must be sold and handled in
7 accordance with shellfish handling regulations of the
8 Department of Agriculture and Consumer Services ~~Department of~~
9 ~~Environmental Protection~~ established to protect public health.

10 Section 35. Subsection (3) of section 705.101, Florida
11 Statutes, is amended to read:

12 705.101 Definitions.--As used in this chapter:

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

23 Section 36. Subsections (2) and (4) of section
24 705.103, Florida Statutes, are amended to read:

25 705.103 Procedure for abandoned or lost property.--

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

31

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

12

13 Such notice shall be not less than 8 inches by 10 inches and
14 shall be sufficiently weatherproof to withstand normal
15 exposure to the elements. In addition to posting, the law
16 enforcement officer shall make a reasonable effort to
17 ascertain the name and address of the owner. If such is
18 reasonably available to the officer, she or he shall mail a
19 copy of such notice to the owner on or before the date of
20 posting. If the property is a motor vehicle as defined in s.
21 320.01(1) or a vessel as defined in s. 327.02, the law
22 enforcement agency shall contact the Department of Highway
23 Safety and Motor Vehicles ~~or the Department of Environmental~~
24 ~~Protection, respectively,~~ in order to determine the name and
25 address of the owner and any person who has filed a lien on
26 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
27 328.15(1). On receipt of this information, the law enforcement
28 agency shall mail a copy of the notice by certified mail,
29 return receipt requested, to the owner and to the lienholder,
30 if any. If, at the end of 5 days after posting the notice and
31 mailing such notice, if required, the owner or any person

1 interested in the lost or abandoned article or articles
2 described has not removed the article or articles from public
3 property or shown reasonable cause for failure to do so, the
4 following shall apply:

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

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

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

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

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

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

11 Section 37. Subsection (1) of section 832.06, Florida
12 Statutes, is amended to read:

13 832.06 Prosecution for worthless checks given tax
14 collector for licenses or taxes; refunds.--

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

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

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

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

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

14 Section 38. Paragraph (h) of subsection (1) of section
15 260.016, Florida Statutes, is created to read:

16 260.016 General powers of the department.--

17 (1) The department may:

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

31

1 Section 39. Subsection (1) of section 375.075, Florida
2 Statutes, is amended to read:

3 375.075 Outdoor recreation; financial assistance to
4 local governments.--

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

19 Section 40. Sections 370.013, 370.017, 370.032,
20 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606,
21 370.0805, 372.04, 372.061, 373.197, and 403.261, Florida
22 Statutes, and subsection (6) of section 370.021, and
23 subsection (12) of section 370.14, Florida Statutes, are
24 repealed.

25 Section 41. This act shall take effect upon becoming a
26 law.

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