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1 A bill to be entitled

2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 20.331, F.S.; reorganizing the
4 commission; granting rights and privileges to the
5 commission; providing responsibilities and duties of the
6 executive director; revising the administrative structure
7 of the commission; providing that the principal unit for
8 program services within the commission shall be a division
9 headed by a director; providing that the principal subunit
10 within a division shall be a section headed by a leader;
11 providing that the principal subunit within a section
12 shall be a subsection headed by an administrator;
13 establishing divisions and sections within the commission;
14 providing that the principal unit for administrative and
15 support services shall be the Office of Executive
16 Direction and Administrative Support Services headed by
17 the executive director of the commission; establishing
18 additional offices within the Office of Executive
19 Direction and Administrative Support Services; providing
20 that the head of an office shall be a director; providing
21 an exception; providing position classifications within
22 the state employee system; providing for reallocation of
23 certain duties and functions; providing that additional
24 divisions of the commission may only be created by general
25 law; providing that divisions, offices, and sections
26 created by this act may only be abolished by general law;
27 authorizing the Department of Management Services and the
28 Executive Office of the Governor to establish and approve
29 new sections, subsections, and offices as initiated by the

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30 commission; assigning duties and responsibilities to the
 31 divisions; providing powers, duties, responsibilities, and
 32 functions of the Boating and Waterways Section; providing
 33 for adequate due process procedures; establishing
 34 statutory duties of the commission; authorizing the
 35 commission to provide comments to permitting agencies;
 36 authorizing the commission to acquire lands in the name of
 37 the state for certain purposes; providing for employee
 38 bonds at the request of the commission; amending s.
 39 20.2551, F.S.; deleting provisions authorizing grants from
 40 the Florida Marine Research Institute to citizen support
 41 organizations within the Department of Environmental
 42 Protection; amending s. 370.021, F.S.; deleting a
 43 provision relating to employee bond requirements; amending
 44 ss. 370.0603, 372.0225, and 372.5701, F.S.; conforming
 45 language to changes made by the act; amending ss.
 46 370.06091, 370.06092, 370.06093, 372.0215, 372.5702, and
 47 403.0882, F.S.; changing references to the Florida Marine
 48 Research Institute to the Fish and Wildlife Research
 49 Institute; deleting obsolete provisions; amending s.
 50 370.16, F.S.; deleting provisions relating to noncultured
 51 shellfish harvesting, the use of water patrols to collect
 52 tax on specified shellfish, and shellfish harvesting
 53 recordkeeping; amending s. 370.172, F.S.; deleting a
 54 prohibition with regard to certain special and general
 55 laws relating to spearfishing; amending s. 372.0222, F.S.;
 56 requiring the commission to publish the Florida Wildlife
 57 Magazine; creating the Florida Wildlife Magazine Advisory
 58 Council; requiring the council to make recommendations to

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59 the commission regarding magazine publication; providing
 60 for qualifications of members, appointment of members,
 61 terms of office, administrative support, and reimbursement
 62 for travel expenses; amending ch. 99-245, Laws of Florida;
 63 deleting a provision relating to the Florida Marine
 64 Research Institute; repealing s. 370.083, F.S., relating
 65 to special acts; repealing s. 370.162, F.S., relating to
 66 the purchase of sponges; repealing s. 372.051, F.S.,
 67 relating to the seal of the commission; repealing s.
 68 372.9906, F.S., relating to the Wildlife Law Enforcement
 69 Program; providing an appropriation to the commission from
 70 the State Game Trust Fund to fund publication of the
 71 Florida Wildlife Magazine; providing an effective date.

72

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

74

75 Section 1. Section 20.331, Florida Statutes, is amended to
 76 read:

77 (Substantial rewording of section. See
 78 s. 20.331, F.S., for present text.)

79 20.331 Fish and Wildlife Conservation Commission.--

80 (1) RIGHTS AND PRIVILEGES.--The Legislature, recognizing
 81 the Fish and Wildlife Conservation Commission as being
 82 specifically authorized by the State Constitution under s. 9,
 83 Art. IV, grants rights and privileges to the commission as
 84 contemplated by s. 6, Art. IV of the State Constitution. These
 85 rights and privileges are equal to those of departments
 86 established under this chapter while preserving the commission's
 87 constitutional designation and title.

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88 (2) HEAD OF THE COMMISSION.--The head of the Fish and
 89 Wildlife Conservation Commission is the commission, with
 90 commissioners appointed by the Governor as provided for in s. 9,
 91 Art. IV of the State Constitution.

92 (3) EXECUTIVE DIRECTOR.--

93 (a) To aid the commission in the implementation of its
 94 constitutional and statutory responsibilities, the Legislature
 95 authorizes the commission to appoint and fix the salary of a
 96 person who is not a member of the commission to serve as the
 97 executive director, and to remove such person at its pleasure.
 98 The executive director shall supervise, direct, coordinate, and
 99 administer all activities necessary to fulfill the commission's
 100 constitutional and statutory responsibilities. The executive
 101 director shall be reimbursed for per diem and travel expenses
 102 incurred in the discharge of official duties as provided in s.
 103 112.061. The executive director shall maintain headquarters in
 104 and reside in Tallahassee.

105 (b) Each new executive director must be confirmed by the
 106 Senate during the regular legislative session immediately
 107 following his or her appointment by the commission.

108 (4) PROGRAM SERVICES.--Within the Fish and Wildlife
 109 Conservation Commission, the principal unit for program services
 110 is a "division" headed by a "director." The principal subunit of
 111 the division is a "section" headed by a "leader." The principal
 112 subunit of the section is a "subsection" headed by an
 113 "administrator." The following divisions and sections are
 114 created within the commission:

115 (a) Fish and Wildlife Research Institute.

116 (b) Division of Freshwater Fisheries Management.

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117 (c) Division of Habitat and Species Conservation.
 118 (d) Division of Hunting and Game Management.
 119 (e) Division of Law Enforcement. There is created within
 120 the division the Boating and Waterways Section with duties and
 121 responsibilities as provided in paragraph (7)(e).
 122 (f) Division of Marine Fisheries Management.
 123 (5) ADMINISTRATIVE AND SUPPORT SERVICES.--The principal
 124 unit for administrative and support services shall be the Office
 125 of Executive Direction and Administrative Support Services,
 126 which shall be headed by the executive director. Each additional
 127 office within this principal unit shall be headed by a
 128 "director," except for the Regional Operations Office, which
 129 shall have five directors representing the five administrative
 130 regions of the state established by the commission. The
 131 following administrative and support offices within the Office
 132 of Executive Direction and Administrative Support Services are
 133 created:
 134 (a) Finance and Budget Office.
 135 (b) Human Resources Office.
 136 (c) Information Technology Office.
 137 (d) Inspector General's Office.
 138 (e) Legal Office.
 139 (f) Regional Operations Office.
 140 (6) GENERAL PROVISIONS.--
 141 (a) Section leader positions are classified at a level
 142 equal to bureau chiefs, and subsection administrator positions
 143 are classified at a level equal to supervisors, as established
 144 in s. 20.04. At the discretion of the executive director, office
 145 director positions shall be classified at a level equal to

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146 division directors, bureau chiefs, or section administrators, as
 147 established in s. 20.04.

148 (b) Unless specifically authorized by law, the commission
 149 may not reallocate duties and functions specifically assigned by
 150 law to a specific unit of the commission. Functions assigned
 151 generally to the commission without specific designation to a
 152 unit of the commission may be allocated at the discretion of the
 153 commission.

154 (c) Additional divisions in the commission may only be
 155 established by general law. Divisions, sections, and offices
 156 created by this act may only be abolished by general law. New
 157 sections, subsections, and offices of the commission may be
 158 initiated by the commission and established as recommended by
 159 the Department of Management Services and approved by the
 160 Executive Office of the Governor, or may be established by
 161 general law.

162 (7) ASSIGNMENT OF DUTIES AND RESPONSIBILITIES.--In further
 163 exercise of its duties, the Fish and Wildlife Conservation
 164 Commission and the Legislature as provided in s. 9, Art. IV of
 165 the State Constitution:

166 (a) Shall assign to the Division of Freshwater Fisheries
 167 Management such powers, duties, responsibilities, and functions
 168 as are necessary to facilitate the responsible and sustained use
 169 of freshwater aquatic life resources. The division shall provide
 170 expertise on freshwater fish populations or other aspects of
 171 freshwater fisheries needed for recreational and commercial use
 172 management decisions and assess impacts of decisions made by
 173 others to ensure quality fisheries and fishing in selected
 174 lakes, fish management areas, rivers, and streams in this state.

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175 (b) Shall assign to the Division of Habitat and Species
176 Conservation such powers, duties, responsibilities, and
177 functions necessary to protect and conserve the state's diverse
178 and unique fish and wildlife. The division shall utilize
179 scientific data to develop resource management plans to maintain
180 stable or increasing populations of fish and wildlife species.
181 To provide for the greatest benefit to the widest possible array
182 of fish and wildlife species, these powers, duties,
183 responsibilities, and functions shall be focused at the
184 ecosystem or landscape level and shall include management of and
185 habitat restoration on public lands, development and
186 implementation of plans for nongame species management and
187 imperiled species recovery, scientific support and assistance to
188 private sector and public sector landowners on habitat-related
189 issues, aquatic habitat restoration and habitat management
190 assistance, land acquisition, and exotic species coordination
191 focused on measures to control and prevent the introduction of
192 exotic species.

193 (c) Shall assign to the Division of Hunting and Game
194 Management such powers, duties, responsibilities, and functions
195 as are necessary to facilitate the responsible and sustained use
196 of wildlife resources. The division shall develop scientifically
197 based recommendations to support effective regulation of public
198 use and sound management of game wildlife resources, coordinate
199 the development and management of public hunting opportunities,
200 and provide hunter safety training and certification.

201 (d) Shall assign to the Division of Law Enforcement such
202 powers, duties, responsibilities, and functions as are necessary
203 to ensure enforcement of the laws and rules governing the

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204 management, protection, conservation, improvement, and expansion
 205 of wildlife resources, freshwater aquatic life resources, and
 206 marine life resources. In performance of their duties as sworn
 207 law enforcement officers for the State of Florida, the
 208 division's officers also shall enforce all laws relating to
 209 boating, provide public safety for citizens on lands and waters
 210 of the state, particularly in remote areas, provide search-and-
 211 rescue and disaster response capabilities when necessary, assist
 212 in the enforcement of all general laws, and coordinate with
 213 local, state, and federal entities on enforcement issues.

214 (e) Shall assign to the Boating and Waterways Section such
 215 powers, duties, responsibilities, and functions as are necessary
 216 to manage and promote the use of state waterways for safe and
 217 enjoyable boating. Duties and responsibilities of the section
 218 include, but are not limited to, oversight and coordination of
 219 waterway markers on state waters, providing boating education and
 220 boating safety programs, improving boating access, coordinating
 221 the removal of derelict vessels from state waters, implementing
 222 economic development initiatives to promote boating in the state,
 223 and coordinating the submission of state comments on marine
 224 events.

225 (f) Shall assign to the Division of Marine Fisheries
 226 Management such powers, duties, responsibilities, and functions
 227 as are necessary to facilitate the responsible and sustained use
 228 of marine life resources. The division shall develop
 229 recommendations for managing and enhancing commercial and
 230 recreational saltwater fisheries resources, implementing marine
 231 fisheries management programs, and assisting in the development
 232 and monitoring of artificial reefs in state waters.

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233 (g) Shall assign to the Fish and Wildlife Research
 234 Institute such powers, duties, responsibilities, and functions as
 235 are necessary to accomplish its mission. It shall be the mission
 236 of the Fish and Wildlife Research Institute to:

237 1. Serve as the primary source of research, technical
 238 information, and expertise concerning the status of the state's
 239 saltwater, freshwater, and terrestrial resources.

240 2. Monitor the status and health of saltwater, freshwater,
 241 and terrestrial species and their habitats.

242 3. Develop restoration and management techniques for
 243 habitats and enhancement of plant and animal populations.

244 4. Respond to and provide critical technical support for
 245 catastrophes including, but not limited to, oil spills, ship
 246 groundings, major species die-offs, hazardous spills, and natural
 247 disasters.

248 5. Identify and monitor marine and freshwater harmful algal
 249 blooms, including red tides, evaluate their impacts, and provide
 250 technical support with regard to state and local public health
 251 concerns.

252 6. Provide state and local governments with technical
 253 information and research results concerning fish and wildlife.

254 (8) ADEQUATE DUE PROCESS PROCEDURES.--

255 (a) The commission shall implement a system of adequate
 256 due process procedures to be accorded to any party, as defined
 257 in s. 120.52, whose substantial interests will be affected by
 258 any action of the commission in connection with the performance
 259 of its constitutional duties or responsibilities.

260 (b) The Legislature encourages the commission to
 261 incorporate in its process the provisions of s. 120.54(3)(c)

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262 when adopting rules in connection with the performance of its
 263 constitutional duties or responsibilities.

264 (c) The commission shall follow the provisions of chapter
 265 120 when adopting rules in connection with the performance of
 266 its statutory duties or responsibilities. For purposes of this
 267 subsection, statutory duties or responsibilities include, but
 268 are not limited to, the following:

269 1. Research and management responsibilities for marine
 270 species listed as endangered or threatened, including, but not
 271 limited to, manatees and marine turtles.

272 2. Establishment and enforcement of boating safety
 273 regulations.

274 3. Land acquisition.

275 4. Enforcement and collection of fees for all commercial
 276 and recreational hunting or fishing licenses or permits.

277 5. Aquatic plant removal using fish as a biological
 278 control agent.

279 6. Enforcement of penalties for violations of commission
 280 rules and state laws, including, but not limited to, the seizure
 281 and forfeiture of vessels and other equipment used to commit
 282 those violations.

283 7. Establishment of free fishing days.

284 8. Regulation of off-road vehicles on state lands.

285 9. Establishment and coordination of a statewide hunter
 286 safety course.

287 10. Establishment of programs and activities to develop
 288 and distribute public education materials.

289 11. Exercise of the police powers of sworn law enforcement
 290 officers.

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291 12. Establishment of citizen support organizations to
 292 provide assistance, funding, and promotional support for
 293 programs of the commission.

294 13. Creation of the Voluntary Authorized Hunter
 295 Identification Program.

296 14. Regulation of required clothing of persons hunting
 297 deer.

298 (9) PERMIT COMMENTING AUTHORITY.--Comments submitted by
 299 the commission to a permitting agency regarding applications for
 300 permits, licenses, or authorizations affecting the commission's
 301 jurisdiction must be based on credible, factual scientific data
 302 and must be received by the permitting agency within the time
 303 specified by applicable statute or rule, or within 30 days,
 304 whichever is shorter. Comments provided by the commission are
 305 not binding on any permitting agency. Comments by the commission
 306 shall be considered for consistency with the Florida Coastal
 307 Management Program and ss. 373.428 and 380.23. If the commission
 308 comments are used by a permitting agency as a condition of
 309 denial, approval, or modification of a proposed permit, license,
 310 or authorization, any party to an administrative proceeding
 311 involving such proposed action may require the commission to
 312 join as a party in determining the validity of the condition. In
 313 any action where the commission is joined as a party, the
 314 commission shall only bear the actual cost of defending the
 315 validity of the credible, factual scientific data used as a
 316 basis for comments.

317 (10) LAND ACQUISITION AUTHORITY.--The commission shall
 318 acquire, in the name of the state, lands and waters suitable for
 319 the protection, improvement, and restoration of the state's wild

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320 animal life, freshwater aquatic life, and marine life resources.
 321 Lands may be acquired by purchase, lease, gift, or otherwise
 322 using state, federal, or other sources of funding. Lands
 323 acquired under this section shall be managed for recreational
 324 and other multiple-use activities that do not impede the
 325 commission's ability to perform its constitutional and statutory
 326 duties and responsibilities.

327 (11) EMPLOYEE BONDS.--The commission may require any
 328 commission employee to give a bond for the faithful performance
 329 of duties. The commission may determine the amount of the bond
 330 and must approve the bond. In determining the amount of the
 331 bond, the commission may consider the amount of money or
 332 property likely to be in custody of the officer or employee at
 333 any one time. The premium for the bond must be paid out of the
 334 funds of the commission, and the bond must be payable to the
 335 Governor and the Governor's successor in office.

336 Section 2. Paragraph (b) of subsection (1) of section
 337 20.2551, Florida Statutes, is amended to read:

338 20.2551 Citizen support organizations; use of property;
 339 audit; public records; partnerships.--

340 (1) DEFINITIONS.--For the purposes of this section, a
 341 "citizen support organization" means an organization which is:

342 (b) Organized and operated to conduct programs and
 343 activities; raise funds; request and receive grants, gifts, and
 344 bequests of money; acquire, receive, hold, invest, and
 345 administer, in its own name, securities, funds, objects of
 346 value, or other property, real or personal; and make
 347 expenditures to or for the direct or indirect benefit of the
 348 Department of Environmental Protection or individual units of

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349 the department. The citizen support organization may not receive
 350 funds from the department ~~or the Florida Marine Research~~
 351 ~~Institute~~ by grant, gift, or contract unless specifically
 352 authorized by the Legislature;

353 Section 3. Subsections (12) and (13) of section 370.021,
 354 Florida Statutes, are renumbered as subsections (11) and (12),
 355 respectively, and present subsection (11) of said section is
 356 amended to read:

357 370.021 Administration; rules, publications, records;
 358 penalties; injunctions.--

359 ~~(11) BOND OF EMPLOYEES. The commission may require, as it~~
 360 ~~determines, that bond be given by any employee of the commission~~
 361 ~~or divisions thereof, payable to the Governor of the state and~~
 362 ~~the Governor's successor in office, for the use and benefit of~~
 363 ~~those whom it may concern, in such penal sums with good and~~
 364 ~~sufficient surety or sureties approved by the commission~~
 365 ~~conditioned for the faithful performance of the duties of such~~
 366 ~~employee.~~

367 Section 4. Paragraph (e) of subsection (4) of section
 368 370.0603, Florida Statutes, is amended to read:

369 370.0603 Marine Resources Conservation Trust Fund;
 370 purposes.--

371 (4) Funds transferred to the Marine Resources Conservation
 372 Trust Fund from the Fuel Tax Collection Trust Fund pursuant to
 373 s. 206.606 shall be used for the following purposes:

374 (e) For other activities of the ~~Office of~~ Boating and
 375 Waterways Section such as coordinating the submission of state
 376 comments on boating-related events.

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378 Funds not used in one fiscal year must be carried over for use
 379 in subsequent years.

380 Section 5. Section 370.06091, Florida Statutes, is amended
 381 to read:

382 370.06091 Memorandum of agreement relating to Fish and
 383 Wildlife ~~Florida Marine~~ Research Institute.--A memorandum of
 384 agreement will be developed between the Department of
 385 Environmental Protection and the Fish and Wildlife Conservation
 386 Commission which will detail the responsibilities of the Fish
 387 and Wildlife ~~Florida Marine~~ Research Institute to the
 388 department, to include, at a minimum, the following services:

- 389 (1) Environmental monitoring and assessment.
- 390 (2) Restoration research and development of restoration
 391 technology.
- 392 (3) Technical support and response for oil spills, ship
 393 groundings, major marine species die offs, hazardous spills, and
 394 natural disasters.

395 Section 6. Section 370.06092, Florida Statutes, is amended
 396 to read:

397 370.06092 Harmful-Algal-Bloom Task Force.--

- 398 (1) There is established a Harmful-Algal-Bloom Task Force
 399 for the purpose of determining research, monitoring, control,
 400 and mitigation strategies for red tide and other harmful algal
 401 blooms in Florida waters. The Fish and Wildlife ~~Florida Marine~~
 402 Research Institute shall appoint to the task force scientists,
 403 engineers, economists, members of citizen groups, and members of
 404 government. The task force shall determine research and
 405 monitoring priorities and control and mitigation strategies and
 406 make recommendations to the Fish and Wildlife ~~Florida Marine~~

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407 Research Institute ~~by October 1, 1999,~~ for using funds as
 408 provided in this act.

409 (2) The Harmful-Algal-Bloom Task Force shall:

410 (a) Review the status and adequacy of information for
 411 monitoring physical, chemical, biological, economic, and public
 412 health factors affecting harmful algal blooms in Florida;

413 (b) Develop research and monitoring priorities for harmful
 414 algal blooms in Florida, including detection, prediction,
 415 mitigation, and control;

416 (c) Develop recommendations that can be implemented by
 417 state and local governments to develop a response plan and to
 418 predict, mitigate, and control the effects of harmful algal
 419 blooms; and

420 (d) Make recommendations to the Fish and Wildlife Florida
 421 Marine Research Institute ~~by October 1, 1999,~~ for research,
 422 detection, monitoring, prediction, mitigation, and control of
 423 harmful algal blooms in Florida.

424 ~~(3) After the completion of the tasks specified in~~
 425 ~~subsection (2), the Harmful-Algal-Bloom Task Force may be~~
 426 ~~continued at the pleasure of the Florida Marine Research~~
 427 ~~Institute.~~

428 Section 7. Section 370.06093, Florida Statutes, is amended
 429 to read:

430 370.06093 Harmful-algal-bloom program; implementation;
 431 goals; funding.--

432 (1)(a) The Fish and Wildlife Florida ~~Marine Research~~
 433 Institute shall implement a program designed to increase the
 434 knowledge of factors that control harmful algal blooms,
 435 including red tide, and to gain knowledge to be used for the

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436 early detection of factors precipitating harmful algal blooms
437 for accurate prediction of the extent and seriousness of harmful
438 algal blooms and for undertaking successful efforts to control
439 and mitigate the effects of harmful algal blooms.

440 (b) The Legislature intends that this program enhance and
441 address areas that are not adequately covered in the cooperative
442 federal-state program known as Ecology and Oceanography of
443 Harmful Algal Blooms (ECO HAB-Florida), which includes the
444 University of South Florida, the Mote Marine Laboratory, and the
445 Fish and Wildlife ~~Florida Marine~~ Research Institute.

446 (c) The goal of this program is to enable resource
447 managers to assess the potential for public health damage and
448 economic damage from a given bloom and to undertake control and
449 mitigation efforts through the development and application of an
450 integrated detection and prediction network for monitoring and
451 responding to the development and movement of harmful algal
452 blooms in Florida marine and estuarine waters.

453 (2) A financial disbursement program is created within the
454 Fish and Wildlife ~~Florida Marine~~ Research Institute to implement
455 the provisions of this act. Under the program, the institute
456 shall provide funding and technical assistance to government
457 agencies, research universities, coastal local governments, and
458 organizations with scientific and technical expertise for the
459 purposes of harmful-algal-bloom research, economic impact study,
460 monitoring, detection, control, and mitigation. The program may
461 be funded from state, federal, and private contributions.

462 Section 8. Subsections (3) and (4) of section 370.16,
463 Florida Statutes, are renumbered as subsections (2) and (3),
464 respectively, subsections (6) through (8) are renumbered as

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465 subsections (4) through (6), respectively, and present
 466 subsections (2) and (5) of said section are amended to read:

467 370.16 Noncultured shellfish harvesting.--

468 ~~(2) SHELLFISH HARVESTING SEASONS; SPECIAL PROVISIONS~~
 469 ~~RELATING TO APALACHICOLA BAY.--~~

470 ~~(a) The Fish and Wildlife Conservation Commission shall by~~
 471 ~~rule set the noncultured shellfish harvesting seasons in~~
 472 ~~Apalachicola Bay.~~

473 ~~(b) If the commission changes the harvesting seasons by~~
 474 ~~rule as set forth in this subsection, for 3 years after the new~~
 475 ~~rule takes effect, the commission, in cooperation with the~~
 476 ~~Department of Agriculture and Consumer Services, shall monitor~~
 477 ~~the impacts of the new harvesting schedule on the bay and on~~
 478 ~~local shellfish harvesters to determine whether the new~~
 479 ~~harvesting schedule should be discontinued, retained, or~~
 480 ~~modified. In monitoring the new schedule and in preparing its~~
 481 ~~report, the following information shall be considered:~~

482 ~~1. Whether the bay benefits ecologically from the new~~
 483 ~~harvesting schedule.~~

484 ~~2. Whether the new harvesting schedule enhances the~~
 485 ~~enforcement of shellfish harvesting laws in the bay.~~

486 ~~3. Whether the new harvesting schedule enhances natural~~
 487 ~~shellfish production, oyster relay and planting programs, and~~
 488 ~~shell planting programs in the bay.~~

489 ~~4. Whether the new harvesting schedule has more than a~~
 490 ~~short-term adverse economic impact, if any, on local shellfish~~
 491 ~~harvesters.~~

492 ~~(5) WATER PATROL FOR COLLECTION OF TAX.--~~

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493 ~~(a) The Fish and Wildlife Conservation Commission may~~
494 ~~establish and maintain necessary patrols of the salt waters of~~
495 ~~Florida, with authority to use such force as may be necessary to~~
496 ~~capture any vessel or person violating the provisions of the~~
497 ~~laws relating to oysters and clams, and may establish ports of~~
498 ~~entry at convenient locations where the severance or privilege~~
499 ~~tax levied on oysters and clams may be collected or paid and may~~
500 ~~make such rules and regulations as it may deem necessary for the~~
501 ~~enforcement of such tax.~~

502 ~~(b) Each person in any way dealing in shellfish harvesting~~
503 ~~from public reefs or beds shall keep a record, on blanks or~~
504 ~~forms prescribed by the commission, of all oysters, clams, and~~
505 ~~shellfish taken, purchased, used, or handled by him or her, with~~
506 ~~the name of the person from whom purchased, if purchased,~~
507 ~~together with the quantity and the date taken or purchased, and~~
508 ~~shall exhibit this account at all times when requested so to do~~
509 ~~by the commission or any conservation agent; and he or she~~
510 ~~shall, on the first day of each month, make a return under oath~~
511 ~~to the commission as to the number of oysters, clams, and~~
512 ~~shellfish purchased, caught, or handled during the preceding~~
513 ~~month. The commission may require detailed returns whenever it~~
514 ~~deems them necessary.~~

515 Section 9. Subsection (4) of section 370.172, Florida
516 Statutes, is amended to read:

517 370.172 Spearfishing; definition; limitations; penalty.--

518 ~~(4) Pursuant to s. 11(a)(21), Art. III of the State~~
519 ~~Constitution, the Legislature hereby prohibits special laws or~~
520 ~~general laws of local application in conflict with this act, but~~

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521 ~~only such parts thereof as are in conflict with this act,~~
 522 ~~affecting spearfishing in salt waters and saltwater tributaries.~~

523 Section 10. Paragraph (b) of subsection (1) of section
 524 372.0215, Florida Statutes, is amended to read:

525 372.0215 Citizen support organizations; use of state
 526 property; audit.--

527 (1) The Fish and Wildlife Conservation Commission may
 528 authorize the establishment of citizen support organizations to
 529 provide assistance, funding, and promotional support for the
 530 programs of the commission. For purposes of this section, the
 531 term "citizen support organization" means an organization which:

532 (b) Is organized and operated to conduct programs and
 533 activities; raise funds; request and receive grants, gifts, and
 534 bequests of money; acquire, receive, hold, invest, and
 535 administer in its own name securities, funds, or real or
 536 personal property; and make expenditures for the benefit of the
 537 commission or an individual program unit of the commission;
 538 except that such organization may not receive funds from the
 539 commission or the Fish and Wildlife ~~Florida Marine~~ Research
 540 Institute by grant, gift, or contract unless specifically
 541 authorized by the Legislature.

542 Section 11. Subsection (2) of section 372.0222, Florida
 543 Statutes, is amended to read:

544 372.0222 Private publication agreements; advertising; costs
 545 of production.--

546 (2)(a) Beginning January 1, 2005, the commission, with the
 547 advice and assistance of the Florida Wildlife Magazine Advisory
 548 Council, shall publish the Florida Wildlife Magazine. The
 549 magazine shall be published on a quarterly basis in hard-copy

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550 format and shall be available to the public by subscription and
551 retail distribution. The primary focus of the magazine shall be
552 to promote the heritage of hunting and fishing in Florida. The
553 magazine shall also disseminate information regarding other
554 outdoor recreational opportunities available to Floridians and
555 visitors.

556 (b) In order to offset the cost of publication and
557 distribution of the magazine, the commission, with the advice
558 and assistance of the Florida Wildlife Magazine Advisory
559 Council, is authorized to sell advertising for placement in the
560 magazine and charge a magazine subscription fee. All revenues
561 generated by the magazine shall be credited to the State Game
562 Trust Fund.

563 (c) The Florida Wildlife Magazine Advisory Council is
564 created within the commission to advise and make recommendations
565 to the commission regarding development and publication of the
566 Florida Wildlife Magazine. In order to accomplish this purpose,
567 the council shall provide recommendations to the commission
568 regarding:

569 1 The content of articles included in each edition of the
570 magazine.

571 2. Advertising proposed for each edition of the magazine.

572 3. Strategies to improve distribution and circulation of
573 the magazine.

574 4. Cost-reduction measures regarding publication of the
575 magazine.

576 (d) The Florida Wildlife Magazine Advisory Council shall
577 consist of seven members appointed by the commission, and
578 initial appointments shall be made no later than August 1, 2004.

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579 When making initial appointments to the council and filling
580 vacancies, the commission shall appoint members to represent the
581 following interests: hunting; saltwater fishing; freshwater
582 fishing; recreational boating; recreational use of off-road
583 vehicles; hiking, biking, bird watching, or similar passive
584 activities; general business interests; and magazine publishing.

585 (e) Three of the initial appointees shall serve 2-year
586 terms, and four of the initial appointees shall serve 3-year
587 terms. Subsequent to the expiration of the council members'
588 initial terms, appointees shall serve 2-year terms.

589 (f) The members of the advisory council shall elect a
590 chair annually.

591 (g) The council shall meet at the call of its chair, at
592 the request of a majority of its membership, or at the request
593 of the commission. A majority of the council shall constitute a
594 quorum for the transaction of business.

595 (h) The commission shall provide the council with
596 clerical, expert, technical, or other services. All expenses of
597 the council shall be paid from appropriations made by the
598 Legislature to the commission. All vouchers shall be approved by
599 the commission before submission to the Chief Financial Officer
600 for payment.

601 (i) Members of the council shall serve without
602 compensation but shall receive per diem and reimbursement for
603 travel expenses as provided in s. 112.061. ~~The Fish and Wildlife~~
604 ~~Conservation Commission may sell advertising in the Florida~~
605 ~~Wildlife Magazine to offset the cost of publication and~~
606 ~~distribution of the magazine.~~

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607 Section 12. Section 372.0225, Florida Statutes, is amended
 608 to read:

609 372.0225 Freshwater organisms.--

610 (1) The Division of Freshwater Fisheries Management of the
 611 Fish and Wildlife Conservation Commission, in order to manage
 612 the promotion, marketing, and quality control of all freshwater
 613 organisms produced in Florida and utilized commercially so that
 614 such organisms shall be used to produce the optimum sustained
 615 yield consistent with the protection of the breeding stock, is
 616 directed and charged with the responsibility of:

617 (a) Providing for the regulation of the promotion,
 618 marketing, and quality control of freshwater organisms produced
 619 in Florida and utilized commercially.

620 (b) Regulating the processing of commercial freshwater
 621 organisms on the water or on the shore.

622 (c) Providing documentation standards and statistical
 623 record requirements with respect to commercial freshwater
 624 organism catches.

625 (d) Conducting scientific, economic, and other studies and
 626 research on all freshwater organisms produced in the state and
 627 used commercially.

628 (2) The responsibility with which the Division of
 629 Freshwater Fisheries Management is charged under subsection (1)
 630 shall in no way supersede or duplicate the responsibilities of
 631 the Department of Agriculture and Consumer Services under
 632 chapter 500, the Florida Food Safety Act, chapter 597, the
 633 Florida Aquaculture Policy Act, and the rules adopted
 634 thereunder.

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635 Section 13. Subsection (3) of section 372.5701, Florida
 636 Statutes, is amended to read:

637 372.5701 Deposit of license fees; allocation of federal
 638 funds.--

639 (3) Funds available from the Wallop-Breaux Aquatic
 640 Resources Trust Fund shall be distributed by the commission
 641 between the Division of Freshwater Fisheries Management and the
 642 Division of Marine Fisheries Management in proportion to the
 643 numbers of resident fresh and saltwater anglers as determined by
 644 the most current data on license sales. Unless otherwise
 645 provided by federal law, the commission, at a minimum, shall
 646 provide the following:

647 (a) Not less than 5 percent or more than 10 percent of the
 648 funds allocated to the commission shall be expended for an
 649 aquatic resources education program; and

650 (b) Not less than 10 percent of the funds allocated to the
 651 commission shall be expended for acquisition, development,
 652 renovation, or improvement of boating facilities.

653 Section 14. Section 372.5702, Florida Statutes, is amended
 654 to read:

655 372.5702 Expenditure of funds.--Any moneys available
 656 pursuant to s. 372.5701(1)(c) may be expended by the commission
 657 within Florida through grants and contracts for research with
 658 research institutions including but not limited to: Florida Sea
 659 Grant; Florida Marine Resources Council; Harbour Branch
 660 Oceanographic Institute; Technological Research and Development
 661 Authority; Fish and Wildlife ~~Florida Marine~~ Research Institute
 662 of the Fish and Wildlife Conservation Commission; Mote Marine
 663 Laboratory; Marine Resources Development Foundation; Florida

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664 Institute of Oceanography; Rosentiel School of Marine and
 665 Atmospheric Science; and Smithsonian Marine Station at Ft.
 666 Pierce.

667 Section 15. Subsection (3) of section 403.0882, Florida
 668 Statutes, is amended to read:

669 403.0882 Discharge of demineralization concentrate.--

670 (3) The department shall initiate rulemaking no later than
 671 October 1, 2001, to address facilities that discharge
 672 demineralization concentrate. The department shall convene a
 673 technical advisory committee to assist in the development of the
 674 rules, which committee shall include one representative each
 675 from the demineralization industry, local government, water and
 676 wastewater utilities, the engineering profession, business, and
 677 environmental organizations. The technical advisory committee
 678 shall also include one member representing the five water
 679 management districts and one representative from the Fish and
 680 Wildlife Florida Marine Research Institute. In convening the
 681 technical advisory committee, consideration must be given to
 682 geographical balance. The rules must address, at a minimum:

- 683 (a) Permit application forms for concentrate disposal;
- 684 (b) Specific options and requirements for demineralization
 685 concentrate disposal, including a standardized list of effluent
 686 and monitoring parameters, which may be adjusted or expanded by
 687 the department as necessary to protect water quality;
- 688 (c) Specific requirements and accepted methods for
 689 evaluating mixing of effluent in receiving waters; and
- 690 (d) Specific toxicity provisions.

691 Section 16. Subsection (3) of section 5 of chapter 99-245,
 692 Laws of Florida, is amended to read:

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693 Section 5.

694 ~~(3) The Florida Marine Research Institute at the Department~~
 695 ~~of Environmental Protection is established as a separate budget~~
 696 ~~entity within the commission, and is assigned to the Office of~~
 697 ~~the Executive Director for administrative purposes.~~

698 Section 17. Sections 370.083, 370.162, 372.051, and
 699 372.9906, Florida Statutes, are repealed.

700 Section 18. The sum of \$367,500 is appropriated from the
 701 State Game Trust Fund to the Fish and Wildlife Conservation
 702 Commission in fiscal year 2004-2005 for the purpose of providing
 703 temporary funding to the commission to develop and publish the
 704 Florida Wildlife Magazine.

705 Section 19. This act shall take effect upon becoming a
 706 law.