

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6 deleting outdated provisions relating to review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. 212.08, F.S.; correcting a cross-reference;
18 amending s. 259.101, F.S.; providing for the
19 receipt of funds by the Fish and Wildlife
20 Conservation Commission; amending s. 288.109,
21 F.S.; identifying agencies participating in the
22 one-stop permitting system; amending s.
23 370.021, F.S.; providing penalties for
24 violation of rules relating to marine
25 resources; transferring and renumbering s.
26 370.041, F.S., as s. 161.242, F.S.; amending s.
27 370.07, F.S.; transferring specific regulatory
28 powers from the Department of Environmental
29 Protection to the Fish and Wildlife
30 Conservation Commission and the Department of
31 Agriculture and Consumer Services; amending s.

1 370.101, F.S.; providing for certain saltwater
2 fish regulations to be established by the Fish
3 and Wildlife Conservation Commission; amending
4 s. 370.11, F.S.; providing for issuance of
5 permits by the Fish and Wildlife Conservation
6 Commission; amending s. 370.1107, F.S.;
7 clarifying the meaning of the term "licensed
8 saltwater fisheries trap"; amending s.
9 370.1405, F.S.; providing for reports on
10 crawfish by dealers; amending s. 372.021, F.S.;
11 prescribing powers and duties of the Fish and
12 Wildlife Conservation Commission; amending s.
13 372.05, F.S.; prescribing duties of the
14 executive director of the commission; amending
15 s. 372.07, F.S.; prescribing police powers of
16 the executive director of the commission;
17 amending s. 372.105, F.S.; clarifying the
18 regulation of saltwater life; revising the
19 deposit of specified funds; amending s.
20 372.121, F.S.; providing for management of
21 certain lands; amending ss. 372.991, 373.4149,
22 373.41492, 403.141, 570.235, 590.02, F.S.;
23 conforming references to the Fish and Wildlife
24 Conservation Commission; amending s. 403.707,
25 F.S.; conforming a statutory cross-reference;
26 amending s. 705.101, F.S.; transferring
27 specific authority over derelict vessels from
28 the Department of Environmental Protection to
29 the Fish and Wildlife Conservation Commission;
30 amending s. 705.103, F.S.; removing authority
31 over abandoned vessels from the Department of

1 Environmental Protection; amending s. 832.06,
2 F.S.; conforming references to the Fish and
3 Wildlife Conservation Commission; repealing s.
4 370.013, F.S., relating to the Department of
5 Environmental Protection; repealing s. 370.017,
6 F.S., relating to the responsibilities of the
7 secretary of the Department of Environmental
8 Protection; repealing s. 370.032, F.S.,
9 relating to definitions; repealing s. 370.033,
10 F.S., relating to legislative intent; repealing
11 s. 370.034, F.S., relating to certificates for
12 dredge and fill equipment; repealing s.
13 370.036, F.S., relating to the maintenance of
14 records regarding dredge and fill equipment;
15 repealing s. 370.037, F.S., relating to the
16 denial, suspension, or revocation of dredge and
17 fill certificates; amending s. 260.016, F.S.;
18 authorizing the Department of Environmental
19 Protection to receive grants for improving
20 greenways and trails and to adopt rules for the
21 administering pass-through grants; amending s.
22 375.075, F.S.; correcting a cross-reference;
23 providing for the distribution of certain
24 documentary stamp tax revenues to the Marine
25 Resource Conservation Trust Fund to be used for
26 marine mammal care; amending s. 201.15, F.S.;
27 providing for the distribution of certain
28 documentary stamp tax revenues to the Marine
29 Resource Conservation Trust Fund to be used for
30 marine mammal care, effective July 1, 2001;
31 amending s. 370.0603, F.S.; providing

1 requirements for the use of funds in the Marine
2 Resource Conservation Trust Fund; amending s.
3 370.12, F.S.; eliminating requirements for the
4 use of specified funds for manatee
5 rehabilitation from the Save the Manatee Trust
6 Fund; providing an appropriation; repealing s.
7 258.398, F.S.; removing designation of Lake
8 Weir as an aquatic preserve; repealing s.
9 370.038, F.S., relating to the adoption of
10 specified rules; repealing s. 370.0606, F.S.,
11 relating to appointment of subagents for sale
12 of saltwater licenses and permits; repealing s.
13 370.0805, F.S.; relating to the net ban
14 assistance program; repealing s. 372.04, F.S.,
15 relating to the director of the commission;
16 repealing s. 372.061, F.S., relating to
17 meetings of the Game and Fresh Water Fish
18 Commission; repealing s. 373.197, F.S.,
19 relating to the Kissimmee River Valley and
20 Taylor Creek-Nubbins Slough Basin restoration
21 project; repealing s. 403.261, F.S., relating
22 to the repeal of rulemaking jurisdiction over
23 air and water pollution; repealing s.
24 370.021(6), F.S., relating to admissibility of
25 rules; repealing s. 370.14(12), F.S., relating
26 to the naming of a sport season for spiny
27 lobsters; amending s. 42 of CS/CS/SB 386,
28 enacted in the 2000 Regular Session of the
29 Legislature; abrogating the repeal of s.
30 370.14(10) and (11), F.S., relating to crawfish
31

1 stamps; repealing s. 12 of chapter 99-245, Laws
2 of Florida; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 20.255, Florida Statutes, is
7 amended to read:

8 20.255 Department of Environmental Protection.--There
9 is created a Department of Environmental Protection.

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

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

- 25 1. Office of Chief of Staff,
26 2.1. ~~Office of General Counsel,~~
27 3.2. ~~Office of Inspector General,~~
28 4.3. ~~Office of External Affairs Communication, the~~
29 ~~latter including public information, legislative liaison,~~
30 ~~cabinet liaison, and special projects,~~
31 4. ~~Office of Water Policy,~~

1 5. Office of Legislative and Government Affairs, and
2 ~~Intergovernmental Programs,~~

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

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

5 6.8. Office of Greenways and Trails.

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

18 ~~(c) The other special offices not supervised by the~~
19 ~~executive coordinator for ecosystem management shall report to~~
20 ~~the secretary; however, the secretary may assign them, for~~
21 ~~daily coordination purposes, to report through a senior~~
22 ~~manager other than the secretary.~~

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

31

1 The managers of all divisions and offices specifically named
2 in this section and the directors of the six administrative
3 districts are exempt from part II of chapter 110 and are
4 included in the Senior Management Service in accordance with
5 s. 110.205(2)(i). ~~No other deputy secretaries or senior~~
6 ~~management positions at or above the division level, except~~
7 ~~those established in chapter 110, may be created without~~
8 ~~specific legislative authority.~~

9 (3) The following divisions of the Department of
10 Environmental Protection are established:

11 (a) Division of Administrative Services.

12 (b) Division of Air Resource Management.

13 (c) Division of Water Resource Management.

14 (d) Division of Law Enforcement.

15 (e) Division of Resource Assessment and Management.

16 (f) Division of Waste Management.

17 (g) Division of Recreation and Parks.

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

22
23 In order to ensure statewide and intradepartmental
24 consistency, the department's divisions shall direct the
25 district offices and bureaus on matters of interpretation and
26 applicability of the department's rules and programs.~~All of~~
27 ~~the existing legal authorities and actions of the Department~~
28 ~~of Environmental Regulation and the Department of Natural~~
29 ~~Resources are transferred to the Department of Environmental~~
30 ~~Protection, including, but not limited to, all pending and~~
31 ~~completed actions on orders and rules, all enforcement~~

1 ~~matters, and all delegations, interagency agreements, and~~
2 ~~contracts with federal, state, regional, and local~~
3 ~~governments, and private entities.~~

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

19 ~~(5) Except for those orders reviewable as provided in~~
20 ~~s. 373.4275, the Governor and Cabinet, sitting as the Land and~~
21 ~~Water Adjudicatory Commission, has the exclusive authority to~~
22 ~~review any order or rule of the department which, prior to~~
23 ~~July 1, 1994, the Governor and Cabinet, as head of the~~
24 ~~Department of Natural Resources, had authority to issue or~~
25 ~~promulgate, other than a rule or order relating to an internal~~
26 ~~procedure of the department.~~

27 ~~(a) Such review may be initiated by a party to the~~
28 ~~proceeding by filing a request for review with the Land and~~
29 ~~Water Adjudicatory Commission and serving a copy on the~~
30 ~~department and on any person named in the rule or order within~~
31 ~~20 days after adoption of the rule or the rendering of the~~

1 ~~order. Where a proceeding on an order has been initiated~~
2 ~~pursuant to ss. 120.569 and 120.57, such review shall be~~
3 ~~initiated within 20 days after the department has taken final~~
4 ~~agency action in the proceeding. The request for review may be~~
5 ~~accepted by any member of the commission. For the purposes of~~
6 ~~this section, the term "party" shall mean any affected person~~
7 ~~who submitted oral or written testimony, sworn or unsworn, to~~
8 ~~the department of a substantive nature which stated, with~~
9 ~~particularity, objections to or support for the rule or order~~
10 ~~that are cognizable within the scope of the provisions and~~
11 ~~purposes of the applicable statutory provisions, or any person~~
12 ~~who participated as a party in a proceeding instituted~~
13 ~~pursuant to chapter 120.~~

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

18 ~~(c) If the Land and Water Adjudicatory Commission~~
19 ~~determines that a rule or order is not consistent with the~~
20 ~~provisions and purposes of this chapter, it may, in the case~~
21 ~~of a rule, require the department to initiate rulemaking~~
22 ~~proceedings to amend or repeal the rule or, in the case of an~~
23 ~~order, rescind or modify the order or remand the proceeding to~~
24 ~~the department for further action consistent with the order of~~
25 ~~the Land and Water Adjudicatory Commission.~~

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

30
31

1 ~~The Land and Water Adjudicatory Commission may adopt rules~~
2 ~~setting forth its procedures for reviewing orders or rules of~~
3 ~~the department consistent with the provisions of this section.~~

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

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

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

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

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

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

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

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

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

17
18 ~~In order to ensure statewide and intradepartmental~~
19 ~~consistency, the department's divisions shall direct the~~
20 ~~district offices and bureaus on matters of interpretation and~~
21 ~~applicability of the department's rules and programs.~~

22 (4)(7) Law enforcement officers of the Department of
23 Environmental Protection who meet the provisions of s. 943.13
24 are constituted law enforcement officers of this state with
25 full power to investigate and arrest for any violation of the
26 laws of this state, and the rules of the department and the
27 Board of Trustees of the Internal Improvement Trust Fund. The
28 general laws applicable to investigations, searches, and
29 arrests by peace officers of this state apply to such law
30 enforcement officers.

31

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

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

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

31

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

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

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

4 Section 2. Section 370.0205, Florida Statutes, is
5 transferred and renumbered as section 20.2551, Florida
6 Statutes.

7 Section 3. Paragraph (c) of subsection (6) of section
8 20.331, Florida Statutes, is amended to read:

9 20.331 Fish and Wildlife Conservation Commission.--

10 (6)

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

18 1. Research and management responsibilities for marine
19 species listed as endangered, threatened, or of special
20 concern, including, but not limited to, manatees and marine
21 turtles;

22 2. Establishment and enforcement of boating safety
23 regulations;

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

25 4. Enforcement and collection of fees for all
26 recreational and commercial hunting or fishing licenses or
27 permits;

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

30 6. Enforcement of penalties for violations of
31 commission rules, including, but not limited to, the seizure

1 and forfeiture of vessels and other equipment used to commit
2 those violations;

3 7. Establishment of free fishing days;

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

5 9. Establishment and coordination of a statewide
6 hunter safety course;

7 10. Establishment of programs and activities to
8 develop and distribute public education materials;

9 11. Police powers of wildlife and marine officers;

10 12. Establishment of citizen support organizations to
11 provide assistance, funding, and promotional support for
12 programs of the commission;

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

15 14. Regulation of required clothing of persons hunting
16 deer.

17 (d) The commission is directed to provide a report on
18 the development and implementation of its adequate due process
19 provisions to the President of the Senate, the Speaker of the
20 House of Representatives, and the appropriate substantive
21 committees of the House of Representatives and the Senate no
22 later than December 1, 1999.

23 Section 4. Section 161.031, Florida Statutes, is
24 amended to read:

25 161.031 Personnel and facilities.--The Department of
26 Environmental Protection may call to its assistance
27 temporarily, any engineer or other employee in any state
28 agency or department or in the University of Florida or other
29 educational institution financed wholly or in part by the
30 state, for the purpose of devising the most effective and
31 economical method of averting and preventing erosion,

1 hurricane, and storm damages. These employees shall not
2 receive additional compensation, except for actual necessary
3 expenses incurred while working under the direction of the
4 department ~~Division of Marine Resources~~.

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

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

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

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

3 Section 6. Paragraph (kk) of subsection (7) of section
4 212.08, Florida Statutes, is amended to read:

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

11 (7) MISCELLANEOUS EXEMPTIONS.--

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

22 Section 7. Paragraph (f) of subsection (3) of section
23 259.101, Florida Statutes, is amended to read:

24 259.101 Florida Preservation 2000 Act.--

25 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
26 costs of issuance, the costs of funding reserve accounts, and
27 other costs with respect to the bonds, the proceeds of bonds
28 issued pursuant to this act shall be deposited into the
29 Florida Preservation 2000 Trust Fund created by s. 375.045.
30 Ten percent of the proceeds of any bonds deposited into the
31 Preservation 2000 Trust Fund shall be distributed by the

1 Department of Environmental Protection to the Department of
2 Environmental Protection for the purchase by the South Florida
3 Water Management District of lands in Dade, Broward, and Palm
4 Beach Counties identified in s. 7, chapter 95-349, Laws of
5 Florida. This distribution shall apply for any bond issue for
6 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
7 \$20 million per year from the proceeds of any bonds deposited
8 into the Florida Preservation 2000 Trust Fund shall be
9 distributed by the Department of Environmental Protection to
10 the St. Johns Water Management District for the purchase of
11 lands necessary to restore Lake Apopka. The remaining proceeds
12 shall be distributed by the Department of Environmental
13 Protection in the following manner:

14 (f) Two and nine-tenths percent to the Fish and
15 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
16 fund the acquisition of inholdings and additions to lands
17 managed by the commission which are important to the
18 conservation of fish and wildlife.

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

21 288.109 One-Stop Permitting System.--

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

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

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

30 (c) The Department of Health.

31 (d) The Department of Insurance.

1 (e) The Department of Labor.

2 (f) The Department of Revenue.

3 (g) The Department of State.

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

6 (i) Other state agencies.

7 Section 9. Paragraph (b) of subsection (4) of section
8 323.001, Florida Statutes, is amended to read:

9 323.001 Wrecker operator storage facilities; vehicle
10 holds.--

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

13 (b) The officer has probable cause to believe the
14 vehicle should be seized and forfeited under s. 370.442
15 ~~372.312~~;

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

18 370.021 Administration; rules, publications, records;
19 penalties; injunctions.--

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

26 (a) Upon a first conviction, by imprisonment for a
27 period of not more than 60 days or by a fine of not less than
28 \$100 nor more than \$500, or by both such fine and
29 imprisonment.

30 (b) On a second or subsequent conviction within 12
31 months, by imprisonment for not more than 6 months or by a

1 fine of not less than \$250 nor more than \$1,000, or by both
2 such fine and imprisonment.

3 Section 11. Section 370.041, Florida Statutes, is
4 transferred and renumbered as section 161.242, Florida
5 Statutes.

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

8 370.07 Wholesale and retail saltwater products
9 dealers; regulation.--

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

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

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

1 3. "Wholesale dealer" is either a county or a state
2 dealer.

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

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

20 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

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

28 (b) A person transporting in this state saltwater
29 products that were produced outside this state to be delivered
30 to a destination in this state shall have in his or her
31 possession invoices, bills of lading, or other similar

1 instruments showing the number of packages, boxes, or
2 containers and the number of pounds of each species, the name
3 and physical address of the dealer of origin, and the name,
4 physical address, and Florida wholesale dealer number of the
5 Florida dealer to whom the shipment is to be delivered.

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

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

24 (e) It is unlawful to sell, deliver, ship, or
25 transport, or to possess for the purpose of selling,
26 delivering, shipping, or transporting, any saltwater products
27 without all invoices of such products having thereon the
28 wholesale dealer license number in such form as may be
29 prescribed under the provisions of this subsection and the
30 rules and regulations of the Fish and Wildlife Conservation
31 Commission ~~department~~. Any saltwater products found in the

1 possession of any person who is in violation of this provision
2 may be seized by the commission ~~department~~ and disposed of in
3 the manner provided by law.

4 (f) Nothing contained in this subsection may be
5 construed to apply to the sale and delivery to a consumer of
6 saltwater products in an ordinary retail transaction by a
7 licensed retail dealer who has purchased such products from a
8 licensed wholesale dealer or to the sale and delivery of the
9 catch or products of a saltwater products licensee to a
10 Florida-licensed wholesale dealer.

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

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

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

24 (a) A license issued to a wholesale or retail dealer
25 is good only to the person to whom issued and named therein
26 and is not transferable. The commission ~~department~~ may
27 revoke, suspend, or deny the renewal of the license of any
28 licensee:

29 1. Upon the conviction of the licensee of any
30 violation of the laws or regulations designed for the
31 conservation of saltwater products;

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

5 3. Upon satisfactory evidence of any violation of the
6 laws or any regulations of this state designed for the
7 conservation of saltwater products or of any of the laws of
8 this state relating to dealing in, buying, selling,
9 transporting, possession, or taking of saltwater products.

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

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

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

20 (a) Wholesale dealers shall be required by the
21 commission ~~department~~ to make and preserve a record of the
22 names and addresses of persons from whom or to whom saltwater
23 products are purchased or sold, the quantity so purchased or
24 sold from or to each vendor or purchaser, and the date of each
25 such transaction. Retail dealers shall be required to make and
26 preserve a record from whom all saltwater products are
27 purchased. Such record shall be open to inspection at all
28 times by the commission ~~department~~. A report covering the
29 sale of saltwater products shall be made monthly or as often
30 as required by rule to the commission ~~department~~ by each
31 wholesale dealer. All reports required under this subsection

1 are confidential and shall be exempt from the provisions of s.
2 119.07(1) except that, pursuant to authority related to
3 interstate fishery compacts as provided by ss. 370.19(3) and
4 370.20(3), reports may be shared with another state if that
5 state is a member of an interstate fisheries compact, and if
6 that state has signed a Memorandum of Agreement or a similar
7 instrument agreeing to preserve confidentiality as established
8 by Florida law.

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

21 1. For the first violation, a civil penalty of up to
22 \$1,000;

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

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

29
30 The proceeds of all civil penalties collected pursuant to this
31 subsection shall be deposited into the Marine Resources

1 Conservation Trust Fund and shall be used for administration,
2 auditing, and law enforcement purposes.

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

11 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
12 unlawful for any licensed retail dealer or any restaurant
13 licensed by the Division of Hotels and Restaurants of the
14 Department of Business and Professional Regulation to buy
15 saltwater products from any person other than a licensed
16 wholesale or retail dealer.

17 Section 13. Section 370.101, Florida Statutes, is
18 amended to read:

19 370.101 Saltwater fish; regulations.--

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

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

30 (3) A ~~No~~ permit may not be issued pursuant to
31 subsection (2) until the commission ~~division~~ determines that

1 the artificial cultivation activity complies with the
2 provisions of ss. 253.67-253.75 and any other specific
3 provisions contained within this chapter regarding leases,
4 licenses, or permits for maricultural activities of each
5 saltwater fish, so that the public interest in such fish
6 stocks is fully protected.

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

9 370.11 Fish; regulation.--

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

1 shipment tarpon from a taxidermist when statement of
2 individual ownership involved accompanies bill of lading or
3 other papers controlling the shipment. The Fish and Wildlife
4 Conservation Commission ~~Division of Marine Resources~~ may, in
5 its discretion, upon application issue permits for the taking
6 and transporting of tarpon for scientific purposes.

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

9 370.1107 Definition; possession of certain licensed
10 traps prohibited; penalties; exceptions; consent.--

11 (1) As used in this section, the term "licensed
12 saltwater fisheries trap" means any trap required to be
13 licensed by the Fish and Wildlife Conservation Commission and
14 authorized ~~pursuant to this chapter or~~ by the commission for
15 the taking of saltwater products.

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

18 370.1405 Crawfish reports by dealers during closed
19 season required.--

20 (1) Within 3 days after the commencement of the closed
21 season for the taking of saltwater crawfish, each and every
22 seafood dealer, either retail or wholesale, intending to
23 possess whole crawfish, crawfish tails, or crawfish meat
24 during closed season shall submit to the Fish and Wildlife
25 Conservation Commission ~~Department of Environmental~~
26 ~~Protection~~, on forms provided by the commission ~~department~~, a
27 sworn report of the quantity, in pounds, of saltwater whole
28 crawfish, crawfish tails, and crawfish meat in the dealer's
29 name or possession as of the date the season closed. This
30 report shall state the location and number of pounds of whole
31 crawfish, crawfish tails, and crawfish meat. The commission

1 ~~department~~ shall not accept any reports not delivered or
2 postmarked by midnight of the 3rd calendar day after the
3 commencement of the closed season, and any stocks of crawfish
4 reported therein are declared a nuisance and may be seized by
5 the commission ~~department~~.

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

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

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

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

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

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

1 transport said products outside the limits of Florida for sale
2 as provided by s. 370.061. Otherwise, the product shall be
3 declared a nuisance and disposed of by the commission
4 ~~department~~ according to law.

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

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

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

20 Section 17. Section 372.021, Florida Statutes, is
21 amended to read:

22 372.021 Powers, duties, and authority of commission;
23 rules, regulations, and orders.--The Fish and Wildlife
24 Conservation ~~Game and Fresh Water Fish~~ Commission may exercise
25 the powers, duties, and authority granted by s. 9, Art. IV of
26 the Constitution of Florida, and as otherwise authorized by
27 the Legislature by the adoption of rules, regulations, and
28 orders in accordance with chapter 120.

29 Section 18. Section 372.05, Florida Statutes, is
30 amended to read:

31

1 372.05 Duties of executive director.--The executive
2 director of the Fish and Wildlife Conservation Commission
3 shall:

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

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

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

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

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

19 ~~(5)(6)~~ Appoint, fix salaries of, and at pleasure
20 remove, subject to the approval of the commission, assistants
21 and other employees who shall have such powers and duties as
22 may be assigned to them by the commission or executive
23 director.

24 ~~(6)(7)~~ Have such other powers and duties as may be
25 prescribed by the commission in pursuance of its duties under
26 s. 9, Art. IV of the State Constitution.

27 Section 19. Section 372.07, Florida Statutes, is
28 amended to read:

29 372.07 Police powers of commission and its agents.--

30 (1) The Fish and Wildlife Conservation Commission, the
31 executive director and the executive director's assistants

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

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

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

21 (b) Execute warrants and search warrants for the
22 violation of said laws;

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

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

27 (e) Arrest upon probable cause without warrant any
28 person found in the act of violating any of the provisions of
29 said laws or, in pursuit immediately following such
30 violations, to examine any person, boat, conveyance, vehicle,
31 game bag, game coat, or other receptacle for wild animal life,

1 marine life, or freshwater aquatic life, or any camp, tent,
2 cabin, or roster, in the presence of any person stopping at or
3 belonging to such camp, tent, cabin, or roster, when said
4 officer has reason to believe, and has exhibited her or his
5 authority and stated to the suspected person in charge the
6 officer's reason for believing, that any of the aforesaid laws
7 have been violated at such camp;

8 (f) Secure and execute search warrants and in
9 pursuance thereof to enter any building, enclosure, or car and
10 to break open, when found necessary, any apartment, chest,
11 locker, box, trunk, crate, basket, bag, package, or container
12 and examine the contents thereof;

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

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

24 Section 20. Section 372.121, Florida Statutes, is
25 amended to read:

26 372.121 Control and management of state game lands.--

27 (1) The Fish and Wildlife Conservation Commission is
28 authorized to make, adopt, promulgate, amend, repeal, and
29 enforce all reasonable rules and regulations necessary for the
30 protection, control, operation, management, or development of
31 lands or waters owned by, leased by, or otherwise assigned to,

1 the commission for fish or wildlife management purposes,
2 including but not being limited to the right of ingress and
3 egress. Before any such rule or regulation is adopted, other
4 than one relating to wild animal life, marine life, or
5 freshwater aquatic life, the commission shall obtain the
6 consent and agreement, in writing, of the owner, in the case
7 of privately owned lands or waters, or the owner or primary
8 custodian, in the case of public lands or waters.

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

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

15 372.991 Nongame Wildlife Trust Fund.--

16 (1) The Legislature recognizes the value of
17 maintaining ecologically healthy and stable populations of a
18 wide diversity of fish and wildlife species and recognizes the
19 need for monitoring, research, management, and public
20 awareness of all wildlife species in order to guarantee that
21 self-sustaining populations be conserved. The Legislature
22 further recognizes that research and management for game
23 species traditionally have been supported by licenses and fees
24 collected by the Fish and Wildlife Conservation ~~Game and Fresh~~
25 ~~Water Fish~~ Commission for consumptive uses of wildlife and
26 that no such support mechanism is available for species not
27 commonly pursued for sport or profit. It is the intent of the
28 Legislature that the funds provided herein be spent to
29 identify and meet the needs of nongame wildlife as a first
30 priority with the ultimate goal of establishing an integrated
31

1 approach to the management and conservation of all native
2 fish, wildlife, and plants.

3 Section 22. Subsections (6) and (12) of section
4 373.4149, Florida Statutes, are amended to read:

5 373.4149 Miami-Dade County Lake Belt Plan.--

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

1 Management District. Two ex officio seats on the committee
2 will be filled by one member of the Florida House of
3 Representatives to be selected by the Speaker of the House of
4 Representatives from among representatives whose districts, or
5 some portion of whose districts, are included within the
6 geographical scope of the committee as described in subsection
7 (3), and one member of the Florida Senate to be selected by
8 the President of the Senate from among senators whose
9 districts, or some portion of whose districts, are included
10 within the geographical scope of the committee as described in
11 subsection (3). The committee may appoint other ex officio
12 members, as needed, by a majority vote of all committee
13 members. A committee member may designate in writing an
14 alternate member who, in the member's absence, may participate
15 and vote in committee meetings.

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

26 Section 23. Paragraph (b) of subsection (6) of section
27 373.41492, Florida Statutes, is amended to read:

28 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
29 mitigation for mining activities within the Miami-Dade County
30 Lake Belt.--

31 (6)

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

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

14 403.141 Civil liability; joint and several
15 liability.--

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

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

27 403.707 Permits.--

28 (12) The department shall establish a separate
29 category for solid waste management facilities which accept
30 only construction and demolition debris for disposal or
31 recycling. The department shall establish a reasonable

1 schedule for existing facilities to comply with this section
2 to avoid undue hardship to such facilities. However, a
3 permitted solid waste disposal unit which receives a
4 significant amount of waste prior to the compliance deadline
5 established in this schedule shall not be required to be
6 retrofitted with liners or leachate control systems.
7 Facilities accepting materials defined in s. 403.703(17)(b)
8 must implement a groundwater monitoring system adequate to
9 detect contaminants that may reasonably be expected to result
10 from such disposal prior to the acceptance of those materials.

11 (h) The department shall ensure that the requirements
12 of this section are applied and interpreted consistently
13 throughout the state. In accordance with s. 20.255 ~~s.~~
14 ~~20.255(6)~~, the Division of Waste Management shall direct the
15 district offices and bureaus on matters relating to the
16 interpretation and applicability of this section.

17 Section 26. Paragraph (b) of subsection (1) of section
18 570.235, Florida Statutes, is amended to read:

19 570.235 Pest Exclusion Advisory Committee.--

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

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

25 1. Two members representing and appointed by the
26 Animal and Plant Health Inspection Service, United States
27 Department of Agriculture.

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

30 3. One member representing and appointed by the
31 Florida Department of Environmental Protection.

1 4. One member representing and appointed by the Fish
2 and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
3 Commission.

4 5. One member appointed by the Speaker of the House of
5 Representatives.

6 6. One member appointed by the President of the
7 Senate.

8 Section 27. Paragraph (e) of subsection (7) of section
9 590.02, Florida Statutes, is amended to read:

10 590.02 Division powers, authority, and duties;
11 liability; building structures; Florida Center for Wildfire
12 and Forest Resources Management Training.--

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

19 (e) An advisory committee consisting of the following
20 individuals or their designees must review program curriculum,
21 course content, and scheduling: the Director of the Florida
22 Division of Forestry; the Assistant Director of the Florida
23 Division of Forestry; the Director of the School of Forest
24 Resources and Conservation of the University of Florida; the
25 Director of the Division of Recreation and Parks of the
26 Department of Environmental Protection; the Director of the
27 Division of the State Fire Marshal; the Director of the
28 Florida Chapter of The Nature Conservancy; the Executive Vice
29 President of the Florida Forestry Association; the President
30 of the Florida Farm Bureau Federation; the Executive Director
31 of the Fish and Wildlife Conservation ~~Florida Game and Fresh~~

1 ~~Water Fish~~ Commission; the Executive Director of a Water
2 Management District as appointed by the Commissioner of
3 Agriculture; the Supervisor of the National Forests in
4 Florida; the President of the Florida Fire Chief's
5 Association; and the Executive Director of the Tall Timbers
6 Research Station.

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

9 705.101 Definitions.--As used in this chapter:

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

20 Section 29. Subsections (2) and (4) of section
21 705.103, Florida Statutes, are amended to read:

22 705.103 Procedure for abandoned or lost property.--

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

28
29 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
30 PROPERTY. This property, to wit: ...(setting forth brief
31 description)... is unlawfully upon public property known as

1 ...(setting forth brief description of location)... and must
2 be removed within 5 days; otherwise, it will be removed and
3 disposed of pursuant to chapter 705, Florida Statutes. The
4 owner will be liable for the costs of removal, storage, and
5 publication of notice. Dated this: ...(setting forth the date
6 of posting of notice)..., signed: ...(setting forth name,
7 title, address, and telephone number of law enforcement
8 officer)....

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

1 property or shown reasonable cause for failure to do so, the
2 following shall apply:

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

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

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

30 2. If the agency elects to sell the property, it must
31 do so at public sale by competitive bidding. Notice of the

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

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

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

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

11 832.06 Prosecution for worthless checks given tax
12 collector for licenses or taxes; refunds.--

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

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

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

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

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

12 Section 31. Paragraph (h) of subsection (1) of section
13 260.016, Florida Statutes, is created to read:

14 260.016 General powers of the department.--

15 (1) The department may:

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

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

31

1 375.075 Outdoor recreation; financial assistance to
2 local governments.--

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

17 Section 33. Paragraph (c) of subsection (1), paragraph
18 (a) of subsection (2), and subsection (8) of section 201.15,
19 Florida Statutes, are amended to read:

20 201.15 Distribution of taxes collected.--All taxes
21 collected under this chapter shall be distributed as follows
22 and shall be subject to the service charge imposed in s.
23 215.20(1), except that such service charge shall not be levied
24 against any portion of taxes pledged to debt service on bonds
25 to the extent that the amount of the service charge is
26 required to pay any amounts relating to the bonds:

27 (1) Sixty-two and sixty-three hundredths percent of
28 the remaining taxes collected under this chapter shall be used
29 for the following purposes:

30 (c) The remainder of the moneys distributed under this
31 subsection, after the required payments under paragraphs (a)

1 and (b), shall be paid into the State Treasury to the credit
2 of the General Revenue Fund of the state to be used and
3 expended for the purposes for which the General Revenue Fund
4 was created and exists by law or to the Ecosystem Management
5 and Restoration Trust Fund or to the Marine Resource
6 Conservation Trust Fund as provided in subsection (8).

7 (2) Seven and fifty-six hundredths percent of the
8 remaining taxes collected under this chapter shall be used for
9 the following purposes:

10 (a) Beginning in the month following the final payment
11 for a fiscal year under paragraph (1)(b), available moneys
12 shall be paid into the State Treasury to the credit of the
13 General Revenue Fund of the state to be used and expended for
14 the purposes for which the General Revenue Fund was created
15 and exists by law or to the Ecosystem Management and
16 Restoration Trust Fund or to the Marine Resource Conservation
17 Trust Fund as provided in subsection (8). Payments made under
18 this paragraph shall continue until the cumulative amount
19 credited to the General Revenue Fund for the fiscal year under
20 this paragraph equals the cumulative payments made under
21 paragraph (1)(b) for the same fiscal year.

22 (8) From the moneys specified in paragraphs (1)(c) and
23 (2)(a) and prior to deposit of any moneys into the General
24 Revenue Fund, ~~\$30~~^{\$10} million shall be paid into the State
25 Treasury to the credit of the Ecosystem Management and
26 Restoration Trust Fund in fiscal year ~~1998-1999~~, ~~\$20 million~~
27 ~~in fiscal year 1999-2000~~, and ~~\$30 million in fiscal year~~
28 2000-2001 and each fiscal year thereafter, to be used for the
29 preservation and repair of the state's beaches as provided in
30 ss. 161.091-161.212 and \$2 million shall be paid into the
31 State Treasury to the credit of the Marine Resources

1 Conservation Trust Fund to be used for marine mammal care as
2 provided in s. 370.0603(3).

3 Section 34. Effective July 1, 2001, paragraph (c) of
4 subsection (1), paragraph (a) of subsection (2), and
5 subsection (11) of section 201.15, Florida Statutes, as
6 amended by section 2 of chapter 99-247, Laws of Florida, are
7 amended to read:

8 201.15 Distribution of taxes collected.--All taxes
9 collected under this chapter shall be distributed as follows
10 and shall be subject to the service charge imposed in s.
11 215.20(1), except that such service charge shall not be levied
12 against any portion of taxes pledged to debt service on bonds
13 to the extent that the amount of the service charge is
14 required to pay any amounts relating to the bonds:

15 (1) Sixty-two and sixty-three hundredths percent of
16 the remaining taxes collected under this chapter shall be used
17 for the following purposes:

18 (c) The remainder of the moneys distributed under this
19 subsection, after the required payments under paragraph (a),
20 shall be paid into the State Treasury to the credit of the
21 General Revenue Fund of the state to be used and expended for
22 the purposes for which the General Revenue Fund was created
23 and exists by law or to the Ecosystem Management and
24 Restoration Trust Fund or to the Marine Resources Conservation
25 Trust Fund as provided in subsection (11).

26 (2) Seven and fifty-six hundredths percent of the
27 remaining taxes collected under this chapter shall be used for
28 the following purposes:

29 (a) Beginning in the month following the final payment
30 for a fiscal year under paragraph (1)(b), available moneys
31 shall be paid into the State Treasury to the credit of the

1 General Revenue Fund of the state to be used and expended for
2 the purposes for which the General Revenue Fund was created
3 and exists by law or to the Ecosystem Management and
4 Restoration Trust Fund or to the Marine Resources Conservation
5 Trust Fund as provided in subsection (11). Payments made under
6 this paragraph shall continue until the cumulative amount
7 credited to the General Revenue Fund for the fiscal year under
8 this paragraph equals the cumulative payments made under
9 paragraph (1)(b) for the same fiscal year.

10 (11) From the moneys specified in paragraphs (1)(c)
11 and (2)(a) and prior to deposit of any moneys into the General
12 Revenue Fund, ~~\$30~~^{\$10} million shall be paid into the State
13 Treasury to the credit of the Ecosystem Management and
14 Restoration Trust Fund in fiscal year ~~1998-1999~~, \$20 million
15 ~~in fiscal year 1999-2000~~, and \$30 million in fiscal year
16 2000-2001 and each fiscal year thereafter, to be used for the
17 preservation and repair of the state's beaches as provided in
18 ss. 161.091-161.212 and \$2 million shall be paid into the
19 State Treasury to the credit of the Marine Resources
20 Conservation Trust Fund to be used for marine mammal care as
21 provided in s. 370.0603(3).

22 Section 35. Subsection (3) is added to section
23 370.0603, Florida Statutes, to read:

24 370.0603 Marine Resources Conservation Trust Fund;
25 purposes.--

26 (3) Funds provided to the Marine Resources
27 Conservation Trust Fund from taxes distributed under s.
28 201.15(9), shall be used for the following purposes:

29 (a) To reimburse the cost of activities authorized
30 pursuant to the Fish and Wildlife Service of the United States
31 Department of the Interior. Such facilities must be involved

1 in the actual rescue and full-time acute care
2 veterinarian-based rehabilitation of manatees. The cost of
3 activities includes, but is not limited to, costs associated
4 with expansion, capital outlay, repair, maintenance, and
5 operation related to the rescue, treatment, stabilization,
6 maintenance, release, and monitoring of manatees. Moneys
7 distributed through the contractual agreement to each facility
8 for manatee rehabilitation must be proportionate to the number
9 of manatees under acute care rehabilitation; the number of
10 maintenance days medically necessary in the facility; and the
11 number released during the previous fiscal year. The
12 commission may set a cap on the total amount reimbursed per
13 manatee per year.

14 (b) For training on the care, treatment, and
15 rehabilitation of marine mammals at the Whitney Laboratory and
16 the Veterinary School of Medicine at the University of
17 Florida.

18 (c) For program administration costs of the agency.

19 (d) Funds not distributed in any 1 fiscal year must be
20 carried over for distribution in subsequent years.

21 Section 36. Subsection (4) of section 370.12, Florida
22 Statutes, is amended to read:

23 370.12 Marine animals; regulation.--

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

25 ~~(a)~~ Each fiscal year the Save the Manatee Trust Fund
26 shall be available to fund an impartial scientific benchmark
27 census of the manatee population in the state. Weather
28 permitting, the study shall be conducted annually by the Fish
29 and Wildlife Conservation Commission and the results shall be
30 made available to the President of the Senate, the Speaker of
31 the House of Representatives, and the Governor and Cabinet for

1 use in the evaluation and development of manatee protection
2 measures. In addition, the Save the Manatee Trust Fund shall
3 be available for annual funding of activities of public and
4 private organizations and those of the commission intended to
5 provide manatee and marine mammal protection and recovery
6 effort; manufacture and erection of informational and
7 regulatory signs; production, publication, and distribution of
8 educational materials; participation in manatee and marine
9 mammal research programs, including carcass salvage and other
10 programs; programs intended to assist the recovery of the
11 manatee as an endangered species, assist the recovery of the
12 endangered or threatened marine mammals, and prevent the
13 endangerment of other species of marine mammals; and other
14 similar programs intended to protect and enhance the recovery
15 of the manatee and other species of marine mammals. The
16 commission shall annually solicit advisory recommendations
17 from the Save the Manatee Committee affiliated with the Save
18 the Manatee Club, as identified and recognized in Executive
19 Order 85-19, on the use of funds from the Save the Manatee
20 Trust Fund.

21 ~~(b) Each fiscal year moneys in the Save the Manatee~~
22 ~~Trust Fund shall also be used, pursuant to s. 328.76(1)(b), to~~
23 ~~reimburse the cost of activities related to manatee~~
24 ~~rehabilitation by facilities that rescue, rehabilitate, and~~
25 ~~release manatees as authorized pursuant to the Fish and~~
26 ~~Wildlife Service of the United States Department of the~~
27 ~~Interior. Such facilities must be involved in the actual~~
28 ~~rescue and full-time acute care veterinarian-based~~
29 ~~rehabilitation of manatees. The cost of activities includes,~~
30 ~~but is not limited to, costs associated with expansion,~~
31 ~~capital outlay, repair, maintenance, and operations related to~~

1 ~~the rescue, treatment, stabilization, maintenance, release,~~
2 ~~and monitoring of manatees. Moneys distributed through~~
3 ~~contractual agreement to each facility for manatee~~
4 ~~rehabilitation shall be proportionate to the number of~~
5 ~~manatees under acute care rehabilitation and those released~~
6 ~~during the previous fiscal year. However, the reimbursement~~
7 ~~may not exceed the total amount available pursuant to ss.~~
8 ~~328.72(11) and 328.76(1)(b) for the purposes provided in this~~
9 ~~paragraph. Prior to receiving reimbursement for the expenses~~
10 ~~of rescue, rehabilitation, and release, a facility that~~
11 ~~qualifies under state and federal regulations shall submit a~~
12 ~~plan to the Fish and Wildlife Conservation Commission for~~
13 ~~assisting the commission and the Department of Highway Safety~~
14 ~~and Motor Vehicles in marketing the manatee specialty license~~
15 ~~plates. At a minimum, the plan shall include provisions for~~
16 ~~graphics, dissemination of brochures, recorded oral and visual~~
17 ~~presentation, and maintenance of a marketing exhibit. The plan~~
18 ~~shall be updated annually, and the Fish and Wildlife~~
19 ~~Conservation Commission shall inspect each marketing exhibit~~
20 ~~at least once each year to ensure the quality of the exhibit~~
21 ~~and promotional material. Each facility that receives funds~~
22 ~~for manatee rehabilitation shall annually provide the~~
23 ~~commission a written report, within 30 days after the close of~~
24 ~~the state fiscal year, documenting the efforts and~~
25 ~~effectiveness of the facility's promotional activities.~~

26 (b)(c) By December 1 each year, the Fish and Wildlife
27 Conservation Commission shall provide the President of the
28 Senate and the Speaker of the House of Representatives a
29 written report, enumerating the amounts and purposes for which
30 all proceeds in the Save the Manatee Trust Fund for the
31 previous fiscal year are expended, in a manner consistent with

1 those recovery tasks enumerated within the manatee recovery
2 plan as required by the Endangered Species Act.

3 ~~(c)(d)~~ When the federal and state governments remove
4 the manatee from status as an endangered or threatened
5 species, the annual allocation may be reduced.

6 Section 37. The sum of \$2 million is appropriated to
7 the Fish and Wildlife Conservation Commission from the Marine
8 Resources Conservation Trust Fund beginning in fiscal year
9 2000-2001 to be expended as follows: \$810,000 for training in
10 the care of marine mammals at the Whitney Laboratory and the
11 Veterinary School of Medicine at the University of Florida,
12 \$1,150,000 for the care of marine mammals at licensed research
13 facilities pursuant to section 370.0603(3), Florida Statutes,
14 and up to \$40,000 for program administration costs of the
15 agency.

16 Section 38. Section 42 of Committee Substitute for
17 Committee Substitute for Senate Bill 386, enacted in the 2000
18 Regular Session of the Legislature, is amended to read:

19 Section 42. Section 258.398, Florida Statutes, 1997
20 edition, ~~is and subsections (10) and (11) of section 370.14,~~
21 ~~Florida Statutes, are repealed.~~

22 Section 39. Section 12 of Chapter 99-245, Laws of
23 Florida, is repealed.

24 Section 40. Notwithstanding any other law, the
25 Legislature intends that this act represent its full and total
26 intent with respect to legislation dealing with the same
27 subject matter as this act at the same legislative session.

28 Section 41. Section 258.398, Florida Statutes, 1997
29 edition, is repealed.

30 Section 42. Sections 370.013, 370.017, 370.032,
31 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606,

1 370.0805, 372.04, 372.061, 373.197, and 403.261, Florida
2 Statutes, and subsection (6) of section 370.021, and
3 subsection (12) of section 370.14, Florida Statutes, are
4 repealed.

5 Section 43. This act shall take effect upon becoming a
6 law.

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