

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

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

The Committee on General Government Appropriations offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 327.02, Florida Statutes, is amended to read:

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

(1) "Alien" means a person who is not a citizen of the United States.

(2) "Boating accident" means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of any person from on board under circumstances which indicate the possibility of death or injury, or property

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1 damage to any vessel or dock.

2 (3) "Canoe" means a light, narrow vessel with curved
3 sides and with both ends pointed. A canoe-like vessel with a
4 transom may not be excluded from the definition of a canoe if
5 the width of its transom is less than 45 percent of the width
6 of its beam or it has been designated as a canoe by the United
7 States Coast Guard.

8 (4) "Commercial vessel" means:

9 (a) Any vessel primarily engaged in the taking or
10 landing of saltwater fish or saltwater products or freshwater
11 fish or freshwater products, or any vessel licensed pursuant
12 to s. 370.06 from which commercial quantities of saltwater
13 products are harvested, from within and without the waters of
14 this state for sale either to the consumer, retail dealer, or
15 wholesale dealer.

16 (b) Any other vessel, except a recreational vessel as
17 defined in this section ~~engaged in any activity wherein a fee~~
18 ~~is paid by the user, either directly or indirectly, to the~~
19 ~~owner, operator, or custodian of the vessel.~~

20 (5) "Commission" means the Fish and Wildlife
21 Conservation Commission.

22 (6) "Dealer" means any person authorized by the
23 Department of Revenue to buy, sell, resell, or otherwise
24 distribute vessels. Such person shall have a valid sales tax
25 certificate of registration issued by the Department of
26 Revenue and a valid commercial or occupational license
27 required by any county, municipality, or political subdivision
28 of the state in which the person operates.

29 (7) "Division" means the Division of Law Enforcement
30 of the Fish and Wildlife Conservation Commission.

31 (8) "Documented vessel" means a vessel for which a

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1 valid certificate of documentation is outstanding pursuant to
2 46 C.F.R. part 67.

3 (9) "Floating structure" means a floating entity, with
4 or without accommodations built thereon, which is not
5 primarily used as a means of transportation on water but which
6 serves purposes or provides services typically associated with
7 a structure or other improvement to real property. The term
8 "floating structure" includes, but is not limited to, each
9 entity used as a residence, place of business or office with
10 public access, hotel or motel, restaurant or lounge,
11 clubhouse, meeting facility, storage or parking facility,
12 mining platform, dredge, dragline, or similar facility or
13 entity represented as such. Floating structures are expressly
14 excluded from the definition of the term "vessel" provided in
15 this section. Incidental movement upon water or resting
16 partially or entirely on the bottom shall not, in and of
17 itself, preclude an entity from classification as a floating
18 structure.

19 (10) "Florida Intracoastal Waterway" means the
20 Atlantic Intracoastal Waterway, the Georgia state line north
21 of Fernandina to Miami; the Port Canaveral lock and canal to
22 the Atlantic Intracoastal Waterway; the Atlantic Intracoastal
23 Waterway, Miami to Key West; the Okeechobee Waterway, Stuart
24 to Fort Myers; the St. Johns River, Jacksonville to Sanford;
25 the Gulf Intracoastal Waterway, Anclote to Fort Myers; the
26 Gulf Intracoastal Waterway, Carrabelle to Tampa Bay;
27 Carrabelle to Anclote open bay section (using Gulf of Mexico);
28 the Gulf Intracoastal Waterway, Carrabelle to the Alabama
29 state line west of Pensacola; and the Apalachicola,
30 Chattahoochee, and Flint Rivers in Florida.

31 (11) "Homemade vessel" means any vessel built after

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1 October 31, 1972, for which a federal hull identification
2 number is not required to be assigned by the manufacturer
3 pursuant to federal law, or any vessel constructed or
4 assembled prior to November 1, 1972, by other than a licensed
5 manufacturer for his or her own use or the use of a specific
6 person. A vessel assembled from a manufacturer's kit or
7 constructed from an unfinished manufactured hull shall be
8 considered to be a homemade vessel if such a vessel is not
9 required to have a hull identification number assigned by the
10 United States Coast Guard. A rebuilt or reconstructed vessel
11 shall in no event be construed to be a homemade vessel.

12 (12) "Houseboat" means any vessel which is used
13 primarily as a residence for a minimum of 21 days during any
14 30-day period, in a county of this state, and this residential
15 use of the vessel is to the preclusion of the use of the
16 vessel as a means of transportation.

17 (13) "Length" means the measurement from end to end
18 over the deck parallel to the centerline excluding sheer.

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

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

28 (16) "Live-aboard vessel" means:

29 (a) Any vessel used solely as a residence; or

30 (b) Any vessel represented as a place of business, a
31 professional or other commercial enterprise, or a legal

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1 residence.

2

3 A commercial fishing boat is expressly excluded from the term
4 "live-aboard vessel."

5 (17) "Livery vessel" means any vessel leased, rented,
6 or chartered to another for consideration.

7 (18)(17) "Manufactured vessel" means any vessel built
8 after October 31, 1972, for which a federal hull
9 identification number is required pursuant to federal law, or
10 any vessel constructed or assembled prior to November 1, 1972,
11 by a duly licensed manufacturer.

12 (19)(18) "Marina" means a licensed commercial facility
13 which provides secured public moorings or dry storage for
14 vessels on a leased basis. A commercial establishment
15 authorized by a licensed vessel manufacturer as a dealership
16 shall be considered a marina for nonjudicial sale purposes.

17 (20)(19) "Marine sanitation device" means any
18 equipment other than a toilet, for installation on board a
19 vessel, which is designed to receive, retain, treat, or
20 discharge sewage, and any process to treat such sewage. Marine
21 sanitation device Types I, II, and III shall be defined as
22 provided in 33 C.F.R. part 159.

23 (21) "Marker" means any channel mark or other aid to
24 navigation, information or regulatory mark, isolated danger
25 mark, safe water mark, special mark, inland waters obstruction
26 mark, or mooring buoy in, on, or over the waters of the state
27 or the shores thereof, and includes, but is not limited to, a
28 sign, beacon, buoy, or light.

29 (22)(20) "Motorboat" means any vessel equipped with
30 machinery for propulsion, irrespective of whether the
31 propulsion machinery is in actual operation which is propelled

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1 ~~or powered by machinery and which is used or capable of being~~
2 ~~used as a means of transportation on water.~~

3 (23)~~(21)~~ "Navigation rules" means the International
4 Navigational Rules Act of 1977, 33 U.S.C. appendix following
5 s. 1602, as amended, including the annexes thereto in effect
6 ~~on June 1, 1983~~, for vessels on waters outside of established
7 navigational lines of demarcation as specified in 33 C.F.R.
8 part 80 or the Inland Navigational Rules Act of 1980, 33
9 U.S.C. s. 2001 et seq., as amended, including the annexes
10 thereto in effect on December 24, 1981, for vessels on all
11 waters not outside of such lines of demarcation.

12 ~~(22) "Noncommercial vessel" means any vessel other~~
13 ~~than a commercial vessel as defined in this section.~~

14 (24)~~(23)~~ "Nonresident" means a citizen of the United
15 States who has not established residence in this state and has
16 not continuously resided in this state for 1 year and in one
17 county for the 6 months immediately preceding the initiation
18 of a vessel titling or registration action.

19 (25)~~(24)~~ "Operate" means to be in charge of or in
20 command of or in actual physical control of a vessel upon the
21 waters of this state, or to exercise control over or to have
22 responsibility for a vessel's navigation or safety while the
23 vessel is underway upon the waters of this state, or to
24 control or steer a vessel being towed by another vessel upon
25 the waters of the state; ~~provided, however, that this~~
26 ~~definition shall not apply to a person on a vessel that is~~
27 ~~docked or otherwise made fast to the shore and shall not apply~~
28 ~~to a vessel owner or operator who designates a driver pursuant~~
29 ~~to s. 327.35.~~

30 (26)~~(25)~~ "Owner" means a person, other than a
31 lienholder, having the property in or title to a vessel. The

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1 term includes a person entitled to the use or possession of a
2 vessel subject to an interest in another person, reserved or
3 created by agreement and securing payment of performance of an
4 obligation, but the term excludes a lessee under a lease not
5 intended as security.

6 (27)~~(26)~~ "Person" means an individual, partnership,
7 firm, corporation, association, or other entity.

8 (28)~~(27)~~ "Personal watercraft" means a ~~small class A-1~~
9 ~~or A-2~~ vessel less than 16 feet in length which uses an
10 ~~outboard motor, or an~~ inboard motor powering a water jet pump,
11 as its primary source of motive power and which is designed to
12 be operated by a person sitting, standing, or kneeling on, ~~or~~
13 ~~being towed behind~~ the vessel, rather than in the conventional
14 manner of sitting or standing inside the vessel.

15 (29)~~(28)~~ "Portable toilet" means a device consisting
16 of a lid, seat, containment vessel, and support structure that
17 is specifically designed to receive, retain, and discharge
18 human waste and that is capable of being removed from a vessel
19 by hand.

20 (30)~~(29)~~ "Prohibited activity" means such activity as
21 will impede or disturb navigation or creates a safety hazard
22 on waterways of this state.

23 (31)~~(30)~~ "Racing shell," "rowing scull," or "racing
24 kayak" means a manually propelled vessel which is recognized
25 by national or international racing associations for use in
26 competitive racing and in which all occupants, with the
27 exception of a coxswain, if one is provided, row, scull, or
28 paddle and which is not designed to carry and does not carry
29 any equipment not solely for competitive racing.

30 (32) "Recreational vessel" means any vessel:

31 (a) Manufactured and used primarily for noncommercial

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1 purposes; or

2 (b) Leased, rented, or chartered to a person for the
3 person's noncommercial use.

4 (33)(31) "Registration" means a state operating
5 license on a vessel which is issued with an identifying
6 number, an annual certificate of registration, and a decal
7 designating the year for which a registration fee is paid.

8 ~~(32) "Regulatory marker" means any anchored or fixed~~
9 ~~marker in, on, or over the water, or anchored platform on the~~
10 ~~surface of the water, other than a marker provided in s.~~
11 ~~327.40, and includes, but is not limited to, a bathing beach~~
12 ~~marker, speed zone marker, information marker, restricted zone~~
13 ~~marker, congested area marker, or warning marker.~~

14 (34)(33) "Resident" means a citizen of the United
15 States who has established residence in this state and has
16 continuously resided in this state for 1 year and in one
17 county for the 6 months immediately preceding the initiation
18 of a vessel titling or registration action.

19 (35)(34) "Sailboat" means any vessel whose sole source
20 of propulsion is the wind ~~natural element (i.e., wind).~~

21 (36)(35) "Unclaimed vessel" means any undocumented
22 vessel, including its machinery, rigging, and accessories,
23 which is in the physical possession of any marina, garage, or
24 repair shop for repairs, improvements, or other work with the
25 knowledge of the vessel owner and for which the costs of such
26 services have been unpaid for a period in excess of 90 days
27 from the date written notice of the completed work is given by
28 the marina, garage, or repair shop to the vessel owner.

29 (37)(36) "Vessel" is synonymous with boat as
30 referenced in s. 1(b), Art. VII of the State Constitution and
31 includes every description of watercraft, barge, and air boat,

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1 other than a seaplane on the water, used or capable of being
2 used as a means of transportation on water.

3 (38)~~(37)~~ "Waters of this state" means any navigable
4 waters of the United States within the territorial limits of
5 this state, and the marginal sea adjacent to this state and
6 the high seas when navigated as a part of a journey or ride to
7 or from the shore of this state, and all the inland lakes,
8 rivers, and canals under the jurisdiction of this state.

9 Section 2. Section 327.04, Florida Statutes, is
10 amended to read:

11 327.04 Rules.--The commission ~~department~~ has authority
12 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
13 implement the provisions of this chapter conferring powers or
14 duties upon it.

15 Section 3. Subsection (1) of section 327.22, Florida
16 Statutes, is amended to read:

17 327.22 Regulation of vessels by municipalities or
18 counties.--

19 (1) Nothing in this chapter shall be construed to
20 prohibit any municipality or county that expends money for the
21 patrol, regulation, and maintenance of any lakes, rivers, or
22 waters, and for other boating-related activities in such
23 municipality or county, from regulating vessels resident in
24 such municipality or county. Any county or municipality may
25 adopt ordinances which provide for enforcement of noncriminal
26 violations of restricted areas ~~s. 327.33 relating to the~~
27 ~~careless operation of a vessel~~ which results in the
28 endangering or damaging of property, by citation mailed to
29 registered owner of the vessel. Any such ordinance shall apply
30 only in legally established ~~designated~~ restricted areas which
31 are properly marked as permitted pursuant to ss. 327.40 and

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1 327.41 and in need of shoreline protection. Any county and
2 the municipalities located within the county may jointly
3 regulate vessels.

4 Section 4. Effective October 1, 2000, section 327.302,
5 Florida Statutes, is created to read:

6 327.302 Accident report forms.--

7 (1) The commission shall prepare and, upon request,
8 supply to police departments, sheriffs, and other appropriate
9 agencies or individuals forms for accident reports as required
10 in this chapter, suitable with respect to the persons required
11 to make such reports and the purposes to be served. The forms
12 must call for sufficiently detailed information to disclose,
13 with reference to a boating accident, the cause and conditions
14 existing at the time of the accident and the persons and
15 vessels involved. Accident report forms may call for the
16 policy numbers of liability insurance and the names of
17 carriers covering any vessel involved in an accident required
18 to be reported under this chapter.

19 (2) Every accident report required to be made in
20 writing must be made on the appropriate form approved by the
21 commission and must contain all the information required
22 therein unless not available. Notwithstanding any other
23 provisions of this section, an accident report produce
24 electronically by a law enforcement officer must, at a
25 minimum, contain the same information as is required on those
26 forms approved by the commission.

27 Section 5. Effective October 1, 2000, subsections (1)
28 and (2) of section 327.33, Florida Statutes, are amended to
29 read:

30 327.33 Reckless or careless operation of vessel.--

31 (1) It is unlawful to operate a vessel in a reckless

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1 manner. A person is guilty of reckless operation of a vessel
2 who operates any vessel, or manipulates any water skis,
3 aquaplane, or similar device, in willful or wanton disregard
4 for the safety of persons or property at a speed or in a
5 manner as to endanger, or likely to endanger, life or limb, or
6 damage the property of, or injure any person. Reckless
7 operation of a vessel includes, but is not limited to, a
8 violation of s. 327.331(6). Any person who violates a
9 provision of this subsection commits ~~is guilty of~~ a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083.

12 (2) Any person operating a vessel upon the waters of
13 this state shall operate the vessel in a reasonable and
14 prudent manner, having regard for other waterborne traffic,
15 posted speed and wake restrictions, ~~the presence of a~~
16 ~~divers-down flag as defined in s. 861.065,~~ and all other
17 attendant circumstances so as not to endanger the life, limb,
18 or property of any person. ~~Any person operating a vessel on a~~
19 ~~river, inlet, or navigation channel shall make a reasonable~~
20 ~~effort to maintain a distance of 100 feet from any divers-down~~
21 ~~flag.~~ The failure to operate a vessel in a manner described
22 in this subsection constitutes careless operation. However,
23 vessel wake and shoreline wash resulting from the reasonable
24 and prudent operation of a vessel shall, absent negligence,
25 not constitute damage or endangerment to property. Any person
26 who violates the provisions of this subsection commits ~~is~~
27 ~~guilty of~~ a noncriminal violation as defined in s. 775.08.

28 Section 6. Effective October 1, 2000, section 861.065,
29 Florida Statutes, is renumbered as section 327.331, Florida
30 Statutes, and amended to read:

31 327.331 ~~861.065~~ Divers; definitions; divers-down flag

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1 required; obstruction to navigation of certain waters;
2 penalty.--

3 (1) As used in this section:

4 (a) "Diver" means any person who is wholly or
5 partially submerged in the waters of the state and is equipped
6 with a face mask and snorkel or underwater breathing
7 apparatus.

8 (b)(2) "Underwater breathing apparatus" means shall
9 ~~mean~~ any apparatus, whether self-contained or connected to a
10 distant source of air or other gas, whereby a person wholly or
11 partially submerged in water is enabled to obtain or reuse air
12 or any other gas or gases for breathing without returning to
13 the surface of the water.

14 (c)(3) "Divers-down flag" means shall mean a flag that
15 meets the following specifications:~~is either square or~~
16 ~~rectangular, to approximately 4 units high by 5 units long,~~
17 ~~with a 1-unit diagonal stripe. The divers-down flag shall~~
18 ~~have a white diagonal stripe on a red background. The stripe~~
19 ~~shall begin at the top staff-side of the flag and extend~~
20 ~~diagonally to the opposite lower corner. The flag shall be~~
21 ~~free-flying and shall be lowered when all divers are aboard or~~
22 ~~ashore. The minimum size shall be 12 by 12 inches.~~

23 1. The flag must be square or rectangular. If
24 rectangular, the length must not be less than the height, or
25 more than 25 percent longer than the height. The flag must
26 have a wire or other stiffener to hold it fully unfurled and
27 extended in the absence of a wind or breeze.

28 2. The flag must be red with a white diagonal stripe
29 that begins at the top staff-side of the flag and extends
30 diagonally to the lower opposite corner. The width of the
31 stripe must be 25 percent of the height of the flag.

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1 3. The minimum size for any divers-down flag displayed
2 on a buoy or float towed by the diver is 12 inches by 12
3 inches. The minimum size for any divers-down flag displayed
4 from a vessel or structure is 20 inches by 24 inches.

5 4. Any divers-down flag displayed from a vessel must
6 be displayed from the highest point of the vessel or such
7 other location which provides that the visibility of the
8 divers-down flag is not obstructed in any direction.

9 (2)(4) All divers must shall prominently display a
10 divers-down flag in the area in which the diving occurs, other
11 than when diving in an area customarily used for swimming
12 only.

13 (3)(5) No diver or group of divers shall display one
14 or more divers-down flags on a river, inlet, or navigation
15 channel, except in case of emergency, in a manner which shall
16 unreasonably constitute a navigational hazard.

17 (4)(6) Divers shall make reasonable efforts to stay
18 within 100 feet of the divers-down flag on rivers, inlets, and
19 navigation channels. Any person operating a vessel on a river,
20 inlet, or navigation channel must make a reasonable effort to
21 maintain a distance of at least 100 feet from any divers-down
22 flag.

23 (5) Divers must make reasonable efforts to stay within
24 300 feet of the divers-down flag on all waters other than
25 rivers, inlets, and navigation channels. Any person operating
26 a vessel on waters other than a river, inlet, or navigation
27 channel must make a reasonable effort to maintain a distance
28 of at least 300 feet from any divers-down flag.

29 (6) Any vessel other than a law enforcement or rescue
30 vessel that approaches within 100 feet of a divers-down flag
31 on a river, inlet, or navigation channel, or within 300 feet

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1 of a divers-down flag on waters other than a river, inlet, or
2 navigation channel, must proceed no faster than is necessary
3 to maintain headway and steerageway.

4 (7) The divers-down flag must be lowered once all
5 divers are aboard or ashore. No person may operate any vessel
6 displaying a divers-down flag unless the vessel has one or
7 more divers in the water.

8 (8)(7) Any willful violation of this section shall be
9 a misdemeanor of the second degree punishable as provided by
10 s. 775.082 or s. 775.083.

11 Section 7. Effective October 1, 2001, subsection (8)
12 of section 327.331, Florida Statutes, as amended by this act,
13 is amended to read:

14 327.331 Divers; definitions; divers-down flag
15 required; obstruction to navigation of certain waters;
16 penalty.--

17 (8) Except as provided in s. 327.33, any willful
18 violation of this section shall be a noncriminal infraction
19 punishable as provided in s. 327.73 ~~misdemeanor of the second~~
20 ~~degree punishable as provided by s. 775.082 or s. 775.083.~~

21 Section 8. Paragraph (a) of subsection (1) of section
22 327.355, Florida Statutes, is amended to read:

23 327.355 Operation of vessels by persons under 21 years
24 of age who have consumed alcoholic beverages.--

25 (1)(a) Notwithstanding s. 327.35, it is unlawful for a
26 person under the age of 21 who has a breath-alcohol level of
27 0.02 ~~percent~~ or higher to operate or be in actual physical
28 control of a vessel.

29 Section 9. Paragraph (a) of subsection (2) of section
30 327.36, Florida Statutes, is amended to read:

31 327.36 Mandatory adjudication; prohibition against

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1 accepting plea to lesser included offense.--

2 (2)(a) No trial judge may accept a plea of guilty to a
3 lesser offense from a person who is charged with a violation
4 of s. 327.35, manslaughter resulting from the operation of a
5 vessel, or vessel homicide and who has been given a breath or
6 blood test to determine blood or breath alcohol content, the
7 results of which show a blood-alcohol level or breath-alcohol
8 level ~~blood or breath alcohol content by weight~~ of 0.16
9 ~~percent~~ or more.

10 Section 10. Effective October 1, 2000, paragraphs (a)
11 and (b) of subsection (2) of section 327.37, Florida Statutes,
12 are amended to read:

13 327.37 Water skis, parasails, and aquaplanes
14 regulated.--

15 (2)(a) A person may not engage in water skiing,
16 parasailing, aquaplaning, or any similar activity at any time
17 between the hours from one-half hour after sunset to one-half
18 hour before sunrise.

19 (b) A person may not engage in water skiing,
20 parasailing, aquaplaning, or any similar activity unless such
21 person is wearing a noninflatable type I, type II, type III,
22 or ~~noninflatable~~ type V personal flotation device approved by
23 the United States Coast Guard.

24 Section 11. Effective October 1, 2000, subsections
25 (1), (4), (5), and (6) of section 327.39, Florida Statutes,
26 are amended to read:

27 327.39 Personal watercraft regulated.--

28 (1) A person may not operate a personal watercraft
29 unless each person riding on or being towed behind such vessel
30 is wearing a type I, type II, type III, or type V personal
31 flotation device, other than an inflatable device, approved by

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1 the United States Coast Guard.

2 (4) A personal watercraft must at all times be
3 operated in a reasonable and prudent manner. Maneuvers which
4 unreasonably or unnecessarily endanger life, limb, or
5 property, including, but not limited to, weaving through
6 congested vessel traffic, jumping the wake of another vessel
7 unreasonably or unnecessarily close to such other vessel or
8 when visibility around such other vessel is obstructed, and
9 swerving at the last possible moment to avoid collision shall
10 constitute reckless operation of a vessel, as provided in s.
11 327.33(1). Any person operating a personal watercraft must
12 comply with the provisions of s. 327.33.

13 (5) No person under the age of 14 shall operate any a
14 personal watercraft on the waters of this state.

15 (6)(a) It is unlawful for the owner of any personal
16 watercraft or any person having charge over or control of a
17 personal watercraft to authorize or knowingly permit the same
18 to be operated by a person under 14 years of age in violation
19 of this section.

20 (b)1. It is unlawful for the owner of any leased,
21 hired, or rented personal watercraft, or any person having
22 charge over or control of a leased, hired, or rented personal
23 watercraft, to authorize or knowingly permit the watercraft to
24 be operated by any person who has not received instruction in
25 the safe handling of personal watercraft, in compliance with
26 rules established by the commission.

27 2. Any person receiving instruction in the safe
28 handling of personal watercraft pursuant to a program
29 established by rule of the commission must provide the owner
30 of, or person having charge of or control over, a leased,
31 hired, or rented personal watercraft with a written statement

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1 attesting to the same.

2 3. The commission shall have the authority to
3 establish rules pursuant to chapter 120 prescribing the
4 instruction to be given, which shall take into account the
5 nature and operational characteristics of personal watercraft
6 and general principles and regulations pertaining to boating
7 safety.

8 (c) Any person who violates this subsection commits
9 ~~shall be guilty of~~ a misdemeanor of the second degree,
10 punishable as provided in s. 775.082 or s. 775.083.

11 Section 12. Effective October 1, 2000, subsections (3)
12 through (10) of section 327.395, Florida Statutes, are
13 renumbered as subsections (4) through (11), respectively, and
14 a new subsection (3) is added to said section, to read:

15 327.395 Boating safety identification cards.--

16 (3) Any commission-approved boater education or boater
17 safety course, course-equivalency examination developed or
18 approved by the commission, or temporary certificate
19 examination developed or approved by the commission must
20 include a component regarding diving vessels, awareness of
21 divers in the water, divers-down flags, and the requirements
22 of s. 327.331.

23 Section 13. Subsections (1) and (2) of section 327.40,
24 Florida Statutes, are amended to read:

25 327.40 Uniform waterway markers for safety and
26 navigation.--

27 (1) Waterways in Florida, unmarked by the Coast Guard,
28 which need marking for safety or navigation purposes, shall be
29 marked under the United States Aids to Navigation System, 33
30 C.F.R. part 62. Until December 31, 2003, channel markers and
31 obstruction markers conforming to the Uniform State Waterway

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1 Marking System, 33 C.F.R. subpart 66.10, may continue to be
2 used on waters of this state that are not navigable waters of
3 the United States.~~Uniform Safety and Navigation System~~
4 ~~adopted by the advisory panel of state officials to the~~
5 ~~Merchant Marine Council of the United States Coast Guard.~~

6 (2)(a) Application for marking inland lakes and state
7 waters and any navigable waters under concurrent jurisdiction
8 of the Coast Guard and the division shall be made to the
9 division, accompanied by a map locating the approximate
10 placement of markers, a list of the markers to be place, a
11 statement of the specification of the markers, a statement of
12 ~~concerning~~ the purpose of marking, and the names of persons
13 responsible for the placement and upkeep of such markers. The
14 division will assist the applicant to secure the proper
15 permission from the Coast Guard where required, make such
16 investigations as needed, and issue a permit. The division
17 shall furnish the applicant with the information concerning
18 the system adopted and the rules ~~regulations~~ existing for
19 placing and maintaining the ~~uniform safety and navigation~~
20 markers. The division shall keep records of all approvals
21 given and counsel with individuals, counties, municipalities,
22 motorboat clubs, or other groups desiring to mark waterways
23 for safety and navigation purposes in Florida.

24 (b) No person or municipality, county, or other
25 governmental entity shall place any safety or navigation
26 markers in, on, or over the waters or shores of the state
27 without a permit from the division.

28 (c) The commission is authorized to adopt rules
29 pursuant to chapter 120 to implement this section.

30 Section 14. Section 327.41, Florida Statutes, is
31 amended to read:

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1 327.41 Uniform waterway regulatory markers.--

2 (1) The ~~Fish and Wildlife Conservation~~ commission
3 shall adopt rules ~~and regulations~~ pursuant to chapter 120
4 establishing a uniform system of regulatory markers for the
5 waters of the state Florida Intracoastal Waterway, compatible
6 with the system of regulatory markers prescribed by the United
7 States Coast Guard in the United States Aids to Navigation
8 System, 33 C.F.R. part 62, ~~and shall give due regard to the~~
9 ~~System of Uniform Waterway Markers approved by the Advisory~~
10 ~~Panel of State Officials to the Merchant Marine Council,~~
11 ~~United States Coast Guard.~~

12 (2) Any county or municipality which has been granted
13 a restricted area designation, pursuant to s. 327.46, for a
14 portion of the Florida Intracoastal Waterway within its
15 jurisdiction or which has adopted a restricted area by
16 ordinance pursuant to s. 327.22, s. 327.60, or s.
17 370.12(2)(o), or any other governmental entity which has
18 legally established a restricted area, may apply to the ~~Fish~~
19 ~~and Wildlife Conservation~~ commission for permission to place
20 regulatory markers within the restricted area.

21 (3) Application for placing regulatory markers in the
22 waters of the state on the Florida Intracoastal Waterway shall
23 be made to the division as provided in s. 327.40 ~~of Marine~~
24 ~~Resources~~, ~~accompanied by a map locating the approximate~~
25 ~~placement of the markers, a statement of the specification of~~
26 ~~the markers, a statement of purpose of the markers, and a~~
27 ~~statement of the city or county responsible for the placement~~
28 ~~and upkeep of the markers.~~

29 (4) No person or municipality, county, or other
30 governmental entity shall place any regulatory markers in, on,
31 or over the waters of the state or the shores thereof Florida

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1 ~~Intracoastal Waterway~~ without a permit from the division
2 ~~pursuant to s. 327.40 of Marine Resources.~~

3 (5) Aquaculture leaseholds shall be marked as required
4 by this section, and the commission may approve alternative
5 marking requirements as a condition of the lease pursuant to
6 s. 253.68. The provisions of this section notwithstanding, no
7 permit shall be required for the placement of markers required
8 by such a lease.

9 (6) The commission is authorized to adopt rules
10 pursuant to chapter 120 to implement ~~the provisions of this~~
11 ~~section.~~

12 Section 15. Section 327.46, Florida Statutes, is
13 amended to read:

14 327.46 Restricted areas.--

15 (1)(a) The commission ~~has shall have~~ the authority to
16 ~~establish for establishing,~~ by rule, pursuant to chapter 120,
17 restricted areas on the waters of the state for any purpose
18 deemed necessary for the safety of the public, including, but
19 not limited to, vessel ~~boat~~ speeds and vessel ~~boat~~ traffic,
20 where such restrictions are deemed necessary based on boating
21 accidents, visibility, hazardous currents or water levels
22 ~~tides~~, vessel traffic congestion, or other navigational
23 hazards. Each such restricted area shall be developed in
24 consultation and coordination with the governing body of the
25 county or municipality in which the restricted area is located
26 and, where required, with the United States Coast Guard and
27 the United States Army Corps of Engineers. ~~Restricted areas~~
28 ~~shall be established in accordance with procedures under~~
29 ~~chapter 120.~~

30 (2) It is unlawful for any person to operate a vessel
31 in a prohibited manner or to carry on any prohibited activity,

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1 as defined in this chapter, deemed a safety hazard or
2 interference with navigation as provided above within a
3 restricted water area which has been clearly marked by
4 regulatory markers ~~buoys or some other distinguishing device~~
5 ~~as a bathing or otherwise restricted area in accordance with~~
6 ~~and marked~~ as authorized under this chapter. ~~provided, that~~

7 (3) This section shall not apply in the case of an
8 emergency or to a law enforcement, firefighting, patrol or
9 rescue vessel owned or operated by a governmental entity
10 ~~craft.~~

11 Section 16. Section 327.49, Florida Statutes, is
12 created to read:

13 327.49 Testing vessels and vessel motors.--Subject to
14 reasonable rules adopted by the commission, manufacturers of
15 vessels and vessel motors that operate vessel and vessel motor
16 test facilities may be authorized to test such vessels, vessel
17 motors, or combinations thereof, on the waters of the state to
18 ensure that they meet generally accepted boating safety
19 standards.

20 Section 17. Subsection (2) of section 327.53, Florida
21 Statutes, is amended to read:

22 327.53 Marine sanitation.--

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

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1 the waters of the state, shall be locked or otherwise secured
2 by the boat operator, so as to prevent resetting.

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

9 Section 18. Effective October 1, 2000, section 327.54,
10 Florida Statutes, is amended to read:

11 327.54 Liveries; safety regulations; penalty.--

12 (1) A livery may not knowingly lease, hire, or rent a
13 vessel to any person:

14 (a) When the number of persons intending to use the
15 vessel exceeds the number considered to constitute a maximum
16 safety load for the vessel as specified on the authorized
17 persons capacity plate of the vessel.

18 (b) When the horsepower of the motor exceeds the
19 capacity of the vessel.

20 (c) When the vessel does not contain the required
21 safety equipment required under s. 327.50.

22 (d) When the vessel is not seaworthy.

23 (e) When the vessel is equipped with a motor of 10
24 horsepower or greater, unless the livery provides ~~there is a~~
25 ~~prerental or preride instruction that includes, but need not~~
26 ~~be limited to:in the safe operation of the vessel by the~~
27 ~~livery.~~

28 1. Operational characteristics of the vessel to be
29 rented.

30 2. Safe vessel operation and vessel right-of-way.

31 3. The responsibility of the vessel operator for the

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1 safe and proper operation of the vessel.

2 4. Local characteristics of the waterway where the
3 vessel will be operated.

4
5 Any person delivering the information specified in this
6 paragraph must have successfully completed a boater safety
7 course approved by the National Association of State Boating
8 Law Administrators and this state.

9 (f) Unless the livery displays boating safety
10 information in a place visible to the renting public. The
11 commission shall prescribe by rule pursuant to chapter 120,
12 the contents and size of the boating safety information to be
13 displayed.

14 (2) A livery may not knowingly lease, hire, or rent
15 any vessel powered by a motor of 10 horsepower or greater to
16 any person who is required to comply with s. 327.395, unless
17 such person presents a valid boater safety identification card
18 to the livery.

19 (3) If a vessel is unnecessarily overdue, the livery
20 shall notify the proper authorities.

21 (4)(a) A livery may not knowingly lease, hire, or rent
22 a personal watercraft to any person who is under 18 ~~16~~ years
23 of age.7

24 (b) A livery may not knowingly ~~nor may it~~ lease, hire,
25 or rent a personal ~~such~~ watercraft to any person who has not
26 received instruction in the safe handling of personal
27 watercraft, in compliance with rules established by the
28 commission pursuant to chapter 120 ~~or other vessel to any~~
29 ~~other person, unless the livery displays boating safety~~
30 ~~information about the safe and proper operation of vessels and~~
31 ~~requires a signature by the lessee that he or she has received~~

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1 ~~instruction in the safe handling of the personal watercraft in~~
2 ~~compliance with standards established by the department.~~

3 (c) Any person receiving instruction in the safe
4 handling of personal watercraft pursuant to a program
5 established by rule of the commission must provide the livery
6 with a written statement attesting to the same.

7 (5) A livery may not lease, hire, or rent any personal
8 watercraft or offer to lease, hire, or rent any personal
9 watercraft unless the livery first obtains and carries in full
10 force and effect a policy from a licensed insurance carrier in
11 this state, insuring against any accident, loss, injury,
12 property damage, or other casualty caused by or resulting from
13 the operation of the personal watercraft. The insurance
14 policy shall provide coverage of at least \$500,000 per person
15 and \$1 million per event. The livery must have proof of such
16 insurance available for inspection at the location where
17 personal watercraft are being leased, hired, or rented, or
18 offered for lease, hire, or rent, and shall provide to each
19 renter the insurance carrier's name and address and the
20 insurance policy number.

21 ~~(6)(5)~~ Any person convicted of violating this section
22 ~~commits is guilty of~~ a misdemeanor of the second degree,
23 punishable as provided in s. 775.082 or s. 775.083.

24 ~~(6) When the livery has complied with subsections (1),~~
25 ~~(2), (3), and (4), its liability ceases and the person leasing~~
26 ~~the vessel from the livery is liable for any violations of~~
27 ~~this chapter and is personally liable for any accident or~~
28 ~~injury occurring while in charge of such vessel.~~

29 Section 19. Subsection (1) of section 327.60, Florida
30 Statutes, is amended to read:

31 327.60 Local regulations; limitations.--

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1 (1) The provisions of ss. 327.01, 327.02,
2 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65,
3 328.40-328.48, 328.52-328.58, 328.62, and 328.64 shall govern
4 the operation, equipment, and all other matters relating
5 thereto whenever any vessel shall be operated upon the
6 waterways or when any activity regulated hereby shall take
7 place thereon. Nothing in these sections shall be construed to
8 prevent the adoption of any ordinance or local law relating to
9 operation and equipment of vessels, except that no such
10 ordinance or local law may apply to the Florida Intracoastal
11 Waterway and except that such ordinances or local laws shall
12 be operative only when they are not in conflict with this
13 chapter or any amendments thereto or regulations thereunder.
14 Any ordinance or local law which has been adopted pursuant to
15 this section or to any other state law may not discriminate
16 against personal watercraft as defined in s. 327.02.

17 Section 20. Effective October 1, 2000, section 327.72,
18 Florida Statutes, is amended to read:

19 327.72 Penalties.--Any person failing to comply with
20 the provisions of this chapter or chapter 328 not specified in
21 s. 327.73 or not paying the civil penalty ~~fine~~ specified in
22 said section within 30 ~~10~~ days, except as otherwise provided
23 in this chapter or chapter 328, commits ~~is guilty of~~ a
24 misdemeanor of the second degree, punishable as provided in s.
25 775.082 or s. 775.083.

26 Section 21. Effective October 1, 2000, paragraph (k)
27 of subsection (1) and subsection (4) of section 327.73,
28 Florida Statutes, are amended, subsections, (9), (10), and
29 (11) are added to said section, and paragraph (p) of
30 subsection (1) of said section is reenacted for the purpose of
31 incorporating the amendments to section 327.39, Florida

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1 Statutes, in a reference, to read:

2 327.73 Noncriminal infractions.--

3 (1) Violations of the following provisions of the
4 vessel laws of this state are noncriminal infractions:

5 (k) Violations relating to restricted areas and speed
6 limits:

7 1. Established by the commission ~~department~~ pursuant
8 to s. 327.46.

9 2. Established by local governmental authorities
10 pursuant to s. 327.22 or s. 327.60.

11 3. Speed limits established pursuant to s. 370.12(2).

12 (p) Section 327.39(1), (2), (3), and (5), relating to
13 personal watercraft.

14

15 Any person cited for a violation of any such provision shall
16 be deemed to be charged with a noncriminal infraction, shall
17 be cited for such an infraction, and shall be cited to appear
18 before the county court. The civil penalty for any such
19 infraction is \$50, except as otherwise provided in this
20 section. Any person who fails to appear or otherwise properly
21 respond to a uniform boating citation shall, in addition to
22 the charge relating to the violation of the boating laws of
23 this state, be charged with the offense of failing to respond
24 to such citation and, upon conviction, be guilty of a
25 misdemeanor of the second degree, punishable as provided in s.
26 775.082 or s. 775.083. A written warning to this effect shall
27 be provided at the time such uniform boating citation is
28 issued.

29 (4) Any person charged with a noncriminal infraction
30 under this section may:

31 (a) Pay the civil penalty, either by mail or in

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1 person, within 30 ~~10~~ days of the date of receiving the
2 citation; or,

3 (b) If he or she has posted bond, forfeit bond by not
4 appearing at the designated time and location.

5
6 If the person cited follows either of the above procedures, he
7 or she shall be deemed to have admitted the noncriminal
8 infraction and to have waived the right to a hearing on the
9 issue of commission of the infraction. Such admission shall
10 not be used as evidence in any other proceedings.

11 (9)(a) Any person who fails to comply with the court's
12 requirements or who fails to pay the civil penalties specified
13 in this section within the 30-day period provided for in s.
14 327.72 must pay an additional court cost of \$12, which shall
15 be used by the clerks of the courts to defray the costs of
16 tracking unpaid uniform boating citations.

17 (b) Any person who fails to comply with the court's
18 requirements as to civil penalties specified in this section
19 due to demonstrated financial hardship shall be authorized to
20 satisfy such civil penalties by public works or community
21 service. Each hour of such service shall be applied, at the
22 rate of the minimum wage, toward payment of the person's civil
23 penalties; provided, however, that if the person has a trade
24 or profession for which there is a community service need and
25 application, the rate for each hour of such service shall be
26 the average standard wage for such trade or profession. Any
27 person who fails to comply with the court's requirements as to
28 such civil penalties who does not demonstrate financial
29 hardship may also, at the discretion of the court, be
30 authorized to satisfy such civil penalties by public works or
31 community service in the same manner.

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1 (c) If the noncriminal infraction has caused or
2 resulted in the death of another, the court may require the
3 person who committed the infraction to perform 120 community
4 service hours in addition to any other penalties.

5 (10) Any person cited for any noncriminal infraction
6 which results in an accident that causes the death of another,
7 or which results in an accident that causes "serious bodily
8 injury" of another as defined in s. 327.353(1), shall not have
9 the provisions of subsection (4) available to him or her but
10 must appear before the designated official at the time and
11 location of the scheduled hearing.

12 (11)(a) Court costs that are to be in addition to the
13 stated civil penalty shall be imposed by the court in an
14 amount not less than the following:

- 15 1. For swimming or diving infractions, \$3.
16 2. For nonmoving boating infractions, \$6
17 3. For boating infractions listed in s. 327.731(1),
18 \$10.

19 (b) In addition to the court cost assessed under
20 paragraph (a), the court shall impose a \$3 court cost for each
21 noncriminal infraction, to be distributed as provided in s.
22 938.01, and a \$2 court cost as provided in s. 938.15 when
23 assessed by a municipality or county.

24
25 Court costs imposed under this subsection may not exceed \$30.
26 A criminal justice selection center or both local criminal
27 justice access and assessment centers may be funded from these
28 court costs.

29 Section 22. Effective October 1, 2001, paragraph (u)
30 is added to subsection (1) of section 327.73, Florida
31 Statutes, to read:

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1 327.73 Noncriminal infractions.--

2 (1) Violations of the following provisions of the
3 vessel laws of this state are noncriminal infractions:

4 (u) Section 327.331, relating to divers-down flags,
5 except for violations meeting the requirements of s. 327.33.

6
7 Any person cited for a violation of any such provision shall
8 be deemed to be charged with a noncriminal infraction, shall
9 be cited for such an infraction, and shall be cited to appear
10 before the county court. The civil penalty for any such
11 infraction is \$50, except as otherwise provided in this
12 section. Any person who fails to appear or otherwise properly
13 respond to a uniform boating citation shall, in addition to
14 the charge relating to the violation of the boating laws of
15 this state, be charged with the offense of failing to respond
16 to such citation and, upon conviction, be guilty of a
17 misdemeanor of the second degree, punishable as provided in s.
18 775.082 or s. 775.083. A written warning to this effect shall
19 be provided at the time such uniform boating citation is
20 issued.

21 Section 23. Effective October 1, 2001, subsection (1)
22 of section 327.731, Florida Statutes, is amended to read:

23 327.731 Mandatory education for violators.--

24 (1) Every person convicted of a criminal violation of
25 this chapter, every person convicted of a noncriminal
26 infraction under this chapter if the infraction resulted in a
27 reportable boating accident, and every person convicted of two
28 noncriminal infractions as defined in s. 327.73(1)(h) through
29 (k), (m) through (p), and (s) through (u)~~(s), and (t)~~, said
30 infractions occurring within a 12-month period, must:

31 (a) Enroll in, attend, and successfully complete, at

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1 his or her own expense, a boating safety course that meets
2 minimum standards established by the commission by rule;
3 however, the commission may provide by rule pursuant to
4 chapter 120 for waivers of the attendance requirement for
5 violators residing in areas where classroom presentation of
6 the course is not available;

7 (b) File with the commission within 90 days proof of
8 successful completion of the course;

9 (c) Refrain from operating a vessel until he or she
10 has filed the proof of successful completion of the course
11 with the commission.

12

13 Any person who has successfully completed an approved boating
14 course shall be exempt from these provisions upon showing
15 proof to the commission as specified in paragraph (b).

16 Section 24. Subsections (1) and (3) of section
17 327.803, Florida Statutes, are amended to read:

18 327.803 Boating Advisory Council.--

19 (1) The Boating Advisory Council is created within the
20 Fish and Wildlife Conservation Commission and shall be
21 composed of 17 ~~16~~ members. The members include:

22 (a) One representative from the Fish and Wildlife
23 Conservation Commission, who shall serve as the chair of the
24 council.

25 (b) One representative each from the Department of
26 Environmental Protection, the United States Coast Guard
27 Auxiliary, the United States Power Squadron, and the inland
28 navigation districts.

29 (c) One representative of manatee protection
30 interests, one representative of the marine industries, two
31 representatives of water-related environmental groups, one

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1 representative of marine manufacturers, one representative of
2 commercial vessel owners or operators, one representative of
3 sport boat racing, one representative actively involved and
4 working full-time in the scuba diving industry who has
5 experience in recreational boating,and two representatives of
6 the boating public, each of whom shall be nominated by the
7 executive director of the Fish and Wildlife Conservation
8 Commission and appointed by the Governor to serve staggered
9 2-year terms.

10 (d) One member of the House of Representatives, who
11 shall be appointed by the Speaker of the House of
12 Representatives.

13 (e) One member of the Senate, who shall be appointed
14 by the President of the Senate.

15 (3) The purpose of the council is to make
16 recommendations to the Fish and Wildlife Conservation
17 Commission and the Department of Community Affairs regarding
18 issues affecting the boating community, including, but not
19 limited to, issues related to:

20 (a) Boating and diving safety education.

21 (b) Boating-related facilities, including marinas and
22 boat testing facilities.

23 (c) Boat usage.

24 Section 25. Subsection (2) of section 328.48, Florida
25 Statutes, is amended to read:

26 328.48 Vessel registration, application, certificate,
27 number, decal, duplicate certificate.--

28 (2) All vessels used ~~operated~~ on the waters of the
29 state must be registered, either commercial or recreational
30 ~~noncommercial~~ as defined in this chapter ~~herein~~, except as
31 follows:

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1 (a) A vessel used exclusively on private lakes and
2 ponds.

3 (b) A vessel owned by the United States Government.

4 (c) A vessel used exclusively as a ship's lifeboat.

5 (d) A non-motor-powered vessel.

6 Section 26. Section 328.56, Florida Statutes, is
7 amended to read:

8 328.56 Vessel registration number.--Each vessel that
9 is used ~~operated~~ on the waters of the state must display a
10 commercial or recreational ~~noncommercial~~ Florida registration
11 number, unless it is:

12 (1) A vessel used exclusively on private lakes and
13 ponds.

14 (2) A vessel owned by the United States Government.

15 (3) A vessel used exclusively as a ship's lifeboat.

16 (4) A non-motor-powered vessel.

17 (5) A federally documented vessel.

18 (6) A vessel already covered by a registration number
19 in full force and effect which has been awarded to it pursuant
20 to a federally approved numbering system of another state or
21 by the United States Coast Guard in a state without a
22 federally approved numbering system, if the vessel has not
23 been within this state for a period in excess of 90
24 consecutive days.

25 (7) A vessel operating under a valid temporary
26 certificate of number.

27 (8) A vessel from a country other than the United
28 States temporarily using the waters of this state.

29 (9) An undocumented vessel used exclusively for
30 racing.

31 Section 27. Subsection (1) of section 328.66, Florida

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1 Statutes, is amended to read:

2 328.66 County and municipality optional registration
3 fee.--

4 (1) Any county may impose an annual registration fee
5 on vessels registered, operated, or stored in the water within
6 its jurisdiction. This fee shall be 50 percent of the
7 applicable state registration fee. However, the first \$1 of
8 every registration imposed under this subsection shall be
9 remitted to the state for deposit in the Save the Manatee
10 Trust Fund created within the Fish and Wildlife Conservation
11 Commission, and shall be used only for the purposes specified
12 in s. 370.12(4) for expenditure solely on activities related
13 to the preservation of manatees. All other moneys received
14 from such fee shall be expended for the patrol, regulation,
15 and maintenance of the lakes, rivers, and waters and for other
16 boating-related activities of such municipality or county. A
17 municipality that was imposing a registration fee before April
18 1, 1984, may continue to levy such fee, notwithstanding the
19 provisions of this section.

20 Section 28. Section 328.70, Florida Statutes, is
21 amended to read:

22 328.70 Legislative intent with respect to uniform
23 registration fee, classification of vessels.--

24 (a) It is declared to be the intent of the Legislature
25 that all vessels in the state be subject to a uniform
26 registration fee at a rate based on the length of the vessels.
27 It is also declared to be the intent of the Legislature that
28 all vessels be classified as either "commercial" or
29 "recreational noncommercial" and that all such vessels be
30 registered according to the provisions of s. 328.72.

31 (b) Any vessel which is required to be registered and

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1 meets the definition of a commercial vessel shall be
2 classified and registered as a "commercial vessel."

3 (c) Any vessel which is required to be registered and
4 is not used ~~operated~~ for commercial purposes shall be
5 classified and registered as a "recreational ~~noncommercial~~
6 vessel."

7 (d) Livery vessels shall be classified as "commercial"
8 or "recreational" based on the manner in which they are used.

9 Section 29. Subsections (2), (6), (7), and (11) of
10 section 328.72, Florida Statutes, are amended to read:

11 328.72 Classification; registration; fees and charges;
12 surcharge; disposition of fees; fines; marine turtle
13 stickers.--

14 (2) ANTIQUE VESSEL REGISTRATION FEE.--

15 (a) A vessel that is at least 30 years old, used only
16 for recreational ~~noncommercial~~ purposes, and powered by the
17 vessel's original-type power plant may be registered as an
18 antique vessel. When applying for registration as an antique
19 vessel, the owner of such a vessel shall submit certification,
20 as prescribed by the Department of Highway Safety and Motor
21 Vehicles or from a marine surveyor that the vessel meets the
22 requirements of this paragraph.

23 (b) The registration number for an antique vessel
24 shall be permanently attached to each side of the forward half
25 of the vessel ~~displayed~~ as provided in ss. 328.48 and 328.54.

26 (c) The Department of Highway Safety and Motor
27 Vehicles may issue a decal identifying the vessel as an
28 antique vessel. The decal shall be displayed as provided in
29 ss. 328.48 ~~327.11~~ and 328.54 ~~327.14~~.

30 (6) CHANGE OF CLASSIFICATION.--If the classification
31 of a vessel changes from recreational ~~noncommercial~~ to

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1 commercial, or from commercial to recreational ~~noncommercial~~,
2 and a current registration certificate has been issued to the
3 owner, the owner shall within 30 days forward his or her
4 certificate to the county tax collector with a fee of \$2.25
5 and a new certificate shall be issued.

6 (7) SERVICE FEE.--In addition to other registration
7 fees, the vessel owner shall pay the tax collector a \$2.25
8 service fee for each registration issued, replaced, or
9 renewed. Except as provided in subsection (15), all fees,
10 other than the service charge, collected by a tax collector
11 must be remitted to the department not later than 7 working
12 days following the last day of the week in which the money was
13 remitted. Vessels may travel in salt water or fresh water.

14 (11) VOLUNTARY CONTRIBUTIONS.--The application form
15 for boat registration shall include a provision to allow each
16 applicant to indicate a desire to pay an additional voluntary
17 contribution to the Save the Manatee Trust Fund to be used for
18 the purposes specified in s. 370.12(4). ~~for manatee and~~
19 ~~marine mammal research, protection, recovery, rescue,~~
20 ~~rehabilitation, and release.~~ This contribution shall be in
21 addition to all other fees and charges. The amount of the
22 request for a voluntary contribution solicited shall be \$2 or
23 \$5 per registrant. A registrant who provides a voluntary
24 contribution of \$5 or more shall be given a sticker or emblem
25 by the tax collector to display, which signifies support for
26 the Save the Manatee Trust Fund. All voluntary contributions
27 shall be deposited in the Save the Manatee Trust Fund and
28 shall be used for the purposes specified in s. 370.12(4). ~~for~~
29 ~~use according to this subsection. The first \$2 of voluntary~~
30 ~~contribution by a vessel registrant shall be available for the~~
31 ~~manatee protection and recovery effort pursuant to s.~~

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1 ~~370.12(4)(a). Any additional amount of voluntary contribution~~
2 ~~by a vessel registrant shall also be for the purpose of the~~
3 ~~manatee protection and recovery effort, except that any~~
4 ~~voluntary contribution in excess of the first \$2 voluntary~~
5 ~~contribution by a vessel registrant but not exceeding \$2 shall~~
6 ~~be available for manatee rehabilitation by those facilities~~
7 ~~approved to rescue, rehabilitate, and release manatees~~
8 ~~pursuant to s. 370.12(4)(b).~~The form shall also include
9 language permitting a voluntary contribution of \$5 per
10 applicant, which contribution shall be transferred into the
11 Election Campaign Financing Trust Fund. A statement providing
12 an explanation of the purpose of the trust fund shall also be
13 included.

14 Section 30. Effective July 1, 2001, subsection (15) of
15 section 328.72, Florida Statutes, is amended to read:

16 328.72 Classification; registration; fees and charges;
17 surcharge; disposition of fees; fines; marine turtle
18 stickers.--

19 (15) DISTRIBUTION OF FEES.--Moneys designated for the
20 use of the counties, as specified in subsection (1), shall be
21 distributed by the tax collector to the board of county
22 commissioners for use as provided in this section. Such
23 ~~moneys deposited pursuant to s. 328.76~~ to be returned to the
24 counties are for the sole purposes of providing recreational
25 channel marking and public launching facilities and other
26 boating-related activities, for removal of vessels and
27 floating structures deemed a hazard to public safety and
28 health for failure to comply with s. 327.53, and for manatee
29 and marine mammal protection and recovery. ~~The department~~
30 ~~shall ascertain, as a guideline in determining the amounts of~~
31 ~~distributions each county may receive, the number of~~

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1 ~~noncommercial vessels registered in the county during the~~
2 ~~preceding fiscal year according to the fee schedule provided~~
3 ~~in subsection (1) and shall promulgate rules to effectuate~~
4 ~~this. Each fiscal year, prior to determination of~~
5 ~~distributions to the counties under this section, an amount~~
6 ~~equal to \$1 for each vessel registered in this state shall be~~
7 ~~transferred to the Save the Manatee Trust Fund for manatee and~~
8 ~~marine mammal research, protection, and recovery.~~

9 Section 31. Paragraphs (a) and (b) of subsection (1)
10 of section 328.76, Florida Statutes, are amended to read:

11 328.76 Marine Resources Conservation Trust Fund;
12 vessel registration funds; appropriation and distribution.--

13 (1) Except as otherwise specified and less any
14 administrative costs, all funds collected from the
15 registration of vessels through the Department of Highway
16 Safety and Motor Vehicles and the tax collectors of the state
17 shall be deposited in the Marine Resources Conservation Trust
18 Fund for recreational channel marking; public launching
19 facilities; law enforcement and quality control programs;
20 aquatic weed control; manatee protection, recovery, rescue,
21 rehabilitation, and release; and marine mammal protection and
22 recovery. The funds collected pursuant to s. 328.72(1) shall
23 be transferred as follows:

24 (a) In each fiscal year, an amount equal to \$1.50~~\$1~~
25 for each vessel registered in this state shall be transferred
26 to the Save the Manatee Trust Fund and shall be used only for
27 the purposes specified in s. 370.12(4).~~for manatee and marine~~
28 ~~mammal research, protection, and recovery in accordance with~~
29 ~~the provisions of s. 370.12(4)(a).~~

30 (b) ~~In addition, in each fiscal year, an amount equal~~
31 ~~to 50 cents for each vessel registered in this state shall be~~

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1 ~~transferred to the Save the Manatee Trust Fund in accordance~~
2 ~~with the provisions of s. 370.12(4)(b) for use by those~~
3 ~~facilities approved to rescue, rehabilitate, and release~~
4 ~~manatees as authorized pursuant to the Fish and Wildlife~~
5 ~~Service of the United States Department of the Interior.~~

6 Section 32. Effective July 1, 2001, subsection (1) of
7 section 328.76, Florida Statutes, is amended to read:

8 328.76 Marine Resources Conservation Trust Fund;
9 vessel registration funds; appropriation and distribution.--

10 (1) Except as otherwise specified and less any
11 administrative costs, all funds collected from the
12 registration of vessels through the Department of Highway
13 Safety and Motor Vehicles and the tax collectors of the state,
14 except for those funds designated for the use of the counties
15 pursuant to s. 328.72(1), shall be deposited in the Marine
16 Resources Conservation Trust Fund for recreational channel
17 marking; public launching facilities; law enforcement and
18 quality control programs; aquatic weed control; manatee
19 protection, recovery, rescue, rehabilitation, and release; and
20 marine mammal protection and recovery. The funds collected
21 pursuant to s. 328.72(1) shall be transferred as follows:

22 (a) In each fiscal year, an amount equal to \$1.50 for
23 each vessel registered in this state shall be transferred to
24 the Save the Manatee Trust Fund and shall be used only for the
25 purposes specified in s. 370.12(4) for manatee and marine
26 mammal research, protection, and recovery in accordance with
27 the provisions of s. 370.12(4)(a).

28 (b) In addition, in each fiscal year, an amount equal
29 to 50 cents for each vessel registered in this state shall be
30 transferred to the Save the Manatee Trust Fund in accordance
31 with the provisions of s. 370.12(4)(b) for use by those

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1 facilities approved to rescue, rehabilitate, and release
2 manatees as authorized pursuant to the Fish and Wildlife
3 Service of the United States Department of the Interior.

4 (c) Two dollars from each noncommercial vessel
5 registration fee, except that for class A-1 vessels, shall be
6 transferred to the Invasive Plant Control Trust Fund for
7 aquatic weed research and control.

8 (d) Forty percent of the registration fees from
9 commercial vessels shall be used for law enforcement and
10 quality control programs.

11 (e) Forty percent of the registration fees from
12 commercial vessels shall be transferred to the Invasive Plant
13 Control Trust Fund for aquatic plant research and control.

14 Section 33. Part I of chapter 370, Florida Statutes,
15 consisting of sections 370.01 through 370.31, Florida
16 Statutes, is designated as "Saltwater Fisheries."

17 Section 34. Effective July 1, 2000, paragraph (a) of
18 subsection (2) of section 370.06, Florida Statutes, is amended
19 to read:

20 370.06 Licenses.--

21 (2) SALTWATER PRODUCTS LICENSE.--

22 (a) Every person, firm, or corporation that sells,
23 offers for sale, barter, or exchanges for merchandise any
24 saltwater products, or which harvests saltwater products with
25 certain gear or equipment as specified by law, must have a
26 valid saltwater products license, except that the holder of an
27 aquaculture certificate under s. 597.004 is not required to
28 purchase and possess a saltwater products license in order to
29 possess, transport, or sell marine aquaculture products. Each
30 saltwater products license allows the holder to engage in any
31 of the activities for which the license is required. The

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1 license must be in the possession of the licenseholder or
2 aboard the vessel and shall be subject to inspection at any
3 time that harvesting activities for which a license is
4 required are being conducted. A restricted species endorsement
5 on the saltwater products license is required to sell to a
6 licensed wholesale dealer those species which the state, by
7 law or rule, has designated as "restricted species." This
8 endorsement may be issued only to a person who is at least 16
9 years of age, or to a firm certifying that over 25 percent of
10 its income or \$5,000 of its income, whichever is less, is
11 attributable to the sale of saltwater products pursuant to a
12 license issued under this paragraph or a similar license from
13 another state. This endorsement may also be issued to a
14 for-profit corporation if it certifies that at least \$5,000 of
15 its income is attributable to the sale of saltwater products
16 pursuant to a license issued under this paragraph or a similar
17 license from another state. However, if at least 50 percent of
18 the annual income of a person, firm, or for-profit corporation
19 is derived from charter fishing, the person, firm, or
20 for-profit corporation must certify that at least \$2,500 of
21 the income of the person, firm, or corporation is attributable
22 to the sale of saltwater products pursuant to a license issued
23 under this paragraph or a similar license from another state,
24 in order to be issued the endorsement. Such income attribution
25 must apply to at least 1 year out of the last 3 years. For the
26 purpose of this section "income" means that income which is
27 attributable to work, employment, entrepreneurship, pensions,
28 retirement benefits, and social security benefits. To renew an
29 existing restricted species endorsement, a marine aquaculture
30 producer possessing a valid saltwater products license with a
31 restricted species endorsement may apply income from the sale

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1 of marine aquaculture products to licensed wholesale dealers.

2 1. The ~~Fish and Wildlife Conservation~~ commission is
3 authorized to require verification of such income. Acceptable
4 proof of income earned from the sale of saltwater products
5 shall be:

6 a. Copies of trip ticket records generated pursuant to
7 this subsection (marine fisheries information system),
8 documenting qualifying sale of saltwater products;

9 b. Copies of sales records from locales other than
10 Florida documenting qualifying sale of saltwater products;

11 c. A copy of the applicable federal income tax return,
12 including Form 1099 attachments, verifying income earned from
13 the sale of saltwater products;

14 d. Crew share statements verifying income earned from
15 the sale of saltwater products; or

16 e. A certified public accountant's notarized statement
17 attesting to qualifying source and amount of income.

18

19 Any provision of this section or any other section of the
20 Florida Statutes to the contrary notwithstanding, any person
21 who owns a retail seafood market or restaurant at a fixed
22 location for at least 3 years who has had an occupational
23 license for 3 years prior to January 1, 1990, who harvests
24 saltwater products to supply his or her retail store and has
25 had a saltwater products license for 1 of the past 3 years
26 prior to January 1, 1990, may provide proof of his or her
27 verification of income and sales value at the person's retail
28 seafood market or restaurant and in his or her saltwater
29 products enterprise by affidavit and shall thereupon be issued
30 a restricted species endorsement.

31 2. Exceptions from income requirements shall be as

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1 follows:

2 a. A permanent restricted species endorsement shall be
3 available to those persons age 62 and older who have qualified
4 for such endorsement for at least 3 out of the last 5 years.

5 b. Active military duty time shall be excluded from
6 consideration of time necessary to qualify and shall not be
7 counted against the applicant for purposes of qualifying.

8 c. Upon the sale of a used commercial fishing vessel
9 owned by a person, firm, or corporation possessing or eligible
10 for a restricted species endorsement, the purchaser of such
11 vessel shall be exempted from the qualifying income
12 requirement for the purpose of obtaining a restricted species
13 endorsement for a period of 1 year after purchase of the
14 vessel.

15 d. Upon the death or permanent disablement of a person
16 possessing a restricted species endorsement, an immediate
17 family member wishing to carry on the fishing operation shall
18 be exempted from the qualifying income requirement for the
19 purpose of obtaining a restricted species endorsement for a
20 period of 1 year after the death or disablement.

21 e. A restricted species endorsement may be issued on
22 an individual saltwater products license to a person age 62 or
23 older who documents that at least \$2,500 is attributable to
24 the sale of saltwater products pursuant to the provisions of
25 this paragraph.

26 f. A permanent restricted species endorsement may also
27 be issued on an individual saltwater products license to a
28 person age 70 or older who has held a saltwater products
29 license for at least 3 of the last 5 license years.

30 g.(I) Any resident who is certified to be totally and
31 permanently disabled by ~~a verified written statement, based~~

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1 ~~upon the criteria for permanent total disability in chapter~~
2 ~~440 from a physician licensed in this state, by any branch of~~
3 ~~the United States Armed Services, by the Social Security~~
4 ~~Administration, or by the United States Department of Veterans~~
5 ~~Affairs or its predecessor, or by any branch of the United~~
6 ~~States Armed Forces, upon proof of the same or any resident~~
7 ~~certified to be totally disabled by the United States Social~~
8 ~~Security Administration, upon proof of the same, or any~~
9 ~~resident who holds a valid identification card issued by the~~
10 ~~Department of Veterans' Affairs pursuant to s. 295.17, shall~~
11 be exempted from the income requirements if he or she also has
12 held a saltwater products license for at least 3 of the last 5
13 license years prior to the date of the disability.

14 (II) A Disability Award Notice issued by the United
15 States Social Security Administration is not sufficient
16 certification for a resident to obtain the income exemption
17 unless the notice certifies that the resident is totally ~~and~~
18 ~~permanently~~ disabled.

19
20 At least one saltwater products license bearing a restricted
21 species endorsement shall be aboard any vessel harvesting
22 restricted species in excess of any bag limit or when fishing
23 under a commercial quota or in commercial quantities, and such
24 vessel shall have a commercial vessel registration. This
25 subsection does not apply to any person, firm, or corporation
26 licensed under s. 370.07(1)(a)1. or (b) for activities
27 pursuant to such licenses. A saltwater products license may be
28 issued in the name of an individual or a valid boat
29 registration number. Such license is not transferable. A decal
30 shall be issued with each saltwater products license issued to
31 a valid boat registration number. The saltwater products

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1 license decal shall be the same color as the vessel
2 registration decal issued each year pursuant to s. 328.48(5)
3 and shall indicate the period of time such license is valid.
4 The saltwater products license decal shall be placed beside
5 the vessel registration decal and, in the case of an
6 undocumented vessel, shall be placed so that the vessel
7 registration decal lies between the vessel registration number
8 and the saltwater products license decal. Any saltwater
9 products license decal for a previous year shall be removed
10 from a vessel operating on the waters of the state. A resident
11 shall pay an annual license fee of \$50 for a saltwater
12 products license issued in the name of an individual or \$100
13 for a saltwater products license issued to a valid boat
14 registration number. A nonresident shall pay an annual license
15 fee of \$200 for a saltwater products license issued in the
16 name of an individual or \$400 for a saltwater products license
17 issued to a valid boat registration number. An alien shall pay
18 an annual license fee of \$300 for a saltwater products license
19 issued in the name of an individual or \$600 for a saltwater
20 products license issued to a valid boat registration number.
21 Any person who sells saltwater products pursuant to this
22 license may sell only to a licensed wholesale dealer. A
23 saltwater products license must be presented to the licensed
24 wholesale dealer each time saltwater products are sold, and an
25 imprint made thereof. The wholesale dealer shall keep records
26 of each transaction in such detail as may be required by rule
27 of the ~~Fish and Wildlife Conservation~~ commission not in
28 conflict with s. 370.07(6), and shall provide the holder of
29 the saltwater products license with a copy of the record. It
30 is unlawful for any licensed wholesale dealer to buy saltwater
31 products from any unlicensed person under the provisions of

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1 this section, except that a licensed wholesale dealer may buy
2 from another licensed wholesale dealer. It is unlawful for any
3 licensed wholesale dealer to buy saltwater products designated
4 as "restricted species" from any person, firm, or corporation
5 not possessing a restricted species endorsement on his or her
6 saltwater products license under the provisions of this
7 section, except that a licensed wholesale dealer may buy from
8 another licensed wholesale dealer. The commission shall be the
9 licensing agency, may contract with private persons or
10 entities to implement aspects of the licensing program, and
11 shall establish by rule a marine fisheries information system
12 in conjunction with the licensing program to gather fisheries
13 data.

14 Section 35. Effective July 1, 2000, paragraph (a) of
15 subsection (2) and subsections (4) and (12) of section
16 370.0605, Florida Statutes, are amended, and paragraph (e) is
17 added to subsection (2) of said section, to read:

18 370.0605 Saltwater fishing license required; fees.--

19 (2) Saltwater fishing license fees are as follows:

20 (a)1. For a resident ~~of the state~~, \$12 for a 1-year
21 license.

22 2. For a resident ~~of the state~~, \$60 for 5 consecutive
23 years from the date of purchase.

24 3. For a nonresident ~~of the state~~, ~~\$5 for a 3-day~~
25 ~~license~~, \$15 for a 7-day license, and \$30 for a 1-year
26 license.

27 4. For a combination license for a resident to take
28 freshwater fish and saltwater fish, \$24 for a 1-year license.

29 5. For a combination license for a resident to hunt
30 and to take freshwater fish and saltwater fish, \$34 for a
31 1-year license.

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1 ~~6.4.~~ For purposes of this section, "resident" has the
2 same meaning as that found in s. 372.001.

3 (e) The fee for a permanent saltwater fishing,
4 freshwater fishing, and hunting license for a resident 64
5 years of age or older is \$12.

6 (4) A saltwater fishing license must be issued,
7 without license fee, to any resident who is certified:

8 (a) To be totally and permanently disabled by the
9 ~~verified written statement which is based upon the criteria~~
10 ~~for permanent total disability in chapter 440 of a physician~~
11 ~~licensed in this state, by any branch of the United States~~
12 ~~Armed Services, by the Social Security Administration, or by~~
13 ~~the United States Department of Veterans Affairs or its~~
14 ~~predecessor, or by any branch of the United States Armed~~
15 ~~Forces, upon proof of same. Any license issued under this~~
16 ~~paragraph after January 1, 1997, expires after 5 years. Upon~~
17 ~~request, the license shall be reissued for a 5 year period and~~
18 ~~shall be reissued every 5 years thereafter; or who holds a~~
19 ~~valid identification card issued by the Department of~~
20 ~~Veterans' Affairs pursuant to s. 295.17.~~

21 (b) To be totally disabled A Disability Award Notice
22 ~~issued~~ by the United States Social Security Administration,
23 upon proof of same. Any license issued under this paragraph
24 after October 1, 1999, expires September 30, 2001. Upon proof
25 of certification as provided in this paragraph, the license
26 shall be reissued for a 2-year period and shall be reissued
27 every 2 years thereafter. ~~is not sufficient certification for~~
28 ~~obtaining a permanent fishing license under this section~~
29 ~~unless the notice certifies a resident is totally and~~
30 ~~permanently disabled. Any license issued after January 1,~~
31 ~~1997, expires after 5 years and must be reissued, upon~~

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1 ~~request, every 5 years thereafter.~~

2 (c) Notwithstanding any other provision of this
3 subsection, any person who has received after July 1, 1997,
4 and before July 1, 2000, a valid disability license under this
5 subsection retains the rights vested thereunder until the
6 license has expired.

7 (12) ~~The Fish and Wildlife Conservation~~ commission may
8 designate by rule no more than 2 consecutive or nonconsecutive
9 days in each year as free saltwater fishing days. ~~Disabled~~
10 ~~Angler Fishing Days.~~ Notwithstanding any other provision of
11 this chapter, any ~~disabled~~ person may take saltwater marine
12 fish for noncommercial purposes on a free saltwater fishing
13 day ~~Disabled Angler Fishing Day~~ without obtaining or
14 possessing a license or paying a license fee as prescribed in
15 this section. A ~~disabled~~ person who takes saltwater marine
16 fish on a free saltwater fishing day ~~Disabled Angler Fishing~~
17 ~~Day~~ without obtaining a license or paying a fee must comply
18 with all laws, rules, and regulations governing holders of a
19 fishing license and all other conditions and limitations
20 regulating the taking of saltwater marine fish as are imposed
21 by law or rule.

22 Section 36. Subsection (1), paragraphs (f), (h), (i),
23 and (k) of subsection (3), paragraphs (e), (g), and (h) of
24 subsection (4), subsections (5) and (6) of section 370.07,
25 Florida Statutes, are amended to read:

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

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

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

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

7 (3) APALACHICOLA BAY OYSTER SURCHARGE.--

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

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

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

23 (k) The Department of Agriculture and Consumer
24 Services ~~Environmental Protection~~ shall use or distribute
25 funds generated by this surcharge, less reasonable costs of
26 collection and administration, to fund the following oyster
27 management and restoration programs in Apalachicola Bay:

- 28 1. The relaying and transplanting of live oysters.
- 29 2. Shell planting to construct or rehabilitate oyster
30 bars.
- 31 3. Education programs for licensed oyster harvesters

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1 on oyster biology, aquaculture, boating and water safety,
2 sanitation, resource conservation, small business management,
3 and other relevant subjects.

4 4. Research directed toward the enhancement of oyster
5 production in the bay and the water management needs of the
6 bay.

7 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

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

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

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

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

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1 (a) A license issued to a wholesale or retail dealer
2 is good only to the person to whom issued and named therein
3 and is not transferable. The commission department may
4 revoke, suspend, or deny the renewal of the license of any
5 licensee:

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

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

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

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

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

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

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

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

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

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

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1 and

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

5

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

10 Section 37. Subsection (1) of section 370.101, Florida
11 Statutes, is amended to read:

12 370.101 Saltwater fish; regulations.--

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

18 Section 38. Subsection (2) of section 370.11, Florida
19 Statutes, is amended to read:

20 370.11 Fish; regulation.--

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

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1 the same are caught. No common carrier in the state shall
2 knowingly receive for transportation or transport, within or
3 without the state, from any one person for shipment more than
4 two tarpon, except as hereinafter provided. It is expressly
5 provided that any lawful established taxidermist, in the
6 conduct of taxidermy, may be permitted to move or transport
7 any reasonable number of tarpon at any time and in any manner
8 he or she may desire, as specimens for mounting; provided,
9 however, satisfactory individual ownership of the fish so
10 moved or transported can be established by such taxidermist at
11 any time upon demand. Common carriers shall accept for
12 shipment tarpon from a taxidermist when statement of
13 individual ownership involved accompanies bill of lading or
14 other papers controlling the shipment. The Division of Marine
15 Fisheries Resources may, in its discretion, upon application
16 issue permits for the taking and transporting of tarpon for
17 scientific purposes.

18 Section 39. Subsection (1) of section 370.1107,
19 Florida Statutes, is amended to read:

20 370.1107 Definition; possession of certain licensed
21 traps prohibited; penalties; exceptions; consent.--

22 (1) As used in this section, the term "licensed
23 saltwater fisheries trap" means any trap for the taking of
24 saltwater products required to be licensed by the Fish and
25 Wildlife Conservation Commission, and whose license fees and
26 penalties are authorized by the Legislature pursuant to this
27 chapter ~~or by the commission for the taking of saltwater~~
28 ~~products.~~

29 Section 40. Subsections (1), (3), (4), (5), and (6) of
30 section 370.1405, Florida Statutes, are amended to read:

31 370.1405 Crawfish reports by dealers during closed

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1 season required.--

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

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

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

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

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

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

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1 ~~department~~ according to law.

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

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

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

17 Section 41. Section 370.25, Florida Statutes, is
18 amended to read:

19 (Substantial Rewording of section. See s. 370.25,
20 F.S., for present text.)

21 370.25 Artificial reef program; grants, financial, and
22 technical assistance to local governments.--

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

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

4 (2) The commission may adopt by rule procedures for
5 submitting an application for financial assistance and
6 criteria for allocating available funds.

7 (3) The commission may adopt by rule criteria for
8 siting, constructing, managing, and evaluating the
9 effectiveness of artificial reefs placed in state or adjacent
10 federal waters, consistent with this section.

11 (4) The commission may adopt by rule criteria for
12 determining the eligibility of nonprofit corporations
13 qualified under s. 501(c)(3) of the Internal Revenue Code to
14 apply for and receive funds available for artificial reef
15 development or evaluation. The criteria must include, but are
16 not limited to the following:

17 (a) The corporation must show proof that it is a
18 nonprofit corporation qualified under s. 501(c)(3) of the
19 Internal Revenue Code.

20 (b) The corporation must state in its articles of
21 incorporation or bylaws that one of its objectives is the
22 development or monitoring of artificial reefs.

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

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

30 (a) Place artificial-reef-construction materials in
31 state water outside zones permitted under the terms and

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1 conditions defined in any artificial reef permits issued by
2 the United States Army Corps of Engineers or by the Fish and
3 Wildlife Conservation Commission.

4 (b) Store, possess, or transport on or across state
5 waters any materials reasonably suited for artificial reef
6 construction and stored in a manner providing ready access for
7 use and placement as an artificial reef, unless a valid cargo
8 manifest issued by the commission or a commission-certified
9 inspector is onboard the transporting vessel. The manifest
10 will serve as authorization to use a valid permitted site or
11 land-based staging area, will validate that the type of
12 artificial reef construction material being transported is
13 permissible for use at the permitted site, and will describe
14 and quantify the artificial reef material being
15 transported. The manifest will also include the latitude and
16 longitude coordinates of the proposed deployment location, the
17 valid permit number, and a copy of the permit conditions for
18 the permitted site. The manifest must be available for
19 inspection by any authorized law enforcement officer or
20 commission employee.

21 (7)(a) An initial violation of subsection (6) is a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083. A subsequent violation of subsection
24 (6) which is committed within 12 months after a previous
25 violation of that subsection is a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 (b) If a violation of subsection (6) occurs, a law
29 enforcement officer may terminate a vessel's voyage and order
30 the vessel operator to return immediately to port. Failure or
31 refusal to comply with an order to return to port shall

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1 constitute a felony of the third degree, punishable as
2 provided in s. 775.082, s. 775.083, or s. 775.084. The vessel
3 operator must immediately dispose of the materials on shore
4 according to applicable waste disposal laws.

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

7 1. Is moored at a land-based facility, the registered
8 owner of the vessel is responsible for the violation.

9 2. Is underway or anchored, the captain or operator of
10 the vessel and the registered owner of the vessel are jointly
11 responsible for the violation.

12 (d) In addition to the penalties imposed in this
13 subsection, the commission shall assess civil penalties of up
14 to \$5,000 against any person convicted of violating subsection
15 (6) and may seek the suspension or revocation of the vessel
16 registration, existing reef-construction permits, or other
17 state marine licenses held by the violator. For the purposes
18 of this section, conviction includes any judicial disposition
19 other than acquittal or dismissal.

20 Section 42. Part II of chapter 370, Florida Statutes,
21 consisting of sections 370.40 through 370.74, Florida
22 Statutes, is created and entitled "Freshwater Fisheries."

23 Section 43. Section 370.40, Florida Statutes, is
24 created to read:

25 370.40 Definitions.--In construing these statutes,
26 when applied to saltwater and freshwater fish, shellfish,
27 crustacea, sponges, where the context permits, the word,
28 phrase, or term:

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

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1 privilege purchased for a specified period of time.

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

5 (3) "Commission" means the Fish and Wildlife
6 Conservation Commission.

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

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

14 (6) "Fish management area" is a pond, lake, or other
15 water within a county or within several counties designated to
16 improve fishing for public use and established and
17 specifically circumscribed for authorized management by the
18 Fish and Wildlife Conservation Commission and the board of
19 county commissioners of the county in which such waters lie
20 under agreement between the commission and an owner with
21 approval by the board of county commissioners or under
22 agreement with the board of county commissioners for use of
23 public waters in the county in which such waters lie.

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

27 (8) "Fresh water," except where otherwise provided by
28 law, includes all lakes, rivers, canals, and other waterways
29 of Florida, to such point or points where the fresh and salt
30 waters commingle to such an extent as to become unpalatable
31 and unfit for human consumption, because of the saline

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1 content, or to such point or points as may be fixed by the
2 Fish and Wildlife Conservation Commission, by and with the
3 consent of the board of county commissioners of the county or
4 counties to be affected by such order. The Steinhatchee River
5 shall be considered fresh water from its source to mouth.

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

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

11 (11) "Resident" means:

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

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

16 (12) "Take" means taking, attempting to take,
17 pursuing, hunting, molesting, capturing, or killing freshwater
18 fish or their nests or eggs, by any means, whether or not such
19 actions result in obtaining possession of such freshwater fish
20 or their nests or eggs.

21 (13) "Transport" includes shipping, transporting,
22 carrying, importing, exporting, receiving or delivering for
23 shipment, transportation, carriage, or export.

24 Section 44. Section 372.0225, Florida Statutes, is
25 renumbered as section 370.41, Florida Statutes, and amended to
26 read:

27 370.41 ~~372.0225~~ Freshwater organisms.--

28 (1) The Division of Freshwater Fisheries of the Fish
29 and Wildlife Conservation Commission, in order to manage the
30 promotion, marketing, and quality control of all freshwater
31 organisms produced in Florida and utilized commercially so

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1 that such organisms shall be used to produce the optimum
2 sustained yield consistent with the protection of the breeding
3 stock, is responsible for ~~directed and charged with the~~
4 ~~responsibility of:~~

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

8 (b) Regulating the processing of commercial freshwater
9 organisms on the water or on the shore.

10 (c) Providing documentation standards and statistical
11 record requirements with respect to commercial freshwater
12 organism catches.

13 (d) Conducting scientific, economic, and other studies
14 and research on all freshwater organisms produced in the state
15 and used commercially.

16 (2) The responsibility with which the Division of
17 Freshwater Fisheries is charged under subsection (1) shall in
18 no way supersede or duplicate the responsibilities of the
19 Department of Agriculture and Consumer Services under chapter
20 500, the Florida Food Safety Act, chapter 597, the Florida
21 Aquaculture Policy Act, and the rules adopted thereunder.

22 Section 45. Section 372.26, Florida Statutes, is
23 renumbered as section 370.42, Florida Statutes, and amended to
24 read:

25 370.42 ~~372.26~~ Imported fish.--

26 (1) No person shall import into the state or place in
27 any of the fresh waters of the state any freshwater fish of
28 any species without having first obtained a permit from the
29 Fish and Wildlife Conservation Commission. The commission is
30 authorized to issue or deny such a permit upon the completion
31 of studies of the species made by it to determine any

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1 detrimental effect the species might have on the ecology of
2 the state.

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

6 Section 46. Section 372.27, Florida Statutes, is
7 renumbered as section 370.43, Florida Statutes, and amended to
8 read:

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

20 Section 47. Section 372.31, Florida Statutes, is
21 renumbered as section 370.44, Florida Statutes, and amended to
22 read:

23 370.44 ~~372.31~~ Disposition of illegal fishing
24 devices.--

25 (1) In all cases of arrest and conviction for use of
26 illegal nets or traps or fishing devices in the fresh waters
27 ~~of this state, as provided in this chapter~~, such illegal net,
28 trap, or fishing device is declared to be a nuisance and shall
29 be seized and carried before the court having jurisdiction of
30 such offense and said court shall order such illegal trap,
31 net, or fishing device forfeited to the Fish and Wildlife

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1 Conservation Commission immediately after trial and conviction
2 of the person in whose possession they were found.

3 (2) When any illegal net, trap, or fishing device is
4 found in the fresh waters of the state, and the owner of same
5 shall not be known to the officer finding the same, such
6 officer shall immediately procure from the county court judge
7 an order forfeiting said illegal net, trap, or fishing device
8 to the Fish and Wildlife Conservation Commission. The Fish
9 and Wildlife Conservation Commission may destroy such illegal
10 net, trap, or fishing device, if in its judgment said net,
11 trap, or fishing device is not of value in the work of the
12 commission department.

13 (3)(2) When any nets, traps, or fishing devices are
14 found being used illegally in the fresh waters of this state
15 ~~as provided in this chapter~~, the same shall be seized and
16 forfeited to the Fish and Wildlife Conservation Commission as
17 provided in this part chapter.

18 Section 48. Section 372.311, Florida Statutes, is
19 renumbered as section 370.441, Florida Statutes, and amended
20 to read:

21 370.441 372.311 Disposition and appraisal of property
22 seized under this chapter.--

23 (1) Every officer seizing illegally used property
24 pursuant to the provisions of this law shall ~~forthwith make~~
25 ~~return of the seizure thereof~~ and deliver the said property to
26 the board of county commissioners of the county in which
27 ~~wherein~~ the said property was seized. The ~~said~~ return to the
28 board of county commissioners shall describe the property
29 seized and give in detail the facts and circumstances under
30 which the same was seized and state in full the reason why the
31 seizing officer knew, or was led to believe, said property was

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1 being used for and in connection with a violation of the
2 statutes and laws of this state prohibiting the illegal use of
3 nets, traps, or fishing devices. The ~~said~~ return shall
4 contain the names of all persons, firms, and corporations
5 known to the seizing officer to be interested in the seized
6 property.

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

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

24 (4) The board of county commissioners shall hold the
25 said seized property pending its disposal by the court as
26 hereinafter provided.

27 Section 49. Section 372.312, Florida Statutes, is
28 renumbered as section 370.442, Florida Statutes, and amended
29 to read:

30 370.442 ~~372.312~~ Forfeiture proceedings.--

31 (1) The return of the board aforesaid to the clerk of

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1 the circuit court shall be taken and considered as the state's
2 petition or libel in rem for the forfeiture of the property
3 therein described, of which the circuit court of the county
4 shall have jurisdiction, without regard to value. The ~~said~~
5 return shall be sufficient as said petition or libel
6 notwithstanding the fact that it may contain no formal prayer
7 or demand for forfeiture, it being the intention of the
8 Legislature that forfeiture may be decreed without a formal
9 prayer or demand therefor. The ~~said~~ return shall be subject
10 to amendment at any time before final hearing, provided that
11 copies thereof shall be served upon all persons, firms, or
12 corporations who may have filed a claim prior to such
13 amendment.

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

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

27
28 IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN
29 AND FOR COUNTY, FLORIDA.

30

31 IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

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1 (here describe property)

2 THE STATE OF FLORIDA TO:

3 ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR
4 CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED
5 PROPERTY

6
7 YOU AND EACH OF YOU are hereby notified that the above
8 described property has been seized, under and by virtue of
9 chapter 370 372, as amended, and is now in the possession of
10 the board of county commissioners of this county, and you, and
11 each of you, are hereby further notified that a petition,
12 under said chapter, has been filed in the circuit court of the
13 Judicial Circuit, in and for County, Florida,
14 seeking the forfeiture of the said property, and you are
15 hereby directed and required to file your claim, if any you
16 have, and show cause, on or before, ...(year)..., if not
17 personally served with process herein, and within twenty days
18 from personal service if personally served with process
19 herein, why the said property should not be forfeited pursuant
20 to said chapter. Should you fail to file claim as herein
21 directed judgment will be entered herein against you in due
22 course. Persons not personally served with process may obtain
23 a copy of the petition for forfeiture filed herein from the
24 undersigned clerk of court.

25 WITNESS my hand and the seal of the above mentioned
26 court, at, Florida, this, ...(year)....
27 (COURT SEAL) ...(Clerk of the above mentioned court)...
28 By ...(Deputy Clerk)...

29
30 (4) Such citation shall be returnable, as to persons
31 served constructively, as therein directed, not less than 21

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1 nor more than 30 days, from the posting or publication
2 thereof, and as to those personally served with process within
3 20 days from service thereof. A copy of the petition shall be
4 served with the process when personally served. Personal
5 service of process may be made in the same manner as a summons
6 in chancery.

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

25 Section 50. Section 372.313, Florida Statutes, is
26 renumbered as section 370.443, Florida Statutes, and amended
27 to read:

28 370.443 ~~372.313~~ Delivery of property to claimant.--Any
29 person, firm, or corporation filing a claim in the cause,
30 which claim shall state fully the ~~her or his~~ right, title,
31 claim, or interest, in and to the seized property, may, at any

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

19 Section 51. Section 372.314, Florida Statutes, is
20 renumbered as section 370.4431, Florida Statutes, to read:

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

29 Section 52. Section 372.315, Florida Statutes, is
30 renumbered as section 370.444, Florida Statutes, and amended
31 to read:

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1 370.444 ~~372.315~~ Proceeding when claim filed.--When one
2 or more claims are filed in the cause, the cause shall be
3 tried upon the issues made thereby with the petition for
4 forfeiture with any affirmative defenses being deemed denied
5 without further pleading. Judgment by default shall be
6 entered against all other persons, firms, and corporations
7 owning, claiming, or having an interest in and to the property
8 seized, after which the cause shall proceed as in other
9 common-law cases; except any claimant shall prove to the
10 satisfaction of the court that said claimant ~~she or he~~ did not
11 know or have any reason to believe, at the time the claimant's
12 right, title, interest, or lien arose, that the property was
13 being used for or in connection with the violation of any of
14 the statutes or laws ~~of this state~~ prohibiting the illegal use
15 of nets, traps, or fishing devices in the fresh waters of the
16 state, and further that at said time there was no reasonable
17 reason to believe that the said property might be used for
18 such purpose. Where the owner or user of the property has
19 been convicted of a violation of the statutes and laws ~~of this~~
20 ~~state~~ prohibiting the illegal use of nets, traps, or fishing
21 devices in the fresh waters of the state, such conviction
22 shall be prima facie evidence that each claimant had reason to
23 believe that the property might be used for or in connection
24 with a violation of such statutes and laws, and the burden of
25 proof shall be upon each claimant to satisfy the court that
26 she or he was without knowledge of such conviction, providing,
27 however, the prima facie presumption of knowledge of a
28 previous conviction of a violation of this law shall only
29 apply to a subsequent proceeding involving the forfeiture of
30 nets, traps, or fishing devices, when owned by such previous
31 offender and upon which a lien is held by the same lienee

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1 involved in the first claim proceedings. Trial of all such
2 causes shall be without a jury, except in such cases as a
3 trial by jury may be guaranteed by the State Constitution and
4 in such cases trial by jury shall be deemed waived unless
5 demanded in the claim filed.

6 Section 53. Section 372.316, Florida Statutes, is
7 renumbered as section 370.445, Florida Statutes, and amended
8 to read:

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

18 Section 54. Section 372.317, Florida Statutes, is
19 renumbered as section 370.446, Florida Statutes, and amended
20 to read:

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

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

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1 Section 55. Section 372.318, Florida Statutes, is
2 renumbered as section 370.447, Florida Statutes, and amended
3 to read:

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

8 Section 56. Section 372.319, Florida Statutes, is
9 renumbered as section 370.448, Florida Statutes, and amended
10 to read:

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

15 Section 57. Section 372.321, Florida Statutes, is
16 renumbered as section 370.449, Florida Statutes, and amended
17 to read:

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

28 Section 58. Effective July 1, 2000, section 370.45,
29 Florida Statutes, is created to read:

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

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- 1 (1) The provisions of this section shall apply to such
2 licenses or permits as are established in this chapter.
- 3 (2) The commission shall issue licenses and permits
4 for taking freshwater aquatic life upon proof by the applicant
5 that she or he is entitled to such license or permit. The
6 commission shall establish the forms for such licenses and
7 permits. Each applicant for a license, permit, or
8 authorization shall provide the applicant's social security
9 number on the application form. Disclosure of social security
10 numbers obtained through this requirement shall be limited to
11 the purpose of administration of the Title IV-D program for
12 child support enforcement and use by the commission, and as
13 otherwise provided by law.
- 14 (3) Licenses and permits for the state may be sold by
15 the commission, by any tax collector in this state, or by any
16 appointed subagent.
- 17 (4)(a) In addition to any license or permit fee, \$1.50
18 shall be charged for each license or fish management area
19 permit sold. Such charge is for the purpose of, and the source
20 from which is subtracted, all administrative costs of issuing
21 a license or permit, including, but not limited to, printing,
22 distribution, and credit card fees.
- 23 (b) Tax collectors may retain \$1 for each license or
24 fish management area permit sold.
- 25 (5) Licenses and permits shall be issued, without fee,
26 to any resident who is certified:
- 27 (a) To be totally and permanently disabled by the
28 United States Department of Veterans Affairs or its
29 predecessor, or by any branch of the United States Armed
30 Forces, upon proof of same. Any license issued under this
31 paragraph after January 1, 1997, expires after 5 years. Upon

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1 request, the license shall be reissued for a 5 year period and
2 shall be reissued every 5 years thereafter.

3 (b) To be totally disabled by the United States Social
4 Security Administration, upon proof of same. Any license
5 issued under this paragraph after October 1, 1999, expires
6 after two years. Upon proof of certification as provided in
7 this paragraph, the license shall be reissued for a 2-year
8 period and shall be reissued every 2 years thereafter.

9 (c) Notwithstanding any other provision of this
10 subsection, any person who has received after July 1, 1997,
11 and before July 1, 2000, a valid disability license retains
12 the rights vested thereunder until the license has expired.

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

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

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

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

18 Section 59. Effective July 1, 2000, section 370.46,
19 Florida Statutes, is created to read:

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

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

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

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

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

30 (c) Any resident who is a member of the Armed Forces
31 of the United States, who is not stationed in this state, when

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1 home on leave for 30 days or less, upon submission of orders.

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

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

12 (f) Any person fishing in a fish pond which is
13 licensed in accordance with s. 372.5705.

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

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

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

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

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

29 (c) A combination license for a resident to take
30 freshwater fish and saltwater fish is \$24 for a 1-year
31 license.

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1 (d) A fishing license for a nonresident to take
2 freshwater fish in this state is \$30.

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

6 (f) A combination license for a resident to hunt and
7 to take freshwater fish and saltwater fish is \$34 for a 1-year
8 license.

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

18 (3) In addition to any license required by this
19 chapter, the following permits and fees for certain fishing,
20 and recreational uses, and the activities authorized thereby,
21 are:

22 (a)1. Management area permits to fish or otherwise use
23 for outdoor recreational purposes land owned, leased, or
24 managed by the commission or the state for the use and benefit
25 of the commission, up to \$25 annually. Permits and fees for
26 short-term use of land owned, leased, or managed by the
27 commission may be established by rule of the commission for
28 any activity on such lands. Such permits and fees may be in
29 lieu of or in addition to the annual management area permit.
30 Other than for fishing, the provisions of this subparagraph
31 shall not apply on any lands not owned by the commission,

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1 unless the commission has obtained the written consent of the
2 owner or primary custodian of such lands.
3 2. A recreational user permit fee to fish or otherwise
4 use for outdoor recreational purposes land leased by the
5 commission from private nongovernmental owners, except for
6 those lands located directly north of the Apalachicola
7 National Forest, east of the Ochlockonee River until the point
8 the river meets the dam forming Lake Talquin, and south of the
9 closest federal highway. The fee for this permit shall be
10 based upon economic compensation desired by the landowner,
11 fish population levels, and administrative costs. The permit
12 fee shall be set by commission rule on a per-acre basis. On
13 property currently in the private landowner payment program,
14 the prior year's landowner payment shall be used to augment
15 the recreational user permit fee so as to decrease the permit
16 fee for the users of that property. The spouse and dependent
17 children of a permittee are exempt from the recreational user
18 permit fee when engaged in outdoor recreational activities
19 other than hunting in the company of the
20 permittee. Notwithstanding any other provision of this
21 chapter, there are no other exclusions, exceptions, or
22 exemptions from this permit fee. The recreational user permit
23 fee, less an administrative permit fee of up to \$25 per
24 permit, shall be remitted to the landowner as provided in the
25 lease agreement for each area.
26 (b) A special use permit for limited-entry fishing,
27 where such fishing is authorized by commission rule, shall be
28 up to \$100 per day but shall not exceed \$250 per week.
29 Notwithstanding any other provision of this chapter, there are
30 no exclusions, exceptions, or exemptions from this fee. In
31 addition to the fee, the commission may charge each applicant

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1 for a special use permit a nonrefundable application fee of up
2 to \$10.

3 (c) The fee for a permanent hunting, freshwater
4 fishing, and saltwater and fishing license for a resident 64
5 years of age or older is \$12.

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

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

22 (6) A resident lifetime sportsman's license authorizes
23 the holder to engage in the following noncommercial
24 activities:

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

29 (b) All activities authorized by a management area
30 permit, a muzzle-loading gun permit, a turkey permit, an
31 archery permit, a Florida waterfowl permit, a snook permit,

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1 and a crawfish permit.

2 (7) The fee for a resident lifetime sportsman's
3 license is:

4 (a) 4 years of age or younger.....\$400

5 (b) 5-12 years of age.....\$700

6 (c) 13 years of age or older.....\$1,000

7 (8) A resident lifetime freshwater fishing license

8 authorizes the holder to engage in the following noncommercial
9 activities:

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

14 (b) All activities authorized by a management area
15 permit, excluding hunting.

16 (9) The fee for a resident lifetime freshwater fishing
17 license is:

18 (a) 4 years of age or younger.....\$125

19 (b) 5-12 years of age.....\$225

20 (c) 13 years of age or older.....\$300

21 (10) Fees collected pursuant to s. 370.0605(2) for
22 5-year saltwater fishing licenses, fees collected pursuant to
23 s. 370.0605(6)(e) for replacement 5-year and lifetime
24 licenses, fees collected pursuant to s. 370.0615 for lifetime
25 saltwater fishing licenses, and 30 percent of the fee for the
26 lifetime sportsman's license shall be transferred within 30
27 days following the last day of the month in which the license
28 fees were received by the commission to the Marine Resources
29 Conservation Trust Fund.

30 (11) The following 5-year licenses are authorized:

31 (a) A 5-year freshwater fishing license for a resident

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1 to take or attempt to take or possess freshwater fish in this
2 state for 5 consecutive years is \$60 and authorizes the holder
3 to engage in noncommercial activities to take or attempt to
4 take or possess freshwater fish consistent with state and
5 federal laws, rules, and regulations, including rules of the
6 commission, in effect at the time of taking.

7 (12) Proceeds from the sale of 5-year licenses as
8 provided in this chapter shall be deposited into the Dedicated
9 License Trust Fund. One-fifth of the total proceeds derived
10 from the sale of 5-year licenses and replacement 5-year
11 licenses, and all interest derived therefrom, shall be
12 available for appropriation annually.

13 Section 60. Section 372.5705, Florida Statutes, is
14 renumbered as section 370.461, Florida Statutes, and is
15 amended to read:

16 370.461 ~~372.5705~~ Fish pond license.--The owner of a
17 fish pond of more than 20 acres which is located entirely
18 within the owner's ~~her or his~~ property may obtain a license
19 from the commission for such pond at a fee of \$3 per surface
20 acre., ~~and~~ No fishing license shall be required of any person
21 fishing in such licensed pond.

22 Section 61. Section 370.462, Florida Statutes, is
23 created to read:

24 370.462 Expiration of licenses and permits.--Each
25 license or permit issued under this chapter must be dated when
26 issued. Each license or permit issued under this chapter
27 remains valid for 12 months after the date of issuance, except
28 for a lifetime license issued pursuant to s. 370.46 which is
29 valid from the date of issuance until the death of the
30 individual to whom the license is issued unless otherwise
31 revoked in accordance with s. 372.99, or a 5-year license

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1 issued pursuant to s. 370.46 which is valid for 5 consecutive
2 years from the date of purchase unless otherwise revoked in
3 accordance with s. 372.99, or a license issued pursuant to s.
4 370.46(2)(b), which is valid for the period specified on the
5 license. A resident lifetime license or a resident 5-year
6 license that has been purchased by a resident of this state
7 and who subsequently resides in another state shall be honored
8 for activities authorized by that license.

9 Section 62. Section 370.463, Florida Statutes, is
10 created to read:

11 370.463 Review of fees for licenses and permits;
12 review of exemptions.--The fees for licenses and permits
13 established under this chapter, and exemptions thereto, shall
14 be reviewed by the Legislature during its regular session
15 every 5 years beginning in 2000.

16 Section 63. Section 370.464, Florida Statutes, is
17 created to read:

18 370.464 Management area permit revenues.--The
19 commission shall expend the revenue generated from the sale of
20 the management area permit as provided for in s. 370.46(3)(a)
21 or that pro rata portion of any license that includes
22 management area privileges as provided for in s. 370.46(2)(e)
23 for the lease, management, and protection of lands for
24 fishing.

25 Section 64. Section 370.465, Florida Statutes, is
26 created to read:

27 370.465 Appointment of subagents for the sale of
28 licenses and permits.--

29 (1) A county tax collector who elects to sell licenses
30 and permits may appoint any person as a subagent for the sale
31 of licenses and permits that the tax collector is allowed to

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1 sell under this chapter. The following are requirements for
2 subagents:
3 (a) Each subagent must serve at the pleasure of the
4 county tax collector.
5 (b) Neither an employee of the county tax collector
6 nor her or his relative or next of kin, by blood or otherwise,
7 may be appointed as a subagent.
8 (c) The tax collector may require each subagent to
9 post an appropriate bond as determined by the tax collector,
10 using an insurance company acceptable to the tax collector.
11 In lieu of such bond, the tax collector may purchase blanket
12 bonds covering all or selected subagents or may allow a
13 subagent to post such other security as is required by the tax
14 collector.
15 (d) A subagent may sell licenses and permits as are
16 determined by the tax collector at such specific locations
17 within the county and in states contiguous to Florida as will
18 best serve the public interest and convenience in obtaining
19 said licenses and permits. The commission may uniformly
20 prohibit subagents from selling certain licenses or permits.
21 (e) It is unlawful for any person to handle licenses
22 or permits for a fee or compensation of any kind unless she or
23 he has been appointed as a subagent.
24 (f) Any person who willfully violates any of the
25 provisions of this law commits a misdemeanor of the second
26 degree, punishable as provided in s. 775.082 or s. 775.083.
27 (g) A subagent may charge and receive as her or his
28 compensation 50 cents for each license or permit sold. This
29 charge is in addition to the sum required by law to be
30 collected for the sale and issuance of each fishing license or
31 permit.

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1 (h) A subagent shall submit payment for and report the
2 sale of licenses and permits to the tax collector as
3 prescribed by the tax collector but no less frequently than
4 monthly.

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

9 (2) If a tax collector elects not to appoint
10 subagents, the commission may appoint subagents within that
11 county. Subagents shall serve at the pleasure of the
12 commission. The commission may establish, by rule, procedures
13 for selection of subagents. The following are requirements
14 for subagents so appointed:

15 (a) The commission may require each subagent to post
16 an appropriate bond as determined by the commission, using an
17 insurance company acceptable to the commission. In lieu of
18 the bond, the commission may purchase blanket bonds covering
19 all or selected subagents or may allow a subagent to post
20 other security as required by the commission.

21 (b) A subagent may sell licenses and permits as
22 authorized by the commission at specific locations within the
23 county and in states as will best serve the public interest
24 and convenience in obtaining licenses and permits. The
25 commission may prohibit subagents from selling certain
26 licenses or permits.

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

30 (d) Any person who willfully violates any of the
31 provisions of this section commits a misdemeanor of the second

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1 degree, punishable as provided in s. 775.082 or s. 775.083.

2 (e) A subagent may charge and receive as her or his
3 compensation 50 cents for each license or permit sold. This
4 charge is in addition to the sum required by law to be
5 collected for the sale and issuance of each license or permit.
6 In addition, a subagent fee for the sale of licenses over the
7 telephone by credit card shall be established by competitive
8 bid procedures which are overseen by the Fish and Wildlife
9 Conservation Commission.

10 (f) A subagent shall submit payment for and report the
11 sale of licenses and permits to the commission as prescribed
12 by the commission.

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

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

27 (i) By July 15 of each year, each subagent shall
28 submit to the commission all unissued stamps for the previous
29 year along with a written audit report, on forms prescribed or
30 approved by the commission, on the numbers of the unissued
31 stamps.

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

5 Section 65. Section 370.47, Florida Statutes, is
6 created to read:

7 370.47 False statement in application for license or
8 permit.--Any person who swears or affirms to any false
9 statement in any application for fishing license or permit
10 provided by this chapter, is guilty of violating this chapter,
11 and shall be subject to the penalty provided in s. 372.83, and
12 any false statement contained in any application for such
13 license or permit renders the fishing license or permit void.

14 Section 66. Section 370.471, Florida Statutes, is
15 created to read:

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

23 Section 67. Section 370.48, Florida Statutes, is
24 created to read:

25 370.48 License and permit not transferable.--A person
26 may not alter or change in any manner, or lend or transfer to
27 another, any fishing license or permit issued pursuant to the
28 provisions of this chapter, nor may any other person, other
29 than the person to whom it is issued, use the same.

30 Section 68. Section 370.49, Florida Statutes, is
31 created to read:

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1 370.49 Issuing of replacement license or permit.--A
2 license or permit to replace a lost or destroyed license
3 issued under this chapter may be obtained by submitting an
4 application requesting replacement. The fee is \$10 for each
5 application for a replacement of a lifetime license and \$2 for
6 each application for replacement for any other license or
7 permit, which shall be for the purpose of, and the source from
8 which is subtracted, all administrative costs of issuing the
9 fishing license or permit, including, but not limited to,
10 printing, distribution, and credit card fees. The office of
11 the tax collector may retain \$1 for each application for a
12 replacement license. Fees collected from the issuance of
13 replacement lifetime licenses and 5-year licenses shall be
14 deposited into the Dedicated License Trust Fund and shall be
15 available for appropriation.

16 Section 69. Section 372.65, Florida Statutes, is
17 renumbered as section 370.50, Florida Statutes, and amended to
18 read:

19 370.50 ~~372.65~~ Freshwater fish dealer's license.--

20 (1) No person shall engage in the business of taking
21 for sale or selling any frogs or freshwater fish, including
22 live bait, of any species or size, or importing any exotic or
23 nonindigenous fish, until such person has obtained a license
24 and paid the fee therefor as set forth herein. The license
25 issued shall be in the possession of the person to whom issued
26 while such person is engaging in the business of taking for
27 sale or selling freshwater fish or frogs, is not transferable,
28 shall bear on its face in indelible ink the name of the person
29 to whom it is issued, and shall be affixed to a license
30 identification card issued by the commission. Such license is
31 not valid unless it bears the name of the person to whom it is

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1 issued and is so affixed. The failure of such person to
2 exhibit such license to the commission or any of its wildlife
3 officers when such person is found engaging in such business
4 is a violation of law. The license fees and activities
5 permitted under particular licenses are as follows:
6 (a) The fee for a resident commercial fishing license,
7 which permits a resident to take freshwater fish or frogs by
8 any lawful method prescribed by the commission and to sell
9 such fish or frogs, shall be \$25. The license provided for in
10 this paragraph shall also allow noncommercial fishing as
11 provided by law and commission rules, and the license in s.
12 370.46(2)(a)~~372.57(2)(a)~~ shall not be required.
13 (b) The fee for a resident freshwater fish dealer's
14 license, which permits a resident to import, export, or sell
15 freshwater fish or frogs, including live bait, shall be \$40.
16 (c) The fee for a nonresident commercial freshwater
17 fishing license, which permits a nonresident to take
18 freshwater fish or frogs as provided in paragraph (a), shall
19 be \$100.
20 (d) The fee for a nonresident retail freshwater fish
21 dealer's license, which permits a nonresident to sell
22 freshwater fish or frogs to a consumer, shall be \$100.
23 (e) The fee for a nonresident wholesale freshwater
24 fish dealer's license, which permits a nonresident to sell
25 freshwater fish or frogs within the state, and to buy
26 freshwater fish or frogs for resale, shall be \$500.
27 (f) The fee for a nonresident wholesale freshwater
28 fish buyer's license, which permits a nonresident who does not
29 sell freshwater fish or frogs in Florida to buy freshwater
30 fish or frogs from resident fish dealers for resale outside
31 the state, shall be \$50.

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

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

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

13 (2) The provisions of ss. 370.45 ~~372.561~~ and 370.462
14 ~~372.571~~, except those provisions relating to issuance without
15 fee to certain classes of persons, shall apply to licenses
16 issued under this section.

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

19 (4) It shall be unlawful for any resident freshwater
20 fish dealer, or any nonresident wholesale or nonresident
21 retail freshwater fish dealer, or any nonresident wholesale
22 freshwater fish buyer to buy freshwater fish or frogs from any
23 unlicensed person.

24 Section 70. Section 372.651, Florida Statutes, is
25 renumbered as section 370.501, Florida Statutes, and amended
26 to read:

27 370.501 ~~372.651~~ Haul seine and trawl permits;
28 freshwater lakes in excess of 500 square miles; fees.--

29 (1) The Fish and Wildlife Conservation Commission is
30 authorized to issue haul seine and trawl permits for each haul
31 seine or trawl used in freshwater lakes in the state having an

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1 area in excess of 500 square miles.

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

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

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

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

8 Section 71. Section 372.653, Florida Statutes, is
9 renumbered as section 370.502, Florida Statutes, and amended
10 to read:

11 370.502 ~~372.653~~ Required tagging of fish; lakes in
12 excess of 500 square miles; tag fee; freshwater game fish
13 taken in lakes of 500 square miles or less.--

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

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

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

30 (3) No freshwater game fish taken from a lake in this
31 state the area of which is 500 square miles or less shall be

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1 offered for sale or sold.

2 Section 72. Section 370.60, Florida Statutes, is
3 created to read:

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

11 Section 73. Section 370.601, Florida Statutes, is
12 created to read:

13 370.601 Harassment of fishers.--

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

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

19 (b) Attempt to disturb fish, or attempt to affect
20 their behavior with the intent to prevent their lawful taking
21 by another.

22 (2) Any person who violates subsection (1) commits a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 Section 74. Section 370.61, Florida Statutes, is
26 created to read:

27 370.61 Noncriminal infractions.--

28 (1) Any person cited for committing a noncriminal
29 infraction specified in s. 370.68 shall be cited to appear
30 before the county court. The civil penalty for any
31 noncriminal infraction involving the license and permit

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1 requirements of s. 370.46 is \$50, in addition to the cost of
2 the amount of the license or permit involved in the
3 infraction, except as otherwise provided in this section. The
4 civil penalty for any other noncriminal infraction is \$50,
5 except as otherwise provided in this section.

6 (2) Any person cited for an infraction under this
7 section may:

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

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

12

13 The officer may indicate on the citation the time and location
14 of the scheduled hearing and shall indicate the applicable
15 civil penalty.

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

19 (4) Any person charged with a noncriminal infraction
20 under this section may:

21 (a) Pay the civil penalty, either by mail or in
22 person, within 30 days after the date of receiving the
23 citation; or

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

26

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

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1 (5) Any person electing to appear before the county
2 court or who is required so to appear shall be deemed to have
3 waived the limitations on the civil penalty specified in
4 subsection (1). The court, after a hearing, shall make a
5 determination as to whether an infraction has been committed.
6 If the commission of an infraction has been proven, the court
7 may impose a civil penalty not to exceed \$500.

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

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

13 Section 75. Section 370.62, Florida Statutes, is
14 created to read:

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

20 Section 76. Section 370.63, Florida Statutes, is
21 created to read:

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

29 Section 77. Section 370.64, Florida Statutes, is
30 created to read:

31 370.64 Cooperative agreements with United States

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1 Forest Service; penalty.--The Fish and Wildlife Conservation
2 Commission is authorized and empowered:
3 (1) To enter into cooperative agreements with the
4 United States Forest Service for the development of fish
5 management and demonstration projects on and in the Osceola
6 National Forest in Columbia and Baker Counties, and in the
7 Ocala National Forest in Marion, Lake, and Putnam Counties,
8 and in the Apalachicola National Forest in Liberty County.
9 However, no such cooperative agreements shall become effective
10 in any county concerned until confirmed by the board of county
11 commissioners of such county expressed through appropriate
12 resolution.
13 (2) In cooperation with the United States Forest
14 Service, to make, adopt, promulgate, amend, and repeal rules
15 and regulations, consistent with law, for the further or
16 better control of fishing, shorten seasons, and reduce bag
17 limits, or shorten or close seasons on any species of fish,
18 within the limits prescribed by the Florida law, in the above
19 enumerated National Forests or parts thereof, when it shall
20 find after investigation that such action is necessary to
21 assure the maintenance of an adequate supply of wildlife.
22 (3) To fix a charge not to exceed \$5, for persons 18
23 years of age and over, and not to exceed \$2 for persons under
24 the age of 18 years, over and above the license fee for
25 hunting now required by law. This additional fee is to apply
26 only on areas covered by above cooperative agreements. The
27 proceeds from this additional license fee shall be used in the
28 development of fish management, propagation of fish and
29 protection of the areas covered by the cooperative agreements
30 as the commission and the United States Forest Service may
31 deem proper. Nothing in this section shall be construed as

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1 authorizing the commission to change any penalty prescribed by
2 law or to change the amount of general license fees or the
3 general authority conferred by licenses prescribed by law.

4 (4) In addition to the requirements of chapter 120,
5 notice of the making, adoption, and promulgation of the above
6 rules and regulations shall be given by posting said notices,
7 or copies of the rules and regulations, in the offices of the
8 county judges and in the post offices within the area to be
9 affected and within 10 miles thereof. In addition to the
10 posting of said notices, as aforesaid, copies of said notices
11 or of said rules and regulations shall also be published in
12 newspapers published at the county seats of Baker, Columbia,
13 Marion, Lake, Putnam, and Liberty Counties, or so many thereof
14 as have newspapers, once not more than 35 nor less than 28
15 days and once not more than 21 nor less than 14 days prior to
16 the opening of the state hunting season in said areas. Any
17 person violating any rules or regulations promulgated by the
18 commission to cover these areas under cooperative agreements
19 between the Fish and Wildlife Conservation Commission and the
20 United States Forest Service, none of which shall be in
21 conflict with the laws of Florida, commits a misdemeanor of
22 the second degree, punishable as provided in s. 775.082 or s.
23 775.083.

24 Section 78. Section 372.75, Florida Statutes, is
25 renumbered as section 370.65, Florida Statutes, to read:

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

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1 force into the fresh waters of this state whereby fish therein
2 are or may be injured. Nothing in this section may be
3 construed as preventing the release of water slightly
4 discolored by mining operations or water escaping from such
5 operations as the result of providential causes.

6 Section 79. Section 370.66, Florida Statutes, is
7 created to read:

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

22 Section 80. Section 370.661, Florida Statutes, is
23 created to read:

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

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

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

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

11 Section 81. Section 370.67, Florida Statutes, is
12 created to read:

13 370.67 Assent to federal acts.--

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

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

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

3 Section 82. Section 370.671, Florida Statutes, is
4 created to read:

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

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

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

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

4 Section 83. Section 370.68, Florida Statutes, is
5 created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 Section 84. Section 370.69, Florida Statutes, is
2 created to read:

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

8 Section 85. Section 372.85, Florida Statutes, is
9 renumbered as section 370.70, Florida Statutes, and amended to
10 read:

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

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

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

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1 775.082 or s. 775.083.

2 Section 86. Section 370.71, Florida Statutes, is
3 created to read:

4 370.71 Jim Woodruff Dam; reciprocity agreements.--The
5 Fish and Wildlife Conservation Commission of the State of
6 Florida is hereby authorized to enter into an agreement of the
7 reciprocity with the game and fish commissioners or the
8 appropriate officials or departments of the State of Georgia
9 and the State of Alabama relative to the taking of freshwater
10 fish from the waters of the lake created by the Jim Woodruff
11 Dam by permitting reciprocal license privileges.

12 Section 87. Section 370.72, Florida Statutes, is
13 created to read:

14 370.72 St. Mary's River; reciprocity agreements.--The
15 Fish and Wildlife Conservation Commission of the State of
16 Florida is hereby authorized to enter into an agreement of
17 reciprocity with the game and fish commissioner or the
18 appropriate officials or departments of the State of Georgia
19 relative to the taking of freshwater fish from the waters of
20 the St. Mary's River by permitting reciprocal agreement
21 license privileges.

22 Section 88. Section 372.9903, Florida Statutes, is
23 renumbered as section 370.73, Florida Statutes, and amended to
24 read:

25 370.73 ~~372.9903~~ Illegal possession or transportation
26 of freshwater game fish in commercial quantities; penalty.--

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

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1 provided in s. 775.082 or s. 775.083.

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

8 Section 89. Section 372.9904, Florida Statutes, is
9 renumbered as section 370.731, Florida Statutes, and amended
10 to read:

11 370.731 ~~372.9904~~ Seizure of illegal devices;
12 disposition; appraisal; forfeiture.--

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

26 (2) The commission, upon receipt of the property,
27 shall promptly fix its value and make return thereof to the
28 clerk of the circuit court of the county wherein the article
29 was seized; after which, on proper showing of ownership of the
30 property by someone other than the person arrested, the
31 property shall be returned by the court to the said owner.

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

11 Section 90. Section 372.9905, Florida Statutes, is
12 renumbered as section 370.732, Florida Statutes, and amended
13 to read:

14 370.732 ~~372.9905~~ Applicability of ss. 370.73 and
15 370.731 ~~372.9903~~ and ~~372.9904~~.--The provisions of ss. 370.73
16 and 370.731 ~~372.9903~~ and ~~372.9904~~ relating to seizure and
17 forfeiture of vehicles, vessels, or other transportation
18 devices shall not apply when such vehicles, vessels, or other
19 transportation devices are owned by, or titled in the name of,
20 innocent parties. The provisions of said sections shall not
21 vitiate any valid lien, retain title contract, or chattel
22 mortgage on such vehicles, vessels, or other transportation
23 devices if such lien, retain title contract, or chattel
24 mortgage is properly of public record at the time of the
25 seizure.

26 Section 91. Section 372.993, Florida Statutes, is
27 renumbered as section 370.74, Florida Statutes, to read:

28 370.74 ~~372.993~~ Land-based commercial and recreational
29 fishing activities; legislative findings and purpose;
30 definitions; legal protection; local ordinances; prohibited
31 activity.--

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

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

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

31 (4) LOCAL ORDINANCE.--No local governing authority

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1 shall adopt any ordinance that declares any commercial or
2 recreational fishing operation to be a nuisance solely because
3 it is a commercial or recreational fishing operation, or any
4 zoning ordinance that unreasonably forces the closure of any
5 commercial or recreational fishing operation. Nothing in this
6 act shall prevent a local government from regulating
7 commercial and recreational fishing operations, including by
8 requiring the use of methods, structures, or appliances where
9 such use will prevent, ameliorate, or remove conditions which
10 create or may create a nuisance or, pursuant to the applicable
11 local zoning code, by declaring a commercial or recreational
12 fishing operation to be a nonconforming use.

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

19 Section 92. Section 372.001, Florida Statutes, is
20 amended to read:

21 372.001 Definitions.--In construing these statutes,
22 when applied to ~~saltwater and freshwater fish, shellfish,~~
23 ~~crustacea, sponges,~~ wild birds, and wild animals, where the
24 context permits, the word, phrase, or term:

25 (1)~~(17)~~ "Authorization" means a number issued by the
26 Fish and Wildlife Conservation Commission, or its authorized
27 agent, which serves in lieu of a license or permit issued
28 under the provisions of this chapter and affords the privilege
29 purchased for a specified period of time.

30 (2)~~(8)~~ "Closed season" is that portion of the year
31 wherein the laws of Florida forbid the taking of particular

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1 species of game ~~or varieties of fish.~~

2 (3)~~(16)~~ "Commission" means the Fish and Wildlife
3 Conservation Commission.

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

9 (5)~~(4)~~ "Fur-bearing animals" includes muskrat, mink,
10 raccoon, otter, civet cat, skunk, red and gray fox, and
11 opossum.

12 (6)~~(3)~~ "Game" means deer, bear, squirrel, rabbits,
13 and, where designated by commission rules, wild hogs, ducks,
14 geese, rails, coots, gallinules, snipe, woodcock, wild
15 turkeys, grouse, pheasants, quail, and doves.

16 (7)~~(5)~~ "Nongame" includes all species and populations
17 of indigenous wild vertebrates and invertebrates in the state
18 that are not defined as game.

19 (8)~~(7)~~ "Open season" is that portion of the year
20 wherein the laws of Florida for the preservation of ~~fish and~~
21 game permit the taking of particular species of game ~~or~~
22 ~~varieties of fish.~~

23 (9)~~(14)~~ "Private hunting preserve" includes any area
24 set aside by a private individual or concern on which
25 artificially propagated game or birds are taken.

26 (10)~~(1)~~ "Resident" means:

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

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

31 (11)~~(10)~~ "Take" means taking, attempting to take,

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1 pursuing, hunting, molesting, capturing, or killing any
2 wildlife ~~or freshwater fish~~, their nests or eggs, by any
3 means, whether or not such actions result in obtaining
4 possession of such wildlife ~~or freshwater fish~~ or their nests
5 or eggs.

6 ~~(12)(13)~~ "Transport" includes shipping, transporting,
7 carrying, importing, exporting, receiving or delivering for
8 shipment, transportation, carriage, or export.

9 ~~(2)~~ "Fish and game" includes all fresh and saltwater
10 fish, shellfish, crustacea, sponges, wild birds, and wild
11 animals.

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

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

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

27 ~~(15)~~ "Fish management area" is a pond, lake, or other
28 water within a county or within several counties designated to
29 improve fishing for public use and established and
30 specifically circumscribed for authorized management by the
31 Fish and Wildlife Conservation Commission and the board of

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1 ~~county commissioners of the county in which such waters lie~~
2 ~~under agreement between the commission and an owner with~~
3 ~~approval by the board of county commissioners or under~~
4 ~~agreement with the board of county commissioners for use of~~
5 ~~public waters in the county in which such waters lie.~~

6 Section 93. Section 372.021, Florida Statutes, is
7 amended to read:

8 372.021 Powers, duties, and authority of commission;
9 rules, regulations, and orders.--The Fish and Wildlife
10 Conservation Game and Fresh Water Fish Commission may exercise
11 the powers, duties, and authority granted by s. 9, Art. IV of
12 the Constitution of Florida, and as otherwise authorized by
13 the Legislature, by the adoption of rules, regulations, and
14 orders in accordance with chapter 120.

15 Section 94. Section 372.05, Florida Statutes, is
16 amended to read:

17 372.05 Duties of executive director.--The Executive
18 Director of the Fish and Wildlife Conservation Commission
19 shall:

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

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

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

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

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

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

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

11 Section 95. Section 372.07, Florida Statutes, is
12 amended to read:

13 372.07 Police powers of commission and its agents.--

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

27 (2) Said officers shall have power and authority to
28 enforce throughout the state all laws relating to game,
29 nongame birds, ~~freshwater~~ fish, and fur-bearing animals and
30 all rules and regulations of the Fish and Wildlife
31 Conservation Commission relating to wild animal life, marine

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1 life, and freshwater aquatic life, and in connection with said
2 laws, rules, and regulations, in the enforcement thereof and
3 in the performance of their duties thereunder, to:
4 (a) Go upon all premises, posted or otherwise;
5 (b) Execute warrants and search warrants for the
6 violation of said laws;
7 (c) Serve subpoenas issued for the examination,
8 investigation, and trial of all offenses against said laws;
9 (d) Carry firearms or other weapons, concealed or
10 otherwise, in the performance of their duties;
11 (e) Arrest upon probable cause without warrant any
12 person found in the act of violating any of the provisions of
13 said laws or, in pursuit immediately following such
14 violations, to examine any person, boat, conveyance, vehicle,
15 game bag, game coat, or other receptacle for wild animal life,
16 marine life, or freshwater aquatic life, or any camp, tent,
17 cabin, or roster, in the presence of any person stopping at or
18 belonging to such camp, tent, cabin, or roster, when said
19 officer has reason to believe, and has exhibited her or his
20 authority and stated to the suspected person in charge the
21 officer's reason for believing, that any of the aforesaid laws
22 have been violated at such camp;
23 (f) Secure and execute search warrants and in
24 pursuance thereof to enter any building, enclosure, or car and
25 to break open, when found necessary, any apartment, chest,
26 locker, box, trunk, crate, basket, bag, package, or container
27 and examine the contents thereof;
28 (g) Seize and take possession of all wild animal life,
29 marine life, or freshwater aquatic life taken or in possession
30 or under control of, or shipped or about to be shipped by, any
31 person at any time in any manner contrary to said laws.

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

8 Section 96. Paragraph (b) of subsection (2) of section
9 372.105, Florida Statutes, is amended to read:

10 372.105 Lifetime Fish and Wildlife Trust Fund.--

11 (2) The principal of the fund shall be derived from
12 the following:

13 (b) Proceeds from the sale of lifetime licenses issued
14 in accordance with ss. 370.46 and ~~§-372.57~~ with the exception
15 of the saltwater portion of the lifetime sportsman's license.

16 Section 97. Subsection (1) of section 372.106, Florida
17 Statutes, is amended to read:

18 372.106 Dedicated License Trust Fund.--

19 (1) There is established within the Fish and Wildlife
20 Conservation Commission the Dedicated License Trust Fund. The
21 fund shall be credited with moneys collected pursuant to ss.
22 370.0605, 370.46, and 372.57 for 5-year licenses and
23 replacement 5-year licenses.

24 Section 98. 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,

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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 99. Effective July 1, 2000, section 372.561,
14 Florida Statutes, is amended to read:

15 372.561 Issuance of licenses to take wild animal life
16 ~~or freshwater aquatic life~~; costs; reporting.--

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

19 (2) The commission shall issue licenses and permits to
20 take wild animal life ~~or freshwater aquatic life~~ upon proof by
21 the applicant for licensure that she or he is entitled to such
22 license or permit. The commission shall establish the forms
23 for such licenses and permits. Each applicant for a license,
24 permit, or authorization shall provide the applicant's social
25 security number on the application form. Disclosure of social
26 security numbers obtained through this requirement shall be
27 limited to the purpose of administration of the Title IV-D
28 program for child support enforcement and use by the
29 commission, and as otherwise provided by law.

30 (3) Licenses and permits for the state may be sold by
31 the commission, by any tax collector in this state, or by any

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1 appointed subagent.

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

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

10 (5) Hunting ~~and fishing~~ licenses and permits shall be
11 issued, without fee, to any resident who is certified:

12 (a) To be totally and permanently disabled by the
13 United States Department of Veterans Affairs or its
14 predecessor, ~~or by the United States Social Security~~
15 ~~Administration, by any branch of the United States Armed~~
16 ~~Forces, or by the verified written statement which is based~~
17 ~~upon the criteria for permanent and total disability in~~
18 ~~chapter 440 of a physician licensed in this state or who holds~~
19 ~~a valid identification card issued under the provisions of s.~~
20 ~~295.17, upon proof of the same. Any license issued under this~~
21 ~~paragraph after January 1, 1997, expires after 5 years. Upon~~
22 ~~request, the license shall be reissued for a 5-year period and~~
23 ~~shall be reissued every 5 years thereafter. and must be~~
24 ~~reissued, upon request, every 5 years thereafter; or.~~

25 (b) To be totally disabled ~~A Disability Award Notice~~
26 issued by the United States Social Security Administration,
27 upon proof of the same. Any license issued under this
28 provision after October 1, 1999, expires after 2 years. Upon
29 proof of certification as provided in this paragraph, the
30 license shall be reissued for a 2-year period and shall be
31 reissued every 2 years thereafter ~~is not sufficient~~

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

4 (c) Notwithstanding any other provision of this
5 subsection, any person who has received after July 1, 1997,
6 and before July 1, 2000, a valid disability license issued
7 under this subsection retains the rights vested thereunder
8 until the license has expired.

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

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

28 (c) Not later than August 15 of each year, each county
29 tax collector shall submit to the commission all unissued
30 stamps for the previous year along with a written audit
31 report, on forms prescribed or approved by the commission, of

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1 the numbers of the unissued stamps.

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

14 Section 100. Effective July 1, 2000, section 372.57,
15 Florida Statutes, is amended to read:

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

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

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

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

23 (b) Any person hunting ~~or fishing~~ in the person's
24 county of residence on the person's homestead or the homestead
25 of the person's spouse or minor child, or any minor child
26 hunting ~~or fishing~~ on the homestead of her or his parent.

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

30 ~~(d) Any resident when fishing with live or natural~~
31 ~~bait, using poles or lines which are not equipped with a~~

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1 ~~fishing line retrieval mechanism, and fishing for~~
2 ~~noncommercial purposes in the county of her or his residence,~~
3 ~~except on legally established fish management areas. This~~
4 ~~paragraph, as amended by chapter 76-156, Laws of Florida, may~~
5 ~~be cited as the "Dempsey J. Barron, W. D. Childers, and Joe~~
6 ~~Kershaw Cane Pole Tax Repeal Act of 1976."~~

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

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

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

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

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

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

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

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

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

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

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

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

7 **(e)**~~(d)~~ A combination ~~fishing and hunting~~ license for a
8 resident to take freshwater fish and game in this state is
9 \$22.

10 **(f)** A combination license for a resident to hunt and
11 to take freshwater fish and saltwater fish is \$34 for a 1-year
12 license.

13 **(g)** A permanent hunting, freshwater fishing, and
14 saltwater fishing license for a resident 64 years of age or
15 older is \$12.

16 **(h)**~~(i)~~ A sportsman's license for a resident is \$66.
17 The sportsman's license authorizes the holder to take
18 freshwater fish and game, subject to state and federal laws,
19 rules, and regulations, including ~~and~~ rules of the commission,
20 in effect at the time of taking, and authorizes the same
21 activities authorized by a management area permit, a
22 muzzle-loading gun permit, a turkey permit, a Florida
23 waterfowl permit, and an archery permit. A nonresident may
24 not purchase a sportsman's license.

25 (3) A resident or nonresident taking fur-bearing
26 animals by the use of guns or dogs only and not by the use of
27 traps or other devices, and not for commercial purposes, who
28 has purchased the license provided for hunting in this
29 section, received a no-cost license, or is exempt from the
30 license requirements of this chapter is not required to
31 purchase a ~~the~~ license ~~provided in paragraph (2)(h).~~ A

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1 resident who is age 65 or older is not required to purchase a
2 the license ~~provided in paragraph (2)(h)~~.

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

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

9 (b)1. Management area permits to hunt, ~~fish~~, or
10 otherwise use for outdoor recreational purposes, land owned,
11 leased, or managed by the commission or the state ~~of Florida~~
12 for the use and benefit of the commission, up to \$25 annually.
13 Permits, and fees thereof, for short-term use of land which is
14 owned, leased, or managed by the commission may be established
15 by rule of the commission for any activity on such lands.
16 Such permits and fees may be in lieu of or in addition to the
17 annual management area permit. Other than for hunting ~~or~~
18 ~~fishing~~, the provisions of this subparagraph ~~paragraph~~ shall
19 not apply on any lands not owned by the commission, unless the
20 commission shall have obtained the written consent of the
21 owner or primary custodian of such lands.

22 2. A recreational user permit fee to hunt, ~~fish~~, or
23 otherwise use for outdoor recreational purposes, land leased
24 by the commission from private nongovernmental owners, except
25 for those lands located directly north of the Apalachicola
26 National Forest, east of the Ochlockonee River until the point
27 the river meets the dam forming Lake Talquin, and south of the
28 closest federal highway. The fee for this permit shall be
29 based upon economic compensation desired by the landowner,
30 game population levels, desired hunter density, and
31 administrative costs. The permit fee shall be set by

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1 commission rule on a per-acre basis. On property currently in
2 the private landowner payment program, the prior year's
3 landowner payment shall be used to augment the recreational
4 user permit fee so as to decrease the permit fee for the users
5 of that property. One minor dependent child, 16 years old or
6 under, per permittee may hunt under the supervision of the
7 permittee and is exempt from the permit fee. ~~The spouse and~~
8 ~~dependent children of a permittee are exempt from the permit~~
9 ~~fee when engaged in outdoor recreational activities other than~~
10 ~~hunting in the company of the permittee.~~ Notwithstanding any
11 other provision of this chapter, there are no other
12 exclusions, exceptions, or exemptions from this permit fee.
13 The recreational user permit fee, less an administrative
14 permit fee of up to \$25 per permit, shall be remitted to the
15 landowner as provided in the lease agreement for each area.

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

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

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

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

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- 1 (g) The fee for a permanent hunting and fishing
2 license for a resident 64 years of age or older is \$12.
- 3 (5) The commission is authorized to reduce the fees
4 for licenses and permits under this section for residents of
5 those states with which the commission has entered into
6 reciprocal agreements with respect to such fees.
- 7 ~~(6) The commission may designate by rule no more than~~
8 ~~2 consecutive or nonconsecutive days in each year as free~~
9 ~~fishing days. Notwithstanding any other provision of this~~
10 ~~chapter, any person may take freshwater fish for noncommercial~~
11 ~~purposes on a free fishing day without obtaining or possessing~~
12 ~~a license or paying a license fee as prescribed in this~~
13 ~~section. A person who takes freshwater fish on a free fishing~~
14 ~~day without obtaining a license or paying a fee must comply~~
15 ~~with all laws and regulations governing holders of a fishing~~
16 ~~license and all other conditions and limitations regulating~~
17 ~~the taking of freshwater fish as are imposed by law or rule.~~
- 18 (6)(7) A resident lifetime sportsman's license
19 authorizes the holder to engage in the following noncommercial
20 activities:
- 21 (a) To take or attempt to take or possess freshwater
22 fish, saltwater ~~marine~~ fish, and game, consistent with state
23 and federal laws, rules, and regulations, including and rules
24 of the commission, in effect at the time of taking.
- 25 (b) All activities authorized by a management area
26 permit, a muzzle-loading gun permit, a turkey permit, an
27 archery permit, a Florida waterfowl permit, a snook permit,
28 and a crawfish permit.
- 29 (7)(8) The fee for a resident lifetime sportsman's
30 license is:
- 31 (a) 4 years of age or younger.....\$400

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- 1 (b) 5-12 years of age.....\$700
2 (c) 13 years of age or older.....\$1,000
3 ~~(8)(9)~~ A resident lifetime hunting license authorizes
4 the holder to engage in the following noncommercial
5 activities:
6 (a) To take or attempt to take or possess game
7 consistent with state and federal laws, rules, and
8 regulations, including and rules of the commission,in effect
9 at the time of taking.
10 (b) All activities authorized by a management area
11 permit, excluding fishing, a muzzle-loading gun permit, a
12 turkey permit, an archery permit, and a Florida waterfowl
13 permit.
14 ~~(9)(10)~~ The fee for a resident lifetime hunting
15 license ~~is shall be~~:
16 (a) 4 years of age or younger.....\$200
17 (b) 5-12 years of age.....\$350
18 (c) 13 years of age or older.....\$500
19 ~~(11) A resident lifetime freshwater fishing license~~
20 ~~authorizes the holder to engage in the following noncommercial~~
21 ~~activities:~~
22 ~~(a) To take or attempt to take or possess freshwater~~
23 ~~fish consistent with state and federal regulations and rules~~
24 ~~of the commission in effect at the time of taking.~~
25 ~~(b) All activities authorized by a management area~~
26 ~~permit, excluding hunting.~~
27 ~~(12) The fee for a resident lifetime freshwater~~
28 ~~fishing license shall be:~~
29 ~~(a) 4 years of age or younger.....\$125~~
30 ~~(b) 5-12 years of age.....\$225~~
31 ~~(c) 13 years of age or older.....\$300~~

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1 ~~(13) Fees collected pursuant to s. 370.0605(2) for~~
2 ~~5-year saltwater fishing licenses, fees collected pursuant to~~
3 ~~s. 370.0605(6)(e) for replacement 5-year and lifetime~~
4 ~~licenses, fees collected pursuant to s. 370.0615 for lifetime~~
5 ~~saltwater fishing licenses, and 30 percent of the fee for the~~
6 ~~lifetime sportsman's license shall be transferred within 30~~
7 ~~days following the last day of the month in which the license~~
8 ~~fees were received by the commission to the Marine Resources~~
9 ~~Conservation Trust Fund.~~

10 ~~(14) The following 5-year licenses are authorized:~~

11 ~~(a) A 5-year freshwater fishing license for a resident~~
12 ~~to take or attempt to take or possess freshwater fish in this~~
13 ~~state for 5 consecutive years is \$60 and authorizes the holder~~
14 ~~to engage in noncommercial activities to take or attempt to~~
15 ~~take or possess freshwater fish consistent with state and~~
16 ~~federal regulations and rules of the commission in effect at~~
17 ~~the time of taking.~~

18 ~~(10)(b)~~ A 5-year hunting license for a resident to
19 take or attempt to take or possess game in this state for 5
20 consecutive years is \$55 and authorizes the holder to engage
21 in noncommercial activities to take or attempt to take or
22 possess game consistent with state and federal laws, rules,
23 and regulations, including ~~and~~ rules of the commission, in
24 effect at the time of taking.

25 ~~(11)(15)~~ Proceeds from the sale of 5-year licenses as
26 provided in this chapter shall be deposited into the Dedicated
27 License Trust Fund. One-fifth of the total proceeds derived
28 from the sale of 5-year licenses and, replacement 5-year
29 licenses, and all interest derived therefrom, shall be
30 available for appropriation annually.

31 Section 101. Section 372.571, Florida Statutes, is

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1 amended to read:

2 372.571 Expiration of licenses and permits.--Each
3 license or permit issued under this chapter must be dated when
4 issued. Each license or permit issued under this chapter
5 remains valid for 12 months after the date of issuance, except
6 for a lifetime license issued pursuant to s. 372.57 which is
7 valid from the date of issuance until the death of the
8 individual to whom the license is issued unless otherwise
9 revoked in accordance with s. 372.99, or a 5-year license
10 issued pursuant to s. 372.57 which is valid for 5 consecutive
11 years from the date of purchase unless otherwise revoked in
12 accordance with s. 372.99 or a license issued pursuant to s.
13 372.57(2)(c)~~(b) or (g)~~, which is valid for the period
14 specified on the license. A resident lifetime license or a
15 resident 5-year license that has been purchased by a resident
16 of this state and who subsequently resides in another state
17 shall be honored for activities authorized by that license.

18 Section 102. Subsection (1) of section 372.5712,
19 Florida Statutes, is amended to read:

20 372.5712 Florida waterfowl permit revenues.--
21 (1) The commission shall expend the revenues generated
22 from the sale of the Florida waterfowl permit as provided in
23 s. 372.57(4)(a) or that pro rata portion of any license that
24 includes waterfowl hunting privileges, as provided in s.
25 372.57(2)(h)~~(i)~~and~~(10)~~~~(14)~~~~(b)~~as follows: A maximum of 5
26 percent of the gross revenues shall be expended for
27 administrative costs; a maximum of 25 percent of the gross
28 revenues shall be expended for waterfowl research approved by
29 the commission; and a maximum of 70 percent of the gross
30 revenues shall be expended for projects approved by the
31 commission, in consultation with the Waterfowl Advisory

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1 Council, for the purpose of protecting and propagating
2 migratory waterfowl and for the development, restoration,
3 maintenance, and preservation of wetlands within the state.

4 Section 103. Subsection (1) of section 372.5715,
5 Florida Statutes, is amended to read:

6 372.5715 Florida wild turkey permit revenues.--

7 (1) The commission shall expend the revenues generated
8 from the sale of the turkey permit as provided for in s.
9 372.57(4)(e) or that pro rata portion of any license that
10 includes turkey hunting privileges as provided for in s.
11 372.57(2)(h)(i) and ~~(10)(14)(b)~~ for research and management of
12 wild turkeys.

13 Section 104. Section 372.573, Florida Statutes, is
14 amended to read:

15 372.573 Management area permit revenues.--The
16 commission shall expend the revenue generated from the sale of
17 the management area permit as provided for in s. 372.57(4)(b)
18 or that pro rata portion of any license that includes
19 management area privileges as provided for in s.
20 372.57(2)(h)(i) and ~~(10)(14)(b)~~ for the lease, management, and
21 protection of lands for public hunting, fishing, and other
22 outdoor recreation.

23 Section 105. Section 372.574, Florida Statutes, is
24 amended to read:

25 372.574 Appointment of subagents for the sale of
26 hunting, ~~fishing~~, and trapping licenses and permits.--

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

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- 1 (a) Each subagent must serve at the pleasure of the
2 county tax collector.
- 3 (b) Neither an employee of the county tax collector
4 nor her or his relative or next of kin, by blood or otherwise,
5 may be appointed as a subagent.
- 6 (c) The tax collector may require each subagent to
7 post an appropriate bond as determined by the tax collector,
8 using an insurance company acceptable to the tax collector.
9 In lieu of such bond, the tax collector may purchase blanket
10 bonds covering all or selected subagents or may allow a
11 subagent to post such other security as is required by the tax
12 collector.
- 13 (d) A subagent may sell licenses and permits
14 authorized in s. 372.57 as are determined by the tax collector
15 at such specific locations within the county and in states
16 contiguous to Florida as will best serve the public interest
17 and convenience in obtaining licenses and permits. The
18 commission may uniformly prohibit subagents from selling
19 certain licenses or permits.
- 20 (e) It is unlawful for any person to handle licenses
21 or permits authorized in s. 372.57 for a fee or compensation
22 of any kind unless she or he has been appointed as a subagent.
- 23 (f) Any person who willfully violates any of the
24 provisions of this law commits ~~is guilty of~~ a misdemeanor of
25 the second degree, punishable as provided in s. 775.082 or s.
26 775.083.
- 27 (g) A subagent may charge and receive as her or his
28 compensation 50 cents for each license or permit sold as
29 authorized in s. 372.57. This charge is in addition to the
30 sum required by law to be collected for the sale and issuance
31 of each license or permit.

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

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

9 (2) If a tax collector elects not to appoint
10 subagents, the commission may appoint subagents within that
11 county. Subagents shall serve at the pleasure of the
12 commission. The commission may establish, by rule, procedures
13 for selection of subagents. The following are requirements
14 for subagents so appointed:

15 (a) The commission may require each subagent to post
16 an appropriate bond as determined by the commission, using an
17 insurance company acceptable to the commission. In lieu of
18 the bond, the commission may purchase blanket bonds covering
19 all or selected subagents or may allow a subagent to post
20 other security as required by the commission.

21 (b) A subagent may sell licenses and permits
22 authorized in s. 372.57 ~~as authorized by the direction of the~~
23 commission at specific locations within the county and in
24 states as will best serve the public interest and convenience
25 in obtaining licenses and permits. The commission may prohibit
26 subagents from selling certain licenses or permits.

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

30 (d) Any person who willfully violates any of the
31 provisions of this section commits a misdemeanor of the second

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1 degree, punishable as provided in s. 775.082 or s. 775.083.

2 (e) A subagent may charge and receive as his or her
3 compensation 50 cents for each license or permit sold as
4 authorized in s. 372.57. This charge is in addition to the
5 sum required by law to be collected for the sale and issuance
6 of said ~~each~~ license or permit. In addition, no later than
7 July 1, 1997, a subagent fee for the sale of licenses over the
8 telephone by credit card shall be established by competitive
9 bid procedures which are overseen by the Fish and Wildlife
10 Conservation Commission.

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

14 (g) Subagents shall maintain records of all licenses
15 and permits authorized in s. 372.57 to be sold and all stamps
16 issued, voided, stolen, or lost. Subagents are responsible to
17 the commission for the fees for all licenses and permits sold
18 and for the value of all stamps reported as lost. Subagents
19 must report all stolen validation stamps to the appropriate
20 law enforcement agency. The subagent shall submit a written
21 report and a copy of the law enforcement agency's report to
22 the commission within 5 days after discovering the theft. The
23 value of a lost validation stamp is \$5.

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

28 (i) By July 15 of each year, each subagent shall
29 submit to the commission all unissued stamps for the previous
30 year along with a written audit report, on forms prescribed or
31 approved by the commission, on the numbers of the unissued

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1 stamps.

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

6 Section 106. Section 372.60, Florida Statutes, is
7 amended to read:

8 372.60 Issuing of replacement license or permit.--A
9 license or permit to replace a lost or destroyed license
10 issued pursuant to the provisions of this chapter may be
11 obtained by submitting an application requesting replacement.
12 The fee is \$10 for each application for a replacement of a
13 lifetime license and \$2 for each application for replacement
14 for any other license or permit, which shall be for the
15 purpose of, and the source from which is subtracted, all
16 administrative costs of issuing the license or permit,
17 including, but not limited to, printing, distribution, and
18 credit card fees. The office of the tax collector may retain
19 \$1 for each application for a replacement license. Fees
20 collected from the issuance of replacement lifetime licenses
21 and 5-year licenses authorized in this chapter shall be
22 deposited into the Dedicated License Trust Fund and shall be
23 available for appropriation.

24 Section 107. Section 372.66, Florida Statutes, is
25 amended to read:

26 372.66 License required for fur and hide dealers.--

27 (1) It is unlawful for any person to engage in the
28 business of a dealer or buyer in alligator skins or green or
29 dried furs in the state or purchase such skins within the
30 state until such person has been licensed as herein provided.

31 (2) Any resident dealer or buyer who solicits business

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1 through the mails, or by advertising, or who travels to buy or
2 employs or has other agents or buyers, shall be deemed a
3 resident state dealer and must ~~shall be required to~~ pay a
4 license fee of \$100 per annum ~~and shall pay an agent's license~~
5 ~~fee of \$5 per annum for each agent or traveling buyer employed~~
6 ~~by or buying for such licensed state dealer.~~

7 ~~(3) Any resident dealer or buyer who does not solicit~~
8 ~~by mail, advertise, travel to buy or employ or have agents or~~
9 ~~traveling buyers shall be deemed a resident local dealer and~~
10 ~~shall be required to pay a license fee of \$10 per annum.~~

11 ~~(3)(4) A nonresident dealer or buyer must shall be~~
12 ~~required to pay a license fee of \$500 per annum and shall pay~~
13 ~~a license fee of \$100 per annum for each agent, resident buyer~~
14 ~~or traveling buyer employed by or buying for or acting as~~
15 ~~agent for such nonresident buyer.~~

16 ~~(5) All agents' licenses shall be applied for by, and~~
17 ~~issued to, a resident state dealer or nonresident dealer and~~
18 ~~shall show name and residence of such agent and shall be in~~
19 ~~possession of such agent at all times when engaged in buying~~
20 ~~furs or hides. Application for such licenses shall be made to~~
21 ~~the Fish and Wildlife Conservation Commission on blanks~~
22 ~~furnished by it.~~

23 ~~(4)(6) All dealers and buyers shall forward to the~~
24 ~~Fish and Wildlife Conservation Commission each 2 weeks during~~
25 ~~open season a report showing number and kind of hides bought~~
26 ~~and name of trapper from whom bought and the trapper's license~~
27 ~~number, or if trapper is exempt from license under any of the~~
28 ~~provisions of this chapter, such report shall show the nature~~
29 ~~of such exemption. No common carrier shall knowingly ship or~~
30 ~~transport or receive for transportation any hides or furs~~
31 ~~unless such shipments have marked thereon name of shipper and~~

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1 the number of her or his fur-animal license or fur dealer's
2 license.

3 Section 108. Subsection (2) of section 372.661,
4 Florida Statutes, is amended to read:

5 372.661 Private hunting preserve, license;
6 exception.--

7 (2) A commercial hunting preserve license, which shall
8 exempt patrons of licensed preserves from the licensure
9 requirements of s. 372.57(2)(a), (b), (c), and (h)~~(e), (f),~~
10 ~~(g), and (i)~~, (4)(a), (c), (d), and (e), (6), (8), and (10)
11 ~~(7), (9), and (14)(b)~~ while hunting on the licensed preserve
12 property, shall be \$500. Such commercial hunting preserve
13 license shall be available only to those private hunting
14 preserves licensed pursuant to this section which are operated
15 exclusively for commercial purposes, which are open to the
16 public, and for which a uniform fee is charged to patrons for
17 hunting privileges.

18 Section 109. Subsections (6) and (7) of section
19 372.674, Florida Statutes, are amended to read:

20 372.674 Environmental education.--

21 (6) The advisory council shall:

22 (a) Serve as a forum for the discussion and study of
23 problems that affect the environment which could be improved
24 with environmental education.

25 (b) Develop a recommended priority list for projects
26 to be funded through the Florida Panther Research and
27 Management Trust Fund ~~and the Save the Manatee Trust Fund~~ and
28 review and evaluate projects implemented through the fund.

29 (c) Review and evaluate annual funding needs for
30 educational activities and materials which will assist Florida
31 public school students, teachers, and administrators in the

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1 perception and understanding of ecological principles and
2 environmental problems.

3 (d) Cooperate with the Department of Education in
4 evaluating annual project proposals for projects to be funded
5 through the Florida Panther Research and Management Trust Fund
6 ~~and the Save the Manatee Trust Fund~~ to develop and distribute
7 model instructional materials for use in environmental
8 education to integrate environmental education into the
9 general curriculum of public school districts, community
10 colleges, and universities.

11 (e) Cooperate with the Department of Environmental
12 Protection in evaluating annual proposals for projects to be
13 funded through the Florida Panther Research and Management
14 Trust Fund ~~and the Save the Manatee Trust Fund~~ that can
15 promote an understanding about environmental protection
16 programs and activities administered by the department.

17 (f) Not less than 90 days prior to each regular
18 session of the Legislature, prepare an annual report of its
19 activities and recommendations and transmit it to the
20 Governor, the President of the Senate, and the Speaker of the
21 House of Representatives.

22 (7) The Fish and Wildlife Conservation Commission
23 shall review the recommended list of projects to be funded
24 from the Florida Panther Research and Management Trust Fund
25 ~~and the Save the Manatee Trust Fund~~ by August of each year and
26 make a final determination of projects to receive grants from
27 available appropriations by the Legislature. The commission
28 shall act upon the recommended list within 45 days after
29 receipt of the list.

30 Section 110. Section 372.70, Florida Statutes, is
31 amended to read:

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

8 Section 111. Section 372.7015, Florida Statutes, is
9 amended to read:

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

22 Section 112. Paragraph (a) of subsection (2) of
23 section 372.7016, Florida Statutes, is amended to read:

24 372.7016 Voluntary Authorized Hunter Identification
25 Program.--

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

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

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

15 Section 113. Section 372.705, Florida Statutes, is
16 amended to read:

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

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

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

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

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

30 Section 114. Section 372.73, Florida Statutes, is
31 amended to read:

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

20 Section 115. Subsections (1), (2), and (4) of section
21 372.74, Florida Statutes, are amended to read:

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

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

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

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

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

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

5 Section 116. Section 372.76, Florida Statutes, is
6 amended to read:

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

22 Section 117. Subsection (1) of section 372.761,
23 Florida Statutes, is amended to read:

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

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

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

9 Section 118. Subsections (1) and (2) of section
10 372.7701, Florida Statutes, are amended to read:

11 372.7701 Assent to federal acts.--

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

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

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1 Section 119. Subsection (1) of section 372.771,
2 Florida Statutes, is amended to read:

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

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

27 Section 120. Section 372.83, Florida Statutes, is
28 amended to read:

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

31 (1) A person is guilty of a noncriminal infraction,

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1 punishable as provided in s. 372.711, if she or he violates
2 any of the following provisions:

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

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

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

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

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

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

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

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

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

28

29 A person who fails to pay the civil penalty specified in s.
30 372.711 within 30 days after being cited for a noncriminal
31 infraction or to appear before the court pursuant to that

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1 section commits ~~is guilty~~ of a misdemeanor of the second
2 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

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

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

31 (4) The court may order the suspension or revocation

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1 of any license or permit issued to a person pursuant to this
2 chapter, if that person commits a criminal offense specified
3 in this chapter or a noncriminal infraction specified in this
4 section.

5 Section 121. Section 372.97, Florida Statutes, is
6 amended to read:

7 372.97 Jim Woodruff Dam; reciprocity agreements.--The
8 Fish and Wildlife Conservation Commission of the state is
9 hereby authorized to enter into an agreement of the
10 reciprocity with the game and fish commissioners or the
11 appropriate officials or departments of the State of Georgia
12 and the State of Alabama relative to the taking of game ~~and~~
13 ~~freshwater fish~~ from the waters of the lake created by the Jim
14 Woodruff Dam by permitting reciprocal license privileges.

15 Section 122. Section 372.971, Florida Statutes, is
16 amended to read:

17 372.971 St. Mary's River; reciprocity agreements.--The
18 Fish and Wildlife Conservation Commission of the state is
19 hereby authorized to enter into an agreement of reciprocity
20 with the game and fish commissioner or the appropriate
21 officials or departments of the State of Georgia relative to
22 the taking of game ~~and freshwater fish~~ from the waters of the
23 St. Mary's River by permitting reciprocal agreement license
24 privileges.

25 Section 123. Subsection (3) of section 372.9901,
26 Florida Statutes, is amended to read:

27 372.9901 Seizure of illegal devices; disposition;
28 appraisal; forfeiture.--

29 (3) Upon conviction of the violator, the property, if
30 owned by the person convicted, shall be forfeited to the state
31 under the procedure set forth in ss. 370.442 through 370.447

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

9 Section 124. Subsection (1) of section 372.991,
10 Florida Statutes, is amended to read:

11 372.991 Nongame Wildlife Trust Fund.--

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

29 Section 125. Section 20.255, Florida Statutes, is
30 amended to read:

31 20.255 Department of Environmental Protection.--There

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1 is created a Department of Environmental Protection.

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

8 (2)(a) There shall be three ~~two~~ deputy secretaries ~~and~~
9 ~~an executive coordinator for ecosystem management~~ who are to
10 be appointed by and shall serve at the pleasure of the
11 secretary. The secretary may assign any ~~either~~ deputy
12 secretary the responsibility to supervise, coordinate, and
13 formulate policy for any division, office, or district. The
14 following special offices are established and headed by
15 managers, each of whom is to be appointed by and serve at the
16 pleasure of the secretary:

- 17 1. Office of Chief of Staff,
- 18 2.1. ~~Office of General Counsel,~~
- 19 3.2. ~~Office of Inspector General,~~
- 20 4.3. ~~Office of External Affairs Communication, the~~
21 ~~latter including public information, legislative liaison,~~
22 ~~cabinet liaison, and special projects,~~
- 23 4. ~~Office of Water Policy,~~
- 24 5. Office of Legislative and Government Affairs, and
25 ~~Intergovernmental Programs,~~
- 26 6. ~~Office of Ecosystem Planning and Coordination,~~
- 27 7. ~~Office of Environmental Education, and an~~
- 28 6.8. ~~Office of Greenways and Trails.~~

29 ~~(b) The executive coordinator for ecosystem management~~
30 ~~shall coordinate policy within the department to assure the~~
31 ~~implementation of the ecosystem management provisions of~~

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1 ~~chapter 93-213, Laws of Florida. The executive coordinator for~~
2 ~~ecosystem management shall supervise only the Office of Water~~
3 ~~Policy, the Office of Intergovernmental Programs, the Office~~
4 ~~of Ecosystem Planning and Coordination, and the Office of~~
5 ~~Environmental Education. The executive coordinator for~~
6 ~~ecosystem management may also be delegated authority by the~~
7 ~~secretary to act on behalf of the secretary; this authority~~
8 ~~may include the responsibility to oversee the inland~~
9 ~~navigation districts.~~

10 ~~(c) The other special offices not supervised by the~~
11 ~~executive coordinator for ecosystem management shall report to~~
12 ~~the secretary; however, the secretary may assign them, for~~
13 ~~daily coordination purposes, to report through a senior~~
14 ~~manager other than the secretary.~~

15 ~~(b)(d)~~ There shall be six administrative districts
16 involved in regulatory matters of waste management, water
17 resource management facilities, wetlands, and air resources,
18 which shall be headed by managers, each of whom is to be
19 appointed by and serve at the pleasure of the secretary.
20 Divisions of the department may have one assistant or two
21 deputy division directors, as required to facilitate effective
22 operation.

23
24 The managers of all divisions and offices specifically named
25 in this section and the directors of the six administrative
26 districts are exempt from part II of chapter 110 and are
27 included in the Senior Management Service in accordance with
28 s. 110.205(2)(i). ~~No other deputy secretaries or senior~~
29 ~~management positions at or above the division level, except~~
30 ~~those established in chapter 110, may be created without~~
31 ~~specific legislative authority.~~

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1 (3) The following divisions of the Department of
2 Environmental Protection are established:

3 (a) Division of Administrative Services.

4 (b) Division of Air Resource Management.

5 (c) Division of Water Resource Management.

6 (d) Division of Law Enforcement.

7 (e) Division of Resource Assessment and Management.

8 (f) Division of Waste Management.

9 (g) Division of Recreation and Parks.

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

14
15 In order to ensure statewide and intradepartmental
16 consistency, the department's divisions shall direct the
17 district offices and bureaus on matters of interpretation and
18 applicability of the department's rules and programs.~~All of~~
19 ~~the existing legal authorities and actions of the Department~~
20 ~~of Environmental Regulation and the Department of Natural~~
21 ~~Resources are transferred to the Department of Environmental~~
22 ~~Protection, including, but not limited to, all pending and~~
23 ~~completed actions on orders and rules, all enforcement~~
24 ~~matters, and all delegations, interagency agreements, and~~
25 ~~contracts with federal, state, regional, and local~~
26 ~~governments, and private entities.~~

27 ~~(4) The secretary of the Department of Environmental~~
28 ~~Protection is vested with the authority to take agency action~~
29 ~~under laws in effect on or before the effective date of this~~
30 ~~act, including those actions which were within the purview of~~
31 ~~the Governor and Cabinet. However, the existing functions of~~

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1 ~~the Governor and Cabinet, sitting as the Siting Board as set~~
2 ~~forth in part II of chapter 403, reviewing stricter than~~
3 ~~federal standards of the Environmental Regulatory Commission~~
4 ~~as set forth in s. 403.804, siting a multipurpose hazardous~~
5 ~~waste facility as set forth in part IV of chapter 403, or~~
6 ~~certifying an industrial project as set forth in part IV of~~
7 ~~chapter 288, shall not be transferred to the Secretary of~~
8 ~~Environmental Protection, and nothing herein shall be~~
9 ~~construed to change any such function of the Governor and~~
10 ~~Cabinet.~~

11 ~~(5) Except for those orders reviewable as provided in~~
12 ~~s. 373.4275, the Governor and Cabinet, sitting as the Land and~~
13 ~~Water Adjudicatory Commission, has the exclusive authority to~~
14 ~~review any order or rule of the department which, prior to~~
15 ~~July 1, 1994, the Governor and Cabinet, as head of the~~
16 ~~Department of Natural Resources, had authority to issue or~~
17 ~~promulgate, other than a rule or order relating to an internal~~
18 ~~procedure of the department.~~

19 ~~(a) Such review may be initiated by a party to the~~
20 ~~proceeding by filing a request for review with the Land and~~
21 ~~Water Adjudicatory Commission and serving a copy on the~~
22 ~~department and on any person named in the rule or order within~~
23 ~~20 days after adoption of the rule or the rendering of the~~
24 ~~order. Where a proceeding on an order has been initiated~~
25 ~~pursuant to ss. 120.569 and 120.57, such review shall be~~
26 ~~initiated within 20 days after the department has taken final~~
27 ~~agency action in the proceeding. The request for review may be~~
28 ~~accepted by any member of the commission. For the purposes of~~
29 ~~this section, the term "party" shall mean any affected person~~
30 ~~who submitted oral or written testimony, sworn or unsworn, to~~
31 ~~the department of a substantive nature which stated, with~~

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1 ~~particularity, objections to or support for the rule or order~~
2 ~~that are cognizable within the scope of the provisions and~~
3 ~~purposes of the applicable statutory provisions, or any person~~
4 ~~who participated as a party in a proceeding instituted~~
5 ~~pursuant to chapter 120.~~

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

10 ~~(c) If the Land and Water Adjudicatory Commission~~
11 ~~determines that a rule or order is not consistent with the~~
12 ~~provisions and purposes of this chapter, it may, in the case~~
13 ~~of a rule, require the department to initiate rulemaking~~
14 ~~proceedings to amend or repeal the rule or, in the case of an~~
15 ~~order, rescind or modify the order or remand the proceeding to~~
16 ~~the department for further action consistent with the order of~~
17 ~~the Land and Water Adjudicatory Commission.~~

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

22
23 ~~The Land and Water Adjudicatory Commission may adopt rules~~
24 ~~setting forth its procedures for reviewing orders or rules of~~
25 ~~the department consistent with the provisions of this section.~~

26 ~~(6) The following divisions of the Department of~~
27 ~~Environmental Protection are established:~~

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

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

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

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

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1 ~~(e) Division of Resource Assessment and Management.~~
2 ~~(f) Division of Waste Management.~~
3 ~~(g) Division of Recreation and Parks.~~
4 ~~(h) Division of State Lands, the director of which is~~
5 ~~to be appointed by the secretary of the department, subject to~~
6 ~~confirmation by the Governor and Cabinet sitting as the Board~~
7 ~~of Trustees of the Internal Improvement Trust Fund.~~

8
9 ~~In order to ensure statewide and intradepartmental~~
10 ~~consistency, the department's divisions shall direct the~~
11 ~~district offices and bureaus on matters of interpretation and~~
12 ~~applicability of the department's rules and programs.~~

13 ~~(4)(7)~~ Law enforcement officers of the Department of
14 Environmental Protection who meet the provisions of s. 943.13
15 are constituted law enforcement officers of this state with
16 full power to investigate and arrest for any violation of the
17 laws of this state, and the rules of the department and the
18 Board of Trustees of the Internal Improvement Trust Fund. The
19 general laws applicable to investigations, searches, and
20 arrests by peace officers of this state apply to such law
21 enforcement officers.

22 ~~(5)(8)~~ Records and documents of the Department of
23 Environmental Protection shall be retained by the department
24 as specified in record retention schedules established under
25 the general provisions of chapters 119 and 257. Further, the
26 department is authorized to:

27 (a) Destroy, or otherwise dispose of, those records
28 and documents in conformity with the approved retention
29 schedules.

30 (b) Photograph, microphotograph, or reproduce such
31 records and documents on film, as authorized and directed by

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1 the approved retention schedules, whereby each page will be
2 exposed in exact conformity with the original records and
3 documents retained in compliance with the provisions of this
4 section. Photographs or microphotographs in the form of film
5 or print of any records, made in compliance with the
6 provisions of this section, shall have the same force and
7 effect as the originals thereof would have and shall be
8 treated as originals for the purpose of their admissibility in
9 evidence. Duly certified or authenticated reproductions of
10 such photographs or microphotographs shall be admitted in
11 evidence equally with the original photographs or
12 microphotographs. The impression of the seal of the Department
13 of Environmental Protection on a certificate made by the
14 department and signed by the Secretary of Environmental
15 Protection entitles the certificate to be received in all
16 courts and in all proceedings in this state and is prima facie
17 evidence of all factual matters set forth in the certificate.
18 A certificate may relate to one or more records as set forth
19 in the certificate or in a schedule attached to the
20 certificate.

21 (6)~~(9)~~ The Department of Environmental Protection may
22 require that bond be given by any employee of the department,
23 payable to the Governor of the state and the Governor's
24 successor in office, for the use and benefit of those whom it
25 concerns, in such penal sums and with such good and sufficient
26 surety or sureties as are approved by the department,
27 conditioned upon the faithful performance of the duties of the
28 employee.

29 (7)~~(10)~~ There is created as a part of the Department
30 of Environmental Protection an Environmental Regulation
31 Commission. The commission shall be composed of seven

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1 residents of this state appointed by the Governor, subject to
2 confirmation by the Senate. The commission shall include one,
3 but not more than two, members from each water management
4 district who have resided in the district for at least 1 year,
5 and the remainder shall be selected from the state at large.
6 Membership shall be representative of agriculture, the
7 development industry, local government, the environmental
8 community, lay citizens, and members of the scientific and
9 technical community who have substantial expertise in the
10 areas of the fate and transport of water pollutants,
11 toxicology, epidemiology, geology, biology, environmental
12 sciences, or engineering. The Governor shall appoint the
13 chair, and the vice chair shall be elected from among the
14 membership. The members serving on the commission on July 1,
15 1995, shall continue to serve on the commission for the
16 remainder of their current terms. All appointments thereafter
17 shall continue to be for 4-year terms. The Governor may at any
18 time fill a vacancy for the unexpired term. The members of the
19 commission shall serve without compensation, but shall be paid
20 travel and per diem as provided in s. 112.061 while in the
21 performance of their official duties. Administrative,
22 personnel, and other support services necessary for the
23 commission shall be furnished by the department.

24 Section 126. Section 370.0205, Florida Statutes, is
25 renumbered as section 20.2551, Florida Statutes, to read:

26 20.2551 ~~370.0205~~ Citizen support organizations; use of
27 property; audit; public records; partnerships.--

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

30 (a) A Florida corporation not for profit incorporated
31 under the provisions of chapter 617 and approved by the

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1 Department of State;

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

13 (c) Determined by the appropriate division of the
14 Department of Environmental Protection to be consistent with
15 the goals of the department and in the best interests of the
16 state; and

17 (d) Approved in writing by the department to operate
18 for the direct or indirect benefit of the individual units of
19 the department. Such approval shall be given in a letter of
20 agreement from the department.

21 (2) USE OF PROPERTY.--

22 (a) The department may permit, without charge,
23 appropriate use of fixed property and facilities of the
24 department by a citizen support organization subject to the
25 provisions of this section. Such use shall be directly in
26 keeping with the approved purposes of the citizen support
27 organization and may not be made at times or places that would
28 unreasonably interfere with normal department operations.

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

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

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

17 (4) PUBLIC RECORDS.--All records of the citizen
18 support organization constitute public records for the
19 purposes of chapter 119.

20 (5) PARTNERSHIPS.--

21 (a) The Legislature recognizes that many of the lands
22 managed by the department need a variety of facilities to
23 enhance the use and potential of such lands and that many of
24 the department's programs are of interest to, and could
25 benefit from the support of, local citizen groups. Such
26 facilities and programs include, but are not limited to,
27 improved access, camping areas, picnicking shelters,
28 management offices and facilities, environmental education
29 facilities and programs, and cleanup and restoration projects.
30 The need for such facilities and programs has exceeded the
31 ability of the state to provide funding in a timely manner

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1 with available moneys. The Legislature finds it to be in the
2 public interest to provide incentives for partnerships with
3 private entities whose intent is the production of additional
4 revenues to help enhance the use and potential of state
5 property and environmental programs and projects funded by the
6 department.

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

23 Section 127. 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,

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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 128. Section 370.041, Florida Statutes, is
6 renumbered as section 161.242, Florida Statutes, to read:

7 161.242 ~~370.041~~ Harvesting of sea oats and sea grapes
8 prohibited; possession prima facie evidence of violation.--

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

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

28 Section 129. Section 161.36, Florida Statutes, is
29 amended to read:

30 161.36 General powers of authority.--In order to most
31 effectively carry out the purposes of this part, the board of

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1 county commissioners, as the county beach and shore
2 preservation authority and as the governing body of each beach
3 and shore preservation district established thereby, shall be
4 possessed of broad powers to do all manner of things necessary
5 or desirable in pursuance of this end; provided, however,
6 nothing herein shall diminish or impair the regulatory
7 authority of the Department of Environmental Protection
8 ~~department or Division of Marine Resources~~ under part I of
9 this chapter, or the Board of Trustees of the Internal
10 Improvement Trust Fund under chapter 253. Such powers shall
11 specifically include, but not be limited to, the following:

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

25 Section 130. Paragraph (kk) of subsection (7) of
26 section 212.08, Florida Statutes, is amended to read:

27 212.08 Sales, rental, use, consumption, distribution,
28 and storage tax; specified exemptions.--The sale at retail,
29 the rental, the use, the consumption, the distribution, and
30 the storage to be used or consumed in this state of the
31 following are hereby specifically exempt from the tax imposed

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1 by this chapter.

2 (7) MISCELLANEOUS EXEMPTIONS.--

3 (kk) Citizen support organizations.--Beginning July 1,
4 1996, nonprofit organizations that are incorporated under
5 chapter 617 or hold a current exemption from federal corporate
6 income tax under s. 501(c)(3) of the Internal Revenue Code, as
7 amended, and that have been designated citizen support
8 organizations in support of state-funded environmental
9 programs or the management of state-owned lands in accordance
10 with s. 20.2551 ~~370.0205~~, or to support one or more state
11 parks in accordance with s. 258.015 are exempt from the tax
12 imposed by this chapter.

13 Section 131. Paragraph (f) of subsection (3) of
14 section 259.101, Florida Statutes, is amended to read:

15 259.101 Florida Preservation 2000 Act.--

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

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1 the St. Johns Water Management District for the purchase of
2 lands necessary to restore Lake Apopka. The remaining proceeds
3 shall be distributed by the Department of Environmental
4 Protection in the following manner:

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

10

11 Local governments may use federal grants or loans, private
12 donations, or environmental mitigation funds, including
13 environmental mitigation funds required pursuant to s.
14 338.250, for any part or all of any local match required for
15 the purposes described in this subsection. Bond proceeds
16 allocated pursuant to paragraph (c) may be used to purchase
17 lands on the priority lists developed pursuant to s. 259.035.
18 Title to lands purchased pursuant to paragraphs (a), (d), (e),
19 (f), and (g) shall be vested in the Board of Trustees of the
20 Internal Improvement Trust Fund, except that title to lands,
21 or rights or interests therein, acquired by either the
22 Southwest Florida Water Management District or the St. Johns
23 River Water Management District in furtherance of the Green
24 Swamp Land Authority's mission pursuant to s. 380.0677(3),
25 shall be vested in the district where the acquisition project
26 is located. Title to lands purchased pursuant to paragraph
27 (c) may be vested in the Board of Trustees of the Internal
28 Improvement Trust Fund, except that title to lands, or rights
29 or interests therein, acquired by either the Southwest Florida
30 Water Management District or the St. Johns River Water
31 Management District in furtherance of the Green Swamp Land

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1 Authority's mission pursuant to s. 380.0677(3), shall be
2 vested in the district where the acquisition project is
3 located. This subsection is repealed effective October 1,
4 2000. Prior to repeal, the Legislature shall review the
5 provisions scheduled for repeal and shall determine whether to
6 reenact or modify the provisions or to take no action.

7 Section 132. Subsection (2) of section 270.22, Florida
8 Statutes, is amended to read:

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

11 (2) Rental fees for aquaculture leases pursuant to s.
12 253.71(2) shall be deposited into the General Inspection
13 ~~Marine Resources Conservation~~ Trust Fund of the Department of
14 Agriculture and Consumer Services ~~Environmental Protection~~.
15 Such fees generated by shellfish-related aquaculture leases
16 shall be used for shellfish-related aquaculture activities,
17 including research, lease compliance inspections, mapping, and
18 siting.

19 Section 133. Paragraph (h) of subsection (5) of
20 section 288.109, Florida 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 (h) The Fish and Wildlife Conservation ~~Game and~~
27 ~~Freshwater Fish~~ Commission.

28 Section 134. Subsection (6) of section 316.193,
29 Florida Statutes, is amended to read:

30 316.193 Driving under the influence; penalties.--

31 (6) With respect to any person convicted of a

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1 violation of subsection (1), regardless of any penalty imposed
2 pursuant to subsection (2), subsection (3), or subsection (4):

3 (a) For the first conviction, the court shall place
4 the defendant on probation for a period not to exceed 1 year
5 and, as a condition of such probation, shall order the
6 defendant to participate in public service or a community work
7 project for a minimum of 50 hours; or the court may order
8 instead, that any defendant pay an additional fine of \$10 for
9 each hour of public service or community work otherwise
10 required, if, after consideration of the residence or location
11 of the defendant at the time public service or community work
12 is required, payment of the fine is in the best interests of
13 the state. However, the total period of probation and
14 incarceration may not exceed 1 year. The court must also, as a
15 condition of probation, order the impoundment or
16 immobilization of the vehicle that was operated by or in the
17 actual control of the defendant or any one vehicle registered
18 in the defendant's name at the time of impoundment or
19 immobilization, for a period of 10 days or for the unexpired
20 term of any lease or rental agreement that expires within 10
21 days. The impoundment or immobilization must not occur
22 concurrently with the incarceration of the defendant. The
23 impoundment or immobilization order may be dismissed in
24 accordance with paragraph (e), paragraph (f), or paragraph
25 (g).

26 (b) For the second conviction for an offense that
27 occurs within a period of 5 years after the date of a prior
28 conviction for violation of this section, the court shall
29 order imprisonment for not less than 10 days. The court must
30 also, as a condition of probation, order the impoundment or
31 immobilization of the vehicle that was operated by or in the

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1 actual control of the defendant or any one vehicle registered
2 in the defendant's name at the time of impoundment or
3 immobilization, for a period of 30 days or for the unexpired
4 term of any lease or rental agreement that expires within 30
5 days. The impoundment or immobilization must not occur
6 concurrently with the incarceration of the defendant. The
7 impoundment or immobilization order may be dismissed in
8 accordance with paragraph (e), paragraph (f), or paragraph
9 (g). At least 48 hours of confinement must be consecutive.

10 (c) For the third or subsequent conviction for an
11 offense that occurs within a period of 10 years after the date
12 of a prior conviction for violation of this section, the court
13 shall order imprisonment for not less than 30 days. The court
14 must also, as a condition of probation, order the impoundment
15 or immobilization of the vehicle that was operated by or in
16 the actual control of the defendant or any one vehicle
17 registered in the defendant's name at the time of impoundment
18 or immobilization, for a period of 90 days or for the
19 unexpired term of any lease or rental agreement that expires
20 within 90 days. The impoundment or immobilization must not
21 occur concurrently with the incarceration of the defendant.
22 The impoundment or immobilization order may be dismissed in
23 accordance with paragraph (e), paragraph (f), or paragraph
24 (g). At least 48 hours of confinement must be consecutive.

25 (d) The court must at the time of sentencing the
26 defendant issue an order for the impoundment or immobilization
27 of a vehicle. Within 7 business days after the date that the
28 court issues the order of impoundment or immobilization, the
29 clerk of the court must send notice by certified mail, return
30 receipt requested, to the registered owner of each vehicle, if
31 the registered owner is a person other than the defendant, and

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1 to each person of record claiming a lien against the vehicle.

2 (e) A person who owns but was not operating the
3 vehicle when the offense occurred may submit to the court a
4 police report indicating that the vehicle was stolen at the
5 time of the offense or documentation of having purchased the
6 vehicle after the offense was committed from an entity other
7 than the defendant or the defendant's agent. If the court
8 finds that the vehicle was stolen or that the sale was not
9 made to circumvent the order and allow the defendant continued
10 access to the vehicle, the order must be dismissed and the
11 owner of the vehicle will incur no costs. If the court denies
12 the request to dismiss the order of impoundment or
13 immobilization, the petitioner may request an evidentiary
14 hearing.

15 (f) A person who owns but was not operating the
16 vehicle when the offense occurred, and whose vehicle was
17 stolen or who purchased the vehicle after the offense was
18 committed directly from the defendant or the defendant's
19 agent, may request an evidentiary hearing to determine whether
20 the impoundment or immobilization should occur. If the court
21 finds that either the vehicle was stolen or the purchase was
22 made without knowledge of the offense, that the purchaser had
23 no relationship to the defendant other than through the
24 transaction, and that such purchase would not circumvent the
25 order and allow the defendant continued access to the vehicle,
26 the order must be dismissed and the owner of the vehicle will
27 incur no costs.

28 (g) The court shall also dismiss the order of
29 impoundment or immobilization of the vehicle if the court
30 finds that the family of the owner of the vehicle has no other
31 private means of transportation.

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1 (h) All costs and fees for the impoundment or
2 immobilization, including the cost of notification, must be
3 paid by the owner of the vehicle or, if the vehicle is leased
4 or rented, by the person leasing or renting the vehicle,
5 unless the impoundment or immobilization order is dismissed.
6 All provisions of s. 713.78 shall apply.

7 (i) The person who owns a vehicle that is impounded or
8 immobilized under this paragraph, or a person who has a lien
9 of record against such a vehicle and who has not requested a
10 review of the impoundment pursuant to paragraph (e), paragraph
11 (f), or paragraph (g), may, within 10 days after the date that
12 person has knowledge of the location of the vehicle, file a
13 complaint in the county in which the owner resides to
14 determine whether the vehicle was wrongfully taken or withheld
15 from the owner or lienholder. Upon the filing of a complaint,
16 the owner or lienholder may have the vehicle released by
17 posting with the court a bond or other adequate security equal
18 to the amount of the costs and fees for impoundment or
19 immobilization, including towing or storage, to ensure the
20 payment of such costs and fees if the owner or lienholder does
21 not prevail. When the bond is posted and the fee is paid as
22 set forth in s. 28.24, the clerk of the court shall issue a
23 certificate releasing the vehicle. At the time of release,
24 after reasonable inspection, the owner or lienholder must give
25 a receipt to the towing or storage company indicating any loss
26 or damage to the vehicle or to the contents of the vehicle.

27 (j) A defendant, in the court's discretion, may be
28 required to serve all or any portion of a term of imprisonment
29 to which the defendant has been sentenced pursuant to this
30 section in a residential alcoholism treatment program or a
31 residential drug abuse treatment program. Any time spent in

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1 such a program must be credited by the court toward the term
2 of imprisonment.

3
4 For the purposes of this section, any conviction for a
5 violation of s. 327.35; a previous conviction for the
6 violation of former s. 316.1931, former s. 327.351, former s.
7 860.01, or former s. 316.028; or a previous conviction outside
8 this state for driving or boating under the influence, driving
9 or boating while intoxicated, driving or boating with an
10 unlawful blood-alcohol level, driving or boating with an
11 unlawful breath-alcohol level, or any other similar
12 alcohol-related or drug-related traffic or boating offense, is
13 also considered a previous conviction for violation of this
14 section. However, in satisfaction of the fine imposed pursuant
15 to this section, the court may, upon a finding that the
16 defendant is financially unable to pay either all or part of
17 the fine, order that the defendant participate for a specified
18 additional period of time in public service or a community
19 work project in lieu of payment of that portion of the fine
20 which the court determines the defendant is unable to pay. In
21 determining such additional sentence, the court shall consider
22 the amount of the unpaid portion of the fine and the
23 reasonable value of the services to be ordered; however, the
24 court may not compute the reasonable value of services at a
25 rate less than the federal minimum wage at the time of
26 sentencing.

27 Section 135. Subsections (1), (2), and (3) of section
28 316.635, Florida Statutes, are amended to read:

29 316.635 Courts having jurisdiction over traffic and
30 boating violations; powers relating to custody and detention
31 of minors.--

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1 (1) A court which has jurisdiction over traffic and
2 boating violations shall have original jurisdiction in the
3 case of any minor who is alleged to have committed a violation
4 of law or of a county or municipal ordinance pertaining to the
5 operation of a motor vehicle or vessel; however, any traffic
6 or boating offense that is punishable by law as a felony shall
7 be under the jurisdiction of the circuit court.

8 (2) If a minor is arrested for the commission of a
9 criminal traffic or boating offense and transportation is
10 necessary, the minor shall not be placed in any police car or
11 other vehicle which at the same time contains an adult under
12 arrest, except upon special order of the circuit court.
13 However, if the minor is alleged to have participated with an
14 adult in the same offense or transaction, the minor may be
15 transported in the same vehicle with the adult.

16 (3) If a minor is taken into custody for a criminal
17 traffic or boating offense or a violation of chapter 322 and
18 the minor does not demand to be taken before a magistrate, the
19 arresting officer or booking officer shall immediately notify,
20 or cause to be notified, the minor's parents, guardian, or
21 responsible adult relative of the action taken. After making
22 every reasonable effort to give notice, the arresting officer
23 or booking officer may:

24 (a) Issue a notice to appear pursuant to chapter 901
25 and release the minor to a parent, guardian, responsible adult
26 relative, or other responsible adult;

27 (b) Issue a notice to appear pursuant to chapter 901
28 and release the minor pursuant to s. 903.06;

29 (c) Issue a notice to appear pursuant to chapter 901
30 and deliver the minor to an appropriate substance abuse
31 treatment or rehabilitation facility or refer the minor to an

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1 appropriate medical facility as provided in s. 901.29. If the
2 minor cannot be delivered to an appropriate substance abuse
3 treatment or rehabilitation facility or medical facility, the
4 arresting officer may deliver the minor to an appropriate
5 intake office of the Department of Juvenile Justice, which
6 shall take custody of the minor and make any appropriate
7 referrals; or

8 (d) If the violation constitutes a felony and the
9 minor cannot be released pursuant to s. 903.03, transport and
10 deliver the minor to an appropriate Department of Juvenile
11 Justice intake office. Upon delivery of the minor to the
12 intake office, the department shall assume custody and proceed
13 pursuant to chapter 984 or chapter 985.

14
15 If action is not taken pursuant to paragraphs (a)-(d), the
16 minor shall be delivered to the Department of Juvenile
17 Justice, and the department shall make every reasonable effort
18 to contact the parents, guardian, or responsible adult
19 relative to take custody of the minor. If there is no parent,
20 guardian, or responsible adult relative available, the
21 department may retain custody of the minor for up to 24 hours.

22 Section 136. Subsection (1) of section 318.32, Florida
23 Statutes, is amended to read:

24 318.32 Jurisdiction; limitations.--

25 (1) Hearing officers shall be empowered to accept
26 pleas from and decide the guilt or innocence of any person,
27 adult or juvenile, charged with any civil traffic or boating
28 infraction and shall be empowered to adjudicate or withhold
29 adjudication of guilt in the same manner as a county court
30 judge under the statutes, rules, and procedures presently
31 existing or as subsequently amended, except that hearing

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1 officers shall not:

2 (a) Have the power to hold a defendant in contempt of
3 court, but shall be permitted to file a motion for order of
4 contempt with the appropriate state trial court judge;

5 (b) Hear a case involving a traffic crash or boating
6 accident resulting in injury or death; or

7 (c) Hear a criminal traffic or boating offense case or
8 a case involving a civil traffic or boating infraction issued
9 in conjunction with a criminal traffic or boating offense.

10 Section 137. Section 318.38, Florida Statutes, is
11 amended to read:

12 318.38 Nonseverability.--If the provisions of s.
13 318.32 authorizing hearing officers to impose the same
14 sanctions as county court judges for civil traffic or boating
15 infractions are found to be unconstitutional by the Florida
16 Supreme Court, then the hearing officers shall have no further
17 jurisdiction over any civil traffic or boating infractions.

18 Section 138. Paragraphs (d) and (e) of subsection (5)
19 of section 320.08, Florida Statutes, are amended to read:

20 320.08 License taxes.--Except as otherwise provided
21 herein, there are hereby levied and imposed annual license
22 taxes for the operation of motor vehicles, mopeds, motorized
23 bicycles as defined in s. 316.003(2), and mobile homes, as
24 defined in s. 320.01, which shall be paid to and collected by
25 the department or its agent upon the registration or renewal
26 of registration of the following:

27 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE
28 WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

29 (d) A wrecker, as defined in s. 320.01(40), which is
30 used to tow a vessel as defined in s. 327.02(37)~~(36)~~, a
31 disabled, abandoned, stolen-recovered, or impounded motor

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1 vehicle as defined in s. 320.01(38), or a replacement motor
2 vehicle as defined in s. 320.01(39): \$30 flat.

3 (e) A wrecker, as defined in s. 320.01(40), which is
4 used to tow any motor vehicle, regardless of whether or not
5 such motor vehicle is a disabled motor vehicle as defined in
6 s. 320.01(38), a replacement motor vehicle as defined in s.
7 320.01(39), a vessel as defined in s. 327.02(37)(~~36~~), or any
8 other cargo, as follows:

9 1. Gross vehicle weight of 10,000 pounds or more, but
10 less than 15,000 pounds: \$87 flat.

11 2. Gross vehicle weight of 15,000 pounds or more, but
12 less than 20,000 pounds: \$131 flat.

13 3. Gross vehicle weight of 20,000 pounds or more, but
14 less than 26,000 pounds: \$186 flat.

15 4. Gross vehicle weight of 26,000 pounds or more, but
16 less than 35,000 pounds: \$240 flat.

17 5. Gross vehicle weight of 35,000 pounds or more, but
18 less than 44,000 pounds: \$300 flat.

19 6. Gross vehicle weight of 44,000 pounds or more, but
20 less than 55,000 pounds: \$572 flat.

21 7. Gross vehicle weight of 55,000 pounds or more, but
22 less than 62,000 pounds: \$678 flat.

23 8. Gross vehicle weight of 62,000 pounds or more, but
24 less than 72,000 pounds: \$800 flat.

25 9. Gross vehicle weight of 72,000 pounds or more:
26 \$979 flat.

27 Section 139. Paragraph (b) of subsection (1) of
28 section 320.08058, Florida Statutes, is amended to read:

29 320.08058 Specialty license plates.--

30 (1) MANATEE LICENSE PLATES.--

31 (b) The manatee license plate annual use fee must be

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1 deposited into the Save the Manatee Trust Fund, created within
2 the Fish and Wildlife Conservation Commission, and shall be
3 used only for the purposes specified in s. 370.12(4). ~~The~~
4 ~~funds deposited in the Save the Manatee Trust Fund may be used~~
5 ~~only for manatee-related environmental education; manatee~~
6 ~~research; facilities, as provided in s. 370.12(4)(b); and~~
7 ~~manatee protection and recovery.~~

8 Section 140. Paragraph (b) of subsection (4) of
9 section 323.001, Florida Statutes, is amended to read:

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

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

14 (b) The officer has probable cause to believe the
15 vehicle should be seized and forfeited under 370.442 ~~s.~~
16 ~~372.312~~;

17 Section 141. Section 373.1401, Florida Statutes, is
18 amended to read:

19 373.1401 Management of lands of water management
20 districts.--The governing board of each water management
21 district may contract with a federal or state agency, a
22 county, a municipality, or any other governmental entity or
23 environmental nonprofit organization to provide for the
24 improvement, management, or maintenance of any real property
25 owned by or under the control of the district. The
26 Cooperative and license agreement between the Central and
27 Southern Florida Flood Control District and the United States
28 of America, dated November 22, 1950, as amended, shall not be
29 extended automatically as provided in the agreement but may be
30 extended to a date no later than January 1, 2003. Written
31 notice of termination and cancellation of the automatic

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1 extensions of this agreement by the Executive Director of the
2 South Florida Water Management District shall be provided, no
3 later than September 1, 2000, to the person or entity of the
4 United States of America who is designated under the agreement
5 to receive such notice. Any renewal or extension of this
6 Cooperative and license agreement or any other lease or
7 management agreement after January 1, 2003 between the South
8 Florida Water Management District and any Department, Agency
9 or entity of the United States of America for the management
10 or occupancy of State or District owned land within Water
11 Conservation Area 1 must be based upon prior, specific
12 legislative authorization by law.

13 Section 142. Subsections (6) and (12) of section
14 373.4149, Florida Statutes, are amended to read:

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

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

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

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

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

5 Section 143. Paragraph (b) of subsection (6) of
6 section 373.41492, Florida Statutes, is amended to read:

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

10 (6)

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

22 Section 144. Subsection (3) of section 403.141,
23 Florida Statutes, is amended to read:

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

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

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

4 Section 145. Paragraph (b) of subsection (1) of
5 section 570.235, Florida Statutes, is amended to read:

6 570.235 Pest Exclusion Advisory Committee.--

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

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

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

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

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

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

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

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

26 Section 146. Paragraph (e) of subsection (7) of
27 section 590.02, Florida Statutes, is amended to read:

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

31 (7) The division may organize, staff, equip, and

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

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

25 Section 147. Paragraph (b) of subsection (5) of
26 section 597.004, Florida Statutes, is amended to read:

27 597.004 Aquaculture certificate of registration.--

28 (5) SALE OF AQUACULTURE PRODUCTS.--

29 (b) Aquaculture shellfish must be sold and handled in
30 accordance with shellfish handling regulations of the
31 Department of Agriculture and Consumer Services ~~Environmental~~

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1 ~~Protection~~ established to protect public health.
2 Section 148. Subsection (3) of section 705.101,
3 Florida Statutes, is amended to read:
4 705.101 Definitions.--As used in this chapter:
5 (3) "Abandoned property" means all tangible personal
6 property which does not have an identifiable owner and which
7 has been disposed on public property in a wrecked,
8 inoperative, or partially dismantled condition or which has no
9 apparent intrinsic value to the rightful owner. However,
10 vessels determined to be derelict by the Fish and Wildlife
11 Conservation Commission ~~Department of Environmental Protection~~
12 or a county or municipality in accordance with the provisions
13 of s. 823.11 shall not be included in this definition.
14 Section 149. Subsections (2) and (4) of section
15 705.103, Florida Statutes, are amended to read:
16 705.103 Procedure for abandoned or lost property.--
17 (2) Whenever a law enforcement officer ascertains that
18 an article of lost or abandoned property is present on public
19 property and is of such nature that it cannot be easily
20 removed, the officer shall cause a notice to be placed upon
21 such article in substantially the following form:
22
23 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
24 PROPERTY. This property, to wit: ...(setting forth brief
25 description)... is unlawfully upon public property known as
26 ...(setting forth brief description of location)... and must
27 be removed within 5 days; otherwise, it will be removed and
28 disposed of pursuant to chapter 705, Florida Statutes. The
29 owner will be liable for the costs of removal, storage, and
30 publication of notice. Dated this: ...(setting forth the date
31 of posting of notice)..., signed: ...(setting forth name,

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1 title, address, and telephone number of law enforcement
2 officer)....

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

27 (a) For abandoned property, the law enforcement agency
28 may retain any or all of the property for its own use or for
29 use by the state or unit of local government, trade such
30 property to another unit of local government or state agency,
31 donate the property to a charitable organization, sell the

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1 property, or notify the appropriate refuse removal service.

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

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

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

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

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

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1 provided by this subsection, until such costs have been paid.

2 Section 150. Paragraph (b) of subsection (1) of
3 section 713.78, Florida Statutes, is amended to read:

4 713.78 Liens for recovering, towing, or storing
5 vehicles and documented ~~undocumented~~ vessels.--

6 (1) For the purposes of this section, the term:

7 (b) "Vessel" means every description of watercraft,
8 barge, and air boat used or capable of being used as a means
9 of transportation on water, other than a seaplane or a
10 ~~"documented has the same meaning as the term "undocumented~~
11 ~~vessel" as defined in s. 327.02(8)(36).~~

12 Section 151. Paragraph (f) of subsection (2) of
13 section 810.09, Florida Statutes, is amended to read:

14 810.09 Trespass on property other than structure or
15 conveyance.--

16 (2)

17 (f) Any person who in taking or attempting to take any
18 animal described in s. 372.001(5) or ~~(6)(3) or (4)~~, or in
19 killing, attempting to kill, or endangering any animal
20 described in s. 585.01(13) knowingly propels or causes to be
21 propelled any potentially lethal projectile over or across
22 private land without authorization commits trespass, a felony
23 of the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084. For purposes of this paragraph, the
25 term "potentially lethal projectile" includes any projectile
26 launched from any firearm, bow, crossbow, or similar tensile
27 device. This section shall not apply to any governmental
28 agent or employee acting within the scope of his or her
29 official duties.

30 Section 152. Subsection (1) of section 832.06, Florida
31 Statutes, is amended to read:

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1 832.06 Prosecution for worthless checks given tax
2 collector for licenses or taxes; refunds.--
3 (1) Whenever any person, firm, or corporation violates
4 the provisions of s. 832.05 by drawing, making, uttering,
5 issuing, or delivering to any county tax collector any check,
6 draft, or other written order on any bank or depository for
7 the payment of money or its equivalent for any tag, title,
8 lien, tax (except ad valorem taxes), penalty, or fee relative
9 to a boat, airplane, motor vehicle, driver license, or
10 identification card; any occupational license, beverage
11 license, or sales or use tax; or any hunting or fishing
12 license, the county tax collector, after the exercise of due
13 diligence to locate the person, firm, or corporation which
14 drew, made, uttered, issued, or delivered the check, draft, or
15 other written order for the payment of money, or to collect
16 the same by the exercise of due diligence and prudence, shall
17 swear out a complaint in the proper court against the person,
18 firm, or corporation for the issuance of the worthless check
19 or draft. If the state attorney cannot sign the information
20 due to lack of proof, as determined by the state attorney in
21 good faith, for a prima facie case in court, he or she shall
22 issue a certificate so stating to the tax collector. If
23 payment of the dishonored check, draft, or other written
24 order, together with court costs expended, is not received in
25 full by the county tax collector within 30 days after service
26 of the warrant, 30 days after conviction, or 60 days after the
27 collector swears out the complaint or receives the certificate
28 of the state attorney, whichever is first, the county tax
29 collector shall make a written , Florida Statutes, report to
30 this effect to the Department of Highway Safety and Motor
31 Vehicles relative to motor vehicles and vessels, to the

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

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

30 Section 153. Paragraph (e) of subsection (5) of
31 section 932.7055, Florida Statutes, is amended to read:

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1 932.7055 Disposition of liens and forfeited
2 property.--

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

6 (e) The Fish and Wildlife Conservation Commission, the
7 proceeds accrued pursuant to the provisions of the Florida
8 Contraband Forfeiture Act shall be deposited into the State
9 Game Trust Fund as provided in ss. 372.73, 372.9901, and
10 370.731 ~~372.9904~~, into the Marine Resources Conservation Trust
11 Fund as provided in s. 370.061, or into the commission's
12 Federal Law Enforcement Trust Fund as provided in s. 372.107,
13 as applicable.

14 Section 154. Subsection (2) of section 938.17, Florida
15 Statutes, is amended to read:

16 938.17 County delinquency prevention.--

17 (2) In counties in which the sheriff's office is a
18 partner in a juvenile assessment center pursuant to s.
19 985.209, or a partner in a suspension program developed in
20 conjunction with the district school board in the county of
21 the sheriff's jurisdiction, the court shall assess court costs
22 of \$3 per case, in addition to any other authorized cost or
23 fine, on every person who, with respect to a charge,
24 indictment, prosecution commenced, or petition of delinquency
25 filed in that county or circuit, pleads guilty, nolo
26 contendere to, or is convicted of, or adjudicated delinquent
27 for, or has an adjudication withheld for, a felony or
28 misdemeanor, or a criminal traffic or boating offense, or a
29 handicapped parking violation under state law, or a violation
30 of any municipal or county ordinance, if the violation
31 constitutes a misdemeanor under state law.

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1 Section 155. Paragraph (j) of subsection (3) of
2 section 947.146, Florida Statutes, is amended to read:

3 947.146 Control Release Authority.--

4 (3) Within 120 days prior to the date the state
5 correctional system is projected pursuant to s. 216.136 to
6 exceed 99 percent of total capacity, the authority shall
7 determine eligibility for and establish a control release date
8 for an appropriate number of parole ineligible inmates
9 committed to the department and incarcerated within the state
10 who have been determined by the authority to be eligible for
11 discretionary early release pursuant to this section. In
12 establishing control release dates, it is the intent of the
13 Legislature that the authority prioritize consideration of
14 eligible inmates closest to their tentative release date. The
15 authority shall rely upon commitment data on the offender
16 information system maintained by the department to initially
17 identify inmates who are to be reviewed for control release
18 consideration. The authority may use a method of objective
19 risk assessment in determining if an eligible inmate should be
20 released. Such assessment shall be a part of the department's
21 management information system. However, the authority shall
22 have sole responsibility for determining control release
23 eligibility, establishing a control release date, and
24 effectuating the release of a sufficient number of inmates to
25 maintain the inmate population between 99 percent and 100
26 percent of total capacity. Inmates who are ineligible for
27 control release are inmates who are parole eligible or inmates
28 who:

29 (j) Are convicted, or have been previously convicted,
30 of DUI manslaughter under s. 316.193(3)(c)3. or BUI
31 manslaughter under s. 327.35(3)(c)3., and are sentenced, or

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1 have been sentenced at any time, as a habitual offender for
2 such offense, or have been sentenced at any time in another
3 jurisdiction as a habitual offender for such offense;

4
5 In making control release eligibility determinations under
6 this subsection, the authority may rely on any document
7 leading to or generated during the course of the criminal
8 proceedings, including, but not limited to, any presentence or
9 postsentence investigation or any information contained in
10 arrest reports relating to circumstances of the offense.

11 Section 156. Subsections (1) and (2) of section
12 985.05, Florida Statutes, are amended to read:

13 985.05 Court records.--

14 (1) The clerk of the court shall make and keep records
15 of all cases brought before it pursuant to this part. The
16 court shall preserve the records pertaining to a child charged
17 with committing a delinquent act or violation of law until the
18 child reaches 24 years of age or reaches 26 years of age if he
19 or she is a serious or habitual delinquent child, until 5
20 years after the last entry was made, or until 3 years after
21 the death of the child, whichever is earlier, and may then
22 destroy them, except that records made of traffic or boating
23 offenses in which there is no allegation of delinquency may be
24 destroyed as soon as this can be reasonably accomplished. The
25 court shall make official records of all petitions and orders
26 filed in a case arising pursuant to this part and of any other
27 pleadings, certificates, proofs of publication, summonses,
28 warrants, and writs that are filed pursuant to the case.

29 (2) The clerk shall keep all official records required
30 by this section separate from other records of the circuit
31 court, except those records pertaining to motor vehicle

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1 violations, which shall be forwarded to the Department of
2 Highway Safety and Motor Vehicles, and except those records
3 pertaining to boating violations, which shall be forwarded to
4 the Fish and Wildlife Conservation Commission. Except as
5 provided in ss. 943.053 and 985.04(4), official records
6 required by this part are not open to inspection by the
7 public, but may be inspected only upon order of the court by
8 persons deemed by the court to have a proper interest therein,
9 except that a child and the parents, guardians, or legal
10 custodians of the child and their attorneys, law enforcement
11 agencies, the Department of Juvenile Justice and its
12 designees, the Parole Commission, and the Department of
13 Corrections shall always have the right to inspect and copy
14 any official record pertaining to the child. The court may
15 permit authorized representatives of recognized organizations
16 compiling statistics for proper purposes to inspect, and make
17 abstracts from, official records under whatever conditions
18 upon the use and disposition of such records the court may
19 deem proper and may punish by contempt proceedings any
20 violation of those conditions.

21 Section 157. Subsection (3) of section 985.212,
22 Florida Statutes, is amended to read:

23 985.212 Fingerprinting and photographing.--

24 (3) This section does not prohibit the fingerprinting
25 or photographing of child traffic or boating violators. All
26 records of such traffic or boating violations shall be kept in
27 the full name of the violator and shall be open to inspection
28 and publication in the same manner as adult traffic or boating
29 violations. This section does not apply to the photographing
30 of children by the Department of Juvenile Justice or the
31 Department of Children and Family Services.

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1 Section 158. Sections 370.013, 370.017, 370.032,
2 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606,
3 370.0805, 372.04, 372.061, 373.197, 403.261, subsection (12)
4 of section 370.14, Florida Statutes, and s. 258.398, Florida
5 Statutes, 1997 Edition are repealed.

6 Section 159. Except as otherwise provided, this act
7 shall take effect upon becoming a law.

8
9

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

11 And the title is amended as follows:

12 On page 1, line 2 thru page 5, line 13,
13 remove from the title of the bill: all of said lines

14

15 and insert in lieu thereof:

16 An act relating to the Fish and Wildlife
17 Conservation Commission; amending s. 327.02,
18 F.S.; revising definitions; amending s. 327.04,
19 F.S., relating to rules; amending s. 327.22,
20 F.S., relating to the regulation of vessels by
21 municipalities or counties; creating s.
22 327.302, F.S.; providing for boating accident
23 report forms; amending s. 327.33, F.S.;
24 revising provisions relating to reckless or
25 careless operation of a vessel; providing
26 penalties; renumbering and amending s. 861.065,
27 F.S.; revising divers-down flag requirements;
28 revising requirements for operation of vessels
29 in the vicinity of a divers-down flag;
30 providing penalties; amending s. 327.331, F.S.;

31 providing for noncriminal infractions,

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1 effective October 1, 2001; amending s. 327.355,
2 F.S., relating to operation of vessels by
3 persons under 21 years of age who have consumed
4 alcoholic beverages; amending s. 327.36, F.S.,
5 relating to mandatory adjudication of certain
6 offenses; amending s. 327.37, F.S.; requiring
7 persons engaging in water skiing, parasailing,
8 or aquaplaning to wear a noninflatable
9 flotation device; amending s. 327.39, F.S.,
10 relating to the regulation of personal
11 watercraft; requiring the use of noninflatable
12 flotation devices; prohibiting the lease,
13 hiring, or rental of personal watercraft under
14 certain circumstances; providing a penalty;
15 providing commission rulemaking authority;
16 amending s. 327.395, F.S., relating to boating
17 safety identification cards; requiring that
18 certain boater education or boater safety
19 courses include a component relating to divers;
20 amending s. 327.40, F.S.; clarifying
21 requirements for uniform waterway markers for
22 safety and navigation; providing permit
23 exemptions; providing commission rulemaking
24 authority; amending s. 327.41, F.S.; clarifying
25 requirements for uniform waterway regulatory
26 markers; amending s. 327.46, F.S.; clarifying
27 rulemaking authority for the commission to
28 establish restricted areas for public safety
29 purposes; creating s. 327.49, F.S.; providing
30 for the testing of vessels and vessel motors;
31 amending s. 327.53, F.S.; relating to marine

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1 sanitation; amending s. 327.54, F.S., relating
2 to liveries; revising requirements for preride
3 or prerental instruction; revising age
4 requirements for the lease, hire, or rental of
5 personal watercraft; requiring liveries to
6 carry liability insurance; providing a penalty;
7 amending s. 327.60, F.S.; prohibiting local
8 regulations from discriminating against
9 personal watercraft; amending s. 327.72, F.S.;
10 increasing time for payment of civil penalties;
11 amending s. 327.73, F.S., relating to
12 noncriminal infractions; reenacting s.
13 327.73(1)(p) for the purpose of incorporating
14 the amendment to s. 327.39, F.S.; providing
15 additional time for payment of civil penalties;
16 providing additional penalties; providing for
17 additional court costs in certain
18 circumstances; authorizing public works or
19 community service in certain circumstances;
20 amending s. 327.73, F.S.; effective October 1,
21 2001; relating to noncriminal infractions for
22 violations of vessel laws; amending s. 327.731,
23 F.S., relating to mandatory education for
24 violators; correcting a cross reference;
25 amending s. 327.803, F.S.; providing for an
26 increase in membership of the Boating Advisory
27 Council; modifying purpose; amending s. 328.48,
28 F.S.; clarifying vessel registration
29 requirements; amending s. 328.56, F.S.;
30 clarifying vessel registration number
31 requirements; amending s. 328.66, F.S.;

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1 relating to county vessel registration fees;
2 amending s. 328.70, F.S.; providing
3 requirements for classification of recreational
4 vessels and livery vessels; amending s. 328.72,
5 F.S.; relating to vessel registration;
6 providing requirements for display of antique
7 vessel registration numbers and decals;
8 amending s. 328.72, F.S., providing for the
9 distribution of vessel registration fees
10 effective July 1, 2001; amending s. 328.76,
11 F.S.; clarifying the use of vessel registration
12 fees; creating part I of chapter 370, F.S.,
13 relating to saltwater fisheries; amending
14 370.06, F.S., relating to saltwater products
15 license requirements; clarifying disability
16 exemptions; amending s. 370.0605, F.S.;
17 revising saltwater fishing licenses and
18 providing fees; clarifying disability
19 exemptions; authorizing the commission to
20 designate free saltwater fishing days by rule;
21 amending s. 370.07, F.S.; transferring specific
22 regulatory powers from the Department of
23 Environmental Protection to the Fish and
24 Wildlife Conservation Commission and the
25 Department of Agriculture and Consumer
26 Services; providing for the deposit of certain
27 funds in the General Inspection Trust Fund of
28 the Department of Agriculture and Consumer
29 Services; amending s. 370.101, F.S.; providing
30 certain responsibilities for the Division of
31 Marine Fisheries at the Fish and Wildlife

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1 Conservation Commission; amending s. 370.11,
2 F.S.; authorizing the Division of Marine
3 Fisheries to issue permits for scientific
4 purposes; amending s. 370.1107, F.S.; revising
5 the definition of "licensed saltwater fisheries
6 trap"; amending s. 370.1405, F.S., transferring
7 specific regulatory powers from the Department
8 of Environmental Protection to the Fish and
9 Wildlife Conservation Commission; amending s.
10 370.25, F.S.; relating to the artificial
11 fishing reef program; transferring
12 responsibilities from the Department of
13 Environmental Protection to the Fish and
14 Wildlife Conservation Commission; creating part
15 II of chapter 370, F.S., relating to freshwater
16 fisheries; creating s. 370.40, F.S.; providing
17 definitions; renumbering s. 372.0225, F.S.,
18 relating to certain responsibilities for the
19 Division of Freshwater Fisheries of the Fish
20 and Wildlife Conservation Commission;
21 renumbering s. 372.26, F.S., relating to
22 prohibiting the importation of freshwater fish
23 into the state; renumbering s. 372.27, F.S.,
24 relating to closing Silver Springs and Rainbow
25 Springs to all fishing; renumbering s. 372.31,
26 F.S., relating to the disposition of illegal
27 fishing devices; renumbering s. 372.311, F.S.,
28 relating to the disposition and appraisal of
29 seized property; renumbering s. 372.312, F.S.,
30 relating to forfeiture proceedings; renumbering
31 s. 372.313, F.S., relating to the delivery of

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1 property to claimant; renumbering s. 372.314,
2 F.S., relating to certain proceedings;
3 renumbering s. 372.315, F.S., relating to
4 procedures when claims are filed; renumbering
5 s. 372.316, F.S., relating to representation by
6 the state attorney; renumbering s. 372.317,
7 F.S., relating to judgment of forfeiture;
8 renumbering s. 372.318, F.S., relating to
9 service charges; renumbering s. 372.319, F.S.,
10 relating to disposition of forfeiture proceeds;
11 renumbering s. 372.321, F.S., relating to the
12 lawful exercise of police powers; creating s.
13 370.45, F.S.; effective July 1, 2000;
14 regulating the sale of licenses and permits for
15 the taking of freshwater aquatic life;
16 providing for costs and reporting; creating s.
17 370.46, F.S.; effective July 1, 2000; providing
18 requirements for licenses to take freshwater
19 fish within the state; providing fees;
20 providing exemptions from requirements;
21 renumbering s. 372.5705, F.S., relating to fish
22 pond licenses; creating s. 370.462, F.S.;
23 providing for the expiration of licenses and
24 permits; creating s. 370.463, F.S.; providing
25 for review of fees for licenses and permits;
26 creating s. 370.464, F.S.; providing
27 requirements for the expenditure of management
28 area permit revenues; creating s. 370.465,
29 F.S.; providing for the appointment of
30 subagents for the sale of licenses and permits;
31 creating ss. 370.47 and 370.471, F.S.;

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1 providing penalties for false statements on
2 applications for licenses or permits; creating
3 s. 370.48, F.S.; prohibiting the transfer of
4 licenses or permits; creating s. 370.49, F.S.;
5 establishing a process for issuing replacement
6 licenses or permits; renumbering s. 372.65,
7 F.S., relating to freshwater fish dealer's
8 license; correcting a cross reference;
9 renumbering s. 372.651, F.S., relating to haul
10 seine and trawl permits; renumbering s.
11 372.653, F.S., relating to the tagging of fish;
12 creating s. 370.60, F.S.; providing for
13 prosecution of violators of laws relating to
14 freshwater fish; creating s. 370.601, F.S.;
15 prohibiting harassment of persons fishing;
16 creating s. 370.61, F.S.; providing causes and
17 penalties for noncriminal infractions; creating
18 s. 370.62, F.S.; providing for the disposition
19 of fines, penalties, and forfeitures; creating
20 s. 370.63, F.S.; authorizing the confiscation
21 of illegally taken freshwater fish; creating s.
22 370.64, F.S.; providing for cooperative
23 agreements with the United States Forest
24 Service; providing penalties; renumbering s.
25 372.75, F.S., relating to the prohibited use of
26 explosives and other substances in the fresh
27 waters of the state; creating s. 370.66, F.S.;
28 authorizing limited search and seizure by
29 conservation officers; creating s. 370.661,
30 F.S.; authorizing the issuance of search
31 warrants in certain circumstances; creating s.

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1 370.67, F.S.; assenting to the provisions of
2 the Federal Aid in Fish Restoration Act of
3 1950; creating s. 370.671, F.S.; providing for
4 federal conservation of fish and limited
5 jurisdiction of the United States; creating s.
6 370.68, F.S.; providing for noncriminal
7 infractions; providing penalties; creating s.
8 370.69, F.S.; providing for the forfeiture or
9 denial of licenses and permits; renumbering s.
10 372.85, F.S., relating to the contamination of
11 fresh waters of the state; providing penalties;
12 creating ss. 370.71 and 370.72, F.S.; providing
13 for reciprocal agreements for taking fish in
14 certain waters; renumbering s. 372.9903, F.S.,
15 relating to the illegal possession or
16 transportation of freshwater game fish in
17 commercial quantities; renumbering s. 372.9904,
18 F.S.; providing for the seizure and disposition
19 of illegal devices; renumbering s. 372.9905,
20 F.S., relating to the seizure and forfeiture of
21 vehicles, vessels, or other transportation
22 devices; renumbering s. 372.993, F.S., relating
23 to land-based commercial and recreational
24 fishing activities; amending s. 372.001, F.S.;
25 providing definitions; amending s. 372.021,
26 F.S.; providing authority to the Fish and
27 Wildlife Conservation Commission; amending s.
28 372.05, F.S.; establishing the duties of the
29 Executive Director of the Fish and Wildlife
30 Conservation Commission; amending s. 372.07,
31 F.S.; providing for the police powers of the

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1 Fish and Wildlife Conservation Commission;
2 amending s. 372.105, F.S.; authorizing certain
3 revenues to be deposited into the Lifetime Fish
4 and Wildlife Trust Fund; amending s. 372.106,
5 F.S.; authorizing certain revenues to be
6 deposited into the Dedicated License Trust
7 Fund; amending s. 372.121, F.S., relating to
8 the control and management of state game lands;
9 including referral to marine life; amending s.
10 372.561, F.S.; effective July 1, 2000;
11 providing for licenses to take wild animal
12 life; deleting reference to fisheries; amending
13 s. 372.57, F.S.; effective July 1, 2000;
14 establishing requirements for licenses to take
15 wild animal life; providing fees; providing
16 exemptions; deleting reference to fisheries;
17 amending s. 372.571, F.S., relating to
18 conditions for the expiration of licenses and
19 permits; correcting a cross reference; amending
20 s. 372.5712, F.S., relating to the expenditure
21 of Florida waterfowl permit revenues;
22 correcting a cross reference; amending s.
23 372.5715, F.S., relating to the expenditure of
24 Florida wild turkey permit revenues; correcting
25 a cross reference; amending s. 372.573, F.S.,
26 relating to the expenditure of management area
27 permit revenues; correcting a cross reference;
28 amending s. 372.574, F.S., relating to the
29 appointment of subagents for the sale of
30 licenses and permits; providing cross
31 references; amending s. 372.60, F.S., relating

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1 to procedures for issuing replacement licenses
2 or permits; amending s. 372.66, F.S.;
3 eliminating certain licenses and fees for fur
4 and hide dealers; amending s. 372.661, F.S.,
5 relating to requirements for private hunting
6 preserves; correcting cross references;
7 amending s. 372.674, F.S.; relating to
8 environmental education; amending s. 372.70,
9 F.S., relating to the prosecution of violators
10 of certain laws; deleting reference to
11 freshwater fish; amending s. 372.7015, F.S.,
12 relating to penalties for the illegal killing
13 and taking of wildlife; correcting a cross
14 reference; amending s. 372.7016, F.S., relating
15 to a voluntary authorized hunter identification
16 program; correcting a cross reference; amending
17 s. 372.705, F.S., relating to the harassment of
18 hunters and trappers; amending s. 372.73, F.S.,
19 relating to the confiscation and disposition of
20 illegally taken game; deleting reference to
21 freshwater fish; amending s. 372.74, F.S.,
22 relating to cooperative agreements with the
23 United States Forest Service; amending s.
24 372.76, F.S., relating to limited search and
25 seizure authority for the Fish and Wildlife
26 Conservation Commission; amending s. 372.761,
27 F.S., relating to warrants to search private
28 dwellings; amending s. 372.7701, F.S.;
29 assenting to certain provisions of the Federal
30 Aid in Fish Restoration Act of 1950; amending
31 s. 372.771, F.S., relating to federal

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1 conservation of wildlife and limited
2 jurisdiction of the United States; amending s.
3 372.83, F.S., relating to noncriminal
4 infractions; establishing criminal penalties,
5 providing for the suspension and revocation of
6 licenses and permits; deleting reference to
7 freshwater fish; amending ss. 372.97 and
8 372.971, F.S.; providing for reciprocal
9 agreements for taking game in certain areas;
10 amending s. 372.9901, F.S.; conforming
11 provisions for seizure and disposition of
12 illegal devices; correcting a cross reference;
13 amending s. 372.991, F.S.; establishing that
14 certain fees collected by the Fish and Wildlife
15 Conservation Commission will be deposited into
16 the Nongame Wildlife Trust Fund; amending s.
17 20.255, F.S.; relating to the Department of
18 Environmental Protection; renumbering s.
19 370.0205, F.S., relating to the authority of
20 the Department of Environmental Protection to
21 create partnerships with citizen support
22 organizations; amending ss. 161.031 and 161.36,
23 F.S.; authorizing the Department of
24 Environmental Protection to retain specific
25 powers; renumbering s. 370.041, F.S., relating
26 to the harvesting of sea oats; amending s.
27 161.36, F.S.; relating to general powers of
28 authority; amending s. 212.08, F.S.; relating
29 to specified exemptions for certain taxes;
30 correcting a cross-reference; amending s.
31 259.101, F.S.; providing for distribution of

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1 Preservation 2000 funds to the Fish and
2 Wildlife Conservation Commission; amending s.
3 270.22, F.S.; authorizing the Department of
4 Agriculture and Consumer Services to deposit
5 aquaculture lease fees into the General
6 Inspection Trust Fund; amending s. 288.109,
7 F.S.; integrating the Fish and Wildlife
8 Conservation Commission into the One-Stop
9 Permitting System; amending s. 316.193, F.S.,
10 relating to driving under the influence;
11 revising circumstances for consideration of
12 previous violations; amending s. 316.635, F.S.;
13 providing for jurisdiction over boating
14 infractions committed by minors; amending ss.
15 318.32 and 318.38, F.S.; providing for
16 disposition of boating infractions by the court
17 hearing traffic infractions; amending s.
18 320.08, F.S.; correcting cross references;
19 amending s. 320.08058, F.S.; relating to
20 specialty license plates; amending s. 323.001,
21 F.S.; relating to wrecker operator storage
22 facilities; correcting a cross-reference;
23 amending s. 373.1401, relating to the
24 management of lands of water management
25 districts; providing for extensions of certain
26 agreements; amending s. 373.4149, F.S.;
27 appointing the Executive Director of the Fish
28 and Wildlife Conservation Commission as a
29 member of the Miami-Dade County Lake Belt Plan
30 Implementation Committee; amending s.
31 373.41492, F.S.; appointing a representative of

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1 the Fish and Wildlife Conservation Commission
2 as a member of an interagency committee;
3 amending s. 403.141, F.S.; authorizing the Fish
4 and Wildlife Conservation Commission to
5 establish tables of value with the Department
6 of Environmental Protection; amending s.
7 570.235, F.S.; appointing a representative of
8 the Fish and Wildlife Conservation Commission
9 as a member of the Pest Exclusion Advisory
10 Committee; amending s. 590.02, F.S.; appointing
11 the Executive Director of the Fish and Wildlife
12 Conservation Commission to an advisory
13 committee; amending s. 597.004, F.S.; providing
14 that the Department of Agriculture and Consumer
15 Services will regulate the handling of
16 aquaculture shellfish; amending s. 705.101,
17 F.S.; redefining the term "abandoned property";
18 amending s. 705.103, F.S., relating to
19 procedures for abandoned or lost property;
20 amending s. 713.78, F.S.; defining "vessel" for
21 purposes of provisions relating to liens for
22 recovering, towing, or storing vehicles and
23 documented vessels; amending s. 810.09, F.S.;
24 relating to property trespass; correcting a
25 cross-reference; amending s. 832.06, F.S.;
26 correcting references to the commission;
27 amending s. 932.7055, F.S.; relating to
28 disposition of liens; correcting a
29 cross-reference; amending s. 938.17, F.S.,
30 relating to county delinquency prevention;
31 providing for the assessment of additional

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1 court costs for certain criminal boating
2 offenses; amending s. 947.146, F.S.; providing
3 authority for control release of certain BUI
4 offenders; amending s. 985.05, F.S; providing
5 for disposition of certain court records
6 pertaining to boating offenses; amending s.
7 985.212, F.S.; providing that fingerprinting
8 children for boating violations is not
9 prohibited; repealing s. 370.013, F.S.,
10 relating to general functions of the Department
11 of Environmental Protection; repealing s.
12 370.017, F.S., relating to responsibilities for
13 the Secretary of the Department of
14 Environmental Protection; repealing s. 370.032,
15 F.S., relating to definitions; repealing s.
16 370.033, F.S., relating to Legislative intent;
17 repealing s. 370.034, F.S., relating to
18 certificates; repealing s. 370.036, F.S.,
19 relating to dredge and fill records; repealing
20 s. 370.037, F.S., relating to denial,
21 suspension, or revocation of certificates;
22 repealing s. 370.038, F.S., relating to rules
23 and regulations; repealing s. 370.0606, F.S.,
24 relating to authorizing subagents to sell
25 saltwater fishing licenses; repealing s.
26 370.0805, F.S., relating to the net ban
27 assistance program; repealing s. 372.04, F.S.,
28 relating to salary and per diem for the
29 Executive Director of the Fish and Wildlife
30 Conservation Commission; repealing s. 372.061,
31 F.S., relating to the authority of the Game and

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1 Fresh Water Fish Commission to hold meetings;
2 repealing s. 403.261, F.S., relating to the
3 repeal of rulemaking jurisdiction over air and
4 water pollution; repealing s. 370.14(12), F.S.,
5 relating to the 2-day sport season for
6 harvesters of spiny lobster; repealing s.
7 373.197, F.S., relating to the Kissimmee River
8 Valley and Taylor Creek-Nubbins Slough Basin
9 restoration project; repealing s. 258.398,
10 F.S.; removing designation of Lake Weir as an
11 aquatic preserve; providing effective dates.

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