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CHAMBER ACTION

Senate

House

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4/30/2008 3:59 PM

1 Senator Saunders moved the following **amendment**:

2
3 **Senate Amendment (with title amendments)**

4 Deletes line(s) 21 through 89

5 insert:

6 Section 1. Subsection (18) is added to section 253.03,
7 Florida Statutes, to read:

8 253.03 Board of trustees to administer state lands; lands
9 enumerated.--

10 (18) The Board of Trustees of the Internal Improvement
11 Trust Fund may ensure the preservation and regeneration of
12 seagrass, as defined in s. 253.04(4)(a)2., by providing for the
13 establishment of seagrass mitigation banks, pursuant to s.
14 373.4136, to offset the unavoidable impacts of projects where
15 such banks meet the applicable public interest test of chapters
16 253 and 258. This subsection shall not prohibit mitigation for
17 impacts to seagrass or other habitats on sovereignty submerged



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18 | lands for other types of projects, or for projects occurring on
19 | nonsovereign submerged lands, upon applicable approval of the
20 | board of trustees.

21 | Section 2. Paragraph (c) is added to subsection (5) of
22 | section 253.034, Florida Statutes, to read:

23 | 253.034 State-owned lands; uses.--

24 | (5) Each manager of conservation lands shall submit to the
25 | Division of State Lands a land management plan at least every 10
26 | years in a form and manner prescribed by rule by the board and in
27 | accordance with the provisions of s. 259.032. Each manager of
28 | conservation lands shall also update a land management plan
29 | whenever the manager proposes to add new facilities or make
30 | substantive land use or management changes that were not
31 | addressed in the approved plan, or within 1 year of the addition
32 | of significant new lands. Each manager of nonconservation lands
33 | shall submit to the Division of State Lands a land use plan at
34 | least every 10 years in a form and manner prescribed by rule by
35 | the board. The division shall review each plan for compliance
36 | with the requirements of this subsection and the requirements of
37 | the rules established by the board pursuant to this section. All
38 | land use plans, whether for single-use or multiple-use
39 | properties, shall include an analysis of the property to
40 | determine if any significant natural or cultural resources are
41 | located on the property. Such resources include archaeological
42 | and historic sites, state and federally listed plant and animal
43 | species, and imperiled natural communities and unique natural
44 | features. If such resources occur on the property, the manager
45 | shall consult with the Division of State Lands and other
46 | appropriate agencies to develop management strategies to protect
47 | such resources. Land use plans shall also provide for the control



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48 of invasive nonnative plants and conservation of soil and water
49 resources, including a description of how the manager plans to
50 control and prevent soil erosion and soil or water contamination.
51 Land use plans submitted by a manager shall include reference to
52 appropriate statutory authority for such use or uses and shall
53 conform to the appropriate policies and guidelines of the state
54 land management plan. Plans for managed areas larger than 1,000
55 acres shall contain an analysis of the multiple-use potential of
56 the property, which analysis shall include the potential of the
57 property to generate revenues to enhance the management of the
58 property. Additionally, the plan shall contain an analysis of the
59 potential use of private land managers to facilitate the
60 restoration or management of these lands. In those cases where a
61 newly acquired property has a valid conservation plan that was
62 developed by a soil and conservation district, such plan shall be
63 used to guide management of the property until a formal land use
64 plan is completed.

65 (c) Beginning July 1, 2010, and every 3 years thereafter,
66 state-owned lands with an approved land management plan shall be
67 monitored for land management activities by a monitoring team.
68 The Division of State Lands shall coordinate the activities of
69 the monitoring team, which shall consist of three members. One
70 member shall be selected by the Executive Director of the Fish
71 and Wildlife Conservation Commission or a designee, and shall
72 have experience with applied habitat management. One member shall
73 be selected by the Secretary of the Department of Environmental
74 Protection or a designee, and shall have experience with public
75 recreation or use administration. One member shall be selected by
76 the Commissioner of Agriculture or a designee, and shall have
77 experience with applied land management. The Division of State



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78 Lands shall provide the monitoring team with the operational
79 report prepared pursuant to s. 259.037(6). The monitoring team
80 shall prepare a monitoring report that assesses the progress
81 towards achieving short-term and long-term land management goals,
82 as identified in the operational report, and shall propose
83 corrective actions for identified deficiencies in management
84 activities. The monitoring report shall be submitted to the
85 Acquisition and Restoration Council and the managing agency. The
86 Acquisition and Restoration Council shall review the monitoring
87 report and determine whether the deficiencies warrant a
88 corrective action plan or revisions to the management plan.
89 Significant and recurring deficiencies shall be brought to the
90 Board of Trustees, which shall determine whether the corrective
91 actions being proposed by the land manager and the Acquisition
92 and Restoration Council sufficiently address the deficiencies.
93 Corrective action plans shall be prepared and submitted in the
94 same manner as land management plans.

95 Section 3. Subsection (4) of section 253.04, Florida
96 Statutes, is amended to read:

97 253.04 Duty of board to protect, etc., state lands; state
98 may join in any action brought.--

99 (4) Whenever any person or the agent of any person
100 knowingly refuses to comply with or willfully violates any of the
101 provisions of this chapter so that such person causes damage to
102 the lands of the state or products thereof, including removal of
103 those products, such violator is liable for such damage. Whenever
104 two or more persons or their agents cause damage, and if such
105 damage is indivisible, each violator is jointly and severally
106 liable for such damage; however, if such damage is divisible and
107 may be attributed to a particular violator or violators, each



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108 violator is liable only for that damage and subject to the fine
109 attributable to his or her violation.

110 (a) The duty to conserve and improve state-owned lands and
111 the products thereof shall include the preservation and
112 regeneration of seagrass, which is deemed essential to the
113 oceans, gulfs, estuaries, and shorelines of the state. Any
114 person operating a vessel outside a lawfully marked channel in a
115 careless manner that causes seagrass scarring within an aquatic
116 preserve established in ss. 258.39-258.399 with the exception of
117 the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow
118 Springs aquatic preserves, commits a civil infraction, punishable
119 as provided in s. 327.73. Each violation is a separate offense.
120 As used in this subsection, the term:

121 1. "Seagrass scarring" means destruction of seagrass roots,
122 shoots or stems that results in tracks on the substrate, caused
123 by the operation of a motorized vessel in waters supporting
124 seagrasses, commonly referred to as prop-scars or propeller
125 scars.

126 2. "Seagrasses" means Cuban shoal grass (Halodule wrightii),
127 turtle grass (Thalassia testudinum), manatee grass (Syringodium
128 filiforme), star grass (Halophila engelmannii), paddle grass
129 (Halophila decipiens), Johnsons seagrass (Halophila johnsonii) or
130 widgeon grass (Ruppia maritima).

131 (b) Any violation of this subsection is a violation of the
132 boating laws of this state and shall be charged on a uniform
133 boating citation as provided in s. 327.74. Any person who refuses
134 to post a bond or accept and sign a uniform boating citation
135 commits a misdemeanor of the second degree, as provided in s.
136 327.73(3), punishable as provided in s. 775.082 or s. 775.083.



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137 Section 4. Subsection (6) is added to section 259.037,
138 Florida Statutes, to read:
139 259.037 Land Management Uniform Accounting Council.--
140 (6) Beginning July 1, 2010, and every 3 years thereafter,
141 each reporting agency shall also submit an operational report for
142 each management area along with an approved management plan. The
143 report should assess the progress toward achieving short-term and
144 long-term management goals of the approved management plan,
145 including all land management activities, and identify any
146 deficiencies in management and corrective actions to address
147 identified deficiencies as appropriate. This report shall be
148 submitted to the Division of State Lands for inclusion in its
149 annual report required pursuant to s. 259.036.

150 Section 5. Paragraph (x) of subsection (1) of section
151 327.73, Florida Statutes, is created to read:

152 327.73 Noncriminal infractions.--

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

155 (x) Section 253.04(4)(a), relating to carelessly causing
156 seagrass scarring, for which the civil penalty is:

157 1. Fifty dollars upon conviction for a first offense.

158 2. Two hundred and fifty dollars upon conviction for a
159 second offense occurring within 12 months after a prior
160 conviction.

161 3. Five hundred dollars upon conviction for a third offense
162 occurring within 36 months after a prior conviction.

163 4. One thousand dollars upon conviction for a fourth or
164 subsequent offense.

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166 Any person cited for a violation of any such provision shall be
167 deemed to be charged with a noncriminal infraction, shall be
168 cited for such an infraction, and shall be cited to appear before
169 the county court. The civil penalty for any such infraction is
170 \$50, except as otherwise provided in this section. Any person who
171 fails to appear or otherwise properly respond to a uniform
172 boating citation shall, in addition to the charge relating to the
173 violation of the boating laws of this state, be charged with the
174 offense of failing to respond to such citation and, upon
175 conviction, be guilty of a misdemeanor of the second degree,
176 punishable as provided in s. 775.082 or s. 775.083. A written
177 warning to this effect shall be provided at the time such uniform
178 boating citation is issued.

179 Section 6. Paragraph (m) of subsection (2) of section
180 370.021, Florida Statutes, is amended to read:

181 370.021 Administration; rules, publications, records;
182 penalties; injunctions.--

183 (2) MAJOR VIOLATIONS.--In addition to the penalties
184 provided in paragraphs (1)(a) and (b), the court shall assess
185 additional penalties against any commercial harvester convicted
186 of major violations as follows:

187 (m) For a violation involving the taking or harvesting of
188 any marine life species, as those species are defined by rule of
189 the commission, the harvest of which is prohibited, or the taking
190 or harvesting of such a species out of season, or with an illegal
191 gear or chemical, or any violation involving the possession of 25
192 or more individual specimens of marine life species, or any
193 combination of violations in any 3-year period involving more
194 than 70 such specimens in the aggregate, the suspension or



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195 revocation of the licenseholder's marine life endorsement as
196 provided in paragraph (h).

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198 The penalty provisions of this subsection apply to commercial
199 harvesters and wholesale and retail dealers as defined in s.
200 370.07. Any other person who commits a major violation under this
201 subsection commits a Level Three violation under s. 372.83.
202 Notwithstanding the provisions of s. 948.01, no court may
203 suspend, defer, or withhold adjudication of guilt or imposition
204 of sentence for any major violation prescribed in this
205 subsection. The proceeds from the penalties assessed pursuant to
206 this subsection shall be deposited into the Marine Resources
207 Conservation Trust Fund to be used for marine fisheries research
208 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
209 ~~provided in s. 372.107, as applicable.~~

210 Section 7. Subsection (4), paragraph (c) of subsection (5)
211 of section 370.061, Florida Statutes, are amended to read:

212 370.061 Confiscation, seizure, and forfeiture of property
213 and products.--

214 (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property
215 forfeited under this section may be destroyed, used by the
216 commission, disposed of by gift to charitable or state
217 institutions, or sold, with the proceeds derived from the sale
218 deposited into the Marine Resources Conservation Trust Fund to be
219 used for law enforcement purposes, ~~or into the commission's~~
220 ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~
221 ~~applicable.~~

222 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS;
223 PROCEDURE.--



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224 (c) In the event of acquittal, the proceeds of a sale or
225 the bond or cash deposit required by this subsection shall be
226 returned to the defendant. In the event of a conviction, the
227 proceeds of a sale or the bond or cash deposit required by this
228 subsection shall be deposited into the Marine Resources
229 Conservation Trust Fund to be used for law enforcement purposes
230 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
231 ~~provided in s. 372.107, as applicable.~~ Such deposit into the
232 Marine Resources Conservation Trust Fund ~~or the Federal Law~~
233 ~~Enforcement Trust Fund~~ shall constitute confiscation.

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236

237 (renumber subsequent sections)

238

239 ===== T I T L E A M E N D M E N T =====

240 And the title is amended as follows:

241 Delete line(s) 2 through 9

242 and insert:

243 An act relating to fish and wildlife; amending s. 253.03,
244 F.S.; requiring the Board of Trustees to provide for the
245 establishment of seagrass mitigation banks for specified
246 purposes; amending s. 253.034, F.S.; creating a monitoring
247 team for the purposes of reviewing management plans of
248 state-owned lands; providing review procedures; amending
249 s. 253.04, F.S.; relating to the protection of state lands;
250 providing definitions; providing that it is a civil
251 infraction to operate a vessel outside a marked channel in
252 a manner that causes seagrass scarring; providing
253 penalties; amending s. 259.037, F.S.; requiring state-



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254 | owned land managing agencies report additional information
255 | to the Division of State Lands; amending s. 327.73, F.S.,
256 | relating to noncriminal infractions; establishing civil
257 | penalties for the destruction of seagrasses; amending ss.
258 | 370.021 and 370.061, F.S., conforming cross-references;
259 | amending s. 372.73, F.S., relating to the