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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
	.	
	.	

1 The Committee on Environmental Preservation and Conservation
2 (Saunders) recommended the following **amendment**:

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Chapter 379, Florida Statutes, is created and
8 entitled "Fish and Wildlife Conservation."

9 Section 2. Part I of chapter 379, Florida Statutes,
10 consisting of sections 379.101, 379.102, 379.1025, 379.10255,
11 379.103, 379.104, 379.105, 379.106, 379.201, 379.202, 379.202,
12 379.203, 379.204, 379.205, 379.206, 379.207, 379.208, 379.209,
13 379.211, 379.2201, 379.2202, 379.2203, 379.2211, 379.2212,
14 379.2213, 379.2221, 379.2222, 379.2223, 379.2224, 379.2225,
15 379.223, 379.224, 379.2251, 379.2252, 379.2253, 379.2254,
16 379.2255, 379.2256, 379.2257, 379.2258, 379.2259, 379.226,
17 379.2271, 379.2272, 379.2281, 379.2282, 379.2291, 379.2292,

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18 | 379.230, 379.231, 379.232, 379.233, 379.2341, 379.2342, 379.2351,
19 | 379.2352, 379.2353, 379.236, and 379.237, is created to read:

20 | PART I

21 | GENERAL PROVISIONS

22 |
23 | Section 3. Section 370.01, Florida Statutes, is renumbered
24 | as section 379.101, Florida Statutes, and amended to read:

25 | 379.101 ~~370.01~~ Definitions.--In construing these statutes,
26 | where the context does not clearly indicate otherwise, the word,
27 | phrase, or term:

28 | (1) "Authorization" means a number issued by the Fish and
29 | Wildlife Conservation Commission, or its authorized agent, which
30 | serves in lieu of a license or permits and affords the privilege
31 | purchased for a specified period of time.

32 | (2) "Beaches" and "shores" shall mean the coastal and
33 | intracoastal shoreline of this state bordering upon the waters of
34 | the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida,
35 | and any part thereof, and any other bodies of water under the
36 | jurisdiction of the State of Florida, between the mean high-water
37 | line and as far seaward as may be necessary to effectively carry
38 | out the purposes of this act.

39 | (3) "Closed season" shall be that portion of the year
40 | wherein the laws or rules of Florida forbid the taking of
41 | particular species of game or varieties of fish.

42 | (4) "Coastal construction" includes any work or activity
43 | which is likely to have a material physical effect on existing
44 | coastal conditions or natural shore processes.

45 | (5) "Commercial harvester" means any person, firm, or
46 | corporation that takes, harvests, or attempts to take or harvest
47 | saltwater products for sale or with intent to sell; that is



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48 | operating under or is required to operate under a license or
49 | permit or authorization issued pursuant to this chapter; that is
50 | using gear that is prohibited for use in the harvest of
51 | recreational amounts of any saltwater product being taken or
52 | harvested; or that is harvesting any saltwater product in an
53 | amount that is at least two times the recreational bag limit for
54 | the saltwater product being taken or harvested.

55 | (6) "Commission" shall mean the Fish and Wildlife
56 | Conservation Commission.

57 | (7) "Common carrier" shall include any person, firm, or
58 | corporation, who undertakes for hire, as a regular business, to
59 | transport persons or commodities from place to place offering his
60 | or her services to all such as may choose to employ the common
61 | carrier and pay his or her charges.

62 | (8) "Coon oysters" are oysters found growing in bunches
63 | along the shore between high-water mark and low-water mark.

64 | (9) "Department" shall mean the Department of Environmental
65 | Protection.

66 | (10) "Erosion control," "beach preservation," and
67 | "hurricane protection" shall include any activity, work, program,
68 | project, or other thing deemed necessary by the Department of
69 | Environmental Protection to effectively preserve, protect,
70 | restore, rehabilitate, stabilize, and improve the beaches and
71 | shores of this state, as defined above.

72 | (11) "Exhibit" means to present or display upon request.

73 | (12) "Finfish" means any member of the classes Agnatha,
74 | Chondrichthyes, or Osteichthyes.

75 | (13) "Fish and game" means all fresh and saltwater fish,
76 | shellfish, crustacea, sponges, wild birds, and wild animals.



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77 (14) "Fish management area" means a pond, lake, or other
78 water within a county, or within several counties, designated to
79 improve fishing for public use, and established and specifically
80 circumscribed for authorized management by the commission and the
81 board of county commissioners of the county in which such waters
82 lie, under agreement between the commission and an owner with
83 approval by the board of county commissioners or under agreement
84 with the board of county commissioners for use of public waters
85 in the county in which such waters lie.

86 (15) "Fish pond" means a body of water that does not occur
87 naturally and that has been constructed and is maintained
88 primarily for the purpose of fishing.

89 (16)-(13) "Food fish" shall include mullet, trout, redfish,
90 sheepshead, pompano, mackerel, bluefish, red snapper, grouper,
91 black drum, jack crevalle, and all other fish generally used for
92 human consumption.

93 (17) "Fresh water," except where otherwise provided by law,
94 means all lakes, rivers, canals, and other waterways of Florida,
95 to such point or points where the fresh and salt waters commingle
96 to such an extent as to become unpalatable and unfit for human
97 consumption because of the saline content, or to such point or
98 points as may be fixed by order of the commission by and with the
99 consent of the board of county commissioners of the county or
100 counties to be affected by such order. The Steinhatchee River
101 shall be considered fresh water from its source to mouth.

102 (18) "Freshwater fish" means all classes of pisces that are
103 indigenous to fresh water.

104 (19) "Fur-bearing animals" means muskrat, mink, raccoon,
105 otter, civet cat, skunk, red and gray fox, and opossum.



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106 (20) "Game" means deer, bear, squirrel, rabbits, and, where
107 designated by commission rules, wild hogs, ducks, geese, rails,
108 coots, gallinules, snipe, woodcock, wild turkeys, grouse,
109 pheasants, quail, and doves.

110 (21)-(14) "Guide" shall include any person engaged in the
111 business of guiding hunters or hunting parties, fishers or
112 fishing parties, for compensation.

113 (22)-(15) "Marine fish" means any saltwater species of
114 finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes,
115 and marine invertebrates in the classes Gastropoda, Bivalvia, and
116 Crustacea, or the phylum Echinodermata, but does not include
117 nonliving shells or Echinoderms.

118 (23)-(16) "Molest," in connection with any fishing trap or
119 its buoy or buoy line, means to touch, bother, disturb, or
120 interfere or tamper with, in any manner.

121 (24)-(17) A "natural oyster or clam reef" or "bed" or "bar"
122 shall be considered and defined as an area containing not less
123 than 100 square yards of the bottom where oysters or clams are
124 found in a stratum.

125 (25) "Nongame" means all species and populations of
126 indigenous wild vertebrates and invertebrates in the state that
127 are not defined as game.

128 (26)-(18) "Nonresident alien" shall mean those individuals
129 from other nations who can provide documentation from the Bureau
130 of Citizenship and Immigration Services evidencing permanent
131 residency status in the United States. For the purposes of this
132 chapter, a "nonresident alien" shall be considered a
133 "nonresident."

134 (27)-(19) "Open season" shall be that portion of the year
135 wherein the laws of Florida for the preservation of fish and game



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136 permit the taking of particular species of game or varieties of
137 fish.

138 (28) "Private hunting preserve" includes any area set aside
139 by a private individual or concern on which artificially
140 propagated game or birds are taken.

141 (29)-(20) "Reef bunch oysters" are oysters found growing on
142 the bars or reefs in the open bay and exposed to the air between
143 high and low tide.

144 (30)-(21) "Resident" or "resident of Florida" means:
145 includes

146 (a) Citizens of the United States who have continuously
147 resided in this state, next preceding the making of their
148 application for hunting, fishing, or other license, for the
149 following period of time, to wit: For 1 year in the state and 6
150 months in the county when applied to all fish and game laws not
151 related to freshwater fish and game; or

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

154 (31)-(22) "Resident alien" shall mean those persons who have
155 continuously resided in this state for at least 1 year and 6
156 months in the county and can provide documentation from the
157 Bureau of Citizenship and Immigration Services evidencing
158 permanent residency status in the United States. For the purposes
159 of this chapter, a "resident alien" shall be considered a
160 "resident."

161 (32)-(23) "Restricted species" means any species of
162 saltwater products which the state by law, or the Fish and
163 Wildlife Conservation Commission by rule, has found it necessary
164 to so designate. The term includes a species of saltwater
165 products designated by the commission as restricted within a

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166 geographical area or during a particular time period of each
167 year. Designation as a restricted species does not confer the
168 authority to sell a species pursuant to s. 379.361 ~~370.06~~ if the
169 law or rule prohibits the sale of the species.

170 ~~(33)-(24)~~ "Salt water," except where otherwise provided by
171 law, shall be all of the territorial waters of Florida excluding
172 all lakes, rivers, canals, and other waterways of Florida from
173 such point or points where the fresh and salt waters commingle to
174 such an extent as to become unpalatable because of the saline
175 content, or from such point or points as may be fixed for
176 conservation purposes by the Department of Environmental
177 Protection and the Fish and Wildlife Conservation Commission,
178 with the consent and advice of the board of county commissioners
179 of the county or counties to be affected.

180 ~~(34)-(25)~~ "Saltwater fish" means:

181 (a) Any saltwater species of finfish of the classes
182 Agnatha, Chondrichthyes, or Osteichthyes and marine invertebrates
183 of the classes Gastropoda, Bivalvia, or Crustacea, or of the
184 phylum Echinodermata, but does not include nonliving shells or
185 echinoderms; and

186 (b) ~~Shall include~~ All classes of pisces, shellfish,
187 sponges, and crustacea indigenous to salt water.

188 ~~(35)-(26)~~ "Saltwater license privileges," except where
189 otherwise provided by law, means any license, endorsement,
190 certificate, or permit issued pursuant to this chapter.

191 ~~(36)-(27)~~ "Saltwater products" means any species of
192 saltwater fish, marine plant, or echinoderm, except shells, and
193 salted, cured, canned, or smoked seafood.

194 ~~(37)-(28)~~ "Shellfish" shall include oysters, clams, and
195 whelks.

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196 (38) "Take" means taking, attempting to take, pursuing,
197 hunting, molesting, capturing, or killing any wildlife or
198 freshwater or saltwater fish, or their nests or eggs, by any
199 means, whether or not such actions result in obtaining possession
200 of such wildlife or freshwater or saltwater fish or their nests
201 or eggs.

202 ~~(39)~~ ~~(29)~~ "Transport" shall include shipping, transporting,
203 carrying, importing, exporting, receiving or delivering for
204 shipment, transportation or carriage or export.

205 Section 4. Section 372.01, Florida Statutes, is renumbered
206 as section 379.102, Florida Statutes, to read:

207 379.102 ~~372.01~~ Fish and Wildlife Conservation Commission.--

208 (1) The Fish and Wildlife Conservation Commission shall
209 consist of seven members who shall be appointed by the Governor,
210 subject to confirmation by the Senate, for staggered terms of 5
211 years.

212 (2) Members so appointed shall annually select one of their
213 members as chair. Such chair may be removed at any time for
214 sufficient cause, by the affirmative vote of the majority of the
215 members of the commission. In case the said office of chair
216 becomes vacant by removal or otherwise, the same may be filled
217 for the unexpired term at any time by the commission from its
218 members.

219 (3) Commission members shall receive no compensation for
220 their services as such, but shall be reimbursed for travel
221 expenses as provided in s. 112.061.

222 Section 5. Section 372.021, Florida Statutes, is renumbered
223 as section 379.1025, Florida Statutes, to read:

224 379.1025 ~~372.021~~ Powers, duties, and authority of
225 commission; rules, regulations, and orders.--The Fish and

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226 Wildlife Conservation Commission may exercise the powers, duties,
227 and authority granted by s. 9, Art. IV of the Constitution of
228 Florida, and as otherwise authorized by the Legislature by the
229 adoption of rules, regulations, and orders in accordance with
230 chapter 120.

231 Section 6. Section 372.03, Florida Statutes, is renumbered
232 as section 379.104, Florida Statutes, to read:

233 379.10255 ~~372.03~~ Headquarters of commission.--The Fish and
234 Wildlife Conservation Commission is located at the state capital,
235 and, when suitable adequate office space cannot be provided in
236 the State Capitol Building, or other buildings owned by the
237 state, the commission may rent or lease suitable office space in
238 Tallahassee. Said commission may also rent or lease suitable and
239 adequate space in other cities and towns of the state for branch
240 or division offices and headquarters and storerooms for equipment
241 and supplies, as the business of the commission may require or
242 necessitate, payment for said rented or leased premises to be
243 made from the State Game Trust Fund.

244 Section 7. Section 372.05, Florida Statutes, is renumbered
245 as section 379.103, Florida Statutes, to read:

246 379.103 ~~372.05~~ Duties of executive director.--The executive
247 director of the Fish and Wildlife Conservation Commission shall:

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

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



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

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

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

264 Section 8. Section 372.002, Florida Statutes, is renumbered
265 as section 379.104, Florida Statutes, to read:

266 379.104 ~~372.002~~ Right to hunt and fish.--The Legislature
267 recognizes that hunting, fishing, and the taking of game are a
268 valued part of the cultural heritage of Florida and should be
269 forever preserved for Floridians. The Legislature further
270 recognizes that these activities play an important part in the
271 state's economy and in the conservation, preservation, and
272 management of the state's natural areas and resources. Therefore,
273 the Legislature intends that the citizens of Florida have a right
274 to hunt, fish, and take game, subject to the regulations and
275 restrictions prescribed by general law and by s. 9, Art. IV of
276 the State Constitution.

277 Section 9. Section 372.705, Florida Statutes, is renumbered
278 as section 379.105, Florida Statutes, and amended to read:

279 379.105 ~~372.705~~ Harassment of hunters, trappers, or
280 fishers.--

281 (1) A person may not intentionally, within a publicly or
282 privately owned wildlife management or fish management area or on
283 any state-owned water body:



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284 (a) Interfere with or attempt to prevent the lawful taking
285 of fish, game, or nongame animals by another.

286 (b) Attempt to disturb fish, game, or nongame animals or
287 attempt to affect their behavior with the intent to prevent their
288 lawful taking by another.

289 (2) Any person who violates this section commits a Level
290 Two violation under s. 379.401 ~~372.83~~.

291 Section 10. Section 370.023, Florida Statutes, is
292 renumbered as section 379.106, Florida Statutes, to read:

293 379.106 ~~370.023~~ Administration of commission grant
294 programs.--

295 (1) The Fish and Wildlife Conservation Commission is
296 authorized to establish grant programs that are consistent with
297 statutory authority and legislative appropriations. The
298 commission is further authorized to receive funds from any legal
299 source for purposes of matching state dollars or for passing
300 through the agency as grants to other entities whether or not
301 matching funds or in-kind matches are required.

302 (2) For any grant program established by the commission,
303 the commission shall adopt rules, pursuant to the requirements of
304 chapter 120, for each grant program which shall include, but are
305 not limited to: the method or methods of payment; the supporting
306 documents required before payment will be made; when matching
307 funds or in-kind matches are allowed; what moneys, services, or
308 other sources and amounts of matching funds or in-kind matches
309 will be eligible for use for matching the grant by the
310 commission; who is eligible to participate in the program; and
311 other provisions that the commission finds necessary to achieve
312 program objectives and an accounting for state funds in
313 accordance with law and generally accepted accounting principles.



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314 (3) The commission is authorized to preaudit or postaudit
315 account books and other documentation of a grant recipient to
316 assure that grant funds have been used in accordance with the
317 terms of the grant and state rules and statutes. When such audit
318 reveals that moneys have not been spent in accordance with grant
319 requirements, the commission may withhold moneys or recover
320 moneys previously paid. A grant recipient will be allowed a
321 maximum of 60 days to submit any additional pertinent
322 documentation to offset the amount identified as being due the
323 commission.

324 Section 11. Section 372.101, Florida Statutes, is
325 renumbered as section 379.201, Florida Statutes, to read:

326 379.201 ~~372.101~~ Administrative Trust Fund.--

327 (1) The Administrative Trust Fund is created within the
328 Fish and Wildlife Conservation Commission.

329 (2) The fund is established for use as a depository for
330 funds to be used for management activities that are
331 commissionwide in nature and funded by indirect cost earnings or
332 assessments against trust funds. Moneys to be credited to the
333 trust fund include indirect cost reimbursements from grantors,
334 administrative assessments against trust funds, interest
335 earnings, and other appropriate administrative fees.

336 (3) In accordance with s. 19(f)(2), Art. III of the State
337 Constitution, the Administrative Trust Fund shall, unless
338 terminated sooner, be terminated on July 1, 2009. Before its
339 scheduled termination, the trust fund shall be reviewed as
340 provided in s. 215.3206(1) and (2).

341 Section 12. Section 372.127, Florida Statutes, is
342 renumbered as section 379.202, Florida Statutes, to read:

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343 379.202 ~~372.127~~ Conservation and Recreation Lands Program
344 Trust Fund of the Fish and Wildlife Conservation Commission.--

345 (1) There is created a Conservation and Recreation Lands
346 Program Trust Fund within the Fish and Wildlife Conservation
347 Commission. The purpose of the trust fund is to provide for the
348 management of conservation and recreation lands by the
349 commission. Funds may be appropriated to the trust fund from the
350 Conservation and Recreation Lands Trust Fund in the Department of
351 Environmental Protection, as created by s. 259.032(2), or from
352 such other sources as the Legislature may determine.

353 (2) Notwithstanding the provisions of s. 216.301 and
354 pursuant to s. 216.351, any balance in the trust fund at the end
355 of any fiscal year shall remain in the trust fund at the end of
356 the year and shall be available for carrying out the purposes of
357 the trust fund.

358 Section 13. Section 372.106, Florida Statutes, is
359 renumbered as section 379.203, Florida Statutes, and amended to
360 read:

361 379.203 ~~372.106~~ Dedicated License Trust Fund.--

362 (1) There is established within the Fish and Wildlife
363 Conservation Commission the Dedicated License Trust Fund. The
364 fund shall be credited with moneys collected pursuant to s.
365 379.354 ~~372.57~~ for 5-year licenses and permits and replacement 5-
366 year licenses.

367 (2) (a) One-fifth of the total proceeds from the sale of 5-
368 year hunting and freshwater fishing licenses, permits, and
369 replacement licenses, and all interest derived therefrom, shall
370 be appropriated annually to the State Game Trust Fund.

371 (b) One-fifth of the total proceeds from the sale of 5-year
372 saltwater fishing licenses, permits, and replacement licenses,

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373 and all interest derived therefrom, shall be appropriated
374 annually to the Marine Resources Conservation Trust Fund.

375 (3) The fund shall be exempt from the provisions of s.
376 215.20.

377 Section 14. Section 372.102, Florida Statutes, is
378 renumbered as section 379.204, Florida Statutes, to read:

379 379.204 ~~372.102~~ Federal Grants Trust Fund.--

380 (1) The Federal Grants Trust Fund is created within the
381 Fish and Wildlife Conservation Commission.

382 (2) The fund is established for use as a depository for
383 funds to be used for allowable grant activities funded by
384 restricted program revenues. Moneys to be credited to the trust
385 fund shall consist of grants and funding from the Federal
386 Government, interest earnings, and cash advances from other trust
387 funds.

388 (3) In accordance with s. 19(f)(2), Art. III of the State
389 Constitution, the Federal Grants Trust Fund shall, unless
390 terminated sooner, be terminated on July 1, 2009. Before its
391 scheduled termination, the trust fund shall be reviewed as
392 provided in s. 215.3206(1) and (2).

393 Section 15. Section 372.672, Florida Statutes, is
394 renumbered as section 379.205, Florida Statutes, to read:

395 379.205 ~~372.672~~ Florida Panther Research and Management
396 Trust Fund.--

397 (1) There is established within the Fish and Wildlife
398 Conservation Commission the Florida Panther Research and
399 Management Trust Fund to be used exclusively for the purposes of
400 this section.

401 (2) Money from the fund shall be spent only for the
402 following purposes:



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403 (a) To manage and protect existing Florida panther
404 populations by increasing panther food sources where food is a
405 limiting factor, determining conflicts between public use and
406 panther survival, maintaining sufficient genetic variability in
407 existing populations, and undertaking management and enforcement
408 activities that protect panther habitat.

409 (b) To educate the public concerning the value of the
410 panther and the necessity for panther management.

411 (c) To reestablish Florida panthers into areas of suitable
412 habitat, where feasible, by assessing the necessity of a captive
413 breeding program for purposes of reintroduction of the panthers
414 into the suitable habitat; selecting potential sites for
415 reintroduction and investigating associated human sociological
416 aspects; and assessing the potential for panther habitat
417 acquisition.

418 (d) To promote and market the Florida panther license plate
419 authorized under s. 320.08058.

420 (3) The Fish and Wildlife Conservation Commission is
421 authorized to receive donations for deposit into the Florida
422 Panther Research and Management Trust Fund.

423 Section 16. Section 372.103, Florida Statutes, is
424 renumbered as section 379.206, Florida Statutes, to read:

425 379.206 ~~372.103~~ Grants and Donations Trust Fund.--

426 (1) The Grants and Donations Trust Fund is created within
427 the Fish and Wildlife Conservation Commission.

428 (2) The fund is established for use as a depository for
429 funds to be used for allowable grant and donor agreement
430 activities funded by restricted contractual revenue. Moneys to be
431 credited to the trust fund shall consist of grants and donations



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432 from private and public nonfederal sources, interest earnings,
433 and cash advances from other trust funds.

434 (3) In accordance with s. 19(f)(2), Art. III of the State
435 Constitution, the Grants and Donations Trust Fund shall, unless
436 terminated sooner, be terminated on July 1, 2009. Before its
437 scheduled termination, the trust fund shall be reviewed as
438 provided in s. 215.3206(1) and (2).

439 Section 17. Section 372.105, Florida Statutes, is
440 renumbered as section 379.207, Florida Statutes, and amended to
441 read:

442 379.207 ~~372.105~~ Lifetime Fish and Wildlife Trust Fund.--

443 (1) There is established within the Fish and Wildlife
444 Conservation Commission the Lifetime Fish and Wildlife Trust Fund
445 to be used for the purpose of supporting fish and wildlife
446 conservation programs of the state in accordance with this
447 section.

448 (2) The principal of the fund shall be derived from the
449 following:

450 (a) Proceeds of any gifts, grants, and contributions to the
451 state which are specifically designated for inclusion in the
452 fund.

453 (b) Proceeds from the sale of lifetime licenses issued in
454 accordance with s. 379.354 ~~372.57~~.

455 (3) The fund is declared to constitute a special trust
456 derived from a contractual relationship between the state and the
457 members of the public whose investments contribute to the fund.
458 In recognition of such special trust, the following limitations
459 and restrictions are placed on expenditures from the funds:

460 (a) No expenditure or disbursement shall be made from the
461 principal of the fund.



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462 (b) The interest income received and accruing from the
463 investments of proceeds from the sale of lifetime freshwater
464 fishing licenses and lifetime hunting licenses shall be spent in
465 furtherance of the commission's management, protection, and
466 conservation of wild animal life and freshwater aquatic life as
467 set forth in s. 9, Art. IV of the State Constitution and this
468 chapter and as otherwise authorized by the Legislature.

469 (c) The interest income received and accruing from the
470 investments of proceeds from the sale of lifetime saltwater
471 fishing licenses shall be expended for marine law enforcement,
472 marine research, and marine fishery enhancement.

473 (d) No expenditures or disbursements from the interest
474 income derived from the sale of lifetime licenses shall be made
475 for any purpose until the respective holders of such licenses
476 attain the age of 16 years. The Fish and Wildlife Conservation
477 Commission as administrator of the fund shall determine
478 actuarially on an annual basis the amounts of interest income
479 within the fund which may be disbursed pursuant to this
480 paragraph. The director shall cause deposits of proceeds from the
481 sale of lifetime licenses to be identifiable by the ages of the
482 license recipients.

483 (e) Any limitations or restrictions specified by the donors
484 on the uses of the interest income derived from gifts, grants,
485 and voluntary contributions shall be respected but shall not be
486 binding.

487 (f) The fund shall be exempt from the provisions of s.
488 215.20.

489 (4) In the event of a future dissolution or reorganization
490 of the Fish and Wildlife Conservation Commission, any state
491 agency which succeeds the commission or assumes its

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492 constitutional or statutory responsibilities shall, through its
493 agency head acting ex officio, assume the trusteeship of the fund
494 and shall be bound by all the limitations and restrictions placed
495 by this section on expenditures from the fund. No repeal or
496 modification of this chapter or s. 9, Art. IV of the State
497 Constitution shall alter the fundamental purposes to which the
498 fund may be applied. No dissolution or reorganization of the Fish
499 and Wildlife Conservation Commission shall invalidate any
500 lifetime license issued in accordance with this section.

501 Section 18. Section 370.0603, Florida Statutes, is
502 renumbered as section 379.208, Florida Statutes, and amended to
503 read:

504 379.208 ~~370.0603~~ Marine Resources Conservation Trust Fund;
505 purposes.--

506 (1) The Marine Resources Conservation Trust Fund within the
507 Fish and Wildlife Conservation Commission shall serve as a broad-
508 based depository for funds from various marine-related and
509 boating-related activities and shall be administered by the
510 commission for the purposes of:

511 (a) Funding for marine research.

512 (b) Funding for fishery enhancement, including, but not
513 limited to, fishery statistics development, artificial reefs, and
514 fish hatcheries.

515 (c) Funding for marine law enforcement.

516 (d) Funding for administration of licensing programs for
517 recreational fishing, saltwater products sales, and related
518 information and education activities.

519 (e) Funding for the operations of the Fish and Wildlife
520 Conservation Commission.

521 (f) Funding for titling and registration of vessels.



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522 (g) Funding for marine turtle protection, research, and
523 recovery activities from revenues that are specifically credited
524 to the trust fund for these purposes.

525 (h) Funding activities for rehabilitation of oyster
526 harvesting areas from which special oyster surcharge fees are
527 collected, including relaying and transplanting live oysters.

528 (i) Funding for boating research, boating-related programs
529 and activities, and for law enforcement on state waters.

530 (j) Funding for the stone crab trap reduction program under
531 s. 379.365 ~~370.13~~, the blue crab effort management program under
532 s. 379.366 ~~370.135~~, the spiny lobster trap certificate program
533 under s. 379.3671 ~~370.142~~, and the trap retrieval program under
534 s. 379.2424 ~~370.143~~.

535 (2) The Marine Resources Conservation Trust Fund shall
536 receive the proceeds from:

537 (a) All license fees collected pursuant to ss. 379.361 and
538 379.362 ~~370.06 and 370.07~~.

539 (b) All funds collected from the registration of vessels
540 and other fees pursuant to s. 328.72.

541 (c) All fees collected under ss. 379.2424, 379.355,
542 379.357, 379.365, 379.3671, and 379.366 ~~370.063, 370.13, 370.135,~~
543 ~~370.142, 370.143, and 372.5704~~.

544 (d) All fines and penalties under ss. 379.365, 379.366
545 379.3671, and 379.407 ~~370.021, 370.13, 370.135, and 370.142~~.

546 (e) Other revenues as provided by law.

547 (3) Funds provided to the Marine Resources Conservation
548 Trust Fund from taxes distributed under s. 201.15(11) shall be
549 used for the following purposes:

550 (a) To reimburse the cost of activities authorized pursuant
551 to the Fish and Wildlife Service of the United States Department



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552 of the Interior. Such facilities must be involved in the actual
553 rescue and full-time acute care veterinarian-based rehabilitation
554 of manatees. The cost of activities includes, but is not limited
555 to, costs associated with expansion, capital outlay, repair,
556 maintenance, and operation related to the rescue, treatment,
557 stabilization, maintenance, release, and monitoring of manatees.
558 Moneys distributed through the contractual agreement to each
559 facility for manatee rehabilitation must be proportionate to the
560 number of manatees under acute care rehabilitation; the number of
561 maintenance days medically necessary in the facility; and the
562 number released during the previous fiscal year. The commission
563 may set a cap on the total amount reimbursed per manatee per
564 year.

565 (b) For training on the care, treatment, and rehabilitation
566 of marine mammals at the Whitney Laboratory and the College of
567 Veterinary Medicine at the University of Florida.

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

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

571 (4) Funds transferred to the Marine Resources Conservation
572 Trust Fund from the Fuel Tax Collection Trust Fund pursuant to s.
573 206.606 shall be used for the following purposes:

574 (a) To provide additional water-related law enforcement
575 positions within the Fish and Wildlife Conservation Commission
576 primarily for the purpose of enforcing laws designed to protect
577 manatee populations. Law enforcement positions funded under this
578 provision shall be assigned to counties having the highest
579 incidence of manatee deaths and injuries.

580 (b) For the placement of uniform waterway markers on state
581 waters.



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582 (c) To provide funding for construction and maintenance of
583 publicly owned boat ramps, piers, and docks, directly and through
584 grants to counties and municipalities.

585 (d) To implement and administer programs related to boating
586 safety and education, manatee technical avoidance technology, and
587 economic development initiatives to promote boating in the state,
588 including competitive grants programs as provided in s. 327.47.

589 (e) For other activities of the Boating and Waterways
590 Section such as coordinating the submission of state comments on
591 boating-related events.

592

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

595 Section 19. Section 372.991, Florida Statutes, is
596 renumbered as section 379.209, Florida Statutes, to read:

597 379.209 ~~372.991~~ Nongame Wildlife Trust Fund.--

598 (1) The Legislature recognizes the value of maintaining
599 ecologically healthy and stable populations of a wide diversity
600 of fish and wildlife species and recognizes the need for
601 monitoring, research, management, and public awareness of all
602 wildlife species in order to guarantee that self-sustaining
603 populations be conserved. The Legislature further recognizes that
604 research and management for game species traditionally have been
605 supported by licenses and fees collected by the Fish and Wildlife
606 Conservation Commission for consumptive uses of wildlife and that
607 no such support mechanism is available for species not commonly
608 pursued for sport or profit. It is the intent of the Legislature
609 that the funds provided herein be spent to identify and meet the
610 needs of nongame wildlife as a first priority with the ultimate

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611 goal of establishing an integrated approach to the management and
612 conservation of all native fish, wildlife, and plants.

613 (2) (a) There is established within the Fish and Wildlife
614 Conservation Commission the Nongame Wildlife Trust Fund. The fund
615 shall be credited with moneys collected pursuant to ss. 319.32(3)
616 and 320.02(8). Additional funds may be provided from legislative
617 appropriations and by donations from interested individuals and
618 organizations. The commission shall designate an identifiable
619 unit to administer the trust fund.

620 (b) Proceeds from the trust fund shall be used for the
621 following purposes:

622 1. Documentation of population trends of nongame wildlife
623 and assessment of wildlife habitat, in coordination with the
624 database of Florida natural areas inventory.

625 2. Establishment of effective conservation, management, and
626 regulatory programs for nongame wildlife of the state.

627 3. Public education programs.

628 (3) The commission may enter into cooperative agreements or
629 memoranda of understanding with related agencies to coordinate
630 nongame programs.

631 Section 20. Section 372.09, Florida Statutes, is renumbered
632 as section 379.211, Florida Statutes, to read:

633 379.211 ~~372.09~~ State Game Trust Fund.--The funds resulting
634 from the operation of the commission and from the administration
635 of the laws and regulations pertaining to birds, game, fur-
636 bearing animals, freshwater fish, reptiles, and amphibians,
637 together with any other funds specifically provided for such
638 purposes shall constitute the State Game Trust Fund and shall be
639 used by the commission as it shall deem fit in carrying out the
640 provisions hereof and for no other purposes, except that annual



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641 use fees deposited into the trust fund from the sale of the
642 Largemouth Bass license plate may be expended for the purposes
643 provided under s. 320.08058(18). The commission may not obligate
644 itself beyond the current resources of the State Game Trust Fund
645 unless specifically so authorized by the Legislature.

646 Section 21. Section 372.074, Florida Statutes, is
647 renumbered as section 379.212, Florida Statutes, to read:

648 379.212 ~~372.074~~ Fish and Wildlife Habitat Program.--

649 (1) (a) There is established within the Fish and Wildlife
650 Conservation Commission the Fish and Wildlife Habitat Program for
651 the purpose of acquiring, assisting other agencies or local
652 governments in acquiring, or managing lands important to the
653 conservation of fish and wildlife.

654 (b) The Fish and Wildlife Conservation Commission or its
655 designee shall manage such lands for the primary purpose of
656 maintaining and enhancing their habitat value for fish and
657 wildlife. Other uses may be allowed that are not contrary to this
658 purpose.

659 (c) Where acquisition pursuant to this section will result
660 in state ownership of land, title shall be vested in the Board of
661 Trustees of the Internal Improvement Trust Fund as required in
662 chapter 253. Land acquisition pursuant to this section shall be
663 voluntary, negotiated acquisition and, where title is to be
664 vested in the Board of Trustees of the Internal Improvement Trust
665 Fund, is subject to the acquisition procedures of s. 253.025.

666 (d) Acquisition costs shall include purchase prices and
667 costs and fees associated with title work, surveys, and
668 appraisals required to complete an acquisition.

669 (2) Moneys which may be deposited into the Land Acquisition
670 Trust Fund for the purposes of this section may include, but not

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671 be limited to, donations, grants, development-of-regional-impact
672 wildlife mitigation contributions, or legislative appropriations.
673 Preservation 2000 acquisition moneys and Conservation and
674 Recreation Lands management moneys shall not be deposited into
675 this fund.

676 Section 22. Section 372.5701, Florida Statutes, is
677 renumbered as section 379.2201, Florida Statutes, and amended to
678 read:

679 379.2201 ~~372.5701~~ Deposit of license fees; allocation of
680 federal funds.--

681 (1) Except as provided in ss. 379.203 and 379.207 ~~372.105~~
682 ~~and 372.106~~, all saltwater license and permit fees collected
683 pursuant to s. 379.354 ~~372.57~~ shall be deposited into the Marine
684 Resources Conservation Trust Fund, to be used as follows:

685 (a) Not more than 7.5 percent of the total fees collected
686 shall be used for administration of the licensing program and for
687 information and education.

688 (b) Not less than 30 percent of the total fees collected
689 shall be used for law enforcement.

690 (c) Not less than 32.5 percent of the total fees collected
691 shall be used for marine research and management.

692 (d) Not less than 30 percent of the total fees collected,
693 for fishery enhancement, including, but not limited to, fishery
694 statistics development, artificial reefs, and fish hatcheries.

695 (2) The proceeds from recreational saltwater fishing
696 license fees paid by fishers shall only be appropriated to the
697 commission.

698 (3) Funds available from the Wallop-Breaux Aquatic
699 Resources Trust Fund shall be distributed by the commission
700 between freshwater fisheries management and research and marine

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701 fisheries management and research in proportion to the numbers of
702 resident fresh and saltwater anglers as determined by the most
703 current data on license sales. Unless otherwise provided by
704 federal law, the commission, at a minimum, shall provide the
705 following:

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

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

712 Section 23. Section 372.5702, Florida Statutes, is
713 renumbered as section 379.2202, Florida Statutes, and amended to
714 read:

715 379.2202 ~~372.5702~~ Expenditure of funds.--Any moneys
716 available pursuant to s. 379.2201(1)(c) ~~372.5701(1)(c)~~ may be
717 expended by the commission within Florida through grants and
718 contracts for research with research institutions including but
719 not limited to: Florida Sea Grant; Florida Marine Resources
720 Council; Harbour Branch Oceanographic Institute; Technological
721 Research and Development Authority; Fish and Wildlife Research
722 Institute of the Fish and Wildlife Conservation Commission; Mote
723 Marine Laboratory; Marine Resources Development Foundation;
724 Florida Institute of Oceanography; Rosentiel School of Marine and
725 Atmospheric Science; and Smithsonian Marine Station at Ft.
726 Pierce.

727 Section 24. Section 372.72, Florida Statutes, is renumbered
728 as section 379.2203, Florida Statutes, and amended to read:

729 379.2203 ~~372.72~~ Disposition of fines, penalties, and
730 forfeitures.--

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731 (1) All moneys collected from fines, penalties, proceeds
732 from unclaimed bonds, or forfeitures of bail of persons convicted
733 under this chapter shall be deposited in the fine and forfeiture
734 fund established pursuant to s. 142.01 where such convictions are
735 had, except for the disposition of moneys as provided in
736 subsection (2).

737 (2) All moneys collected from fines, penalties, or
738 forfeitures of bail of persons convicted of violations of rules,
739 regulations, or orders of the Fish and Wildlife Conservation
740 Commission concerning endangered or threatened species or of
741 violation of s. 379.3014, s. 379.409, or s. 379.4115 ~~s. 372.662,~~
742 ~~s. 372.663, s. 372.667, or s. 372.671~~ shall be remitted by the
743 clerk of the court to the Department of Revenue to be deposited
744 in the Nongame Wildlife Trust Fund.

745 Section 25. Section 372.5712, Florida Statutes, is
746 renumbered as section 379.2211, Florida Statutes, and amended to
747 read:

748 379.2211 ~~372.5712~~ Florida waterfowl permit revenues.--

749 (1) The commission shall expend the revenues generated from
750 the sale of the Florida waterfowl permit as provided in s.
751 379.354(8)(a) ~~372.57(8)(a)~~ or that pro rata portion of any
752 license that includes waterfowl hunting privileges, as provided
753 in s. 379.354(4)(h), (i), and (j) and (9)(a)3. ~~372.57(4)(h), (i),~~
754 ~~and (j) and (9)(a)3.~~ as follows: A maximum of 5 percent of the
755 gross revenues shall be expended for administrative costs; a
756 maximum of 25 percent of the gross revenues shall be expended for
757 waterfowl research approved by the commission; and a maximum of
758 70 percent of the gross revenues shall be expended for projects
759 approved by the commission, in consultation with the Waterfowl
760 Advisory Council, for the purpose of protecting and propagating



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761 migratory waterfowl and for the development, restoration,
762 maintenance, and preservation of wetlands within the state.

763 (2) The intent of this section is to expand waterfowl
764 research and management and increase waterfowl populations in the
765 state without detracting from other programs. The commission
766 shall prepare an annual report documenting the use of funds
767 generated under the provisions of this section, to be submitted
768 to the Governor, the Speaker of the House of Representatives, and
769 the President of the Senate on or before September 1 of each
770 year.

771 Section 26. Section 372.5715, Florida Statutes, is
772 renumbered as section 379.2212, Florida Statutes, and amended to
773 read:

774 379.2212 ~~372.5715~~ Florida wild turkey permit revenues.--

775 (1) The commission shall expend the revenues generated from
776 the sale of the turkey permit as provided for in s. 379.354(8)(b)
777 ~~372.57(8)(b)~~ or that pro rata portion of any license that
778 includes turkey hunting privileges as provided for in s.
779 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for
780 research and management of wild turkeys.

781 (2) The intent of this section is to expand wild turkey
782 research and management and to increase wild turkey populations
783 in the state without detracting from other programs. The
784 commission shall prepare an annual report documenting the use of
785 funds generated under the provisions of this section, to be
786 submitted to the Governor, the Speaker of the House of
787 Representatives, and the President of the Senate on or before
788 September 1 of each year.

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789 Section 27. Section 372.573, Florida Statutes, is
790 renumbered as section 379.2213, Florida Statutes, and amended to
791 read:

792 379.2213 ~~372.573~~ Management area permit revenues.--The
793 commission shall expend the revenue generated from the sale of
794 the management area permit as provided for in s. 379.354(8)(g)
795 ~~372.57(8)(g)~~ or that pro rata portion of any license that
796 includes management area privileges as provided for in s.
797 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for the
798 lease, management, and protection of lands for public hunting,
799 fishing, and other outdoor recreation.

800 Section 28. Section 372.12, Florida Statutes, is renumbered
801 as section 379.2222, Florida Statutes, to read:

802 379.2222 ~~372.12~~ Acquisition of state game lands.--The Fish
803 and Wildlife Conservation Commission, with the approval of the
804 Governor, may acquire, in the name of the state, lands and waters
805 suitable for the protection and propagation of game, fish,
806 nongame birds, or fur-bearing animals, or for hunting purposes,
807 game farms, by purchase, lease, gift or otherwise to be known as
808 state game lands. The said commission may erect such buildings
809 and fences as may be deemed necessary to properly maintain and
810 protect such lands, or for propagation of game, nongame birds,
811 freshwater fish, or fur-bearing animals. The title of land
812 acquired by purchase, lease, gift or otherwise, shall be approved
813 by the Department of Legal Affairs. The deed to such lands shall
814 be deposited as are deeds to other state lands. No property
815 acquired under this section shall be exempt from state, county,
816 or district taxation.

817 Section 29. Section 372.121, Florida Statutes, is
818 renumbered as section 379.2223, Florida Statutes, to read:



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819 379.2223 ~~372.121~~ Control and management of state game
820 lands.--

821 (1) The Fish and Wildlife Conservation Commission is
822 authorized to make, adopt, promulgate, amend, repeal, and enforce
823 all reasonable rules and regulations necessary for the
824 protection, control, operation, management, or development of
825 lands or waters owned by, leased by, or otherwise assigned to,
826 the commission for fish or wildlife management purposes,
827 including but not being limited to the right of ingress and
828 egress. Before any such rule or regulation is adopted, other than
829 one relating to wild animal life, marine life, or freshwater
830 aquatic life, the commission shall obtain the consent and
831 agreement, in writing, of the owner, in the case of privately
832 owned lands or waters, or the owner or primary custodian, in the
833 case of public lands or waters.

834 (2) Any person violating or otherwise failing to comply
835 with any rule or regulation so adopted commits a misdemeanor of
836 the second degree, punishable as provided in s. 775.082 or s.
837 775.083.

838 Section 30. Section 372.19, Florida Statutes, is renumbered
839 as section 379.2224, Florida Statutes, to read:

840 379.2224 ~~372.19~~ Preserves, refuges, etc., not tax-
841 exempt.--No property acquired by purchase, lease, gift, contract
842 to purchase or lease, or otherwise, under the provisions of this
843 chapter, as state game lands, or any private lands used as game
844 refuges, shooting grounds, privileges, hatcheries or breeding
845 grounds for fish, game, birds or fur-bearing animals, except
846 state-owned lands being used for the protection of game, fish or
847 fur-bearing animals under the provisions of this chapter, shall
848 be exempt from state, county or district taxation. Any contract,

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849 | lease, gift or purchase of land for such purposes which attempts
850 | to exempt or partially exempt such property from taxation shall
851 | be null and void and of no effect.

852 | Section 31. Section 372.025, Florida Statutes, is
853 | renumbered as section 379.2225, Florida Statutes, to read:

854 | 379.2225 ~~372.025~~ Everglades recreational sites;
855 | definitions.--

856 | (1) PURPOSE.--It is the intent of the Legislature to
857 | provide for the development and management of recreational sites
858 | in the water conservation areas of the Florida Everglades when
859 | such development:

860 | (a) Can be accomplished without endangering the water
861 | quality and quantity of supply and where environmental impact
862 | will be minimal.

863 | (b) Is located on the exterior fringes of the Everglades to
864 | discourage extensive uncontrolled use of the interior regions.

865 | (c) Is located where convenient access is possible for the
866 | millions of Floridians living in urban areas.

867 | (d) Offers recreational potential for nature trails, bird
868 | study, picnic areas, boating, fishing, hunting, and target
869 | shooting.

870 | (e) Is located where proper management and law enforcement
871 | can be provided.

872 | (2) DEFINITIONS.--As used in this section:

873 | (a) "Commission" means the Fish and Wildlife Conservation
874 | Commission.

875 | (b) "Indian reservations" means lands as designated by
876 | chapter 285.

877 | (c) "Development of recreational sites" means any
878 | improvements to existing facilities or sites and also such new

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879 selection and improvements as are needed for the various
880 recreational activities as herein provided.

881 (3) RECREATIONAL SITES.--The Fish and Wildlife Conservation
882 Commission is directed to develop, manage, and enforce laws on
883 certain recreational sites in the water conservation areas of the
884 Everglades from funds to be appropriated by the Legislature.

885 (4) No recreational site will be developed on any Indian
886 reservations as created by chapter 285 without first obtaining
887 written approval for such development from the Indians of the
888 particular reservation lands affected.

889 Section 32. Section 372.0215, Florida Statutes, is
890 renumbered as section 379.223, Florida Statutes, to read:

891 379.223 ~~372.0215~~ Citizen support organizations; use of
892 state property; audit.--

893 (1) The Fish and Wildlife Conservation Commission may
894 authorize the establishment of citizen support organizations to
895 provide assistance, funding, and promotional support for the
896 programs of the commission. For purposes of this section, the
897 term "citizen support organization" means an organization which:

898 (a) Is a corporation not for profit incorporated pursuant
899 to the provisions of chapter 617 and approved by the Department
900 of State.

901 (b) Is organized and operated to conduct programs and
902 activities; raise funds; request and receive grants, gifts, and
903 bequests of money; acquire, receive, hold, invest, and administer
904 in its own name securities, funds, or real or personal property;
905 and make expenditures for the benefit of the commission or an
906 individual program unit of the commission; except that such
907 organization may not receive funds from the commission or the

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908 Fish and Wildlife Research Institute by grant, gift, or contract
909 unless specifically authorized by the Legislature.

910 (c) The commission has determined acts in a manner that is
911 consistent with the goals of the commission and the best
912 interests of the state.

913 (d) Is approved in writing by the commission to operate for
914 the benefit of the commission. Such approval must be stated in a
915 letter of agreement from the executive director of the
916 commission.

917 (2) (a) The Fish and Wildlife Conservation Commission may
918 permit a citizen support organization to use commission property,
919 facilities, and personnel free of charge. A citizen support
920 organization may use commission property, facilities, and
921 personnel if such use is consistent with the approved purpose of
922 that citizen support organization and if such use does not
923 unreasonably interfere with the general public's use of
924 commission property, facilities, and personnel for established
925 purposes.

926 (b) The commission may prescribe conditions upon the use by
927 a citizen support organization of commission property,
928 facilities, or personnel.

929 (c) The commission may not permit the use of any property,
930 facilities, or personnel of the state by a citizen support
931 organization that does not provide equal membership and
932 employment opportunities to all persons regardless of race,
933 color, national origin, religion, sex, or age.

934 (3) Each citizen support organization shall provide for an
935 annual financial audit in accordance with s. 215.981. The
936 identity of a donor or prospective donor to a citizen support
937 organization who desires to remain anonymous and all information

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938 identifying such donor or prospective donor are confidential and
939 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
940 of the State Constitution. Such anonymity shall be maintained in
941 the auditor's report.

942 Section 33. Section 370.06091, Florida Statutes, is
943 renumbered as section 379.224, Florida Statutes, to read:

944 379.224 ~~370.06091~~ Memorandum of agreement relating to Fish
945 and Wildlife Research Institute.--A memorandum of agreement will
946 be developed between the Department of Environmental Protection
947 and the Fish and Wildlife Conservation Commission which will
948 detail the responsibilities of the Fish and Wildlife Research
949 Institute to the department, to include, at a minimum, the
950 following services:

951 (1) Environmental monitoring and assessment.

952 (2) Restoration research and development of restoration
953 technology.

954 (3) Technical support and response for oil spills, ship
955 groundings, major marine species die-offs, hazardous spills, and
956 natural disasters.

957 Section 34. Section 370.103, Florida Statutes, is
958 renumbered as section 379.2251, Florida Statutes, to read:

959 379.2251 ~~370.103~~ Agreements with Federal Government for the
960 preservation of saltwater fisheries; authority of
961 commission.--The Fish and Wildlife Conservation Commission is
962 authorized and empowered to enter into cooperative agreements
963 with the Federal Government or agencies thereof for the purpose
964 of preserving saltwater fisheries within and without state waters
965 and for the purpose of protecting against overfishing, waste,
966 depletion, or any abuse whatsoever. Such authority includes the
967 authority to enter into cooperative agreements whereby officers

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968 of the Fish and Wildlife Conservation Commission are empowered to
969 enforce federal statutes and rules pertaining to fisheries
970 management. When differences between state and federal laws
971 occur, state laws shall take precedence.

972 Section 35. Section 370.18, Florida Statutes, is renumbered
973 as section 379.2252, Florida Statutes, to read:

974 379.2252 ~~370.18~~ Compacts and agreements; generally.--The
975 Fish and Wildlife Conservation Commission may enter into
976 agreements of reciprocity with the fish commissioners or other
977 departments or other proper officials of other states, whereby
978 the citizens of the state may be permitted to take or catch
979 shrimp or prawn from the waters under the jurisdiction of such
980 other states, upon similar agreements to allow such nonresidents
981 or aliens to fish for or catch seafood products within the
982 jurisdiction of the state regardless of residence.

983 Section 36. Section 370.19, Florida Statutes, is renumbered
984 as section 379.2253, Florida Statutes, to read:

985 379.2253 ~~370.19~~ Atlantic States Marine Fisheries Compact;
986 implementing legislation.--

987 (1) FORM.--The Governor of this state is hereby authorized
988 and directed to execute a compact on behalf of the State of
989 Florida with any one or more of the States of Maine, New
990 Hampshire, Massachusetts, Rhode Island, Connecticut, New York,
991 New Jersey, Delaware, Maryland, Virginia, North Carolina, South
992 Carolina, and Georgia, and with such other states as may enter
993 into the compact, legally joining therein in the form
994 substantially as follows:

995

996 ATLANTIC STATES MARINE FISHERIES

997 COMPACT



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998

999 The contracting states solemnly agree:

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1001

ARTICLE I

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ARTICLE II

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ARTICLE III



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1029 Each state joining herein shall appoint three
1030 representatives to a commission hereby constituted and designated
1031 as the Atlantic States Marine Fisheries Commission. One shall be
1032 the executive officer of the administrative agency of such state
1033 charged with the conservation of the fisheries resources to which
1034 this compact pertains or, if there be more than one officer or
1035 agency, the official of that state named by the governor thereof.
1036 The second shall be a member of the legislature of such state
1037 designated by such legislature or, in the absence of such
1038 designation, such legislator shall be designated by the governor
1039 thereof, provided that if it is constitutionally impossible to
1040 appoint a legislator as a commissioner from such state, the
1041 second member shall be appointed in such manner as is established
1042 by law. The third shall be a citizen who shall have a knowledge
1043 of and interest in the marine fisheries problem to be appointed
1044 by the governor. This commission shall be a body corporate with
1045 the powers and duties set forth herein.

1046
1047 ARTICLE IV

1048
1049 The duty of the said commission shall be to make inquiry and
1050 ascertain from time to time such methods, practices,
1051 circumstances and conditions as may be disclosed for bringing
1052 about the conservation and the prevention of the depletion and
1053 physical waste of the fisheries, marine, shell and anadromous, of
1054 the Atlantic seaboard. The commission shall have power to
1055 recommend the coordination of the exercise of the police powers
1056 of the several states within their respective jurisdictions to
1057 promote the preservation of those fisheries and their protection



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1058 against overfishing, waste, depletion or any abuse whatsoever and
1059 to assure a continuing yield from the fisheries resources of the
1060 aforementioned states.

1061 To that end the commission shall draft and, after
1062 consultation with the advisory committee hereinafter authorized,
1063 recommend to the governors and legislatures of the various
1064 signatory states legislation dealing with the conservation of the
1065 marine, shell and anadromous fisheries of the Atlantic seaboard.
1066 The commission shall, more than one month prior to any regular
1067 meeting of the legislature in any signatory state, present to the
1068 governor of the state its recommendations relating to enactments
1069 to be made by the legislature of that state in furthering the
1070 intents and purposes of this compact.

1071 The commission shall consult with and advise the pertinent
1072 administrative agencies in the states party hereto with regard to
1073 problems connected with the fisheries and recommend the adoption
1074 of such regulations as it deems advisable.

1075 The commission shall have power to recommend to the states
1076 party hereto the stocking of the waters of such states with fish
1077 and fish eggs or joint stocking by some or all of the states
1078 party hereto and when two or more of the states shall jointly
1079 stock waters the commission shall act as the coordinating agency
1080 for such stocking.

1081

1082 ARTICLE V

1083

1084 The commission shall elect from its number a chair and a
1085 vice chair and shall appoint and at its pleasure remove or
1086 discharge such officers and employees as may be required to carry
1087 the provisions of this compact into effect and shall fix and



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1088 determine their duties, qualifications and compensation. Said
1089 commission shall adopt rules and regulations for the conduct of
1090 its business. It may establish and maintain one or more offices
1091 for the transaction of its business and may meet at any time or
1092 place but must meet at least once a year.

1093

1094 ARTICLE VI

1095

1096 No action shall be taken by the commission in regard to its
1097 general affairs except by the affirmative vote of a majority of
1098 the whole number of compacting states present at any meeting. No
1099 recommendation shall be made by the commission in regard to any
1100 species of fish except by the affirmative vote of a majority of
1101 the compacting states which have an interest in such species. The
1102 commission shall define what shall be an interest.

1103

1104 ARTICLE VII

1105

1106 The Fish and Wildlife Service of the Department of the
1107 Interior of the Government of the United States shall act as the
1108 primary research agency of the Atlantic States Marine Fisheries
1109 Commission cooperating with the research agencies in each state
1110 for that purpose. Representatives of the said Fish and Wildlife
1111 Service shall attend the meetings of the commission.

1112 An advisory committee to be representative of the commercial
1113 fishers and the saltwater anglers and such other interests of
1114 each state as the commission deems advisable shall be established
1115 by the commission as soon as practicable for the purpose of
1116 advising the commission upon such recommendations as it may
1117 desire to make.



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ARTICLE VIII

When any state other than those named specifically in Article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of Article II the participation of such state in the action of the commission shall be limited to such species of anadromous fish.

ARTICLE IX

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions to conserve its fisheries.

ARTICLE X

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

ARTICLE XI

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of



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1148 the Fish and Wildlife Service of the United States Department of
 1149 the Interior, provided no state shall contribute less than \$200
 1150 per annum and the annual contribution of each state above the
 1151 minimum shall be figured to the nearest \$100.

1152 The compacting states agree to appropriate initially the
 1153 annual amounts scheduled below, which amounts are calculated in
 1154 the manner set forth herein, on the basis of the catch record of
 1155 1938. Subsequent budgets shall be recommended by a majority of
 1156 the commission and the cost thereof allocated equitably among the
 1157 states in accordance with their respective interests and
 1158 submitted to the compacting states.

1159
 1160 Schedule of Initial Annual
 1161 State Contributions

1162	Maine.....	\$700
1163	New Hampshire.....	200
1164	Massachusetts.....	2,300
1165	Rhode Island.....	300
1166	Connecticut.....	400
1167	New York.....	1,300
1168	New Jersey.....	800
1169	Delaware.....	200
1170	Maryland.....	700
1171	Virginia.....	1,300
1172	North Carolina.....	600
1173	South Carolina.....	200
1174	Georgia.....	200
1175	Florida.....	1,500

1176
1177 ARTICLE XII

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1178
1179 This compact shall continue in force and remain binding upon
1180 each compacting state until renounced by it. Renunciation of this
1181 compact must be preceded by sending 6 months' notice in writing
1182 of intention to withdraw from the compact to the other states
1183 party hereto.

1184 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In pursuance
1185 of Article III of said compact there shall be three members
1186 (hereinafter called commissioners) of the Atlantic States Marine
1187 Fisheries Commission (hereinafter called commission) from this
1188 state. The first commissioner from this state shall be the
1189 Executive Director of the Fish and Wildlife Conservation
1190 Commission, ex officio, and the term of any such ex officio
1191 commissioner shall terminate at the time he or she ceases to hold
1192 said office of Executive Director of the Fish and Wildlife
1193 Conservation Commission, and his or her successor as commissioner
1194 shall be his or her successor as executive director. The second
1195 commissioner from this state shall be a legislator appointed on a
1196 rotating basis by the President of the Senate or the Speaker of
1197 the House of Representatives, beginning with the appointment of a
1198 member of the Senate, and the term of any such commissioner shall
1199 terminate at the time he or she ceases to hold said legislative
1200 office. The Governor (subject to confirmation by the Senate),
1201 shall appoint a citizen as a third commissioner who shall have a
1202 knowledge of, and interest in, the marine fisheries problem. The
1203 term of said commissioner shall be 3 years and the commissioner
1204 shall hold office until a successor shall be appointed and
1205 qualified. Vacancies occurring in the office of such commissioner
1206 from any reason or cause shall be filled by appointment by the
1207 Governor (subject to confirmation by the Senate), for the

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1208 unexpired term. The Executive Director of the Fish and Wildlife
1209 Conservation Commission as ex officio commissioner may delegate,
1210 from time to time, to any deputy or other subordinate in his or
1211 her department or office, the power to be present and
1212 participate, including voting, as his or her representative or
1213 substitute at any meeting of or hearing by or other proceeding of
1214 the commission. The terms of each of the initial three members
1215 shall begin at the date of the appointment of the appointive
1216 commissioner, provided the said compact shall then have gone into
1217 effect in accordance with Article II of the compact; otherwise,
1218 they shall begin upon the date upon which said compact shall
1219 become effective in accordance with said Article II. Any
1220 commissioner may be removed from office by the Governor upon
1221 charges and after a hearing.

1222 (3) POWERS OF COMMISSION AND COMMISSIONERS.--There is
1223 hereby granted to the commission and the commissioners thereof
1224 all the powers provided for in the said compact and all the
1225 powers necessary or incidental to the carrying out of said
1226 compact in every particular. All officers of the State of Florida
1227 are hereby authorized and directed to do all things falling
1228 within their respective provinces and jurisdiction necessary or
1229 incidental to the carrying out of said compact in every
1230 particular; it being hereby declared to be the policy of the
1231 State of Florida to perform and carry out the said compact and to
1232 accomplish the purposes thereof. All officers, bureaus,
1233 departments and persons of and in the state government or
1234 administration of the State of Florida are hereby authorized and
1235 directed at convenient times and upon request of the said
1236 commission to furnish the said commission with information and
1237 data possessed by them or any of them and to aid said commission

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1238 by loan of personnel or other means lying within their legal
1239 rights respectively.

1240 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
1241 granted to the commission shall be regarded as in aid of and
1242 supplemental to and in no case a limitation upon any of the
1243 powers vested in said commission by other laws of the State of
1244 Florida or by the laws of the States of Maine, New Hampshire,
1245 Massachusetts, Connecticut, Rhode Island, New York, New Jersey,
1246 Delaware, Maryland, Virginia, North Carolina, South Carolina,
1247 Georgia and Florida or by the Congress or the terms of said
1248 compact.

1249 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--

1250 (a) The commission shall keep accurate accounts of all
1251 receipts and disbursements and shall report to the Governor and
1252 the Legislature of the State of Florida on or before the 10th day
1253 of December in each year, setting forth in detail the
1254 transactions conducted by it during the 12 months preceding
1255 December 1 of that year and shall make recommendations for any
1256 legislative action deemed by it advisable, including amendments
1257 to the statutes of the State of Florida which may be necessary to
1258 carry out the intent and purposes of the compact between the
1259 signatory states.

1260 (b) The Department of Financial Services is authorized and
1261 empowered from time to time to examine the accounts and books of
1262 the commission, including its receipts, disbursements and such
1263 other items referring to its financial standing as such
1264 department deems proper and to report the results of such
1265 examination to the governor of such state.

1266 (6) APPROPRIATION FOR EXPENSES OF COMMISSION.--The sum of
1267 \$600, annually, or so much thereof as may be necessary, is hereby



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1268 appropriated out of any moneys in the State Treasury not
1269 otherwise appropriated, for the expenses of the commission
1270 created by the compact authorized by this law. The moneys hereby
1271 appropriated shall be paid out of the State Treasury on the audit
1272 and warrant of the Chief Financial Officer upon vouchers
1273 certified by the chair of the commission in the manner prescribed
1274 by law.

1275 Section 37. Section 370.20, Florida Statutes, is renumbered
1276 as section 379.2254, Florida Statutes, to read:

1277 379.2254 ~~370.20~~ Gulf States Marine Fisheries Compact;
1278 implementing legislation.--

1279 (1) FORM.--The Governor of this state is hereby authorized
1280 and directed to execute the compact on behalf of the State of
1281 Florida with any one or more of the States of Alabama,
1282 Mississippi, Louisiana and Texas, and with such other state as
1283 may enter into a compact, legal joining therein in the form
1284 substantially as follows:

1285

1286 GULF STATES MARINE FISHERIES

1287 COMPACT

1288

1289 The contracting states solemnly agree:

1290

1291 ARTICLE I

1292

1293 Whereas the gulf coast states have the proprietary interest
1294 in and jurisdiction over fisheries in the waters within their
1295 respective boundaries, it is the purpose of this compact to
1296 promote the better utilization of the fisheries, marine, shell
1297 and anadromous, of the seaboard of the Gulf of Mexico, by the



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1298 development of a joint program for the promotion and protection
1299 of such fisheries and the prevention of the physical waste of the
1300 fisheries from any cause.

1301

1302 ARTICLE II

1303

1304 This compact shall become operative immediately as to those
1305 states ratifying it whenever any two or more of the States of
1306 Florida, Alabama, Mississippi, Louisiana and Texas have ratified
1307 it and the Congress has given its consent subject to article I,
1308 s. 10 of the Constitution of the United States. Any state
1309 contiguous to any of the aforementioned states or riparian upon
1310 waters which flow into waters under the jurisdiction of any of
1311 the aforementioned states and which are frequented by anadromous
1312 fish or marine species may become a party hereto as hereinafter
1313 provided.

1314

1315 ARTICLE III

1316

1317 Each state joining herein shall appoint three
1318 representatives to a commission hereby constituted and designated
1319 as the Gulf States Marine Fisheries Commission. One shall be the
1320 head of the administrative agency of such state charged with the
1321 conservation of the fishery resources to which this compact
1322 pertains or, if there be more than one officer or agency, the
1323 official of that state named by the governor thereof. The second
1324 shall be a member of the legislature of such state designated by
1325 such legislature or in the absence of such designation, such
1326 legislator shall be designated by the governor thereof, provided
1327 that if it is constitutionally impossible to appoint a legislator



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1328 as a commissioner from such state, the second member shall be
1329 appointed in such manner as may be established by law. The third
1330 shall be a citizen who shall have a knowledge of and interest in
1331 the marine fisheries, to be appointed by the governor. This
1332 commission shall be a body corporate with the powers and duties
1333 set forth herein.

1334

1335 ARTICLE IV

1336

1337 The duty of the said commission shall be to make inquiry and
1338 ascertain from time to time such methods, practices,
1339 circumstances and conditions as may be disclosed for bringing
1340 about the conservation and the prevention of the depletion and
1341 physical waste of the fisheries, marine, shell and anadromous, of
1342 the gulf coast. The commission shall have power to recommend the
1343 coordination of the exercise of the police powers of the several
1344 states within their respective jurisdiction to promote the
1345 preservation of these fisheries and their protection against
1346 overfishing, waste, depletion or any abuse whatsoever and to
1347 assure a continuing yield from the fishery resources of the
1348 aforementioned states.

1349 To that end the commission shall draft and recommend to the
1350 governors and the legislatures of the various signatory states,
1351 legislation dealing with the conservation of the marine, shell
1352 and anadromous fisheries of the gulf seaboard. The commission
1353 shall from time to time present to the governor of each
1354 compacting state its recommendations relating to enactments to be
1355 presented to the legislature of the state in furthering the
1356 interest and purposes of this compact.



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1357 The commission shall consult with and advise the pertinent
1358 administrative agencies in the states party hereto with regard to
1359 problems connected with the fisheries and recommend the adoption
1360 of such regulations as it deems advisable.

1361 The commission shall have power to recommend to the states
1362 party hereto the stocking of the waters of such states with fish
1363 and fish eggs or joint stocking by some or all of the states
1364 party hereto and when two or more states shall jointly stock
1365 waters the commission shall act as the coordinating agency for
1366 such stocking.

1367
1368 ARTICLE V
1369

1370 The commission shall elect from its number a chair and vice
1371 chair and shall appoint and at its pleasure remove or discharge
1372 such officers and employees as may be required to carry the
1373 provisions of this compact into effect and shall fix and
1374 determine their duties, qualifications and compensation. Said
1375 commission shall adopt rules and regulations for the conduct of
1376 its business. It may establish and maintain one or more offices
1377 for the transaction of its business and may meet at any time or
1378 place but must meet at least once a year.

1379
1380 ARTICLE VI
1381

1382 No action shall be taken by the commission in regard to its
1383 general affairs except by the affirmative vote of a majority of
1384 the whole number of compacting states. No recommendation shall be
1385 made by the commission in regard to any species of fish except by
1386 the affirmative vote of a majority of the compacting states which



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1387 have an interest in such species. The commission shall define
1388 which shall be an interest.

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ARTICLE VII

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ARTICLE VIII

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ARTICLE IX

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1416 Nothing in this compact shall be construed to limit the
1417 powers or the proprietary interest of any signatory state or to
1418 repeal or prevent the enactment of any legislation or the
1419 enforcement of any requirement by a signatory state imposing
1420 additional conditions and restrictions to conserve its fisheries.
1421

1422 ARTICLE X
1423

1424 It is agreed that any two or more states party hereto may
1425 further amend this compact by acts of their respective
1426 legislatures subject to approval of Congress as provided in
1427 article I, s. 10, of the Constitution of the United States, to
1428 designate the Gulf States Marine Fisheries Commission as a joint
1429 regulating authority for the joint regulation of specific
1430 fisheries affecting only such states as shall be compact, and at
1431 their joint expense. The representatives of such states shall
1432 constitute a separate section of the Gulf States Marine Fisheries
1433 Commission for the exercise of the additional powers so granted
1434 but the creation of such section shall not be deemed to deprive
1435 the states so compacting of any of their privileges or powers in
1436 the Gulf States Marine Fisheries Commission as constituted under
1437 the other articles of this compact.
1438

1439 ARTICLE XI
1440

1441 Continued absence of representation or of any representative
1442 on the commission from any state party hereto shall be brought to
1443 the attention of the governor thereof.
1444

1445 ARTICLE XII



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The operating expenses of the Gulf States Marine Fisheries Commission shall be borne by the states party hereto. Such initial appropriations as are set forth below shall be made available yearly until modified as hereinafter provided:

Florida.....	\$3,500
Alabama.....	1,000
Mississippi.....	1,000
Louisiana.....	5,000
Texas.....	2,500
Total.....	\$13,000

The proration and total cost per annum of \$13,000, above-mentioned, is estimated only, for initial operations, and may be changed when found necessary by the commission and approved by the legislatures of the respective states. Each state party hereto agrees to provide in the manner most acceptable to it, the travel costs and necessary expenses of its commissioners and other representatives to and from meetings of the commission or its duly constituted sections or committees.

ARTICLE XIII

This compact shall continue in force and remain binding upon each compacting state until renounced by act of the legislature of such state, in such form as it may choose; provided that such renunciation shall not become effective until 6 months after the effective date of the action taken by the legislature. Notice of such renunciation shall be given to the other states party hereto

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1475 | by the secretary of state of the compacting state so renouncing
1476 | upon passage of the act.

1477 | (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In pursuance of
1478 | article III of said compact, there shall be three members
1479 | (hereinafter called commissioners) of the Gulf States Marine
1480 | Fisheries Commission (hereafter called commission) from the State
1481 | of Florida. The first commissioner from the State of Florida
1482 | shall be the Executive Director of the Fish and Wildlife
1483 | Conservation Commission, ex officio, and the term of any such ex
1484 | officio commissioner shall terminate at the time he or she ceases
1485 | to hold said office of Executive Director of the Fish and
1486 | Wildlife Conservation Commission, and his or her successor as
1487 | commissioner shall be his or her successor as executive director.
1488 | The second commissioner from the State of Florida shall be a
1489 | legislator appointed on a rotating basis by the President of the
1490 | Senate or the Speaker of the House of Representatives, beginning
1491 | with the appointment of a member of the House of Representatives,
1492 | and the term of any such commissioner shall terminate at the time
1493 | he or she ceases to hold said legislative office. The Governor
1494 | (subject to confirmation by the Senate) shall appoint a citizen
1495 | as a third commissioner who shall have a knowledge of and
1496 | interest in the marine fisheries problem. The term of said
1497 | commissioner shall be 3 years and the commissioner shall hold
1498 | office until a successor shall be appointed and qualified.
1499 | Vacancies occurring in the office of such commissioner from any
1500 | reason or cause shall be filled by appointment by the Governor
1501 | (subject to confirmation by the Senate) for the unexpired term.
1502 | The Executive Director of the Fish and Wildlife Conservation
1503 | Commission, as ex officio commissioner, may delegate, from time
1504 | to time, to any deputy or other subordinate in his or her



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1505 department or office, the power to be present and participate,
1506 including voting, as his or her representative or substitute at
1507 any meeting of or hearing by or other proceeding of the
1508 commission. The terms of each of the initial three members shall
1509 begin at the date of the appointment of the appointive
1510 commissioner, provided the said compact shall then have gone into
1511 effect in accordance with article II of the compact; otherwise
1512 they shall begin upon the date upon which said compact shall
1513 become effective in accordance with said article II.

1514 Any commissioner may be removed from office by the Governor
1515 upon charges and after a hearing.

1516 (3) COMMISSION; POWERS.--There is hereby granted to the
1517 commission and the commissioners thereof all the powers provided
1518 for in the said compact and all the powers necessary or
1519 incidental to the carrying out of said compact in every
1520 particular. All officers of the State of Florida are hereby
1521 authorized and directed to do all things falling within their
1522 respective provinces and jurisdiction necessary or incidental to
1523 the carrying out of said compact in every particular; it being
1524 hereby declared to be the policy of the State of Florida to
1525 perform and carry out the said compact and to accomplish the
1526 purposes thereof. All officers, bureaus, departments and persons
1527 of and in the state government or administration of the State of
1528 Florida are hereby authorized and directed at convenient times
1529 and upon request of the said commission to furnish the said
1530 commission with information and data possessed by them or any of
1531 them and to aid said commission by loan of personnel or other
1532 means lying within their legal rights respectively.

1533 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
1534 granted to the commissioner shall be regarded as in aid of and



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1535 supplemental to and in no case a limitation upon any of the
1536 powers vested in said commission by other laws of the State of
1537 Florida or by the laws of the States of Alabama, Mississippi,
1538 Louisiana, Texas and Florida or by the Congress or the terms of
1539 said compact.

1540 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--The
1541 commission shall keep accurate accounts of all receipts and
1542 disbursements and shall report to the Governor and the
1543 Legislature of the State of Florida on or before the 10th day of
1544 December in each year, setting forth in detail the transactions
1545 conducted by it during the 12 months preceding December 1 of that
1546 year and shall make recommendations for any legislative action
1547 deemed by it advisable, including amendments to the statutes of
1548 the State of Florida which may be necessary to carry out the
1549 intent and purposes of the compact between the signatory states.

1550 The Department of Financial Services is authorized and
1551 empowered from time to time to examine the accounts and books of
1552 the commission, including its receipts, disbursements and such
1553 other items referring to its financial standing as such
1554 department deems proper and to report the results of such
1555 examination to the governor of such state.

1556 Section 38. Section 372.831, Florida Statutes, is
1557 renumbered as section 379.2255, Florida Statutes, and amended to
1558 read:

1559 379.2255 ~~372.831~~ Wildlife Violator Compact Act.--The
1560 Wildlife Violator Compact is created and entered into with all
1561 other jurisdictions legally joining therein in the form
1562 substantially as follows:

1563

1564

ARTICLE I



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Findings and Purpose

(1) The participating states find that:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.

(c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(f) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(g) In most instances, a person who is cited for a wildlife violation in a state other than his or her home state is:

1. Required to post collateral or a bond to secure appearance for a trial at a later date;



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1595 2. Taken into custody until the collateral or bond is
1596 posted; or

1597 3. Taken directly to court for an immediate appearance.

1598 (h) The purpose of the enforcement practices set forth in
1599 paragraph (g) is to ensure compliance with the terms of a
1600 wildlife citation by the cited person who, if permitted to
1601 continue on his or her way after receiving the citation, could
1602 return to his or her home state and disregard his or her duty
1603 under the terms of the citation.

1604 (i) In most instances, a person receiving a wildlife
1605 citation in his or her home state is permitted to accept the
1606 citation from the officer at the scene of the violation and
1607 immediately continue on his or her way after agreeing or being
1608 instructed to comply with the terms of the citation.

1609 (j) The practices described in paragraph (g) cause
1610 unnecessary inconvenience and, at times, a hardship for the
1611 person who is unable at the time to post collateral, furnish a
1612 bond, stand trial, or pay a fine, and thus is compelled to remain
1613 in custody until some alternative arrangement is made.

1614 (k) The enforcement practices described in paragraph (g)
1615 consume an undue amount of time of law enforcement agencies.

1616 (2) It is the policy of the participating states to:

1617 (a) Promote compliance with the statutes, laws, ordinances,
1618 regulations, and administrative rules relating to the management
1619 of wildlife resources in their respective states.

1620 (b) Recognize a suspension of the wildlife license
1621 privileges of any person whose license privileges have been
1622 suspended by a participating state and treat such suspension as
1623 if it had occurred in each respective state.



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1624 (c) Allow a violator, except as provided in subsection (2)
1625 of Article III, to accept a wildlife citation and, without delay,
1626 proceed on his or her way, whether or not the violator is a
1627 resident of the state in which the citation was issued, if the
1628 violator's home state is party to this compact.

1629 (d) Report to the appropriate participating state, as
1630 provided in the compact manual, any conviction recorded against
1631 any person whose home state was not the issuing state.

1632 (e) Allow the home state to recognize and treat convictions
1633 recorded against its residents, which convictions occurred in a
1634 participating state, as though they had occurred in the home
1635 state.

1636 (f) Extend cooperation to its fullest extent among the
1637 participating states for enforcing compliance with the terms of a
1638 wildlife citation issued in one participating state to a resident
1639 of another participating state.

1640 (g) Maximize the effective use of law enforcement personnel
1641 and information.

1642 (h) Assist court systems in the efficient disposition of
1643 wildlife violations.

1644 (3) The purpose of this compact is to:

1645 (a) Provide a means through which participating states may
1646 join in a reciprocal program to effectuate the policies
1647 enumerated in subsection (2) in a uniform and orderly manner.

1648 (b) Provide for the fair and impartial treatment of
1649 wildlife violators operating within participating states in
1650 recognition of the violator's right to due process and the
1651 sovereign status of a participating state.

1652
1653 ARTICLE II



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1654 Definitions

1655

1656 As used in this compact, the term:

1657 (1) "Citation" means any summons, complaint, summons and
1658 complaint, ticket, penalty assessment, or other official document
1659 issued to a person by a wildlife officer or other peace officer
1660 for a wildlife violation which contains an order requiring the
1661 person to respond.

1662 (2) "Collateral" means any cash or other security deposited
1663 to secure an appearance for trial in connection with the issuance
1664 by a wildlife officer or other peace officer of a citation for a
1665 wildlife violation.

1666 (3) "Compliance" with respect to a citation means the act
1667 of answering a citation through an appearance in a court or
1668 tribunal, or through the payment of fines, costs, and surcharges,
1669 if any.

1670 (4) "Conviction" means a conviction that results in
1671 suspension or revocation of a license, including any court
1672 conviction, for any offense related to the preservation,
1673 protection, management, or restoration of wildlife which is
1674 prohibited by state statute, law, regulation, ordinance, or
1675 administrative rule. The term also includes the forfeiture of any
1676 bail, bond, or other security deposited to secure appearance by a
1677 person charged with having committed any such offense, the
1678 payment of a penalty assessment, a plea of nolo contendere, or
1679 the imposition of a deferred or suspended sentence by the court.

1680 (5) "Court" means a court of law, including magistrate's
1681 court and the justice of the peace court.

1682 (6) "Home state" means the state of primary residence of a
1683 person.

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1684 (7) "Issuing state" means the participating state that
1685 issues a wildlife citation to the violator.

1686 (8) "License" means any license, permit, or other public
1687 document that conveys to the person to whom it was issued the
1688 privilege of pursuing, possessing, or taking any wildlife
1689 regulated by statute, law, regulation, ordinance, or
1690 administrative rule of a participating state; any privilege to
1691 obtain such license, permit, or other public document; or any
1692 statutory exemption from the requirement to obtain such license,
1693 permit, or other public document. However, when applied to a
1694 license, permit, or privilege issued or granted by the State of
1695 Florida, only a license or permit issued under s. 379.354 ~~372.57~~,
1696 or a privilege granted under s. 379.353 ~~372.562~~, shall be
1697 considered a license.

1698 (9) "Licensing authority" means the department or division
1699 within each participating state which is authorized by law to
1700 issue or approve licenses or permits to hunt, fish, trap, or
1701 possess wildlife.

1702 (10) "Participating state" means any state that enacts
1703 legislation to become a member of this wildlife compact.

1704 (11) "Personal recognizance" means an agreement by a person
1705 made at the time of issuance of the wildlife citation that such
1706 person will comply with the terms of the citation.

1707 (12) "State" means any state, territory, or possession of
1708 the United States, the District of Columbia, the Commonwealth of
1709 Puerto Rico, the Provinces of Canada, and other countries.

1710 (13) "Suspension" means any revocation, denial, or
1711 withdrawal of any or all license privileges, including the
1712 privilege to apply for, purchase, or exercise the benefits
1713 conferred by any license.



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1714 (14) "Terms of the citation" means those conditions and
1715 options expressly stated upon the citation.

1716 (15) "Wildlife" means all species of animals, including,
1717 but not limited to, mammals, birds, fish, reptiles, amphibians,
1718 mollusks, and crustaceans, which are defined as "wildlife" and
1719 are protected or otherwise regulated by statute, law, regulation,
1720 ordinance, or administrative rule in a participating state.

1721 Species included in the definition of "wildlife" vary from state
1722 to state and the determination of whether a species is "wildlife"
1723 for the purposes of this compact shall be based on local law.

1724 (16) "Wildlife law" means any statute, law, regulation,
1725 ordinance, or administrative rule developed and enacted for the
1726 management of wildlife resources and the uses thereof.

1727 (17) "Wildlife officer" means any individual authorized by
1728 a participating state to issue a citation for a wildlife
1729 violation.

1730 (18) "Wildlife violation" means any cited violation of a
1731 statute, law, regulation, ordinance, or administrative rule
1732 developed and enacted for the management of wildlife resources
1733 and the uses thereof.

ARTICLE III

Procedures for Issuing State

1734
1735
1736
1737
1738 (1) When issuing a citation for a wildlife violation, a
1739 wildlife officer shall issue a citation to any person whose
1740 primary residence is in a participating state in the same manner
1741 as though the person were a resident of the issuing state and
1742 shall not require such person to post collateral to secure
1743 appearance, subject to the exceptions noted in subsection (2), if



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1744 the officer receives the recognizance of such person that he will
1745 comply with the terms of the citation.

1746 (2) Personal recognizance is acceptable if not prohibited
1747 by local law; by policy, procedure, or regulation of the issuing
1748 agency; or by the compact manual and if the violator provides
1749 adequate proof of identification to the wildlife officer.

1750 (3) Upon conviction or failure of a person to comply with
1751 the terms of a wildlife citation, the appropriate official shall
1752 report the conviction or failure to comply to the licensing
1753 authority of the participating state in which the wildlife
1754 citation was issued. The report shall be made in accordance with
1755 procedures specified by the issuing state and must contain
1756 information as specified in the compact manual as minimum
1757 requirements for effective processing by the home state.

1758 (4) Upon receipt of the report of conviction or
1759 noncompliance pursuant to subsection (3), the licensing authority
1760 of the issuing state shall transmit to the licensing authority of
1761 the home state of the violator the information in the form and
1762 content prescribed in the compact manual.

1763

1764 ARTICLE IV

1765 Procedure for Home State

1766

1767 (1) Upon receipt of a report from the licensing authority
1768 of the issuing state reporting the failure of a violator to
1769 comply with the terms of a citation, the licensing authority of
1770 the home state shall notify the violator and shall initiate a
1771 suspension action in accordance with the home state's suspension
1772 procedures and shall suspend the violator's license privileges
1773 until satisfactory evidence of compliance with the terms of the



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1774 | wildlife citation has been furnished by the issuing state to the
1775 | home state licensing authority. Due-process safeguards shall be
1776 | accorded.

1777 | (2) Upon receipt of a report of conviction from the
1778 | licensing authority of the issuing state, the licensing authority
1779 | of the home state shall enter such conviction in its records and
1780 | shall treat such conviction as though it occurred in the home
1781 | state for purposes of the suspension of license privileges.

1782 | (3) The licensing authority of the home state shall
1783 | maintain a record of actions taken and shall make reports to
1784 | issuing states as provided in the compact manual.

1785

1786 | ARTICLE V

1787 | Reciprocal Recognition of Suspension

1788

1789 | (1) Each participating state may recognize the suspension
1790 | of license privileges of any person by any other participating
1791 | state as though the violation resulting in the suspension had
1792 | occurred in that state and would have been the basis for
1793 | suspension of license privileges in that state.

1794 | (2) Each participating state shall communicate suspension
1795 | information to other participating states in the form and content
1796 | contained in the compact manual.

1797

1798 | ARTICLE VI

1799 | Applicability of Other Laws

1800

1801 | Except as expressly required by provisions of this compact, this
1802 | compact does not affect the right of any participating state to
1803 | apply any of its laws relating to license privileges to any



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1804 person or circumstance or to invalidate or prevent any agreement
1805 or other cooperative arrangement between a participating state
1806 and a nonparticipating state concerning the enforcement of
1807 wildlife laws.

1809 ARTICLE VII

1810 Compact Administrator Procedures

1811
1812 (1) For the purpose of administering the provisions of this
1813 compact and to serve as a governing body for the resolution of
1814 all matters relating to the operation of this compact, a board of
1815 compact administrators is established. The board shall be
1816 composed of one representative from each of the participating
1817 states to be known as the compact administrator. The compact
1818 administrator shall be appointed by the head of the licensing
1819 authority of each participating state and shall serve and be
1820 subject to removal in accordance with the laws of the state he or
1821 she represents. A compact administrator may provide for the
1822 discharge of his or her duties and the performance of his or her
1823 functions as a board member by an alternate. An alternate is not
1824 entitled to serve unless written notification of his or her
1825 identity has been given to the board.

1826 (2) Each member of the board of compact administrators
1827 shall be entitled to one vote. No action of the board shall be
1828 binding unless taken at a meeting at which a majority of the
1829 total number of the board's votes are cast in favor thereof.
1830 Action by the board shall be only at a meeting at which a
1831 majority of the participating states are represented.

1832 (3) The board shall elect annually from its membership a
1833 chairman and vice chairman.



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1834 (4) The board shall adopt bylaws not inconsistent with the
1835 provisions of this compact or the laws of a participating state
1836 for the conduct of its business and shall have the power to amend
1837 and rescind its bylaws.

1838 (5) The board may accept for any of its purposes and
1839 functions under this compact any and all donations and grants of
1840 moneys, equipment, supplies, materials, and services, conditional
1841 or otherwise, from any state, the United States, or any
1842 governmental agency, and may receive, use, and dispose of the
1843 same.

1844 (6) The board may contract with, or accept services or
1845 personnel from, any governmental or intergovernmental agency,
1846 individual, firm, corporation, or private nonprofit organization
1847 or institution.

1848 (7) The board shall formulate all necessary procedures and
1849 develop uniform forms and documents for administering the
1850 provisions of this compact. All procedures and forms adopted
1851 pursuant to board action shall be contained in a compact manual.

1853 ARTICLE VIII

1854 Entry into Compact and Withdrawal

1855
1856 (1) This compact shall become effective at such time as it
1857 is adopted in substantially similar form by two or more states.

1858 (2)

1859 (a) Entry into the compact shall be made by resolution of
1860 ratification executed by the authorized officials of the applying
1861 state and submitted to the chairman of the board.



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1862 (b) The resolution shall substantially be in the form and
1863 content as provided in the compact manual and must include the
1864 following:

1865 1. A citation of the authority from which the state is
1866 empowered to become a party to this compact;

1867 2. An agreement of compliance with the terms and provisions
1868 of this compact; and

1869 3. An agreement that compact entry is with all states
1870 participating in the compact and with all additional states
1871 legally becoming a party to the compact.

1872 (c) The effective date of entry shall be specified by the
1873 applying state, but may not be less than 60 days after notice has
1874 been given by the chairman of the board of the compact
1875 administrators or by the secretariat of the board to each
1876 participating state that the resolution from the applying state
1877 has been received.

1878 (3) A participating state may withdraw from participation
1879 in this compact by official written notice to each participating
1880 state, but withdrawal shall not become effective until 90 days
1881 after the notice of withdrawal is given. The notice must be
1882 directed to the compact administrator of each member state. The
1883 withdrawal of any state does not affect the validity of this
1884 compact as to the remaining participating states.

1885

1886 ARTICLE IX

1887 Amendments to the Compact

1888

1889 (1) This compact may be amended from time to time.

1890 Amendments shall be presented in resolution form to the chairman

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1891 of the board of compact administrators and shall be initiated by
1892 one or more participating states.

1893 (2) Adoption of an amendment shall require endorsement by
1894 all participating states and shall become effective 30 days after
1895 the date of the last endorsement.

1896

1897 ARTICLE X

1898 Construction and Severability

1899

1900 This compact shall be liberally construed so as to effectuate the
1901 purposes stated herein. The provisions of this compact are
1902 severable and if any phrase, clause, sentence, or provision of
1903 this compact is declared to be contrary to the constitution of
1904 any participating state or of the United States, or if the
1905 applicability thereof to any government, agency, individual, or
1906 circumstance is held invalid, the validity of the remainder of
1907 this compact shall not be affected thereby. If this compact is
1908 held contrary to the constitution of any participating state, the
1909 compact shall remain in full force and effect as to the remaining
1910 states and in full force and effect as to the participating state
1911 affected as to all severable matters.

1912

1913 ARTICLE XI

1914 Title

1915

1916 This compact shall be known as the "Wildlife Violator
1917 Compact."

1918 Section 39. Section 372.8311, Florida Statutes, is
1919 renumbered as section 379.2256, Florida Statutes, and amended to
1920 read:

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1921 379.2256 ~~372.8311~~ Compact licensing and enforcement
1922 authority; administrative review.--

1923 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of
1924 this act and the interstate Wildlife Violator Compact, the Fish
1925 and Wildlife Conservation Commission is the licensing authority
1926 for the State of Florida and shall enforce the interstate
1927 Wildlife Violator Compact and shall do all things within the
1928 commission's jurisdiction which are necessary to effectuate the
1929 purposes and the intent of the compact. The commission may
1930 execute a resolution of ratification to formalize the State of
1931 Florida's entry into the compact. Upon adoption of the Wildlife
1932 Violator Compact, the commission may adopt rules to administer
1933 the provisions of the compact.

1934 (2) ADMINISTRATIVE REVIEW.--Any action committed or omitted
1935 by the Fish and Wildlife Conservation Commission under or in the
1936 enforcement of the Wildlife Violator Compact created in s.

1937 379.2255 ~~372.831~~ is subject to review under chapter 120.

1938 Section 40. Section 372.74, Florida Statutes, is renumbered
1939 as section 379.2257, Florida Statutes, to read:

1940 379.2257 ~~372.74~~ Cooperative agreements with U. S. Forest
1941 Service; penalty.--The Fish and Wildlife Conservation Commission
1942 is authorized and empowered:

1943 (1) To enter into cooperative agreements with the United
1944 States Forest Service for the development of game, bird, fish,
1945 reptile, or fur-bearing animal management and demonstration
1946 projects on and in the Osceola National Forest in Columbia and
1947 Baker Counties, and in the Ocala National Forest in Marion, Lake,
1948 and Putnam Counties and in the Apalachicola National Forest in
1949 Liberty County. Provided, however, that no such cooperative
1950 agreements shall become effective in any county concerned until

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1951 confirmed by the board of county commissioners of such county
1952 expressed through appropriate resolution.

1953 (2) In cooperation with the United States Forest Service,
1954 to make, adopt, promulgate, amend, and repeal rules and
1955 regulations, consistent with law, for the further or better
1956 control of hunting, fishing, and control of wildlife in the above
1957 National Forests or parts thereof; to shorten seasons and reduce
1958 bag limits, or shorten or close seasons on any species of game,
1959 bird, fish, reptile, or fur-bearing animal within the limits
1960 prescribed by the Florida law, in the above enumerated National
1961 Forests or parts thereof, when it shall find after investigation
1962 that such action is necessary to assure the maintenance of an
1963 adequate supply of wildlife.

1964 (3) To fix a charge not to exceed \$5, for persons 18 years
1965 of age and over, and not to exceed \$2 for persons under the age
1966 of 18 years, over and above the license fee for hunting now
1967 required by law. This additional fee is to apply only on areas
1968 covered by above cooperative agreements. The proceeds from this
1969 additional license fee shall be used in the development,
1970 propagation of wildlife, and protection of the areas covered by
1971 the cooperative agreements as the commission and the United
1972 States Forest Service may deem proper. Nothing in this section
1973 shall be construed as authorizing the commission to change any
1974 penalty prescribed by law or to change the amount of general
1975 license fees or the general authority conferred by licenses
1976 prescribed by law.

1977 (4) In addition to the requirements of chapter 120, notice
1978 of the making, adoption, and promulgation of the above rules and
1979 regulations shall be given by posting said notices, or copies of
1980 the rules and regulations, in the offices of the county judges

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1981 and in the post offices within the area to be affected and within
1982 10 miles thereof. In addition to the posting of said notices, as
1983 aforesaid, copies of said notices or of said rules and
1984 regulations shall also be published in newspapers published at
1985 the county seats of Baker, Columbia, Marion, Lake, Putnam, and
1986 Liberty Counties, or so many thereof as have newspapers, once not
1987 more than 35 nor less than 28 days and once not more than 21 nor
1988 less than 14 days prior to the opening of the state hunting
1989 season in said areas. Any person violating any rules or
1990 regulations promulgated by the commission to cover these areas
1991 under cooperative agreements between the Fish and Wildlife
1992 Conservation Commission and the United States Forest Service,
1993 none of which shall be in conflict with the laws of Florida,
1994 shall be guilty of a misdemeanor of the second degree, punishable
1995 as provided in s. 775.082 or s. 775.083.

1996 Section 41. Section 372.77, Florida Statutes, is renumbered
1997 as section 379.2258, Florida Statutes, to read:

1998 379.2258 ~~372.77~~ Assent to provisions of Act of Congress of
1999 September 2, 1937.--

2000 (1) The state hereby assents to the provisions of the Act
2001 of Congress entitled "An Act to provide that the United States
2002 shall aid the States in Wildlife Restoration Projects, and for
2003 other purposes," approved September 2, 1937 (Pub. L. No. 415,
2004 75th Congress), and the Fish and Wildlife Conservation Commission
2005 is hereby authorized, empowered, and directed to perform such
2006 acts as may be necessary to the conduct and establishment of
2007 cooperative wildlife restoration projects, as defined in said Act
2008 of Congress, in compliance with said act and rules and
2009 regulations promulgated by the Secretary of Agriculture
2010 thereunder.

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2011 (2) From and after the passage of this section it shall be
2012 unlawful to divert any funds accruing to the state from license
2013 fees paid by hunters for any purpose other than the
2014 administration of the Fish and Wildlife Conservation Commission
2015 of the state.

2016 Section 42. Section 372.7701, Florida Statutes, is
2017 renumbered as section 379.2259, Florida Statutes, and amended to
2018 read:

2019 379.2259 ~~372.7701~~ Assent to federal acts.--

2020 (1) The state hereby assents to the provisions of the
2021 Federal Aid in Fish Restoration Act of August 9, 1950, as
2022 amended. The Fish and Wildlife Conservation Commission shall
2023 perform such activities as are necessary to conduct wildlife and
2024 sportfish restoration projects, as defined in such Act of
2025 Congress and in compliance with the act and rules adopted
2026 thereunder by the United States Department of the Interior.
2027 Furthermore, the commission shall develop and implement programs
2028 to manage, protect, restore, and conserve marine mammals and the
2029 marine fishery and shall develop and implement similar programs
2030 for wild animal life and freshwater aquatic life.

2031 (2) Revenues from fees paid by hunters and sport fishers
2032 may not be diverted to purposes other than the administration of
2033 fish and wildlife programs by the Fish and Wildlife Conservation
2034 Commission. Administration of the state fish and wildlife
2035 programs includes only those functions of fish and wildlife
2036 management as are the responsibility of and under the authority
2037 of the Fish and Wildlife Conservation Commission.

2038 (3) This section shall be construed in harmony with s.
2039 379.2258 ~~372.77~~.

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2040 Section 43. Section 370.21, Florida Statutes, is renumbered
2041 as section 379.226, Florida Statutes, and amended to read:

2042 379.226 ~~370.21~~ Florida Territorial Waters Act; alien-owned
2043 commercial fishing vessels; prohibited acts; enforcement.--

2044 (1) This act may be known and cited as the "Florida
2045 Territorial Waters Act."

2046 (2) It is the purpose of this act to exercise and exert
2047 full sovereignty and control of the territorial waters of the
2048 state.

2049 (3) No license shall be issued by the Fish and Wildlife
2050 Conservation Commission under s. 379.361 ~~370.06~~, to any vessel
2051 owned in whole or in part by any alien power, which subscribes to
2052 the doctrine of international communism, or any subject or
2053 national thereof, who subscribes to the doctrine of international
2054 communism, or any individual who subscribes to the doctrine of
2055 international communism, or who shall have signed a treaty of
2056 trade, friendship and alliance or a nonaggression pact with any
2057 communist power. The commission shall grant or withhold said
2058 licenses where other alien vessels are involved on the basis of
2059 reciprocity and retorsion, unless the nation concerned shall be
2060 designated as a friendly ally or neutral by a formal suggestion
2061 transmitted to the Governor of Florida by the Secretary of State
2062 of the United States. Upon the receipt of such suggestion
2063 licenses shall be granted under s. 379.361 ~~370.06~~, without regard
2064 to reciprocity and retorsion, to vessels of such nations.

2065 (4) It is unlawful for any unlicensed alien vessel to take
2066 by any means whatsoever, attempt to take, or having so taken to
2067 possess, any natural resource of the state's territorial waters,
2068 as such waters are described by Art. II of the State
2069 Constitution.

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2070 (5) It is the duty of all harbormasters of the state to
2071 prevent the use of any port facility in a manner which they
2072 reasonably suspect may assist in the violation of this act.
2073 Harbormasters shall endeavor by all reasonable means, which may
2074 include the inspection of nautical logs, to ascertain from
2075 masters of newly arrived vessels of all types other than warships
2076 of the United States, the presence of alien commercial fishing
2077 vessels within the territorial waters of the state, and shall
2078 transmit such information promptly to the Fish and Wildlife
2079 Conservation Commission and such law enforcement agencies of the
2080 state as the situation may indicate. Harbormasters shall request
2081 assistance from the United States Coast Guard in appropriate
2082 cases to prevent unauthorized departure from any port facility.

2083 (6) All licensed harbor pilots are required to promptly
2084 transmit any knowledge coming to their attention regarding
2085 possible violations of this act to the harbormaster of the port
2086 or the appropriate law enforcement officials.

2087 (7) All law enforcement agencies of the state, including
2088 but not limited to sheriffs and officers of the Fish and Wildlife
2089 Conservation Commission, are empowered and directed to arrest the
2090 masters and crews of vessels who are reasonably believed to be in
2091 violation of this law, and to seize and detain such vessels,
2092 their equipment and catch. Such arresting officers shall take the
2093 offending crews or property before the court having jurisdiction
2094 of such offenses. All such agencies are directed to request
2095 assistance from the United States Coast Guard in the enforcement
2096 of this act when having knowledge of vessels operating in
2097 violation or probable violation of this act within their
2098 jurisdictions when such agencies are without means to effectuate
2099 arrest and restraint of vessels and their crews.



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2100 (8) The fine or imprisonment of persons and confiscation
2101 proceedings against vessels, gear and catch prescribed for
2102 violations of this chapter, shall be imposed for violation of
2103 this act; provided that nothing herein shall authorize the
2104 repurchase of property for a nominal sum by the owner upon proof
2105 of lack of complicity in the violation or undertaking.

2106 (9) No crew member or master seeking bona fide political
2107 asylum shall be fined or imprisoned hereunder.

2108 (10) Harbormasters and law enforcement agencies are
2109 authorized to request assistance from the Civil Air Patrol in the
2110 surveillance of suspect vessels. Aircraft of the Division of
2111 Forestry of the Department of Agriculture and Consumer Services
2112 or other state or county agencies which are conveniently located
2113 and not otherwise occupied may be similarly utilized.

2114 Section 44. Section 370.06092, Florida Statutes, is
2115 renumbered as section 379.2271, Florida Statutes, to read:

2116 379.2271 ~~370.06092~~ Harmful-Algal-Bloom Task Force.--

2117 (1) There is established a Harmful-Algal-Bloom Task Force
2118 for the purpose of determining research, monitoring, control, and
2119 mitigation strategies for red tide and other harmful algal blooms
2120 in Florida waters. The Fish and Wildlife Research Institute shall
2121 appoint to the task force scientists, engineers, economists,
2122 members of citizen groups, and members of government. The task
2123 force shall determine research and monitoring priorities and
2124 control and mitigation strategies and make recommendations to the
2125 Fish and Wildlife Research Institute for using funds as provided
2126 in this act.

2127 (2) The Harmful-Algal-Bloom Task Force shall:



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2128 (a) Review the status and adequacy of information for
2129 monitoring physical, chemical, biological, economic, and public
2130 health factors affecting harmful algal blooms in Florida;

2131 (b) Develop research and monitoring priorities for harmful
2132 algal blooms in Florida, including detection, prediction,
2133 mitigation, and control;

2134 (c) Develop recommendations that can be implemented by
2135 state and local governments to develop a response plan and to
2136 predict, mitigate, and control the effects of harmful algal
2137 blooms; and

2138 (d) Make recommendations to the Fish and Wildlife Research
2139 Institute for research, detection, monitoring, prediction,
2140 mitigation, and control of harmful algal blooms in Florida.

2141 Section 45. Section 370.06093, Florida Statutes, is
2142 renumbered as section 379.2272, Florida Statutes, to read:

2143 379.2272 ~~370.06093~~ Harmful-algal-bloom program;
2144 implementation; goals; funding.--

2145 (1)(a) The Fish and Wildlife Research Institute shall
2146 implement a program designed to increase the knowledge of factors
2147 that control harmful algal blooms, including red tide, and to
2148 gain knowledge to be used for the early detection of factors
2149 precipitating harmful algal blooms for accurate prediction of the
2150 extent and seriousness of harmful algal blooms and for
2151 undertaking successful efforts to control and mitigate the
2152 effects of harmful algal blooms.

2153 (b) The Legislature intends that this program enhance and
2154 address areas that are not adequately covered in the cooperative
2155 federal-state program known as Ecology and Oceanography of
2156 Harmful Algal Blooms (ECO HAB-Florida), which includes the

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2157 University of South Florida, the Mote Marine Laboratory, and the
2158 Fish and Wildlife Research Institute.

2159 (c) The goal of this program is to enable resource managers
2160 to assess the potential for public health damage and economic
2161 damage from a given bloom and to undertake control and mitigation
2162 efforts through the development and application of an integrated
2163 detection and prediction network for monitoring and responding to
2164 the development and movement of harmful algal blooms in Florida
2165 marine and estuarine waters.

2166 (2) A financial disbursement program is created within the
2167 Fish and Wildlife Research Institute to implement the provisions
2168 of this act. Under the program, the institute shall provide
2169 funding and technical assistance to government agencies, research
2170 universities, coastal local governments, and organizations with
2171 scientific and technical expertise for the purposes of harmful-
2172 algal-bloom research, economic impact study, monitoring,
2173 detection, control, and mitigation. The program may be funded
2174 from state, federal, and private contributions.

2175 Section 46. Section 372.97, Florida Statutes, is renumbered
2176 as section 379.2281, Florida Statutes, to read:

2177 379.2281 ~~372.97~~ Jim Woodruff Dam; reciprocity
2178 agreements.--The Fish and Wildlife Conservation Commission of the
2179 state is hereby authorized to enter into an agreement of the
2180 reciprocity with the game and fish commissioners or the
2181 appropriate officials or departments of the State of Georgia and
2182 the State of Alabama relative to the taking of game and
2183 freshwater fish from the waters of the lake created by the Jim
2184 Woodruff Dam by permitting reciprocal license privileges.

2185 Section 47. Section 372.971, Florida Statutes, is
2186 renumbered as section 379.2282, Florida Statutes, to read:



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2187 379.2282 ~~372.971~~ St. Marys River; reciprocity
2188 agreements.--The Fish and Wildlife Conservation Commission of the
2189 state is hereby authorized to enter into an agreement of
2190 reciprocity with the game and fish commissioner or the
2191 appropriate officials or departments of the State of Georgia
2192 relative to the taking of game and freshwater fish from the
2193 waters of the St. Marys River by permitting reciprocal agreement
2194 license privileges.

2195 Section 48. Section 372.072, Florida Statutes, is
2196 renumbered as 379.2291, Florida Statutes, to read:

2197 379.2291 ~~372.072~~ Endangered and Threatened Species Act.--

2198 (1) SHORT TITLE.--This section may be cited as the "Florida
2199 Endangered and Threatened Species Act."

2200 (2) DECLARATION OF POLICY.--The Legislature recognizes that
2201 the State of Florida harbors a wide diversity of fish and
2202 wildlife and that it is the policy of this state to conserve and
2203 wisely manage these resources, with particular attention to those
2204 species defined by the Fish and Wildlife Conservation Commission,
2205 the Department of Environmental Protection, or the United States
2206 Department of Interior, or successor agencies, as being
2207 endangered or threatened. As Florida has more endangered and
2208 threatened species than any other continental state, it is the
2209 intent of the Legislature to provide for research and management
2210 to conserve and protect these species as a natural resource.

2211 (3) DEFINITIONS.--As used in this section:

2212 (a) "Fish and wildlife" means any member of the animal
2213 kingdom, including, but not limited to, any mammal, fish, bird,
2214 amphibian, reptile, mollusk, crustacean, arthropod, or other
2215 invertebrate.



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2216 (b) "Endangered species" means any species of fish and
2217 wildlife naturally occurring in Florida, whose prospects of
2218 survival are in jeopardy due to modification or loss of habitat;
2219 overutilization for commercial, sporting, scientific, or
2220 educational purposes; disease; predation; inadequacy of
2221 regulatory mechanisms; or other natural or manmade factors
2222 affecting its continued existence.

2223 (c) "Threatened species" means any species of fish and
2224 wildlife naturally occurring in Florida which may not be in
2225 immediate danger of extinction, but which exists in such small
2226 populations as to become endangered if it is subjected to
2227 increased stress as a result of further modification of its
2228 environment.

2229 (4) INTERAGENCY COORDINATION.--

2230 (a) The commission shall be responsible for research and
2231 management of freshwater and upland species and for research and
2232 management of marine species.

2233 (b) Recognizing that citizen awareness is a key element in
2234 the success of this plan, the commission and the Department of
2235 Education are encouraged to work together to develop a public
2236 education program with emphasis on, but not limited to, both
2237 public and private schools.

2238 (c) The commission, in consultation with the Department of
2239 Agriculture and Consumer Services, the Department of Community
2240 Affairs, or the Department of Transportation, may establish
2241 reduced speed zones along roads, streets, and highways to protect
2242 endangered species or threatened species.

2243 (5) ANNUAL REPORT.--The director of the commission shall,
2244 at least 30 days prior to each annual session of the Legislature,
2245 transmit to the Governor and Cabinet, the President of the

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2246 Senate, the Speaker of the House of Representatives, and the
2247 chairs of the appropriate Senate and House committees, a revised
2248 and updated plan for management and conservation of endangered
2249 and threatened species, including criteria for research and
2250 management priorities; a description of the educational program;
2251 statewide policies pertaining to protection of endangered and
2252 threatened species; additional legislation which may be required;
2253 and the recommended level of funding for the following year,
2254 along with a progress report and budget request.

2255 (6) MEASURABLE BIOLOGICAL GOALS.--Measurable biological
2256 goals that define manatee recovery developed by the commission,
2257 working in conjunction with the United States Fish and Wildlife
2258 Service, shall be used by the commission in its development of
2259 management plans or work plans. In addition to other criteria,
2260 these measurable biological goals shall be used by the commission
2261 when evaluating existing and proposed protection rules, and in
2262 determining progress in achieving manatee recovery. Not later
2263 than July 1, 2005, the commission shall develop rules to define
2264 how measurable biological goals will be used by the commission
2265 when evaluating the need for additional manatee protection rules.

2266 Section 49. Section 372.073, Florida Statutes, is
2267 renumbered as section 379.2292, Florida Statutes, and amended to
2268 read:

2269 379.2292 ~~372.073~~ Endangered and Threatened Species Reward
2270 Program.--

2271 (1) There is established within the Fish and Wildlife
2272 Conservation Commission the Endangered and Threatened Species
2273 Reward Program, to be funded from the Nongame Wildlife Trust
2274 Fund. The commission may post rewards to persons responsible for
2275 providing information leading to the arrest and conviction of

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2276 persons illegally killing or wounding or wrongfully possessing
2277 any of the endangered and threatened species listed on the
2278 official Florida list of such species maintained by the
2279 commission or the arrest and conviction of persons who violate s.
2280 379.4115 ~~s. 372.667~~ or ~~s. 372.671~~. Additional funds may be
2281 provided by donations from interested individuals and
2282 organizations. The reward program is to be administered by the
2283 commission. The commission shall establish a schedule of rewards.

2284 (2) The commission may expend funds only for the following
2285 purposes:

2286 (a) The payment of rewards to persons, other than law
2287 enforcement officers, commission personnel, and members of their
2288 immediate families, for information as specified in subsection
2289 (1); or

2290 (b) The promotion of public recognition and awareness of
2291 the Endangered and Threatened Species Reward Program.

2292 Section 50. Section 372.771, Florida Statutes, is
2293 renumbered as section 379.23, Florida Statutes, to read:

2294 379.23 ~~372.771~~ Federal conservation of fish and wildlife;
2295 limited jurisdiction.--

2296 (1) Consent of the State of Florida is hereby given, to the
2297 United States for acquisition of lands, waters, or lands and
2298 waters or interests therein, for the purpose of managing,
2299 protecting and propagating fish and wildlife and for other
2300 conservation uses in the state, providing prior notice has been
2301 given by the Federal Government to the Board of Trustees of the
2302 Internal Improvement Trust Fund, the board of county
2303 commissioners of the county where the lands proposed for purchase
2304 are located, of such proposed action stating the specific use to
2305 be made of and the specific location and description of such

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2306 lands desired by the Federal Government for any such conservation
2307 use, and that such plans for acquisition and use of said lands be
2308 approved by the Board of Trustees of the Internal Improvement
2309 Trust Fund, the board of county commissioners of the county where
2310 the lands proposed for purchase are located; provided further
2311 that nothing herein contained shall be construed to give the
2312 consent of the State of Florida to the acquisition by the United
2313 States of lands, waters, or lands and waters, or interests
2314 therein, through exercise of the power of eminent domain;
2315 provided further that the provisions of this act shall not apply
2316 to lands owned by the several counties or by public corporations.

2317 (2) The United States may exercise concurrent jurisdiction
2318 over lands so acquired and carry out the intent and purpose of
2319 the authority except that the existing laws of Florida relating
2320 to the Department of Environmental Protection or the Fish and
2321 Wildlife Conservation Commission shall prevail relating to any
2322 area under their supervision.

2323 Section 51. Section 372.265, Florida Statutes, is
2324 renumbered as section 379.231, Florida Statutes, and amended to
2325 read:

2326 379.231 ~~372.265~~ Regulation of foreign animals.--

2327 (1) It is unlawful to import for sale or use, or to release
2328 within this state, any species of the animal kingdom not
2329 indigenous to Florida without having obtained a permit to do so
2330 from the Fish and Wildlife Conservation Commission.

2331 (2) The Fish and Wildlife Conservation Commission is
2332 authorized to issue or deny such a permit upon the completion of
2333 studies of the species made by it to determine any detrimental
2334 effect the species might have on the ecology of the state.



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2335 (3) A person in violation of this section commits a Level
2336 Three violation under s. 379.401 ~~372.83~~.

2337 Section 52. Section 370.03, Florida Statutes, is renumbered
2338 as section 379.232, Florida Statutes, to read:

2339 379.232 ~~370.03~~ Water bottoms.--

2340 (1) OWNERSHIP.--All beds and bottoms of navigable rivers,
2341 bayous, lagoons, lakes, bays, sounds, inlets, oceans, gulfs and
2342 other bodies of water within the jurisdiction of Florida shall be
2343 the property of the state except such as may be held under some
2344 grant or alienation heretofore made. No grant, sale or conveyance
2345 of any water bottom, except conditional leases and dispositions
2346 hereinafter provided for, shall hereafter be made by the state,
2347 the Board of Trustees of the Internal Improvement Trust Fund, the
2348 Department of Agriculture and Consumer Services, or any other
2349 official or political corporation. Persons who have received, or
2350 may hereafter receive permits to do business in this state, with
2351 their factories, shucking plants and shipping depots located in
2352 this state, may enjoy the right of fishing for oysters and clams
2353 from the natural reefs and bedding oysters and clams on leased
2354 bedding grounds, and shall have the right to employ such boats,
2355 vessels, or labor and assistants as they may need. Provided that
2356 no oysters shall be transported unshucked and in the shells, out
2357 of the state, except for use in what is commonly known as the
2358 "half-shell trade." When the oyster meats have been separated
2359 from the shells it shall be permissible to ship the meats out of
2360 the state for further processing and for canning or packing. It
2361 shall be unlawful to transport oysters out of the state,
2362 unshucked and in the shells, for processing or packing.

2363 (2) CONTROL.--The Department of Environmental Protection
2364 has exclusive power and control over all water bottoms, not held



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2365 | under some grant or alienation heretofore made, including such as
2366 | may revert to the state by cancellation or otherwise, and may
2367 | lease the same to any person irrespective of residence or
2368 | citizenship, upon such terms, conditions and restrictions as said
2369 | division may elect to impose, without limitation as to area to
2370 | any one person, for the purpose of granting exclusive right to
2371 | plant oysters or clams thereon and for the purpose of fishing,
2372 | taking, catching, bedding and raising oysters, clams and other
2373 | shellfish. No such lessee shall re-lease, sublease, sell or
2374 | transfer any such water bottom or property; provided, that
2375 | nothing herein contained shall be construed as giving said
2376 | department authority to lease sponge beds.

2377 | (3) FEES FOR BOTTOM LEASES, ETC.--The department shall
2378 | charge and receive a fee of \$2 for each lease granted, and in all
2379 | other cases, not specifically provided by this chapter, the same
2380 | fees as are allowed clerks of the circuit court for like
2381 | services. All fees shall be paid by the party served.

2382 | (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All grants
2383 | prior to June 1, 1913, made in pursuance of heretofore existing
2384 | laws, where the person receiving such grant, the person's heirs
2385 | or assigns, have bona fide complied with the requirements of said
2386 | law, are hereby confirmed; provided, that if any material or
2387 | natural oyster or clam reefs or beds on such granted premises are
2388 | 100 square yards in area and contained natural oysters and clams
2389 | (coon oysters not included) in sufficient quantity to have been
2390 | resorted to by the general public for the purpose of gathering
2391 | oysters or clams to sell for a livelihood, at the time they were
2392 | planted by such grantee, his or her heirs or assigns, such reefs
2393 | or beds are declared to be the property of the state; and when
2394 | such beds or reefs exist within the territory heretofore granted



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2395 as above set forth, or that may hereafter be leased, such grantee
2396 or lessee shall mark the boundaries of such oyster and clam reefs
2397 or beds as may be designated by the department as natural oyster
2398 or clam reefs or beds, clearly defining the boundaries of the
2399 same, and shall post notice or other device, as shall be required
2400 by the department, giving notice to the public that such oyster
2401 or clam beds or reefs are the property of the state, which said
2402 notice shall be maintained from September 1 to June 1 of each and
2403 every year, on each oyster bed or reef and on each clam bed for
2404 such period of each year as the board may direct, at the expense
2405 of the grantee or lessee. The department shall investigate all
2406 grants heretofore made, and where, in its opinion, the lessee or
2407 grantee has not bona fide complied with the law under which he or
2408 she received his or her grant or lease, and the department is
2409 authorized and required to institute legal proceedings to vacate
2410 the same, in order to use such lands for the benefit of the
2411 public, subject to the same dispositions as other bottoms.

2412 Section 53. Section 372.995, Florida Statutes, is
2413 renumbered as section 379.233, Florida Statutes, to read:

2414 379.233 ~~372.995~~ Release of balloons.--

2415 (1) The Legislature finds that the release into the
2416 atmosphere of large numbers of balloons inflated with lighter-
2417 than-air gases poses a danger and nuisance to the environment,
2418 particularly to wildlife and marine animals.

2419 (2) It is unlawful for any person, firm, or corporation to
2420 intentionally release, organize the release, or intentionally
2421 cause to be released within a 24-hour period 10 or more balloons
2422 inflated with a gas that is lighter than air except for:

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2423 (a) Balloons released by a person on behalf of a
2424 governmental agency or pursuant to a governmental contract for
2425 scientific or meteorological purposes;

2426 (b) Hot air balloons that are recovered after launching;

2427 (c) Balloons released indoors; or

2428 (d) Balloons that are either biodegradable or
2429 photodegradable, as determined by rule of the Fish and Wildlife
2430 Conservation Commission, and which are closed by a hand-tied knot
2431 in the stem of the balloon without string, ribbon, or other
2432 attachments. In the event that any balloons are released pursuant
2433 to the exemption established in this paragraph, the party
2434 responsible for the release shall make available to any law
2435 enforcement officer evidence of the biodegradability or
2436 photodegradability of said balloons in the form of a certificate
2437 executed by the manufacturer. Failure to provide said evidence
2438 shall be prima facie evidence of a violation of this act.

2439 (3) Any person who violates subsection (2) is guilty of a
2440 noncriminal infraction, punishable by a fine of \$250.

2441 (4) Any person may petition the circuit court to enjoin the
2442 release of 10 or more balloons if that person is a citizen of the
2443 county in which the balloons are to be released.

2444 Section 54. Subsection (7) of section 370.021, Florida
2445 Statutes, is renumbered as section 379.2341, Florida Statutes,
2446 and amended to read:

2447 379.2341 Publications by the commission.--

2448 ~~(7)~~ The commission is given authority, from time to time in
2449 its discretion, to cause the statutory laws under its
2450 jurisdiction, together with any rules promulgated by it, to be
2451 published in pamphlet form for free distribution in this state.
2452 The commission is authorized to make charges for technical and

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2453 educational publications and mimeographed material of use for
2454 educational or reference purposes. Such charges shall be made at
2455 the discretion of the commission. Such charges may be sufficient
2456 to cover cost of preparation, printing, publishing, and
2457 distribution. All moneys received for publications shall be
2458 deposited into the fund from which the cost of the publication
2459 was paid. The commission is further authorized to enter into
2460 agreements with persons, firms, corporations, governmental
2461 agencies, and other institutions whereby publications may be
2462 exchanged reciprocally in lieu of payments for said publications.

2463 Section 55. Section 372.0222, Florida Statutes, is
2464 renumbered as section 379.2342, Florida Statutes, to read:

2465 379.2342 ~~372.0222~~ Private publication agreements;
2466 advertising; costs of production.--

2467 (1) The Fish and Wildlife Conservation Commission may enter
2468 into agreements to secure the private publication of public
2469 information brochures, pamphlets, audiotapes, videotapes, and
2470 related materials for distribution without charge to the public
2471 and, in furtherance thereof, is authorized to:

2472 (a) Enter into agreements with private vendors for the
2473 publication or production of such public information materials,
2474 whereby the costs of publication or production will be borne in
2475 whole or in part by the vendor or the vendor shall provide
2476 additional compensation in return for the right of the vendor to
2477 select, sell, and place advertising which publicizes products or
2478 services related to and harmonious with the subject matter of the
2479 publication.

2480 (b) Retain the right, by agreement, to approve all elements
2481 of any advertising placed in such public information materials,
2482 including the form and content thereof.



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2483 (2) (a) Beginning January 1, 2005, the commission, with the
2484 advice and assistance of the Florida Wildlife Magazine Advisory
2485 Council, shall publish the Florida Wildlife Magazine. The
2486 magazine shall be published at least on a quarterly basis in
2487 hard-copy format and shall be available to the public by
2488 subscription and retail distribution. The primary focus of the
2489 magazine shall be to promote the heritage of hunting and fishing
2490 in Florida. The magazine shall also disseminate information
2491 regarding other outdoor recreational opportunities available to
2492 Floridians and visitors.

2493 (b) In order to offset the cost of publication and
2494 distribution of the magazine, the commission, with the advice and
2495 assistance of the Florida Wildlife Magazine Advisory Council, is
2496 authorized to sell advertising for placement in the magazine. The
2497 commission shall have the right to approve all elements of any
2498 advertising placed in the magazine, including the form and
2499 content thereof. The magazine shall include a statement providing
2500 that the inclusion of advertising in the magazine does not
2501 constitute an endorsement by the state or the commission of the
2502 products or services so advertised. The commission may charge an
2503 annual magazine subscription fee of up to \$25, a 2-year magazine
2504 subscription fee of up to \$45, and a 3-year magazine subscription
2505 fee of up to \$60. The commission may charge a retail per copy fee
2506 of up to \$7. The provisions of chapter 287 do not apply to the
2507 sale of advertising for placement in the magazine. All revenues
2508 generated by the magazine shall be credited to the State Game
2509 Trust Fund.

2510 (c) The Florida Wildlife Magazine Advisory Council is
2511 created within the commission to advise and make recommendations
2512 to the commission regarding development, publication, and sale of



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2513 | the Florida Wildlife Magazine. In order to accomplish this
2514 | purpose, the council shall provide recommendations to the
2515 | commission regarding:

2516 | 1. The content of articles included in each edition of the
2517 | magazine.

2518 | 2. Advertising proposed for each edition of the magazine.

2519 | 3. Strategies to improve distribution and circulation of
2520 | the magazine.

2521 | 4. Cost-reduction measures regarding publication of the
2522 | magazine.

2523 | (d) The Florida Wildlife Magazine Advisory Council shall
2524 | consist of seven members appointed by the commission, and initial
2525 | appointments shall be made no later than August 1, 2004. When
2526 | making initial appointments to the council and filling vacancies,
2527 | the commission shall appoint members to represent the following
2528 | interests: hunting; saltwater fishing; freshwater fishing;
2529 | recreational boating; recreational use of off-road vehicles;
2530 | hiking, biking, bird watching, or similar passive activities;
2531 | general business interests; and magazine publishing.

2532 | (e) Two of the initial appointees shall serve 2-year terms,
2533 | two of the initial appointees shall serve 3-year terms, and three
2534 | of the initial appointees shall serve 4-year terms. Subsequent to
2535 | the expiration of the initial terms, advisory council appointees
2536 | shall serve 4-year terms.

2537 | (f) The members of the advisory council shall elect a chair
2538 | annually.

2539 | (g) The council shall meet at least quarterly at the call
2540 | of its chair, at the request of a majority of its membership, or
2541 | at the request of the commission. A majority of the council shall
2542 | constitute a quorum for the transaction of business.



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2543 (h) The commission shall provide the council with clerical,
2544 expert, technical, or other services. All expenses of the council
2545 shall be paid from appropriations made by the Legislature to the
2546 commission. All vouchers shall be approved by the executive
2547 director before submission to the Chief Financial Officer for
2548 payment.

2549 (i) Members of the council shall serve without compensation
2550 but shall receive per diem and reimbursement for travel expenses
2551 as provided in s. 112.061.

2552 (j) Advisory council members may be reappointed. Advisory
2553 council members shall serve at the pleasure of the commission.

2554 (3) Any public information materials produced pursuant to
2555 this section and containing advertising of any kind shall include
2556 a statement providing that the inclusion of advertising in such
2557 material does not constitute an endorsement by the state or
2558 commission of the products or services so advertised.

2559 (4) The Fish and Wildlife Conservation Commission may enter
2560 into agreements with private vendors for vendor advertisement for
2561 the purpose of offsetting expenses relating to license issuance,
2562 and, in furtherance thereof, is authorized to:

2563 (a) Retain the right, by agreement, to approve all elements
2564 of such advertising, including the form or content.

2565 (b) Require that any advertising of any kind contracted
2566 pursuant to this section shall include a statement providing that
2567 the advertising does not constitute an endorsement by the state
2568 or commission of the products or services to be so advertised.

2569 (5) The commission shall collect, edit, publish, and print
2570 pamphlets, papers, manuscripts, documents, books, monographs, and
2571 other materials relating to fish and wildlife conservation and
2572 may establish and impose a reasonable charge for such materials



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2573 | to cover costs of production and distribution in whole or part
2574 | and may contract for the marketing, sale, and distribution of
2575 | such publications and materials; except that no charge shall be
2576 | imposed for materials designed to provide the public with
2577 | essential information concerning fish and wildlife regulations
2578 | and matters of public safety.

2579 | (6) The commission shall provide services and information
2580 | designed to inform Floridians and visitors about Florida's unique
2581 | and diverse fish, game, and wildlife, and make it available by
2582 | means of commonly used media. For the accomplishment of those
2583 | purposes, the commission may make expenditures to:

2584 | (a) Encourage and cooperate with public and private
2585 | organizations or groups to publicize to residents and visitors
2586 | the diversity of fish, game, and wildlife, and related recreation
2587 | opportunities of the state, including the establishment of and
2588 | expenditure for a program of cooperative advertising or
2589 | sponsorships, or partnerships with the public and private
2590 | organizations and groups in accordance with rules adopted by the
2591 | commission under chapter 120.

2592 | (b) Charge and collect a reasonable fee for researching or
2593 | compiling information or other services which, in its judgment,
2594 | should not be free to those requesting the information, research,
2595 | handling, material, publication, or other services. Any amounts
2596 | of money received by the commission from such sources shall be
2597 | restored to the appropriations of the commission, and any
2598 | unexpended funds shall be deposited into the State Game Trust
2599 | Fund and made available to the commission for use in performing
2600 | its duties, powers, and purposes.

2601 | (c) Charge and collect registration fees at conferences,
2602 | seminars, and other meetings conducted in furtherance of the

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2603 duties, powers, and purposes of the commission. Any funds
2604 collected under this paragraph which remain unexpended after the
2605 expenses of the conference, seminar, or meeting have been paid
2606 shall be deposited into the State Game Trust Fund and made
2607 available to the commission for use in performing its duties,
2608 powers, and purposes.

2609 (d) Purchase and distribute promotional items to increase
2610 public awareness regarding boating safety and other programs that
2611 promote public safety or resource conservation.

2612 (7) Notwithstanding the provisions of part I of chapter
2613 287, the commission may adopt rules for the purpose of entering
2614 into contracts that are primarily for promotional and advertising
2615 services and promotional events which may include the authority
2616 to negotiate costs with offerors of such services and commodities
2617 who have been determined to be qualified on the basis of
2618 technical merit, creative ability, and professional competency.

2619 Section 56. Section 370.1103, Florida Statutes, is
2620 renumbered as section 379.2351, Florida Statutes, to read:

2621 379.2351 ~~370.1103~~ Land-based commercial and recreational
2622 fishing activities; legislative findings and purpose;
2623 definitions; legal protection; local ordinances; prohibited
2624 activity.--

2625 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
2626 finds that commercial and recreational fishing constitute
2627 activities of statewide importance and that the continuation of
2628 commercial and recreational fishing will benefit the health and
2629 welfare of the people of this state. The Legislature further
2630 finds that commercial and recreational fishing operations
2631 conducted in developing and urbanizing areas are potentially
2632 subject to curtailment as a result of local government zoning and



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2633 nuisance ordinances which may unreasonably force the closure of
2634 productive commercial and recreational fishing operations. It is
2635 the purpose of this act to prevent the curtailment or abolishment
2636 of commercial and recreational fishing operations solely because
2637 the area in which they are located has changed in character or
2638 the operations are displeasing to neighboring residents.

2639 (2) DEFINITIONS.--As used in this act, "commercial fishing
2640 operation" means any type of activity conducted on land,
2641 requiring the location or storage of commercial fishing equipment
2642 such as fishing vessels, fishing gear, docks, piers, loading
2643 areas, landing areas, and cold storage facilities, including any
2644 activity necessary to prepare finfish or shellfish for
2645 refrigeration. This definition does not include operations with
2646 the sole or primary function of processing seafood.

2647 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL FISHING
2648 OPERATIONS.--No commercial or recreational fishing operation
2649 shall be declared a public or private nuisance solely because of
2650 a change in ownership or a change in the character of the
2651 property in or around the locality of the operation.

2652 (4) LOCAL ORDINANCE.--No local governing authority shall
2653 adopt any ordinance that declares any commercial or recreational
2654 fishing operation to be a nuisance solely because it is a
2655 commercial or recreational fishing operation, or any zoning
2656 ordinance that unreasonably forces the closure of any commercial
2657 or recreational fishing operation. Nothing in this act shall
2658 prevent a local government from regulating commercial and
2659 recreational fishing operations, including by requiring the use
2660 of methods, structures, or appliances where such use will
2661 prevent, ameliorate, or remove conditions which create or may
2662 create a nuisance or, pursuant to the applicable local zoning

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2663 code, by declaring a commercial or recreational fishing operation
2664 to be a nonconforming use.

2665 (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This act
2666 shall not be construed to permit an existing commercial or
2667 recreational fishing operation to change to a larger operation
2668 with regard to emitting more noise or odor, where such change
2669 violates local ordinances or regulations or creates a nuisance.

2670 Section 57. Section 370.27, Florida Statutes, is renumbered
2671 as section 379.2352, Florida Statutes, to read:

2672 379.2352 ~~370.27~~ State employment; priority consideration
2673 for qualified displaced employees of the saltwater fishing
2674 industry.--All state agencies must give priority consideration to
2675 any job applicant who is able to document the loss of full-time
2676 employment in the commercial saltwater fishing industry as a
2677 result of the adoption of the constitutional amendment limiting
2678 the use of nets to harvest marine species, provided the applicant
2679 meets the minimum requirements for the position sought.

2680 Section 58. Section 370.28, Florida Statutes, is renumbered
2681 as section 379.2353, Florida Statutes, to read:

2682 379.2353 ~~370.28~~ Enterprise zone designation; communities
2683 adversely impacted by net limitations.--

2684 (1) The Office of Tourism, Trade, and Economic Development
2685 is directed to identify communities suffering adverse impacts
2686 from the adoption of the constitutional amendment limiting the
2687 use of nets to harvest marine species.

2688 (2) (a) Such communities having a population of fewer than
2689 7,500 persons and such communities in rural and coastal counties
2690 with a county population of fewer than 25,000 may apply to the
2691 Office of Tourism, Trade, and Economic Development by August 15,
2692 1996, for the designation of an area as an enterprise zone. The

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2693 community must comply with the requirements of s. 290.0055,
2694 except that, for a community having a total population of 7,500
2695 persons or more but fewer than 20,000 persons, the selected area
2696 may not exceed 5 square miles. Notwithstanding the provisions of
2697 s. 290.0065, limiting the total number of enterprise zones
2698 designated and the number of enterprise zones within a population
2699 category, the Office of Tourism, Trade, and Economic Development
2700 may designate an enterprise zone in eight of the identified
2701 communities. The governing body having jurisdiction over such
2702 area shall create an enterprise zone development agency pursuant
2703 to s. 290.0056 and submit a strategic plan pursuant to s.
2704 290.0057. Enterprise zones designated pursuant to this section
2705 shall be effective January 1, 1997. Any enterprise zone
2706 designated under this paragraph having an effective date on or
2707 before January 1, 2005, shall continue to exist until December
2708 31, 2005, but shall cease to exist on December 31, 2005. Any
2709 enterprise zone redesignated on or after January 1, 2006, must do
2710 so in accordance with the Florida Enterprise Zone Act.

2711 (b) Notwithstanding any provisions of this section to the
2712 contrary, communities in coastal counties with a county
2713 population greater than 20,000, which can demonstrate that the
2714 community has historically been a fishing community and has
2715 therefore had a direct adverse impact from the adoption of the
2716 constitutional amendment limiting the use of nets, shall also be
2717 eligible to apply for designation of an area as an enterprise
2718 zone. The community must comply with the requirements of s.
2719 290.0055, except s. 290.0055(3). Such communities shall apply to
2720 the Office of Tourism, Trade, and Economic Development by August
2721 15, 1996. The office may designate one enterprise zone under this
2722 paragraph, which shall be effective January 1, 1997, and which



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2723 shall be in addition to the eight zones authorized under
2724 paragraph (a). Any enterprise zone designated under this
2725 paragraph having an effective date on or before January 1, 2005,
2726 shall continue to exist until December 31, 2005, but shall cease
2727 to exist on that date. Any enterprise zone redesignated on or
2728 after January 1, 2006, must do so in accordance with the Florida
2729 Enterprise Zone Act. The governing body having jurisdiction over
2730 such area shall create an enterprise zone development agency
2731 pursuant to s. 290.0056 and submit a strategic plan pursuant to
2732 s. 290.0057.

2733 (3) For the purpose of nominating and designating areas
2734 pursuant to subsection (2), the requirements set out in s.
2735 290.0058(2) shall not apply.

2736 (4) Notwithstanding the time limitations contained in
2737 chapters 212 and 220, a business eligible to receive tax credits
2738 under this section from January 1, 1997, to June 1, 1998, must
2739 submit an application for the tax credits by December 1, 1998.
2740 All other requirements of the enterprise zone program apply to
2741 such a business.

2742 Section 59. Subsection (9) of section 370.021, Florida
2743 Statutes, is renumbered as section 379.236, Florida Statutes, and
2744 amended to read:

2745 379.236 Retention, destruction, and reproduction of
2746 commission records.--

2747 ~~(9)~~ Records and documents of the commission created in
2748 compliance with and in the implementation of this chapter or
2749 former chapter 371 shall be retained by the commission as
2750 specified in record retention schedules established under the
2751 general provisions of chapters 119 and 257. Such records retained
2752 by the Department of Environmental Protection on July 1, 1999,



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2753 shall be transferred to the commission. Further, the commission
2754 is authorized to:

2755 (1) ~~(a)~~ Destroy, or otherwise dispose of, those records and
2756 documents in conformity with the approved retention schedules.

2757 (2) ~~(b)~~ Photograph, microphotograph, or reproduce such
2758 records and documents on film, as authorized and directed by the
2759 approved retention schedules, whereby each page will be exposed
2760 in exact conformity with the original records and documents
2761 retained in compliance with the provisions of this section.
2762 Photographs or microphotographs in the form of film or print of
2763 any records, made in compliance with the provisions of this
2764 section, shall have the same force and effect as the originals
2765 thereof would have and shall be treated as originals for the
2766 purpose of their admissibility in evidence. Duly certified or
2767 authenticated reproductions of such photographs or
2768 microphotographs shall be admitted in evidence equally with the
2769 original photographs or microphotographs. The impression of the
2770 seal of the commission on a certificate made pursuant to the
2771 provisions hereof and signed by the executive director of the
2772 commission shall entitle the same to be received in evidence in
2773 all courts and in all proceedings in this state and shall be
2774 prima facie evidence of all factual matters set forth in the
2775 certificate. A certificate may relate to one or more records, as
2776 set forth in the certificate, or in a schedule continued on an
2777 attachment to the certificate.

2778 (3) ~~(c)~~ Furnish certified copies of such records for a fee
2779 of \$1 which shall be deposited in the Marine Resources
2780 Conservation Trust Fund.

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2781 Section 60. Subsection (10) of section 370.021, Florida
2782 Statutes, renumbered as section 379.237, Florida Statutes, and
2783 amended to read:

2784 379.237 Courts of equity may enjoin.--

2785 ~~(10) COURTS OF EQUITY MAY ENJOIN.--~~Courts of equity in this
2786 state have jurisdiction to enforce the conservation laws of this
2787 state by injunction.

2788 Section 61. Part II of chapter 379, Florida Statutes,
2789 consisting of sections 379.2401, 379.2402, 379.2411, 379.2412,
2790 379.2413, 379.2421, 379.2422, 379.2423, 379.2424, 379.2425,
2791 379.2431, 379.2432, 379.2433, 379.244, 379.245, 379.246, 379.247,
2792 379.248, 379.249, 379.25, 379.2511, 379.2512, 379.2521, 379.2522,
2793 379.2523, 379.2524, and 379.2525, is created to read:

2794 PART II

2795 MARINE LIFE

2796

2797 Section 62. Section 370.025, Florida Statutes, is
2798 renumbered as section 379.2401, Florida Statutes, to read:

2799 379.2401 ~~370.025~~ Marine fisheries; policy and standards.--

2800 (1) The Legislature hereby declares the policy of the state
2801 to be management and preservation of its renewable marine fishery
2802 resources, based upon the best available information, emphasizing
2803 protection and enhancement of the marine and estuarine
2804 environment in such a manner as to provide for optimum sustained
2805 benefits and use to all the people of this state for present and
2806 future generations.

2807 (2) The commission is instructed to make recommendations
2808 annually to the Governor and the Legislature regarding marine
2809 fisheries research priorities and funding. All administrative and



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2810 enforcement responsibilities which are unaffected by the specific
2811 provisions of this act are the responsibility of the commission.

2812 (3) All rules relating to saltwater fisheries adopted by
2813 the commission shall be consistent with the following standards:

2814 (a) The paramount concern of conservation and management
2815 measures shall be the continuing health and abundance of the
2816 marine fisheries resources of this state.

2817 (b) Conservation and management measures shall be based
2818 upon the best information available, including biological,
2819 sociological, economic, and other information deemed relevant by
2820 the commission.

2821 (c) Conservation and management measures shall permit
2822 reasonable means and quantities of annual harvest, consistent
2823 with maximum practicable sustainable stock abundance on a
2824 continuing basis.

2825 (d) When possible and practicable, stocks of fish shall be
2826 managed as a biological unit.

2827 (e) Conservation and management measures shall assure
2828 proper quality control of marine resources that enter commerce.

2829 (f) State marine fishery management plans shall be
2830 developed to implement management of important marine fishery
2831 resources.

2832 (g) Conservation and management decisions shall be fair and
2833 equitable to all the people of this state and carried out in such
2834 a manner that no individual, corporation, or entity acquires an
2835 excessive share of such privileges.

2836 (h) Federal fishery management plans and fishery management
2837 plans of other states or interstate commissions should be
2838 considered when developing state marine fishery management plans.
2839 Inconsistencies should be avoided unless it is determined that it

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2840 is in the best interest of the fisheries or residents of this
2841 state to be inconsistent.

2842 Section 63. Section 370.0607, Florida Statutes, is
2843 renumbered as section 379.2402, Florida Statutes, to read:

2844 379.2402 ~~370.0607~~ Marine information system.--The Fish and
2845 Wildlife Conservation Commission shall establish by rule a marine
2846 information system in conjunction with the licensing program to
2847 gather marine fisheries data.

2848 Section 64. Section 370.101, Florida Statutes, is
2849 renumbered as section 379.2411, Florida Statutes, and amended to
2850 read:

2851 379.2411 ~~370.101~~ Saltwater fish; regulations.--

2852 (1) The Fish and Wildlife Conservation Commission is
2853 authorized to establish weight equivalencies when minimum lengths
2854 of saltwater fish are established by law, in those cases where
2855 the fish are artificially cultivated.

2856 (2) A special activity license may be issued by the
2857 commission pursuant to s. 379.361 ~~370.06~~ for catching and
2858 possession of fish protected by law after it has first
2859 established that such protected specimens are to be used as stock
2860 for artificial cultivation.

2861 (3) A permit may not be issued pursuant to subsection (2)
2862 until the commission determines that the artificial cultivation
2863 activity complies with the provisions of ss. 253.67-253.75 and
2864 any other specific provisions contained within this chapter
2865 regarding leases, licenses, or permits for maricultural
2866 activities of each saltwater fish, so that the public interest in
2867 such fish stocks is fully protected.

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2868 Section 65. Section 370.102, Florida Statutes, is
2869 renumbered as section 379.2412, Florida Statutes, and amended to
2870 read:

2871 379.2412 ~~370.102~~ State preemption of power to
2872 regulate.--The power to regulate the taking or possession of
2873 saltwater fish, as defined in s. 379.101 ~~370.01~~, is expressly
2874 reserved to the state. This section does not prohibit a local
2875 government from prohibiting, for reasons of protecting the public
2876 health, safety, or welfare, saltwater fishing from real property
2877 owned by that local government.

2878 Section 66. Section 370.11, Florida Statutes, is renumbered
2879 as section 379.2413, Florida Statutes, and amended to read:

2880 379.2413 Catching food fish for the purposes of making oil
2881 ~~370.11 Fish; regulation.--~~

2882 ~~(1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL~~
2883 ~~PROHIBITED.--~~No person shall take any food fish from the waters
2884 under the jurisdiction of the state, for the purpose of making
2885 oil, fertilizer or compost therefrom. Purse seines may be used,
2886 for the taking of nonfood fish for the purpose of making oil,
2887 fertilizer or compost.

2888 ~~(2) REGULATION; FISH; TARPON, ETC.--~~No person may sell,
2889 offer for sale, barter, exchange for merchandise, transport for
2890 sale, either within or without the state, offer to purchase or
2891 purchase any species of fish known as tarpon (*Tarpon atlanticus*)
2892 provided, however, any one person may carry out of the state as
2893 personal baggage or transport within or out of the state not more
2894 than two tarpon if they are not being transported for sale. The
2895 possession of more than two tarpon by any one person is unlawful;
2896 provided, however, any person may catch an unlimited number of
2897 tarpon if they are immediately returned uninjured to the water

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2898 ~~and released where the same are caught. No common carrier in the~~
2899 ~~state shall knowingly receive for transportation or transport,~~
2900 ~~within or without the state, from any one person for shipment~~
2901 ~~more than two tarpon, except as hereinafter provided. It is~~
2902 ~~expressly provided that any lawful established taxidermist, in~~
2903 ~~the conduct of taxidermy, may be permitted to move or transport~~
2904 ~~any reasonable number of tarpon at any time and in any manner he~~
2905 ~~or she may desire, as specimens for mounting; provided, however,~~
2906 ~~satisfactory individual ownership of the fish so moved or~~
2907 ~~transported can be established by such taxidermist at any time~~
2908 ~~upon demand. Common carriers shall accept for shipment tarpon~~
2909 ~~from a taxidermist when statement of individual ownership~~
2910 ~~involved accompanies bill of lading or other papers controlling~~
2911 ~~the shipment. The Fish and Wildlife Conservation Commission may,~~
2912 ~~in its discretion, upon application issue permits for the taking~~
2913 ~~and transporting of tarpon for scientific purposes.~~

2914 Section 67. Section 370.08, Florida Statutes, is renumbered
2915 as section 379.2421, Florida Statutes, and amended to read:

2916 379.2421 ~~370.08~~ Fishers and equipment; regulation.--

2917 (1) ILLEGAL POSSESSION OF SEINES AND NETS.--No person may
2918 have in his or her custody or possession in any county of this
2919 state any fishing seine or net, the use of which for fishing
2920 purposes in such county is prohibited by law. Such possession
2921 shall be evidence of a violation of this subsection by both the
2922 owner thereof and the person using or possessing said net. The
2923 provisions of this subsection shall not apply to shrimp nets, to
2924 pound nets or purse nets when used in taking menhaden fish, to
2925 seines used exclusively for taking herring, or to legal beach
2926 seines used in the open gulf or Atlantic Ocean if the possession
2927 of such nets is not prohibited in the county where found.

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2928 (2) STOP NETTING DEFINED; PROHIBITION.--

2929 (a) It is unlawful for any person to obstruct any river,
2930 creek, canal, pass, bayou or other waterway in this state by
2931 placing or setting therein any screen, net, seine, rack, wire or
2932 other device, or to use, set, or place any net or seine or
2933 similar device of any kind, either singularly or in rotation or
2934 one behind another in any manner whatsoever so as to prevent the
2935 free passage of fish.

2936 (b) It is unlawful for any person, while fishing or
2937 attempting to fish for shrimp or saltwater fish, to attach or
2938 otherwise secure a frame net, trawl net, trap net, or similar
2939 device to any state road bridge or associated structure situated
2940 over any saltwater body or to use more than one such net or
2941 device while fishing from such bridge or structure. For the
2942 purposes of this paragraph, a "frame net" is any net similar to a
2943 hoop net, the mouth of which is held open by a frame, with a
2944 trailing mesh net, of any size. Cast nets, dip nets, and similar
2945 devices are specifically excluded from the operation of this
2946 paragraph.

2947 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS, ETC.--No
2948 person may take food fish within or without the waters of this
2949 state with a purse seine, purse gill net, or other net using
2950 rings or other devices on the lead line thereof, through which a
2951 purse line is drawn, or pound net, or have any food fish so taken
2952 in his or her possession for sale or shipment. The provisions of
2953 this section shall not apply to shrimp nets or to pound nets or
2954 purse seines when used for the taking of tuna or menhaden fish
2955 only.

2956 (4) RETURN OF FISH TO WATER.--All persons taking food fish
2957 from any of the waters of this state by use of seines, nets, or

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2958 other fishing devices and not using any of such fish because of
2959 size or other reasons shall immediately release and return such
2960 fish alive to the water from which taken and no such fish may be
2961 placed or deposited on any bank, shore, beach or other place out
2962 of the water.

2963 ~~(5) THROWING EXPLOSIVES OR USE OF FIREARMS IN WATER FOR~~
2964 ~~PURPOSE OF KILLING FOOD FISH PROHIBITED.--No person may throw or~~
2965 ~~cause to be thrown, into any of the waters of this state, any~~
2966 ~~dynamite, lime, other explosives or discharge any firearms~~
2967 ~~whatsoever for the purpose of killing food fish therein. The~~
2968 ~~landing ashore or possession on the water by any person of any~~
2969 ~~food fish that has been damaged by explosives or the landing of~~
2970 ~~headless jewfish or grouper, if the grouper is taken for~~
2971 ~~commercial use, is prima facie evidence of violation of this~~
2972 ~~section.~~

2973 ~~(5)(6) SEINES, POCKET BUNTS.--In any counties where seines~~
2974 ~~are not prohibited on the open gulf or Atlantic Ocean, such~~
2975 ~~seines may have a pocket bunt on the middle of the seine of a~~
2976 ~~mesh size less than that provided by law.~~

2977 ~~(6)(7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--~~

2978 ~~(a) It is unlawful for any person to place poisons, drugs,~~
2979 ~~or other chemicals in the marine waters of this state unless that~~
2980 ~~person has first obtained a special activity license for such use~~
2981 ~~pursuant to s. 370.06 from the Fish and Wildlife Conservation~~
2982 ~~Commission.~~

2983 ~~(b)~~ Upon application on forms furnished by the commission,
2984 the commission may issue a license to use poisons, drugs, or
2985 other chemicals in the marine waters of this state for the
2986 purpose of capturing live marine species. The application and
2987 license shall specify the area in which collecting will be done;

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2988 the drugs, chemicals, or poisons to be used; and the maximum
2989 amounts and concentrations at each sampling.

2990 ~~(7)(8)~~ PENALTIES.--A commercial harvester who violates this
2991 section shall be punished under s. 379.407 ~~370.021~~. Any other
2992 person who violates this section commits a Level Two violation
2993 under s. 379.401 ~~372.83~~.

2994 Section 68. Section 370.093, Florida Statutes, is
2995 renumbered as section 379.2422, Florida Statutes, and amended to
2996 read:

2997 379.2422 ~~370.093~~ Illegal use of nets.--

2998 (1) It is unlawful to take or harvest, or to attempt to
2999 take or harvest, any marine life in Florida waters with any net
3000 that is not consistent with the provisions of s. 16, Art. X of
3001 the State Constitution.

3002 (2)(a) Beginning July 1, 1998, it is also unlawful to take
3003 or harvest, or to attempt to take or harvest, any marine life in
3004 Florida waters with any net, as defined in subsection (3) and any
3005 attachments to such net, that combined are larger than 500 square
3006 feet and have not been expressly authorized for such use by rule
3007 of the Fish and Wildlife Conservation Commission. The use of
3008 currently legal shrimp trawls and purse seines outside nearshore
3009 and inshore Florida waters shall continue to be legal until the
3010 commission implements rules regulating those types of gear.

3011 (b) The use of gill or entangling nets of any size is
3012 prohibited, as such nets are defined in s. 16, Art. X of the
3013 State Constitution. Any net constructed wholly or partially of
3014 monofilament or multistrand monofilament material, other than a
3015 hand thrown cast net, or a handheld landing or dip net, shall be
3016 considered to be an entangling net within the prohibition of s.
3017 16, Art. X of the State Constitution unless specifically

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3018 authorized by rule of the commission. Multistrand monofilament
3019 material shall not be defined to include nets constructed of
3020 braided or twisted nylon, cotton, linen twine, or polypropylene
3021 twine.

3022 (c) This subsection shall not be construed to apply to
3023 aquaculture activities licenses issued pursuant to s. 379.2523
3024 ~~370.26~~.

3025 (3) As used in s. 16, Art. X of the State Constitution and
3026 this subsection, the term "net" or "netting" must be broadly
3027 construed to include all manner or combination of mesh or webbing
3028 or any other solid or semisolid fabric or other material used to
3029 comprise a device that is used to take or harvest marine life.

3030 (4) Upon the arrest of any person for violation of this
3031 subsection, the arresting officer shall seize the nets illegally
3032 used. Upon conviction of the offender, the arresting authority
3033 shall destroy the nets.

3034 (5) Any person who violates this section shall be punished
3035 as provided in s. 379.407(3) ~~370.021(3)~~.

3036 (6) The Fish and Wildlife Conservation Commission is
3037 granted authority to adopt rules pursuant to s. 379.2401 ~~370.025~~
3038 implementing this section and the prohibitions and restrictions
3039 of s. 16, Art. X of the State Constitution.

3040 Section 69. Section 370.092, Florida Statutes, is
3041 renumbered as section 379.2423, Florida Statutes, and amended to
3042 read:

3043 379.2423 ~~370.092~~ Carriage of proscribed nets across Florida
3044 waters.--

3045 (1) This section applies to all vessels containing or
3046 otherwise transporting in or on Florida waters any gill net or
3047 other entangling net and to all vessels containing or otherwise



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3048 | transporting in or on Florida waters any net containing more than
3049 | 500 square feet of mesh area the use of which is restricted or
3050 | prohibited by s. 16, Art. X of the State Constitution. This
3051 | section does not apply to vessels containing or otherwise
3052 | transporting in or on Florida waters dry nets which are rolled,
3053 | folded, or otherwise properly stowed in sealed containers so as
3054 | to make their immediate use as fishing implements impracticable.

3055 | (2) Every vessel containing or otherwise transporting in or
3056 | on Florida waters any gill net or other entangling net and every
3057 | vessel containing or otherwise transporting in or on nearshore
3058 | and inshore Florida waters any net containing more than 500
3059 | square feet of mesh area shall proceed as directly, continuously,
3060 | and expeditiously as possible from the place where the vessel is
3061 | regularly docked, moored, or otherwise stored to waters where the
3062 | use of said nets is lawful and from waters where the use of said
3063 | nets is lawful back to the place where the vessel is regularly
3064 | docked, moored, or otherwise stored or back to the licensed
3065 | wholesale dealer where the catch is to be sold. Exceptions shall
3066 | be provided for docked vessels, for vessels which utilize nets in
3067 | a licensed aquaculture operation, and for vessels containing
3068 | trawl nets as long as the trawl's doors or frame are not deployed
3069 | in the water. Otherwise, hovering, drifting, and other similar
3070 | activities inconsistent with the direct, continuous, and
3071 | expeditious transit of such vessels shall be evidence of the
3072 | unlawful use of such nets. The presence of fish in such a net is
3073 | not evidence of the unlawful use of the net if the vessel is
3074 | otherwise in compliance with this section.

3075 | (3) Notwithstanding subsections (1) and (2), unless
3076 | authorized by rule of the Fish and Wildlife Conservation
3077 | Commission, it is a major violation under this section,

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3078 | punishable as provided in s. 379.407(3) ~~370.021(3)~~, for any
3079 | person, firm, or corporation to possess any gill or entangling
3080 | net, or any seine net larger than 500 square feet in mesh area,
3081 | on any airboat or on any other vessel less than 22 feet in length
3082 | and on any vessel less than 25 feet if primary power of the
3083 | vessel is mounted forward of the vessel center point. Gill or
3084 | entangling nets shall be as defined in s. 16, Art. X of the State
3085 | Constitution, s. 379.2422(2)(b) ~~370.093(2)(b)~~, or in a rule of
3086 | the Fish and Wildlife Conservation Commission implementing s. 16,
3087 | Art. X of the State Constitution. Vessel length shall be
3088 | determined in accordance with current United States Coast Guard
3089 | regulations specified in the Code of Federal Regulations or as
3090 | titled by the State of Florida. The Marine Fisheries Commission
3091 | is directed to initiate by July 1, 1998, rulemaking to adjust by
3092 | rule the use of gear on vessels longer than 22 feet where the
3093 | primary power of the vessel is mounted forward of the vessel
3094 | center point in order to prevent the illegal use of gill and
3095 | entangling nets in state waters and to provide reasonable
3096 | opportunities for the use of legal net gear in adjacent federal
3097 | waters.

3098 | (4) The Fish and Wildlife Conservation Commission shall
3099 | adopt rules to prohibit the possession and sale of mullet taken
3100 | in illegal gill or entangling nets. Violations of such rules
3101 | shall be punishable as provided in s. 379.407(3) ~~370.021(3)~~.

3102 | (5) The commission has authority to adopt rules pursuant to
3103 | ss. 120.536(1) and 120.54 to implement the provisions of this
3104 | section.

3105 | Section 70. Subsection (1) of section 370.143, Florida
3106 | Statutes, is renumbered as section 379.2424, Florida Statutes,
3107 | and amended to read:



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3108 379.2424 Retrieval of spiny lobster, stone crab, blue crab,
3109 and black sea bass traps during closed season; commission
3110 authority.--

3111 ~~(1)~~ The Fish and Wildlife Conservation Commission is
3112 authorized to implement a trap retrieval program for retrieval of
3113 spiny lobster, stone crab, blue crab, and black sea bass traps
3114 remaining in the water during the closed season for each species.
3115 The commission is authorized to contract with outside agents for
3116 the program operation.

3117 Section 71. Section 370.172, Florida Statutes, is
3118 renumbered as section 379.2425, Florida Statutes, to read:

3119 379.2425 ~~370.172~~ Spearfishing; definition; limitations;
3120 penalty.--

3121 (1) For the purposes of this section, "spearfishing" means
3122 the taking of any saltwater fish through the instrumentality of a
3123 spear, gig, or lance operated by a person swimming at or below
3124 the surface of the water.

3125 (2) (a) Spearfishing is prohibited within the boundaries of
3126 the John Pennekamp Coral Reef State Park, the waters of Collier
3127 County, and the area in Monroe County known as Upper Keys, which
3128 includes all salt waters under the jurisdiction of the Fish and
3129 Wildlife Conservation Commission beginning at the county line
3130 between Dade and Monroe Counties and running south, including all
3131 of the keys down to and including Long Key.

3132 (b) For the purposes of this subsection, the possession in
3133 the water of a spear, gig, or lance by a person swimming at or
3134 below the surface of the water in a prohibited area is prima
3135 facie evidence of a violation of the provisions of this
3136 subsection regarding spearfishing.



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3137 (3) The Fish and Wildlife Conservation Commission shall
3138 have the power to establish restricted areas when it is
3139 determined that safety hazards exist or when needs are determined
3140 by biological findings. Restricted areas shall be established
3141 only after an investigation has been conducted and upon
3142 application by the governing body of the county or municipality
3143 in which the restricted areas are to be located and one
3144 publication in a local newspaper of general circulation in said
3145 county or municipality in addition to any other notice required
3146 by law. Prior to promulgation of regulations, the local governing
3147 body of the area affected shall agree to post and maintain
3148 notices in the area affected.

3149 Section 72. Section 370.12, Florida Statutes, is renumbered
3150 as section 379.2431, Florida Statutes, and amended to read:

3151 379.2431 ~~370.12~~ Marine animals; regulation.--

3152 (1) PROTECTION OF MARINE TURTLES.--

3153 (a) This subsection may be cited as the "Marine Turtle
3154 Protection Act."

3155 (b) The Legislature intends, pursuant to the provisions of
3156 this subsection, to ensure that the Fish and Wildlife
3157 Conservation Commission has the appropriate authority and
3158 resources to implement its responsibilities under the recovery
3159 plans of the United States Fish and Wildlife Service for the
3160 following species of marine turtle:

- 3161 1. Atlantic loggerhead turtle (*Caretta caretta*).
- 3162 2. Atlantic green turtle (*Chelonia mydas*).
- 3163 3. Leatherback turtle (*Dermochelys coriacea*).
- 3164 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*).
- 3165 5. Atlantic ridley turtle (*Lepidochelys kempfi*).



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3166 (c) As used in this subsection, the following phrases have
3167 the following meanings:

3168 1. A "properly accredited person" is:

3169 a. Students of colleges or universities whose studies with
3170 saltwater animals are under the direction of their teacher or
3171 professor; or

3172 b. Scientific or technical faculty of public or private
3173 colleges or universities; or

3174 c. Scientific or technical employees of private research
3175 institutions and consulting firms; or

3176 d. Scientific or technical employees of city, county,
3177 state, or federal research or regulatory agencies; or

3178 e. Members in good standing or recognized and properly
3179 chartered conservation organizations, the Audubon Society, or the
3180 Sierra Club; or

3181 f. Persons affiliated with aquarium facilities or museums,
3182 or contracted as an agent therefor, which are open to the public
3183 with or without an admission fee; or

3184 g. Persons without specific affiliations listed above, but
3185 who are recognized by the commission for their contributions to
3186 marine conservation such as scientific or technical publications,
3187 or through a history of cooperation with the commission in
3188 conservation programs such as turtle nesting surveys, or through
3189 advanced educational programs such as high school marine science
3190 centers.

3191 2. "Take" means an act that actually kills or injures
3192 marine turtles, and includes significant habitat modification or
3193 degradation that kills or injures marine turtles by significantly
3194 impairing essential behavioral patterns, such as breeding,
3195 feeding, or sheltering.



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3196 (d) Except as authorized in this paragraph, or unless
3197 otherwise provided by the Federal Endangered Species Act or its
3198 implementing regulations, a person, firm, or corporation may not:

3199 1. Knowingly possess the eggs of any marine turtle species
3200 described in this subsection.

3201 2. Knowingly take, disturb, mutilate, destroy, cause to be
3202 destroyed, transfer, sell, offer to sell, molest, or harass any
3203 marine turtles or the eggs or nest of any marine turtles
3204 described in this subsection.

3205 3. The commission may issue a special permit or loan
3206 agreement to any person, firm, or corporation, to enable the
3207 holder to possess a marine turtle or parts thereof, including
3208 nests, eggs, or hatchlings, for scientific, education, or
3209 exhibition purposes, or for conservation activities such as the
3210 relocation of nests, eggs, or marine turtles away from
3211 construction sites. Notwithstanding other provisions of law, the
3212 commission may issue such special permit or loan agreement to any
3213 properly accredited person as defined in paragraph (c) for the
3214 purposes of marine turtle conservation.

3215 4. The commission shall have the authority to adopt rules
3216 pursuant to chapter 120 to prescribe terms, conditions, and
3217 restrictions for marine turtle conservation, and to permit the
3218 possession of marine turtles or parts thereof.

3219 (e)1. Any person, firm, or corporation that commits any act
3220 prohibited in paragraph (d) involving any egg of any marine
3221 turtle species described in this subsection shall pay a penalty
3222 of \$100 per egg in addition to other penalties provided in this
3223 paragraph.

3224 2. Any person, firm, or corporation that illegally
3225 possesses 11 or fewer of any eggs of any marine turtle species



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3226 described in this subsection commits a first degree misdemeanor,
3227 punishable as provided in ss. 775.082 and 775.083.

3228 3. For a second or subsequent violation of subparagraph 2.,
3229 any person, firm, or corporation that illegally possesses 11 or
3230 fewer of any eggs of any marine turtle species described in this
3231 subsection commits a third degree felony, punishable as provided
3232 in s. 775.082, s. 775.083, or s. 775.084.

3233 4. Any person, firm, or corporation that illegally
3234 possesses more than 11 of any eggs of any marine turtle species
3235 described in this subsection commits a third degree felony,
3236 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3237 5. Any person, firm, or corporation that illegally takes,
3238 disturbs, mutilates, destroys, causes to be destroyed, transfers,
3239 sells, offers to sell, molests, or harasses any marine turtle
3240 species, or the eggs or nest of any marine turtle species as
3241 described in this subsection, commits a third degree felony,
3242 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3243 6. Notwithstanding s. 777.04, any person, firm, or
3244 corporation that solicits or conspires with another person, firm,
3245 or corporation, to commit an act prohibited by this subsection
3246 commits a felony of the third degree, punishable as provided in
3247 s. 775.082, s. 775.083, or s. 775.084.

3248 7. The proceeds from the penalties assessed pursuant to
3249 this paragraph shall be deposited into the Marine Resources
3250 Conservation Trust Fund.

3251 (f) Any application for a Department of Environmental
3252 Protection permit or other type of approval for an activity that
3253 affects marine turtles or their nests or habitat shall be subject
3254 to conditions and requirements for marine turtle protection as
3255 part of the permitting or approval process.



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3256 (g) The Department of Environmental Protection may
3257 condition the nature, timing, and sequence of construction of
3258 permitted activities to provide protection to nesting marine
3259 turtles and hatchlings and their habitat pursuant to the
3260 provisions of s. 161.053(5). When the department is considering a
3261 permit for a beach restoration, beach renourishment, or inlet
3262 sand transfer project and the applicant has had an active marine
3263 turtle nest relocation program or the applicant has agreed to and
3264 has the ability to administer a program, the department must not
3265 restrict the timing of the project. Where appropriate, the
3266 department, in accordance with the applicable rules of the Fish
3267 and Wildlife Conservation Commission, shall require as a
3268 condition of the permit that the applicant relocate and monitor
3269 all turtle nests that would be affected by the beach restoration,
3270 beach renourishment, or sand transfer activities. Such relocation
3271 and monitoring activities shall be conducted in a manner that
3272 ensures successful hatching. This limitation on the department's
3273 authority applies only on the Atlantic coast of Florida.

3274 (h) The department shall recommend denial of a permit
3275 application if the activity would result in a "take" as defined
3276 in this subsection, unless, as provided for in the federal
3277 Endangered Species Act and its implementing regulations, such
3278 taking is incidental to, and not the purpose of, the carrying out
3279 of an otherwise lawful activity.

3280 (i) The department shall give special consideration to
3281 beach preservation and beach nourishment projects that restore
3282 habitat of endangered marine turtle species. Nest relocation
3283 shall be considered for all such projects in urbanized areas.
3284 When an applicant for a beach restoration, beach renourishment,
3285 or inlet sand transfer project has had an active marine turtle



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3286 nest relocation program or the applicant has agreed to have and
3287 has the ability to administer a program, the department in
3288 issuing a permit for a project must not restrict the timing of
3289 the project. Where appropriate, the department, in accordance
3290 with the applicable rules of the Fish and Wildlife Conservation
3291 Commission, shall require as a condition of the permit that the
3292 applicant relocate and monitor all turtle nests that would be
3293 affected by the beach restoration, beach renourishment, or sand
3294 transfer activities. Such relocation and monitoring activities
3295 shall be conducted in a manner that ensures successful hatching.
3296 This limitation on the department's authority applies only on the
3297 Atlantic coast of Florida.

3298 (2) PROTECTION OF MANATEES OR SEA COWS.--

3299 (a) This subsection shall be known and may be cited as the
3300 "Florida Manatee Sanctuary Act."

3301 (b) The State of Florida is hereby declared to be a refuge
3302 and sanctuary for the manatee, the "Florida state marine mammal."
3303 The protections extended to and authorized on behalf of the
3304 manatee by this act are independent of, and therefore are not
3305 contingent upon, its status as a state or federal listed species.

3306 (c) Whenever the Fish and Wildlife Conservation Commission
3307 is satisfied that the interest of science will be subserved, and
3308 that the application for a permit to possess a manatee or sea cow
3309 (*Trichechus manatus*) is for a scientific or propagational purpose
3310 and should be granted, and after concurrence by the United States
3311 Department of the Interior, the commission may grant to any
3312 person making such application a special permit to possess a
3313 manatee or sea cow, which permit shall specify the exact number
3314 which shall be maintained in captivity.



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3315 (d) Except as may be authorized by the terms of a valid
3316 state permit issued pursuant to paragraph (c) or by the terms of
3317 a valid federal permit, it is unlawful for any person at any
3318 time, by any means, or in any manner intentionally or negligently
3319 to annoy, molest, harass, or disturb or attempt to molest,
3320 harass, or disturb any manatee; injure or harm or attempt to
3321 injure or harm any manatee; capture or collect or attempt to
3322 capture or collect any manatee; pursue, hunt, wound, or kill or
3323 attempt to pursue, hunt, wound, or kill any manatee; or possess,
3324 literally or constructively, any manatee or any part of any
3325 manatee.

3326 (e) Any gun, net, trap, spear, harpoon, boat of any kind,
3327 aircraft, automobile of any kind, other motorized vehicle,
3328 chemical, explosive, electrical equipment, scuba or other
3329 subaquatic gear, or other instrument, device, or apparatus of any
3330 kind or description used in violation of any provision of
3331 paragraph (d) may be forfeited upon conviction. The foregoing
3332 provisions relating to seizure and forfeiture of vehicles,
3333 vessels, equipment, or supplies do not apply when such vehicles,
3334 vessels, equipment, or supplies are owned by, or titled in the
3335 name of, innocent parties; and such provisions shall not vitiate
3336 any valid lien, retain title contract, or chattel mortgage on
3337 such vehicles, vessels, equipment, or supplies if such lien,
3338 retain title contract, or chattel mortgage is property of public
3339 record at the time of the seizure.

3340 (f)1. Except for emergency rules adopted under s. 120.54,
3341 all proposed rules of the commission for which a notice of
3342 intended agency action is filed proposing to govern the speed and
3343 operation of motorboats for purposes of manatee protection shall



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3344 | be submitted to the counties in which the proposed rules will
3345 | take effect for review by local rule review committees.

3346 | 2. No less than 60 days prior to filing a notice of rule
3347 | development in the Florida Administrative Weekly, as provided in
3348 | s. 120.54(3)(a), the commission shall notify the counties for
3349 | which a rule to regulate the speed and operation of motorboats
3350 | for the protection of manatees is proposed. A county so notified
3351 | shall establish a rule review committee or several counties may
3352 | combine rule review committees.

3353 | 3. The county commission of each county in which a rule to
3354 | regulate the speed and operation of motorboats for the protection
3355 | of manatees is proposed shall designate a rule review committee.
3356 | The designated voting membership of the rule review committee
3357 | must be comprised of waterway users, such as fishers, boaters,
3358 | water skiers, other waterway users, as compared to the number of
3359 | manatee and other environmental advocates. A county commission
3360 | may designate an existing advisory group as the rule review
3361 | committee. With regard to each committee, fifty percent of the
3362 | voting members shall be manatee advocates and other environmental
3363 | advocates, and fifty percent of the voting members shall be
3364 | waterway users.

3365 | 4. The county shall invite other state, federal, county,
3366 | municipal, or local agency representatives to participate as
3367 | nonvoting members of the local rule review committee.

3368 | 5. The county shall provide logistical and administrative
3369 | staff support to the local rule review committee and may request
3370 | technical assistance from commission staff.

3371 | 6. Each local rule review committee shall elect a chair and
3372 | recording secretary from among its voting members.



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3373 7. Commission staff shall submit the proposed rule and
3374 supporting data used to develop the rule to the local rule review
3375 committees.

3376 8. The local rule review committees shall have 60 days from
3377 the date of receipt of the proposed rule to submit a written
3378 report to commission members and staff. The local rule review
3379 committees may use supporting data supplied by the commission, as
3380 well as public testimony which may be collected by the committee,
3381 to develop the written report. The report may contain recommended
3382 changes to proposed manatee protection zones or speed zones,
3383 including a recommendation that no rule be adopted, if that is
3384 the decision of the committee.

3385 9. Prior to filing a notice of proposed rulemaking in the
3386 Florida Administrative Weekly as provided in s. 120.54(3)(a), the
3387 commission staff shall provide a written response to the local
3388 rule review committee reports to the appropriate counties, to the
3389 commission members, and to the public upon request.

3390 10. In conducting a review of the proposed manatee
3391 protection rule, the local rule review committees may address
3392 such factors as whether the best available scientific information
3393 supports the proposed rule, whether seasonal zones are warranted,
3394 and such other factors as may be necessary to balance manatee
3395 protection and public access to and use of the waters being
3396 regulated under the proposed rule.

3397 11. The written reports submitted by the local rule review
3398 committees shall contain a majority opinion. If the majority
3399 opinion is not unanimous, a minority opinion shall also be
3400 included.

3401 12. The members of the commission shall fully consider any
3402 timely submitted written report submitted by a local rule review



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3403 | committee prior to authorizing commission staff to move forward
3404 | with proposed rulemaking and shall fully consider any timely
3405 | submitted subsequent reports of the committee prior to adoption
3406 | of a final rule. The written reports of the local rule review
3407 | committees and the written responses of the commission staff
3408 | shall be part of the rulemaking record and may be submitted as
3409 | evidence regarding the committee's recommendations in any
3410 | proceeding relating to a rule proposed or adopted pursuant to
3411 | this subsection.

3412 | 13. The commission is relieved of any obligations regarding
3413 | the local rule review committee process created in this paragraph
3414 | if a timely noticed county commission fails to timely designate
3415 | the required rule review committee.

3416 | (g) In order to protect manatees or sea cows from harmful
3417 | collisions with motorboats or from harassment, the Fish and
3418 | Wildlife Conservation Commission is authorized, in addition to
3419 | all other authority, to provide a permitting agency with comments
3420 | regarding the expansion of existing, or the construction of new,
3421 | marine facilities and mooring or docking slips, by the addition
3422 | or construction of five or more powerboat slips. The commission
3423 | shall adopt rules under chapter 120 regulating the operation and
3424 | speed of motorboat traffic only where manatee sightings are
3425 | frequent and the best available scientific information, as well
3426 | as other available, relevant, and reliable information, which may
3427 | include but is not limited to, manatee surveys, observations,
3428 | available studies of food sources, and water depths, supports the
3429 | conclusions that manatees inhabit these areas on a regular basis:

3430 | 1. In Lee County: the entire Orange River, including the
3431 | Tice Florida Power and Light Corporation discharge canal and

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3432 adjoining waters of the Caloosahatchee River within 1 mile of the
3433 confluence of the Orange and Caloosahatchee Rivers.

3434 2. In Brevard County: those portions of the Indian River
3435 within three-fourths of a mile of the Orlando Utilities
3436 Commission Delespine power plant effluent and the Florida Power
3437 and Light Frontenac power plant effluents.

3438 3. In Indian River County: the discharge canals of the Vero
3439 Beach Municipal Power Plant and connecting waters within 11/4
3440 miles thereof.

3441 4. In St. Lucie County: the discharge of the Henry D. King
3442 Municipal Electric Station and connecting waters within 1 mile
3443 thereof.

3444 5. In Palm Beach County: the discharges of the Florida
3445 Power and Light Riviera Beach power plant and connecting waters
3446 within 11/2 miles thereof.

3447 6. In Broward County: the discharge canal of the Florida
3448 Power and Light Port Everglades power plant and connecting waters
3449 within 11/2 miles thereof and the discharge canal of the Florida
3450 Power and Light Fort Lauderdale power plant and connecting waters
3451 within 2 miles thereof. For purposes of ensuring the physical
3452 safety of boaters in a sometimes turbulent area, the area from
3453 the easternmost edge of the authorized navigation project of the
3454 intracoastal waterway east through the Port Everglades Inlet is
3455 excluded from this regulatory zone.

3456 7. In Citrus County: headwaters of the Crystal River,
3457 commonly referred to as King's Bay, and the Homosassa River.

3458 8. In Volusia County: Blue Springs Run and connecting
3459 waters of the St. Johns River within 1 mile of the confluence of
3460 Blue Springs and the St. Johns River; and Thompson Creek,
3461 Strickland Creek, Dodson Creek, and the Tomoka River.



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3462 9. In Hillsborough County: that portion of the Alafia River
3463 from the main shipping channel in Tampa Bay to U.S. Highway 41.

3464 10. In Sarasota County: the Venice Inlet and connecting
3465 waters within 1 mile thereof, including Lyons Bay, Donna Bay,
3466 Roberts Bay, and Hatchett Creek, excluding the waters of the
3467 intracoastal waterway and the right-of-way bordering the
3468 centerline of the intracoastal waterway.

3469 11. In Collier County: within the Port of Islands, within
3470 section 9, township 52 south, range 28 east, and certain
3471 unsurveyed lands, all east-west canals and the north-south canals
3472 to the southerly extent of the intersecting east-west canals
3473 which lie southerly of the centerline of U.S. Highway 41.

3474 12. In Manatee County: that portion of the Manatee River
3475 east of the west line of section 17, range 19 east, township 34
3476 south; the Braden River south of the north line and east of the
3477 west line of section 29, range 18 east, township 34 south; Terra
3478 Ceia Bay and River, east of the west line of sections 26 and 35
3479 of range 17 east, township 33 south, and east of the west line of
3480 section 2, range 17 east, township 34 south; and Bishop Harbor
3481 east of the west line of section 13, range 17 east, township 33
3482 south.

3483 13. In Miami-Dade County: those portions of Black Creek
3484 lying south and east of the water control dam, including all boat
3485 basins and connecting canals within 1 mile of the dam.

3486 (h) The Fish and Wildlife Conservation Commission shall
3487 adopt rules pursuant to chapter 120 regulating the operation and
3488 speed of motorboat traffic only where manatee sightings are
3489 frequent and the best available scientific information, as well
3490 as other available, relevant, and reliable information, which may
3491 include but is not limited to, manatee surveys, observations,



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3492 available studies of food sources, and water depths, supports the
3493 conclusion that manatees inhabit these areas on a regular basis
3494 within that portion of the Indian River between the St. Lucie
3495 Inlet in Martin County and the Jupiter Inlet in Palm Beach County
3496 and within the Loxahatchee River in Palm Beach and Martin
3497 Counties, including the north and southwest forks thereof.

3498 (i) The commission shall adopt rules pursuant to chapter
3499 120 regulating the operation and speed of motorboat traffic only
3500 where manatee sightings are frequent and the best available
3501 scientific information, as well as other available, relevant, and
3502 reliable information, which may include but is not limited to,
3503 manatee surveys, observations, available studies of food sources,
3504 and water depths, supports the conclusion that manatees inhabit
3505 these areas on a regular basis within the Withlacoochee River and
3506 its tributaries in Citrus and Levy Counties. The specific areas
3507 to be regulated include the Withlacoochee River and the U.S. 19
3508 bridge westward to a line between U.S. Coast Guard markers number
3509 33 and number 34 at the mouth of the river, including all side
3510 channels and coves along that portion of the river; Bennets'
3511 Creek from its beginning to its confluence with the Withlacoochee
3512 River; Bird's Creek from its beginning to its confluence with the
3513 Withlacoochee River; and the two dredged canal systems on the
3514 north side of the Withlacoochee River southwest of Yankeetown.

3515 (j) If any new power plant is constructed or other source
3516 of warm water discharge is discovered within the state which
3517 attracts a concentration of manatees or sea cows, the commission
3518 is directed to adopt rules pursuant to chapter 120 regulating the
3519 operation and speed of motorboat traffic within the area of such
3520 discharge. Such rules shall designate a zone which is sufficient



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3521 | in size, and which shall remain in effect for a sufficient period
3522 | of time, to protect the manatees or sea cows.

3523 | (k) It is the intent of the Legislature to allow the Fish
3524 | and Wildlife Conservation Commission to post and regulate boat
3525 | speeds only where the best available scientific information, as
3526 | well as other available, relevant, and reliable information,
3527 | which may include but is not limited to, manatee surveys,
3528 | observations, available studies of food sources, and water depth,
3529 | supports the conclusion that manatees inhabit these areas on a
3530 | periodic basis. It is not the intent of the Legislature to permit
3531 | the commission to post and regulate boat speeds generally
3532 | throughout the waters of the state, thereby unduly interfering
3533 | with the rights of fishers, boaters, and water skiers using the
3534 | areas for recreational and commercial purposes. The Legislature
3535 | further intends that the commission may identify and designate
3536 | limited lanes or corridors providing for reasonable motorboat
3537 | speeds within waters of the state whenever such lanes and
3538 | corridors are consistent with manatee protection.

3539 | (1) The commission shall adopt rules pursuant to chapter
3540 | 120 regulating the operation and speed of motorboat traffic all
3541 | year around within Turkey Creek and its tributaries and within
3542 | Manatee Cove in Brevard County. The specific areas to be
3543 | regulated consist of:

3544 | 1. A body of water which starts at Melbourne-Tillman
3545 | Drainage District structure MS-1, section 35, township 28 south,
3546 | range 37 east, running east to include all natural waters and
3547 | tributaries of Turkey Creek, section 26, township 28 south, range
3548 | 37 east, to the confluence of Turkey Creek and the Indian River,
3549 | section 24, township 28 south, range 37 east, including all
3550 | lagoon waters of the Indian River bordered on the west by Palm



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3551 Bay Point, the north by Castaway Point, the east by the four
3552 immediate spoil islands, and the south by Cape Malabar, thence
3553 northward along the shoreline of the Indian River to Palm Bay
3554 Point.

3555 2. A triangle-shaped body of water forming a cove (commonly
3556 referred to as Manatee Cove) on the east side of the Banana
3557 River, with northern boundaries beginning and running parallel to
3558 the east-west cement bulkhead located 870 feet south of SR 520
3559 Relief Bridge in Cocoa Beach and with western boundaries running
3560 in line with the City of Cocoa Beach channel markers 121 and 127
3561 and all waters east of these boundaries in section 34, township
3562 24 south, range 37 east; the center coordinates of this cove are
3563 28°20'14" north, 80°35'17" west.

3564 (m) The commission shall promulgate regulations pursuant to
3565 chapter 120 relating to the operation and speed of motor boat
3566 traffic in port waters with due regard to the safety requirements
3567 of such traffic and the navigational hazards related to the
3568 movement of commercial vessels.

3569 (n) The commission may designate by rule adopted pursuant
3570 to chapter 120 other portions of state waters where manatees are
3571 frequently sighted and the best available scientific information,
3572 as well as other available, relevant, and reliable information,
3573 which may include but is not limited to, manatee surveys,
3574 observations, available studies of food sources, and water
3575 depths, supports the conclusion that manatees inhabit such waters
3576 periodically. Upon designation of such waters, the commission
3577 shall adopt rules pursuant to chapter 120 to regulate motorboat
3578 speed and operation which are necessary to protect manatees from
3579 harmful collisions with motorboats and from harassment. The
3580 commission may adopt rules pursuant to chapter 120 to protect

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3581 manatee habitat, such as seagrass beds, within such waters from
3582 destruction by boats or other human activity. Such rules shall
3583 not protect noxious aquatic plants subject to control under s.
3584 369.20.

3585 (o) The commission may designate, by rule adopted pursuant
3586 to chapter 120, limited areas as a safe haven for manatees to
3587 rest, feed, reproduce, give birth, or nurse undisturbed by human
3588 activity. Access by motor boat to private residences, boat
3589 houses, and boat docks through these areas by residents, and
3590 their authorized guests, who must cross one of these areas to
3591 have water access to their property is permitted when the
3592 motorboat is operated at idle speed, no wake.

3593 (p) Except in the marked navigation channel of the Florida
3594 Intracoastal Waterway as defined in s. 327.02 and the area within
3595 100 feet of such channel, a local government may regulate, by
3596 ordinance, motorboat speed and operation on waters within its
3597 jurisdiction where the best available scientific information, as
3598 well as other available, relevant, and reliable information,
3599 which may include but is not limited to, manatee surveys,
3600 observations, available studies of food sources, and water
3601 depths, supports the conclusion that manatees inhabit these areas
3602 on a regular basis. However, such an ordinance may not take
3603 effect until it has been reviewed and approved by the commission.
3604 If the commission and a local government disagree on the
3605 provisions of an ordinance, a local manatee protection committee
3606 must be formed to review the technical data of the commission and
3607 the United States Fish and Wildlife Service, and to resolve
3608 conflicts regarding the ordinance. The manatee protection
3609 committee must be comprised of:

3610 1. A representative of the commission;



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- 3611 2. A representative of the county;
- 3612 3. A representative of the United States Fish and Wildlife
3613 Service;
- 3614 4. A representative of a local marine-related business;
- 3615 5. A representative of the Save the Manatee Club;
- 3616 6. A local fisher;
- 3617 7. An affected property owner; and
- 3618 8. A representative of the Florida Marine Patrol.

3619

3620 If local and state regulations are established for the same area,
3621 the more restrictive regulation shall prevail.

3622 (q) The commission shall evaluate the need for use of
3623 fenders to prevent crushing of manatees between vessels (100' or
3624 larger) and bulkheads or wharves in counties where manatees have
3625 been crushed by such vessels. For areas in counties where
3626 evidence indicates that manatees have been crushed between
3627 vessels and bulkheads or wharves, the commission shall:

3628 1. Adopt rules pursuant to chapter 120 requiring use of
3629 fenders for construction of future bulkheads or wharves; and

3630 2. Implement a plan and time schedule to require
3631 retrofitting of existing bulkheads or wharves consistent with
3632 port bulkhead or wharf repair or replacement schedules.

3633

3634 The fenders shall provide sufficient standoff from the bulkhead
3635 or wharf under maximum operational compression to ensure that
3636 manatees cannot be crushed between the vessel and the bulkhead or
3637 wharf.

3638 (r) Any violation of a restricted area established by this
3639 subsection, or established by rule pursuant to chapter 120 or
3640 ordinance pursuant to this subsection, shall be considered a



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3641 violation of the boating laws of this state and shall be charged
3642 on a uniform boating citation as provided in s. 327.74, except as
3643 otherwise provided in paragraph (s). Any person who refuses to
3644 post a bond or accept and sign a uniform boating citation shall,
3645 as provided in s. 327.73(3), be guilty of a misdemeanor of the
3646 second degree, punishable as provided in s. 775.082 or s.
3647 775.083.

3648 (s) Except as otherwise provided in this paragraph, any
3649 person violating the provisions of this subsection or any rule or
3650 ordinance adopted pursuant to this subsection commits a
3651 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)
3652 ~~370.021(1)(a) or (b)~~.

3653 1. Any person operating a vessel in excess of a posted
3654 speed limit shall be guilty of a civil infraction, punishable as
3655 provided in s. 327.73, except as provided in subparagraph 2.

3656 2. This paragraph does not apply to persons violating
3657 restrictions governing "No Entry" zones or "Motorboat Prohibited"
3658 zones, who, if convicted, shall be guilty of a misdemeanor,
3659 punishable as provided in s. 379.407(1)(a) or (b) ~~370.021(1)(a)~~
3660 ~~or (b)~~, or, if such violation demonstrates blatant or willful
3661 action, may be found guilty of harassment as described in
3662 paragraph (d).

3663 3. A person may engage in any activity otherwise prohibited
3664 by this subsection or any rule or ordinance adopted pursuant to
3665 this subsection if the activity is reasonably necessary in order
3666 to prevent the loss of human life or a vessel in distress due to
3667 weather conditions or other reasonably unforeseen circumstances,
3668 or in order to render emergency assistance to persons or a vessel
3669 in distress.



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3670 (t)1. In order to protect manatees and manatee habitat, the
3671 counties identified in the Governor and Cabinet's October 1989
3672 Policy Directive shall develop manatee protection plans
3673 consistent with commission criteria based upon "Schedule K" of
3674 the directive, and shall submit such protection plans for review
3675 and approval by the commission. Any manatee protection plans not
3676 submitted by July 1, 2004, and any plans not subsequently
3677 approved by the commission shall be addressed pursuant to
3678 subparagraph 2.

3679 2. No later than January 1, 2005, the Fish and Wildlife
3680 Conservation Commission shall designate any county it has
3681 identified as a substantial risk county for manatee mortality as
3682 a county that must complete a manatee protection plan by July 1,
3683 2006. The commission is authorized to adopt rules pursuant to s.
3684 120.54 for identifying substantial risk counties and establishing
3685 criteria for approval of manatee protection plans for counties so
3686 identified. Manatee protection plans shall include the following
3687 elements at a minimum: education about manatees and manatee
3688 habitat; boater education; an assessment of the need for new or
3689 revised manatee protection speed zones; local law enforcement;
3690 and a boat facility siting plan to address expansion of existing
3691 and the development of new marinas, boat ramps, and other
3692 multislip boating facilities.

3693 3. Counties required to adopt manatee protection plans
3694 under this paragraph shall incorporate the boating facility
3695 siting element of those protection plans within their respective
3696 comprehensive plans.

3697 4. Counties that have already adopted approved manatee
3698 protection plans, or that adopt subsequently approved manatee
3699 protection plans by the effective date of this act, are in



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3700 compliance with the provisions of this paragraph so long as they
3701 incorporate their approved boat facility siting plan into the
3702 appropriate element of their local comprehensive plan no later
3703 than July 1, 2003.

3704 (u)1. Existing state manatee protection rules shall be
3705 given great weight in determining whether additional rules are
3706 necessary in a region where the measurable goals developed
3707 pursuant to s. 379.2291 ~~372.072~~ have been achieved. However, the
3708 commission may amend existing rules or adopt new rules to address
3709 risks or circumstances in a particular area or waterbody to
3710 protect manatees.

3711 2. As used in this paragraph, the term "region" means one
3712 of the four geographic areas defined by the United States Fish
3713 and Wildlife Service in the Florida Manatee Recovery Plan, 3rd
3714 revision (October 30, 2001).

3715 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It is
3716 unlawful to catch, attempt to catch, molest, injure, kill, or
3717 annoy, or otherwise interfere with the normal activity and well-
3718 being of, mammalian dolphins (porpoises), except as may be
3719 authorized by a federal permit.

3720 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

3721 (a) Each fiscal year the Save the Manatee Trust Fund shall
3722 be available to fund an impartial scientific benchmark census of
3723 the manatee population in the state. Weather permitting, the
3724 study shall be conducted annually by the Fish and Wildlife
3725 Conservation Commission and the results shall be made available
3726 to the President of the Senate, the Speaker of the House of
3727 Representatives, and the Governor and Cabinet for use in the
3728 evaluation and development of manatee protection measures. In
3729 addition, the Save the Manatee Trust Fund shall be available for



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3730 annual funding of activities of public and private organizations
3731 and those of the commission intended to provide manatee and
3732 marine mammal protection and recovery effort; manufacture and
3733 erection of informational and regulatory signs; production,
3734 publication, and distribution of educational materials;
3735 participation in manatee and marine mammal research programs,
3736 including carcass salvage and other programs; programs intended
3737 to assist the recovery of the manatee as an endangered species,
3738 assist the recovery of the endangered or threatened marine
3739 mammals, and prevent the endangerment of other species of marine
3740 mammals; and other similar programs intended to protect and
3741 enhance the recovery of the manatee and other species of marine
3742 mammals.

3743 (b) By December 1 each year, the Fish and Wildlife
3744 Conservation Commission shall provide the President of the Senate
3745 and the Speaker of the House of Representatives a written report,
3746 enumerating the amounts and purposes for which all proceeds in
3747 the Save the Manatee Trust Fund for the previous fiscal year are
3748 expended, in a manner consistent with those recovery tasks
3749 enumerated within the manatee recovery plan as required by the
3750 Endangered Species Act.

3751 (c) When the federal and state governments remove the
3752 manatee from status as an endangered or threatened species, the
3753 annual allocation may be reduced.

3754 (d) Up to 10 percent of the annual use fee deposited in the
3755 Save the Manatee Trust Fund from the sale of the manatee license
3756 plate authorized in s. 320.08058 may be used to promote and
3757 market the license plate issued by the Department of Highway
3758 Safety and Motor Vehicles after June 30, 2007.



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3759 ~~(e) During the 2007-2008 fiscal year, the annual use fee~~
3760 ~~deposited into the Save the Manatee Trust Fund from the sale of~~
3761 ~~the manatee license plate authorized in s. 320.08058 may be used~~
3762 ~~by the commission to buy back any manatee license plates not~~
3763 ~~issued by the Department of Highway Safety and Motor Vehicles.~~
3764 ~~This paragraph expires July 1, 2008.~~

3765 Section 73. Section 370.1201, Florida Statutes, is
3766 renumbered as section, 379.2432, Florida Statutes, to read:

3767 379.2432 ~~370.1201~~ Manatee protection; intent; conduct of
3768 studies; initiatives and plans.--It is the intent of the
3769 Legislature that the commission request the necessary funding and
3770 staffing through a general revenue budget request to ensure that
3771 manatees receive the maximum protection possible. The Legislature
3772 recognizes that strong manatee protection depends upon
3773 consistently achieving a high degree of compliance with existing
3774 and future rules. The commission shall conduct standardized
3775 studies to determine levels of public compliance with manatee
3776 protection rules, and shall use the results of the studies,
3777 together with other relevant information, to develop and
3778 implement strategic law enforcement initiatives and boater
3779 education plans. Drawing upon information obtained from the
3780 compliance studies and the implementation of enforcement
3781 initiatives together with boater education plans, the commission
3782 shall identify any impediments in consistently achieving high
3783 levels of compliance, and adjust their enforcement and boater
3784 education efforts accordingly.

3785 Section 74. Section 370.1202, Florida Statutes, is
3786 renumbered as section 379.2433, Florida Statutes, to read:

3787 379.2433 ~~370.1202~~ Enhanced manatee protection study.--



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3788 (1) The Fish and Wildlife Conservation Commission shall
3789 implement and administer an enhanced manatee protection study
3790 designed to increase knowledge of the factors that determine the
3791 size and distribution of the manatee population in the waters of
3792 the state. The enhanced study shall be used by the commission in
3793 its mission to provide manatees with the maximum protection
3794 possible, while also allowing maximum recreational use of the
3795 state's waterways. The goal of the enhanced study is to collect
3796 data that will enable resource managers and state and local
3797 policymakers, in consultation with the public, to develop and
3798 implement sound science-based policies to improve manatee
3799 habitat, establish manatee protection zones, and maximize the
3800 size of safe boating areas for recreational use of state waters
3801 without endangering the manatee population.

3802 (2) (a) As part of the enhanced manatee protection study,
3803 the Legislature intends that the commission shall contract with
3804 Mote Marine Laboratory to conduct a manatee habitat and submerged
3805 aquatic vegetation assessment that specifically considers:

3806 1. Manatee populations that congregate in the warm water
3807 discharge sites at power plants in the state and the potential
3808 risks for disease resulting from increased congregation of
3809 manatees at these sites;

3810 2. Development of research, monitoring, and submerged
3811 aquatic vegetation restoration priorities for manatee habitat in
3812 and near the warm water discharge sites at power plants in the
3813 state; and

3814 3. The potential impacts on manatees and manatee habitat if
3815 power plants that provide warm water discharge sites where
3816 manatees congregate are closed, including how closure will affect
3817 the size and health of submerged aquatic vegetation areas.



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3818 (b) The Mote Marine Laboratory must submit an interim
3819 report on the manatee habitat and submerged aquatic vegetation
3820 assessment to the Governor, the Legislature, and the commission
3821 by September 1, 2006. The interim report must detail the progress
3822 of the assessment. The final report, due to the Governor, the
3823 Legislature, and the commission by January 1, 2007, must detail
3824 the results of the assessment and include recommendations for
3825 protection of manatee habitat in warm water discharge sites at
3826 power plants in the state.

3827 (c) The commission shall ensure that funds allocated to
3828 implement the manatee habitat and submerged aquatic vegetation
3829 assessment are expended in a manner that is consistent with the
3830 requirements of this subsection. The commission may require an
3831 annual audit of the expenditures made by Mote Marine Laboratory.
3832 Copies of any audit requested under this subsection must be
3833 provided to the appropriate substantive and appropriations
3834 committees of the Senate and the House of Representatives as they
3835 become available.

3836 (3) As part of the enhanced manatee protection study, the
3837 Legislature intends that the commission must conduct a signage
3838 and boat speed assessment to evaluate the effectiveness of
3839 manatee protection signs and sign placement and to assess boat
3840 speeds. The commission shall evaluate existing data on manatee
3841 mortality before and after existing manatee protection zones were
3842 established, boater compliance and comprehension of regulatory
3843 signs and buoys, changes in boating traffic patterns, and manatee
3844 distribution and behavior. The commission shall also provide
3845 recommendations on innovative marker designs that are in
3846 compliance with the federal aids to navigation system. The
3847 signage and boat speed assessment must address:



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3848 (a) The effectiveness of signs and buoys to warn boaters of
3849 manatee slow-speed zones, with a goal of developing federally
3850 approved standards for marking manatee protection zones;

3851 (b) A determination of where buoys may be used in place of
3852 pilings for boating safety purposes; and

3853 (c) An evaluation of higher speed travel corridors in
3854 manatee zones to determine the most effective speed to balance
3855 safe boating, recreational use, vessel operating characteristics,
3856 and manatee protection.

3857

3858 The commission shall complete its signage and boat speed
3859 assessment by January 1, 2007, and must submit a report of its
3860 findings to the Governor, the President of the Senate, and the
3861 Speaker of the House of Representatives by February 1, 2007. The
3862 report must detail the results of the assessment and identify
3863 specific recommendations for developing state and local policies
3864 relating to the appropriate placement of signs, including
3865 innovative markers, in manatee slow-speed zones.

3866 (4) The commission is authorized to develop and implement
3867 the use of genetic tagging to improve its ability to assess the
3868 status and health of the manatee population, including the health
3869 and reproductive capacity of manatees, estimating annual survival
3870 rates through mark recapture studies, determining migration
3871 patterns, and determining maternity and paternity. The
3872 development and use of genetic tagging may be done in cooperation
3873 with federal agencies or other entities, such as genetic
3874 laboratories at schools within the State University System.

3875 Section 75. Section 370.10, Florida Statutes, is renumbered
3876 as section 379.244, Florida Statutes, to read:



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3877 379.244 ~~370.10~~ Crustacea, marine animals, fish;
3878 regulations; general provisions.--

3879 (1) OWNERSHIP OF FISH, SPONGES, ETC.--All fish, shellfish,
3880 sponges, oysters, clams, and crustacea found within the rivers,
3881 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets, and
3882 other bodies of water within the jurisdiction of the state, and
3883 within the Gulf of Mexico and the Atlantic Ocean within the
3884 jurisdiction of the state, excluding all privately owned enclosed
3885 fish ponds not exceeding 150 acres, are the property of the state
3886 and may be taken and used by its citizens and persons not
3887 citizens, subject to the reservations and restrictions imposed by
3888 these statutes. No water bottoms owned by the state shall ever be
3889 sold, transferred, dedicated, or otherwise conveyed without
3890 reserving in the people the absolute right to fish thereon,
3891 except as otherwise provided in these statutes.

3892 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
3893 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION
3894 PURPOSES.--Notwithstanding any other provisions of general or
3895 special law to the contrary, the Fish and Wildlife Conservation
3896 Commission may authorize, upon such terms, conditions, and
3897 restrictions as it may prescribe by rule, any properly accredited
3898 person to harvest or possess indigenous or nonindigenous
3899 saltwater species for experimental, scientific, education, and
3900 exhibition purposes or to harvest or possess reasonable
3901 quantities of aquacultural species for brood stock. Such
3902 authorizations may allow collection of specimens without regard
3903 to, and not limited to, size, seasonal closure, collection
3904 method, reproductive state, or bag limit. Authorizations issued
3905 under the provisions of this section may be suspended or revoked
3906 by the Fish and Wildlife Conservation Commission if it finds that



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3907 | the person has violated this section, Fish and Wildlife
3908 | Conservation Commission rules or orders, or terms or conditions
3909 | of the authorization or has submitted false or inaccurate
3910 | information in his or her application.

3911 | Section 76. Section 370.1405, Florida Statutes, is
3912 | renumbered as section 379.245, Florida Statutes, and amended to
3913 | read:

3914 | 379.245 ~~370.1405~~ Spiny lobster reports by dealers during
3915 | closed season required.--

3916 | (1) Within 3 days after the commencement of the closed
3917 | season for the taking of spiny lobster, each and every seafood
3918 | dealer, either retail or wholesale, intending to possess whole
3919 | spiny lobster, spiny lobster tails, or spiny lobster meat during
3920 | closed season shall submit to the Fish and Wildlife Conservation
3921 | Commission, on forms provided by the commission, a sworn report
3922 | of the quantity, in pounds, of whole spiny lobster, spiny lobster
3923 | tails, and spiny lobster meat in the dealer's name or possession
3924 | as of the date the season closed. This report shall state the
3925 | location and number of pounds of whole spiny lobster, spiny
3926 | lobster tails, and spiny lobster meat. The commission shall not
3927 | accept any reports not delivered or postmarked by midnight of the
3928 | 3rd calendar day after the commencement of the closed season, and
3929 | any stocks of spiny lobster reported therein are declared a
3930 | nuisance and may be seized by the commission.

3931 | (2) Failure to submit a report as described in subsection
3932 | (1) or reporting a greater or lesser amount of whole spiny
3933 | lobster, spiny lobster tails, or spiny lobster meat than is
3934 | actually in the dealer's possession or name is a major violation
3935 | of this chapter, punishable as provided in s. 379.407(1), 379.414
3936 | ~~370.021(1), s. 370.07(6)(b)~~, or both. The commission shall seize

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3937 | the entire supply of unreported or falsely reported whole spiny
3938 | lobster, spiny lobster tails, or spiny lobster meat, and shall
3939 | carry the same before the court for disposal. The dealer shall
3940 | post a cash bond in the amount of the fair value of the entire
3941 | quantity of unreported or falsely reported spiny lobster as
3942 | determined by the judge. After posting the cash bond, the dealer
3943 | shall have 24 hours to transport said products outside the limits
3944 | of Florida for sale as provided by s. 379.337 ~~370.061~~. Otherwise,
3945 | the product shall be declared a nuisance and disposed of by the
3946 | commission according to law.

3947 | (3) All dealers having reported stocks of spiny lobster may
3948 | sell or offer to sell such stocks of spiny lobster; however, such
3949 | dealers shall submit an additional report on the last day of each
3950 | month during the duration of the closed season. Reports shall be
3951 | made on forms supplied by the commission. Each dealer shall state
3952 | on this report the number of pounds brought forward from the
3953 | previous report period, the number of pounds sold during the
3954 | report period, the number of pounds, if any, acquired from a
3955 | licensed wholesale dealer during the report period, and the
3956 | number of pounds remaining on hand. In every case, the amount of
3957 | spiny lobster sold plus the amount reported on hand shall equal
3958 | the amount acquired plus the amount reported remaining on hand in
3959 | the last submitted report. Copies of records or invoices
3960 | documenting the number of pounds acquired during the closed
3961 | season must be maintained by the wholesale or retail dealer and
3962 | shall be kept available for inspection by the commission for a
3963 | period not less than 3 years from the date of the recorded
3964 | transaction. Reports postmarked later than midnight on the 3rd
3965 | calendar day of each month during the duration of the closed
3966 | season will not be accepted by the commission. Dealers for which



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3967 late supplementary reports are not accepted by the commission
3968 must show just cause why their entire stock of whole spiny
3969 lobster, spiny lobster tails, or spiny lobster meat should not be
3970 seized by the commission. Whenever a dealer fails to timely
3971 submit the monthly supplementary report as described in this
3972 subsection, the dealer may be subject to the following civil
3973 penalties:

3974 (a) For a first violation, the commission shall assess a
3975 civil penalty of \$500.

3976 (b) For a second violation within the same spiny lobster
3977 closed season, the commission shall assess a civil penalty of
3978 \$1,000.

3979 (c) For a third violation within the same spiny lobster
3980 closed season, the commission shall assess a civil penalty of
3981 \$2,500 and may seize said dealer's entire stock of whole spiny
3982 lobster, spiny lobster tails, or spiny lobster meat and carry the
3983 same before the court for disposal. The dealer shall post a cash
3984 bond in the amount of the fair value of the entire remaining
3985 quantity of spiny lobster as determined by the judge. After
3986 posting the cash bond, a dealer shall have 24 hours to transport
3987 said products outside the limits of Florida for sale as provided
3988 by s. 379.337 ~~370.061~~. Otherwise, the product shall be declared a
3989 nuisance and disposed of by the commission according to law.

3990 (4) All seafood dealers shall at all times during the
3991 closed season make their stocks of whole spiny lobster, spiny
3992 lobster tails, or spiny lobster meat available for inspection by
3993 the commission.

3994 (5) Each wholesale and retail dealer in whole spiny
3995 lobster, spiny lobster tails, or spiny lobster meat shall keep
3996 throughout the period of the spiny lobster closed season copies



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3997 of the bill of sale or invoice covering each transaction
3998 involving whole spiny lobster, spiny lobster tails, or spiny
3999 lobster meat. Such invoices and bills shall be kept available at
4000 all times for inspection by the commission.

4001 (6) The Fish and Wildlife Conservation Commission may adopt
4002 rules incorporating by reference such forms as are necessary to
4003 administer this section.

4004 Section 77. Section 370.151, Florida Statutes, is
4005 renumbered as section 379.246, Florida Statutes, and amended to
4006 read:

4007 379.246 ~~370.151~~ Tortugas shrimp beds; gifted and loan
4008 property penalties.--

4009 ~~(1) It is the intention of the Legislature that action~~
4010 ~~should be taken to conserve the supply of shrimp in the large~~
4011 ~~shrimp beds which lie in and around the coast of the Lower Keys~~
4012 ~~of Florida and in the vicinity of the islands of Dry Tortugas in~~
4013 ~~the Florida Keys, hereinafter referred to as the "Tortugas Shrimp~~
4014 ~~Bed," and which furnish more than 50 percent of the shrimp in~~
4015 ~~waters adjacent to the coast of Florida. It is further the sense~~
4016 ~~of this Legislature that the shrimp industry is a valuable~~
4017 ~~industry to the economy of this state and deserves adequate~~
4018 ~~protection.~~

4019 ~~(1)(2)(a)~~ The Fish and Wildlife Conservation Commission is
4020 authorized to take title in the name of the state to any vessel
4021 or vessels suitable for use in carrying out the inspection and
4022 patrol of the Tortugas Bed which may be offered as a gift to the
4023 state by any person, firm, corporation, or association in the
4024 shrimp industry for the purpose of carrying out the provisions of
4025 this section. In the event such title is taken to such vessel or

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4026 vessels, the commission is authorized to operate and keep said
4027 vessel or vessels in proper repair.

4028 ~~(2) (b)~~ The commission is further authorized to accept the
4029 temporary loan of any vessel or vessels, suitable for use in
4030 carrying out the provisions of this section, for periods not
4031 exceeding 1 year. However, the state shall not assume any
4032 liability to the owner or owners of said vessels for any damage
4033 done by said vessels to other vessels, persons, or property. In
4034 the operation of said loaned vessels, upkeep and repair shall
4035 consist only of minor repairs and routine maintenance. The owner
4036 or owners shall carry full marine insurance coverage on said
4037 loaned vessel or vessels for the duration of the period during
4038 which said vessels are operated by the state.

4039 ~~(3) The owner or master of any vessel not equipped with~~
4040 ~~live shrimp bait tanks dragging shrimp nets in the above-defined~~
4041 ~~area without a live bait shrimping license for this area is~~
4042 ~~guilty of a violation of this section. A third or any subsequent~~
4043 ~~violation by any person under this subsection within a 3-year~~
4044 ~~period shall be a felony of the third degree, punishable as~~
4045 ~~provided in ss. 775.082 and 775.083.~~

4046 Section 78. Section 370.153, Florida Statutes, is
4047 renumbered as section 379.247, Florida Statutes, and amended to
4048 read:

4049 379.247 ~~370.153~~ Regulation of shrimp fishing; Clay, Duval,
4050 Nassau, Putnam, Flagler, and St. Johns Counties.--

4051 (1) DEFINITIONS.--When used in this section, unless the
4052 context clearly requires otherwise:

4053 (a) "Inland waters" means all creeks, rivers, bayous, bays,
4054 inlets, and canals.



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4055 (b) "Sample" means one or more shrimp taken from an
4056 accurately defined part of the area defined.

4057 (c) "Series" means 10 or more samples taken within a period
4058 of not more than 1 week, each sample being taken at a different
4059 station within the pattern.

4060 (d) "Pattern" means 10 or more stations.

4061 (e) "Station" means a single location on the water of the
4062 areas defined.

4063 (f) "Licensed live bait shrimp producer" means any
4064 individual licensed by the Fish and Wildlife Conservation
4065 Commission to employ the use of any trawl for the taking of live
4066 bait shrimp within the inland waters of Nassau, Duval, St. Johns,
4067 Putnam, Flagler, or Clay Counties.

4068 (g) "Licensed dead shrimp producer" means any individual
4069 licensed by the Fish and Wildlife Conservation Commission to
4070 employ the use of any trawl for the taking of shrimp within the
4071 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
4072 Clay Counties.

4073 (2) SHRIMPING PROHIBITED.--It is unlawful to employ the use
4074 of any trawl or other net, except a common cast net, designed for
4075 or capable of taking shrimp, within the inland waters of Nassau,
4076 Duval, St. Johns, Putnam, Flagler, or Clay Counties, except as
4077 hereinafter provided.

4078 (3) LIVE BAIT SHRIMP PRODUCTION.--

4079 (a) A live bait shrimp production license shall be issued
4080 by the Fish and Wildlife Conservation Commission upon the receipt
4081 of an application by a person intending to use a boat, not to
4082 exceed 35 feet in length in Duval, St. Johns, Putnam, Flagler,
4083 and Clay Counties and not to exceed 45 feet in length in Nassau
4084 County, for live shrimp production within the inland waters of



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4085 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties and
4086 the payment of a fee of \$250. The annual fee of \$250 shall be
4087 collected by the commission for the issuance of the license
4088 during a 60-day period beginning June 1 of each year. The design
4089 of the application and permit shall be determined by the
4090 commission. The proceeds of the fee imposed by this paragraph
4091 shall be used by the Fish and Wildlife Conservation Commission
4092 for the purposes of enforcement of marine resource laws.

4093 (b) The Executive Director of the Fish and Wildlife
4094 Conservation Commission, or his or her designated representative,
4095 may by order close certain areas to live bait shrimp production
4096 when sampling procedures justify the closing based upon sound
4097 conservation practices. The revocation of any order to close has
4098 the effect of opening the area.

4099 (c)1. Each licensed live bait shrimp producer who stores
4100 his or her catch for sale or sells his or her catch shall either:

4101 a. Maintain onshore facilities which have been annually
4102 checked and approved by the local commission office to assure the
4103 facilities' ability to maintain the catch alive when the live
4104 bait shrimp producer produces for his or her own facility; or

4105 b. Sell his or her catch only to persons who have onshore
4106 facilities that have been annually checked and approved by the
4107 local commission office to assure the facilities' ability to
4108 maintain the catch alive, when the producer sells his or her
4109 catch to an onshore facility. The producer shall provide the
4110 commission with the wholesale number of the facility to which the
4111 shrimp have been sold and shall submit this number on a form
4112 designed and approved by the commission.

4113 2. All persons who maintain onshore facilities as described
4114 in this paragraph, whether the facilities are maintained by the



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4115 licensed live bait shrimp producer or by another party who
4116 purchases shrimp from live bait shrimp producers, shall keep
4117 records of their transactions in conformance with the provisions
4118 of s. 379.362(6) ~~370.07(6)~~.

4119 (d) All commercial trawling in Clay, Duval, and St. Johns
4120 Counties shall be restricted to the inland waters of the St.
4121 Johns River proper in the area north of the Acosta Bridge in
4122 Jacksonville and at least 100 yards from the nearest shoreline.

4123 (e) A live shrimp producer must also be a licensed
4124 wholesale dealer. Such person shall not sell live bait shrimp
4125 unless he or she produces a live bait shrimp production license
4126 at the time of sale.

4127 (f) The commission shall rename the Live Bait Shrimp
4128 Production License as the Commercial Live Shrimp Production
4129 License.

4130 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as a
4131 commercial dead shrimp producer provided that:

4132 (a) A dead shrimp production permit is procured from the
4133 Fish and Wildlife Conservation Commission upon the receipt by the
4134 commission of a properly filled out and approved application by a
4135 person intending to use a boat, not to exceed 35 feet in length
4136 in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed
4137 45 feet in length in Nassau County, for dead shrimp production
4138 within the inland waters of Nassau County and the inland waters
4139 of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or
4140 Clay Counties, which permit shall cost \$250 and shall be required
4141 for each vessel used for dead shrimp production. The design of
4142 the application and permit shall be determined by the Fish and
4143 Wildlife Conservation Commission. The proceeds of the fees
4144 imposed by this paragraph shall be deposited into the account of



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4145 the Marine Resources Conservation Trust Fund to be used by the
4146 commission for the purpose of enforcement of marine resource
4147 laws.

4148 (b) All commercial trawling in the St. Johns River proper
4149 shall be restricted to the area north of the Acosta Bridge in
4150 Jacksonville and at least 100 yards from the nearest shoreline.

4151 (c) All commercial shrimping activities shall be allowed
4152 during daylight hours from Tuesday through Friday each week.

4153 (d) No person holding a dead shrimp production permit
4154 issued pursuant to this subsection shall simultaneously hold a
4155 permit for noncommercial trawling under the provisions of
4156 subsection (5). The number of permits issued by the commission
4157 for commercial trawling or dead shrimp production in any one year
4158 shall be limited to those active in the base year, 1976, and
4159 renewed annually since 1976. All permits for dead shrimp
4160 production issued pursuant to this section shall be inheritable
4161 or transferable to an immediate family member and annually
4162 renewable by the holder thereof. Such inheritance or transfer
4163 shall be valid upon being registered with the commission. Each
4164 permit not renewed shall expire and shall not be renewed under
4165 any circumstances.

4166 (e) It is illegal for any person to sell dead shrimp caught
4167 in the inland waters of Nassau, Duval, Clay, Putnam, and St.
4168 Johns Counties, unless the seller is in possession of a dead
4169 shrimp production license issued pursuant to this subsection.

4170 (f) It is illegal for any person to purchase shrimp for
4171 consumption or bait from any seller (with respect to shrimp
4172 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
4173 St. Johns Counties (St. Johns River)) who does not produce his or

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4174 her dead shrimp production license prior to the sale of the
4175 shrimp.

4176 (g) In addition to any other penalties provided for in this
4177 section, any person who violates the provisions of this
4178 subsection shall have his or her license revoked by the
4179 commission.

4180 (h) The commission shall rename the Dead Shrimp Production
4181 License as the Commercial Food Shrimp Production License.

4182 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling is
4183 authorized by the Fish and Wildlife Conservation Commission, any
4184 person may trawl for shrimp in the St. Johns River for his or her
4185 own use as food under the following conditions:

4186 (a) Each person who desires to trawl for shrimp for use as
4187 food shall obtain a noncommercial trawling permit from the local
4188 office of the Fish and Wildlife Conservation Commission upon
4189 filling out an application on a form prescribed by the commission
4190 and upon paying a fee for the permit, which shall cost \$50.

4191 (b) All trawling shall be restricted to the confines of the
4192 St. Johns River proper in the area north of the Acosta Bridge in
4193 Jacksonville and at least 100 yards from the nearest shoreline.

4194 (c) No shrimp caught by a person licensed under the
4195 provisions of this subsection may be sold or offered for sale.

4196 (6) SAMPLING PROCEDURE.--

4197 (a) The Executive Director of the Fish and Wildlife
4198 Conservation Commission shall have samples taken at established
4199 stations within patterns at frequent intervals.

4200 (b) No area may be closed to live bait shrimp production
4201 unless a series of samples has been taken and it has been
4202 determined that the shrimp are undersized or that continued
4203 shrimping in this area would have an adverse effect on



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4204 conservation. Standards for size may be established by rule of
4205 the commission.

4206 (c) No area may be opened to dead shrimp production unless
4207 a series of samples has been taken and it has been determined
4208 that the shrimp are of legal size. Legal-sized shrimp shall be
4209 defined as not more than 47 shrimp with heads on, or 70 shrimp
4210 with heads off, per pound.

4211 (7) LICENSE POSSESSION.--The operator of a boat employing
4212 the use of any trawl for shrimp production must be in possession
4213 of a current shrimp production license issued to him or her
4214 pursuant to the provisions of this section.

4215 (8) USE OF TRAWL; LIMITATION.--

4216 (a) The use of a trawl by either a live bait shrimp
4217 producer or dead shrimp producer shall be limited to the daylight
4218 hours, and the taking of dead shrimp shall not take place on
4219 Saturdays, Sundays, or legal state holidays.

4220 (b) The use of a trawl by either a live bait shrimp
4221 producer or dead shrimp producer within 100 yards of any
4222 shoreline is prohibited. The Fish and Wildlife Conservation
4223 Commission, by rule or order, may define the area or areas where
4224 this subsection shall apply.

4225 (c)1. It is unlawful to employ the use of any trawl
4226 designed for, or capable of, taking shrimp within 1/4 mile of any
4227 natural or manmade inlet in Duval County or St. Johns County.

4228 2. It is unlawful for anyone to trawl in the Trout River
4229 west of the bridge on U.S. 17 in Duval County.

4230 (9) CREDITS.--Fees paid pursuant to paragraphs (3)(a) and
4231 (4)(a) of this section shall be credited against the saltwater
4232 products license fee.



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4233 Section 79. Section 370.17, Florida Statutes, is renumbered
4234 as section 379.248, Florida Statutes, and amended to read:

4235 379.248 ~~370.17~~ Sponges; regulation.--

4236 (1) NONRESIDENT LICENSE; SPONGE FISHING.--Any nonresident
4237 of the state, who desires to engage in the business or occupation
4238 of sponge fishing, either for that person or any other person,
4239 shall, before entering into said business or occupation, procure
4240 a nonresident saltwater products license issued in the name of an
4241 individual or to a valid boat registration pursuant to s. 379.361
4242 ~~370.06~~.

4243 (2) USE AND SIZE OF HOOKS.--Any person engaged in gathering
4244 sponges by use of a hook shall use a hook 5 inches wide for the
4245 purpose of removing sponges from the bottom, and no hook of other
4246 dimensions may be used.

4247 (3) TAKING, POSSESSING COMMERCIAL; SIZE.--

4248 (a) No person may take, by any means or method, from the
4249 waters of the Gulf of Mexico, the straits of this state or the
4250 other waters within the territorial limits of this state, any
4251 commercial sponges, measuring, when wet, less than 5 inches in
4252 their maximum diameter.

4253 (b) To make effective the foregoing subsection it is
4254 further provided that no person may land, cure, deliver, offer
4255 for sale, sell, or have in his or her possession, within the
4256 territorial limits of this state, or upon any boat, vessel, or
4257 vehicle, other than those operated interstate by common carriers,
4258 within the territorial limits of this state, any commercial
4259 sponges measuring, when wet, less than 5 inches in their maximum
4260 diameter.

4261 (c) The presence of commercial sponges within the
4262 territorial limits of this state, or upon any boat, vessel, or

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4263 vehicle, other than those operated interstate by common carriers,
4264 within the territorial limits of this state, measuring, when wet,
4265 less than 5 inches in their maximum diameter, shall be evidence
4266 that the person having such sponges in his or her possession has
4267 violated this section.

4268 (4) POWERS OF THE COMMISSION.--The commission is authorized
4269 and empowered to make, promulgate, and put into effect all rules
4270 and regulations which the commission may consider and decide to
4271 be necessary to accomplish the purpose of this chapter for the
4272 taking and cultivation of sponges, including the power and
4273 authority to determine and fix, in its discretion, the seasons
4274 and period of time within which public state grounds may be
4275 closed to the taking, possessing, buying, selling, or
4276 transporting of sponges from the sponge cultivation districts
4277 herein provided for and to regulate and prescribe the means and
4278 methods to be employed in the harvesting thereof; however, notice
4279 of all rules, regulations, and orders, and all revisions and
4280 amendments thereto, prescribing closed seasons or prescribing the
4281 means and methods of harvesting sponges adopted by the commission
4282 shall be published in a newspaper of general circulation in the
4283 conservation district affected within 10 days from the adoption
4284 thereof, in addition to any notice required by chapter 120.

4285 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
4286 SERVICE.--The commission shall cooperate with the United States
4287 Fish and Wildlife Service, under existing federal laws, rules and
4288 regulations, and is authorized to accept donations, grants and
4289 matching funds from said federal government under such conditions
4290 as are reasonable and proper, for the purposes of carrying out
4291 this chapter, and the commission is further authorized to accept
4292 any and all donations including funds and loan of vessels.



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4293 (6) PENALTY.--Any person violating any of the foregoing
4294 provisions shall, for the second offense, be guilty of a felony
4295 of the third degree, punishable as provided in s. 775.082, s.
4296 775.083, or s. 775.084, and by the confiscation of all boats,
4297 tackle and equipment used in the commission of such violation.

4298 Section 80. Section 370.25, Florida Statutes, is renumbered
4299 as section 379.249, Florida Statutes, to read:

4300 379.249 ~~370.25~~ Artificial reef program; grants and
4301 financial and technical assistance to local governments.--

4302 (1) An artificial reef program is created within the
4303 commission to enhance saltwater opportunities and to promote
4304 proper management of fisheries resources associated with
4305 artificial reefs for the public interest. Under the program, the
4306 commission may provide grants and financial and technical
4307 assistance to coastal local governments, state universities, and
4308 nonprofit corporations qualified under s. 501(c)(3) of the
4309 Internal Revenue Code for the siting and development of
4310 artificial reefs as well as for monitoring and evaluating such
4311 reefs and their recreational, economic, and biological
4312 effectiveness. The commission is authorized to accept title, on
4313 behalf of the state, to vessels for use in the artificial reef
4314 program as offshore artificial reefs. The program may be funded
4315 from state, federal, and private contributions.

4316 (2) The commission may adopt by rule procedures for
4317 submitting an application for financial assistance and criteria
4318 for allocating available funds.

4319 (3) The commission may adopt by rule criteria for siting,
4320 constructing, managing, and evaluating the effectiveness of
4321 artificial reefs placed in state or adjacent federal waters and

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4322 criteria implementing the transfer of vessel titles to the state
4323 for use as an offshore artificial reef.

4324 (4) The commission may adopt by rule criteria for
4325 determining the eligibility of nonprofit corporations qualified
4326 under s. 501(c)(3) of the Internal Revenue Code to apply for and
4327 receive funds available for artificial reef development or
4328 evaluation. The criteria must include, but are not limited to,
4329 the following:

4330 (a) The corporation must show proof that it is a nonprofit
4331 corporation qualified under s. 501(c)(3) of the Internal Revenue
4332 Code.

4333 (b) The corporation must state in its articles of
4334 incorporation or bylaws that one of its objectives is the
4335 development or monitoring of artificial reefs.

4336 (5) The commission's artificial reef program shall track
4337 all artificial-reef-development activities statewide, and
4338 maintain a computer database of these activities for the public
4339 interest and to facilitate long-range planning and coordination
4340 within the commission and among local governments.

4341 (6) It is unlawful for any person to:

4342 (a) Place artificial-reef-construction materials in state
4343 waters outside zones permitted under the terms and conditions
4344 defined in any artificial-reef permits issued by the United
4345 States Army Corps of Engineers or by the Department of
4346 Environmental Protection.

4347 (b) Store, possess, or transport on or across state waters
4348 any materials reasonably suited for artificial-reef construction
4349 and stored in a manner providing ready access for use and
4350 placement as an artificial reef, unless a valid cargo manifest
4351 issued by the commission or a commission-certified inspector is



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4352 onboard the transporting vessel. The manifest will serve as
4353 authorization to use a valid permitted site or land-based staging
4354 area, will validate that the type of artificial-reef construction
4355 material being transported is permissible for use at the
4356 permitted site, and will describe and quantify the artificial-
4357 reef material being transported. The manifest will also include
4358 the latitude and longitude coordinates of the proposed deployment
4359 location, the valid permit number, and a copy of the permit
4360 conditions for the permitted site. The manifest must be available
4361 for inspection by any authorized law enforcement officer or
4362 commission employee.

4363 (7) (a) An initial violation of subsection (6) is a
4364 misdemeanor of the first degree, punishable as provided in s.
4365 775.082 or s. 775.083. A subsequent violation of subsection (6)
4366 which is committed within 12 months after a previous violation of
4367 that subsection is a felony of the third degree, punishable as
4368 provided in s. 775.082, s. 775.083, or s. 775.084.

4369 (b) If a violation of subsection (6) occurs, a law
4370 enforcement officer may terminate a vessel's voyage and order the
4371 vessel operator to return immediately to port. Failure or refusal
4372 to comply with an order to return to port constitutes a felony of
4373 the third degree, punishable as provided in s. 775.082, s.
4374 775.083, or s. 775.084. The vessel operator must immediately
4375 dispose of the materials on shore according to applicable waste
4376 disposal laws.

4377 (c) If, at the time of the violation, the vessel that is
4378 involved in the violation:

4379 1. Is moored at a land-based facility, the registered owner
4380 of the vessel is responsible for the violation.



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4381 2. Is underway or anchored, the captain or operator of the
4382 vessel and the registered owner of the vessel are jointly
4383 responsible for the violation.

4384 (d) In addition to the penalties imposed in this
4385 subsection, the commission shall assess civil penalties of up to
4386 \$5,000 against any person convicted of violating subsection (6)
4387 and may seek the suspension or revocation of the vessel
4388 registration, existing reef-construction permits, or other state
4389 marine licenses held by the violator. For the purposes of this
4390 section, conviction includes any judicial disposition other than
4391 acquittal or dismissal.

4392 Section 81. Section 370.23, Florida Statutes, is renumbered
4393 as section 379.25, Florida Statutes, to read:

4394 379.25 ~~370.23~~ Sale of unlawfully landed product;
4395 jurisdiction.--It is unlawful for any person to bring to port,
4396 sell, or offer to sell any saltwater life landed in violation of
4397 the provisions of this chapter. Any person committing such a
4398 violation and docking his or her vessel at any port in the state,
4399 whether or not such product was landed in the territorial waters
4400 of the state, shall be deemed to have submitted himself or
4401 herself to the jurisdiction of the courts of this state for the
4402 purpose of the enforcement of the provisions of this chapter.

4403 Section 82. Section 370.1601, Florida Statutes, is
4404 renumbered as section 379.2511, Florida Statutes, and amended to
4405 read:

4406 379.2511 ~~370.1601~~ Lease of state-owned water bottoms for
4407 growing oysters and clams.--Effective July 1, 1988, persons
4408 wishing to lease state-owned water bottoms for the purpose of
4409 growing oysters and clams shall no longer be required to apply

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4410 under the provisions of s. 379.2525 ~~370.16~~; such leases shall be
4411 issued pursuant to the provisions of ss. 253.67-253.75.

4412 Section 83. Section 370.161, Florida Statutes, is
4413 renumbered as section 379.2512, Florida Statutes, to read:

4414 379.2512 ~~370.161~~ Oyster bottom land grants made pursuant to
4415 ch. 3293.--

4416 (1) All grants previously issued by the several boards of
4417 county commissioners under the authority of chapter 3293, 1881,
4418 Laws of Florida, shall be subject to provisions of s. 597.010,
4419 relating to the marking of such lands, the payment of rents, the
4420 cultivation of such lands and the forfeiture provisions.

4421 (2) Any grantee of lands referred to in subsection (1)
4422 shall mark such lands and begin cultivation thereof as set forth
4423 in s. 597.010, within 90 days after the effective date of this
4424 act. The rentals prescribed by s. 597.010, shall be payable
4425 immediately upon the effective date of this act and in accordance
4426 with the provisions of said section.

4427 (3) If any grantee shall fail to comply with the provisions
4428 of this act his or her grant shall become null and void and the
4429 lands shall return to the ownership and jurisdiction of the
4430 state.

4431 Section 84. Section 370.027, Florida Statutes, is
4432 renumbered as section 379.2521, Florida Statutes, and amended to
4433 read:

4434 379.2521 ~~370.027~~ Rulemaking authority with respect to
4435 marine life.--Marine aquaculture producers shall be regulated by
4436 the Department of Agriculture and Consumer Services. The Fish and
4437 Wildlife Conservation Commission shall adopt rules, by March 1,
4438 2000, to regulate the sale of farmed red drum and spotted sea
4439 trout. These rules shall specifically provide for the protection

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4440 of the wild resource, without restricting a certified aquaculture
4441 producer pursuant to s. 597.004 from being able to sell farmed
4442 fish. To that extent, these rules must only require that farmed
4443 fish be kept separate from wild fish and be fed commercial feed;
4444 that farmed fish be placed in sealed containers; that these
4445 sealed containers must have the name, address, telephone number
4446 and aquaculture certificate number, issued pursuant to s.
4447 597.004, of the farmer clearly and indelibly placed on the
4448 container; and that this information must accompany the fish to
4449 the ultimate point of sale. Marine aquaculture products produced
4450 by a marine aquaculture producer, certified pursuant to s.
4451 597.004, are exempt from Fish and Wildlife Conservation
4452 Commission resource management rules, with the exception of such
4453 rules governing any fish of the genus *Centropomus* (snook). By
4454 July 1, 2000, the Fish and Wildlife Conservation Commission shall
4455 develop procedures to allow persons possessing a valid
4456 aquaculture certificate of registration to sell and transport
4457 live snook produced in private ponds or private hatcheries as
4458 brood stock, to stock private ponds, or for aquarium display
4459 consistent with the provisions of rules adopted by the Department
4460 of Agriculture and Consumer Services ~~rule 39-23.009, Florida~~
4461 ~~Administrative Code.~~

4462 Section 85. Section 370.1603, Florida Statutes, is
4463 renumbered as section 379.2522, Florida Statutes, and amended to
4464 read:

4465 379.2522 ~~370.1603~~ Oysters produced in and outside state;
4466 labeling; tracing; rules.--

4467 (1) No wholesale or retail dealer, as defined in s. 379.362
4468 (1) ~~370.07(1)~~, shall sell any oysters produced outside this state
4469 unless they are labeled as such, or unless it is otherwise



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4470 reasonably made known to the purchaser that the oysters were not
4471 produced in this state.

4472 (2) The Department of Agriculture and Consumer Services
4473 shall promulgate rules whereby oysters produced in Florida waters
4474 can be traced to the location from which they were harvested. A
4475 wholesale or retail dealer may not sell any oysters produced in
4476 this state unless they are labeled so that they may be traced to
4477 the point of harvesting.

4478 Section 86. Section 370.26, Florida Statutes, is renumbered
4479 as section 379.2523, Florida Statutes, and amended to read:

4480 379.2523 ~~370.26~~ Aquaculture definitions; marine aquaculture
4481 products, producers, and facilities.--

4482 (1) As used in this section, the term:

4483 (a) "Marine aquaculture facility" means a facility built
4484 and operated for the purpose of producing marine aquaculture
4485 products. Marine aquaculture facilities contain culture systems
4486 such as, but not limited to, ponds, tanks, raceways, cages, and
4487 bags used for commercial production, propagation, growout, or
4488 product enhancement of marine products. Marine aquaculture
4489 facilities specifically do not include:

4490 1. Facilities that maintain marine aquatic organisms
4491 exclusively for the purpose of shipping, distribution, marketing,
4492 or wholesale and retail sales;

4493 2. Facilities that maintain marine aquatic organisms for
4494 noncommercial, education, exhibition, or scientific purposes;

4495 3. Facilities in which the activity does not require an
4496 aquaculture certification pursuant to s. 597.004; or

4497 4. Facilities used by marine aquarium hobbyists.



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4498 (b) "Marine aquaculture producer" means a person holding an
4499 aquaculture certificate pursuant to s. 597.004 to produce marine
4500 aquaculture products.

4501 (c) "Marine aquaculture product" means any product derived
4502 from marine aquatic organisms that are owned and propagated,
4503 grown, or produced under controlled conditions by a person
4504 holding an aquaculture certificate pursuant to s. 597.004. Such
4505 product does not include organisms harvested from the wild for
4506 depuration, wet storage, or relayed for the purpose of controlled
4507 purification. Marine aquaculture products are considered
4508 saltwater products for the purposes of this chapter, except the
4509 holder of an aquaculture certificate is not required to purchase
4510 and possess a saltwater products license in order to possess,
4511 transport, or sell marine aquaculture products pursuant to s.
4512 379.361 ~~370.06~~. To renew an existing restricted species
4513 endorsement, marine aquaculture producers possessing a valid
4514 saltwater products license with a restricted species endorsement
4515 may apply income from the sales of marine aquaculture products to
4516 licensed wholesale dealers. Income from the sales of marine
4517 aquaculture products shall not be eligible for the purpose of
4518 acquiring a new restricted species endorsement. The holder of an
4519 aquaculture certificate must purchase and possess a saltwater
4520 products license in order to possess, transport, or sell
4521 saltwater products not specifically provided for in s. 597.004.

4522 (2) The Department of Environmental Protection shall
4523 encourage the development of aquaculture and the production of
4524 aquaculture products. The department shall develop a process
4525 consistent with this section that would consolidate permits,
4526 general permits, and other regulatory requirements to streamline
4527 the permitting process and result in effective regulation of



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4528 aquaculture activities. This process shall provide for a single
4529 application and application fee for marine aquaculture activities
4530 which are regulated by the department. Procedures to consolidate
4531 permitting actions under this section do not constitute rules
4532 within the meaning of s. 120.52.

4533 (3) Until aquaculture general permits under s. 403.814 can
4534 be expanded and developed, the department shall establish
4535 criteria to temporarily permit aquaculture activities that may be
4536 presumed not to result in adverse environmental impacts. The
4537 criteria developed pursuant to this subsection do not constitute
4538 rules within the meaning of s. 120.52. Permit application fees
4539 under this subsection shall be no more than that established for
4540 a general permit. The department may delegate to the water
4541 management districts the regulatory authority for aquaculture
4542 facilities subject to the temporary general permitting criteria
4543 of this subsection. During the period prior to development of a
4544 general permit under s. 403.814, the department shall establish a
4545 compliance plan based on monitoring results that will assist in
4546 the development of the general permit.

4547 (4) The department shall request that the Aquaculture
4548 Review Council identify a working group of industry
4549 representatives who can provide technical assistance in
4550 developing aquaculture general permits. The industry
4551 representatives shall come from the segment of the industry to be
4552 affected by the specific general permit to be developed. The
4553 working group shall be included in all phases of developing the
4554 aquaculture general permits.

4555 (5) The department shall:

4556 (a) Coordinate with the Aquaculture Review Council, the
4557 Aquaculture Interagency Coordinating Council, and the Department

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4558 of Agriculture and Consumer Services when developing criteria for
4559 aquaculture general permits.

4560 (b) Permit experimental technologies to collect and
4561 evaluate data necessary to reduce or mitigate environmental
4562 concerns.

4563 (c) Provide technical expertise and promote the transfer of
4564 information that would be beneficial to the development of
4565 aquaculture.

4566 (6) The Fish and Wildlife Conservation Commission shall
4567 encourage the development of aquaculture in the state through the
4568 following:

4569 (a) Providing assistance in developing technologies
4570 applicable to aquaculture activities, evaluating practicable
4571 production alternatives, and providing management agreements to
4572 develop innovative culture practices.

4573 (b) Facilitating aquaculture research on life histories,
4574 stock enhancement, and alternative species, and providing
4575 research results that would assist in the evaluation,
4576 development, and commercial production of candidate species for
4577 aquaculture, including:

4578 1. Providing eggs, larvae, fry, and fingerlings to
4579 aquaculturists when excess cultured stocks are available from the
4580 commission's facilities and the culture activities are consistent
4581 with the commission's stock enhancement projects. Such stocks may
4582 be obtained by reimbursing the commission for the cost of
4583 production on a per-unit basis. Revenues resulting from the sale
4584 of stocks shall be deposited into the trust fund used to support
4585 the production of such stocks.

4586 2. Conducting research programs to evaluate candidate
4587 species when funding and staff are available.



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4588 3. Encouraging the private production of marine fish and
4589 shellfish stocks for the purpose of providing such stocks for
4590 statewide stock enhancement programs. When such stocks become
4591 available, the commission shall reduce or eliminate duplicative
4592 production practices that would result in direct competition with
4593 private commercial producers.

4594 4. Developing a working group, in cooperation with the
4595 Department of Agriculture and Consumer Services, the Aquaculture
4596 Review Council, and the Aquaculture Interagency Coordinating
4597 Council, to plan and facilitate the development of private marine
4598 fish and nonfish hatcheries and to encourage private/public
4599 partnerships to promote the production of marine aquaculture
4600 products.

4601 (c) Coordinating with public and private research
4602 institutions within the state to advance the aquaculture
4603 production and sale of sturgeon as a food fish.

4604 (7) The Fish and Wildlife Conservation Commission shall
4605 coordinate with the Aquaculture Review Council and the Department
4606 of Agriculture and Consumer Services to establish and implement
4607 grant programs to provide funding for projects and programs that
4608 are identified in the state's aquaculture plan, pending
4609 legislative appropriations. The commission and the Department of
4610 Agriculture and Consumer Services shall establish and implement a
4611 grant program to make grants available to qualified nonprofit,
4612 educational, and research entities or local governments to fund
4613 infrastructure, planning, practical and applied research,
4614 development projects, production economic analysis, and training
4615 and stock enhancement projects, and to make grants available to
4616 counties, municipalities, and other state and local entities for



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4617 applied aquaculture projects that are directed to economic
4618 development, pending legislative appropriations.

4619 (8) The Fish and Wildlife Conservation Commission shall
4620 provide assistance to the Department of Agriculture and Consumer
4621 Services in the development of an aquaculture plan for the state.

4622 Section 87. Section 370.31, Florida Statutes, is renumbered
4623 as section 379.2524, Florida Statutes, to read:

4624 379.2524 ~~370.31~~ Commercial production of sturgeon.--

4625 (1) INTENT.--The Legislature finds and declares that there
4626 is a need to encourage the continuation and advancement of work
4627 being done on aquaculture sturgeon production in keeping with the
4628 state's legislative public policy regarding aquaculture provided
4629 in chapter 597. It also finds that it is in the state's economic
4630 interest to promote the commercial production and stock
4631 enhancement of sturgeon. It is therefore the intent of the
4632 Legislature to hereby create a Sturgeon Production Working Group.

4633 (2) CREATION.--The Sturgeon Production Working Group is
4634 created within the Department of Agriculture and Consumer
4635 Services and shall be composed of seven members as follows:

4636 (a) The head of the sturgeon research program or designee
4637 from the University of Florida, Institute of Food and
4638 Agricultural Sciences. Such member shall be appointed by the
4639 University of Florida's Vice President for Agricultural Affairs.

4640 (b) One representative from the Department of Environmental
4641 Protection to be appointed by the Secretary of Environmental
4642 Protection.

4643 (c) One representative from the Fish and Wildlife
4644 Conservation Commission to be appointed by the executive director
4645 of the Fish and Wildlife Conservation Commission.

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4646 (d) One representative from the Department of Agriculture
4647 and Consumer Services to be appointed by the Commissioner of
4648 Agriculture.

4649 (e) Two representatives from the aquaculture industry to be
4650 appointed by the Aquaculture Review Council.

4651 (f) One representative from a private nonprofit
4652 organization involved in sturgeon production work, to be
4653 appointed by the Commissioner of Agriculture.

4654 (3) MEETINGS; PROCEDURES; RECORDS.--The working group shall
4655 meet at least twice a year and elect, by a quorum, a chair and
4656 vice chair.

4657 (a) The chair of the working group shall preside at all
4658 meetings and shall call a meeting as often as necessary to carry
4659 out the provisions of this section.

4660 (b) The Department of Agriculture and Consumer Services
4661 shall keep a complete record of the proceedings of each meeting,
4662 which includes the names of the members present at each meeting
4663 and the actions taken. The records shall be public records
4664 pursuant to chapter 119.

4665 (c) A quorum shall consist of a majority of the group
4666 members. Members of the group shall not receive compensation, but
4667 shall be entitled to per diem and travel expenses, including
4668 attendance at meetings, as allowed public officers and employees
4669 pursuant to s. 112.061.

4670 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
4671 Sturgeon Production Working Group is to coordinate the
4672 implementation of a state sturgeon production management plan to
4673 promote the commercial production and stock enhancement of
4674 sturgeon in Florida. In carrying out this purpose, the working
4675 group shall:



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4676 (a) Establish a state sturgeon production management plan
4677 to inform public or private interested parties of how to
4678 aquaculturally produce sturgeon for commercial purposes and for
4679 stock enhancement. The sturgeon production management plan shall:

4680 1. Provide the regulatory policies for the commercial
4681 production of sturgeon meat and roe, including a strategy for
4682 obtaining the required permits, licenses, authorizations, or
4683 certificates.

4684 2. Provide the management practices for culturing sturgeon
4685 and ensure that aquacultural development does not impede the
4686 recovery and conservation of wild sturgeon populations.

4687 3. Establish priorities for research needed to support the
4688 commercial production of sturgeon and the recovery of native
4689 stocks in the state.

4690 (b) Support management strategies to permit the commercial
4691 production of native and nonnative sturgeon, including the
4692 distribution of captive-bred Gulf sturgeon to approved certified
4693 aquaculture facilities.

4694 (c) Support the development of a cooperative sturgeon
4695 conservation program to coordinate conservation, habitat, and
4696 resource management programs for native sturgeon, including an
4697 evaluation of how stock enhancement can facilitate the
4698 conservation and recovery of native sturgeon populations.

4699 (d) Seek federal cooperation to implement the sturgeon
4700 production management plan, including federal designation of
4701 captive-bred sturgeon as distinct population segments to
4702 distinguish cultivated stocks from wild native populations.

4703 (e) Develop enforcement guidelines to ensure continued
4704 protection of wild native sturgeon populations.



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4705 (f) In furtherance of the purposes and responsibilities of
4706 the Sturgeon Production Working Group, the state shall:

4707 1. Establish a program to coordinate conservation and
4708 aquaculture activities for native sturgeon.

4709 2. Develop a conservation plan for native sturgeon.

4710 3. Initiate the process to petition for delisting captive-
4711 bred shortnose sturgeon.

4712 4. Initiate the process to petition for delisting captive-
4713 bred Gulf sturgeon.

4714 (g) Establish a sturgeon broodstock committee composed of
4715 fishery scientists, fish farmers, and agency representatives to
4716 manage the taking of wild sturgeon for brood fish and spawning.

4717 (h) Establish the Cooperative Broodstock Development and
4718 Husbandry Board composed of fishery scientists, fish farmers, and
4719 agency representatives to establish standards and criteria for
4720 the management and maintenance of captive-reared sturgeon, to
4721 collect biological data, and to administer the Cooperative
4722 Broodstock Development and Husbandry Program.

4723 Section 88. Section 370.16, Florida Statutes, is renumbered
4724 as section 379.2525, Florida Statutes, and amended to read:

4725 379.2525 ~~370.16~~ Noncultured shellfish harvesting.--

4726 (1) PROTECTION OF SHELLFISH AQUACULTURE PRODUCTS.--

4727 (a) The Fish and Wildlife Conservation Commission shall
4728 assist in protecting shellfish aquaculture products produced on
4729 leased or granted reefs in the hands of lessees or grantees from
4730 the state. Harvesting shellfish is prohibited within a distance
4731 of 25 feet outside lawfully marked lease boundaries or within
4732 setback and access corridors within specifically designated high-
4733 density aquaculture lease areas and aquaculture use zones.



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4734 (b) The department, in cooperation with the commission,
4735 shall provide the Legislature with recommendations as needed for
4736 the development and the proper protection of the rights of the
4737 state and private holders therein with respect to the oyster and
4738 clam business.

4739 (2) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL REEFS;
4740 LICENSES, ETC., PENALTY.--

4741 (a) It is unlawful to use a dredge or any means or
4742 implement other than hand tongs in removing oysters from the
4743 natural or artificial state reefs. This restriction shall apply
4744 to all areas of Apalachicola Bay for all shellfish harvesting,
4745 excluding private grounds leased or granted by the state prior to
4746 July 1, 1989, if the lease or grant specifically authorizes the
4747 use of implements other than hand tongs for harvesting. Except in
4748 Apalachicola Bay, upon the payment of \$25 annually, for each
4749 vessel or boat using a dredge or machinery in the gathering of
4750 clams or mussels, a special activity license may be issued by the
4751 Fish and Wildlife Conservation Commission pursuant to s. 379.361
4752 ~~370.06~~ for such use to such person.

4753 (b) The use of any mechanical harvesting device other than
4754 ordinary hand tongs for taking shellfish for any purpose from
4755 public shellfish beds in Apalachicola Bay shall be unlawful.

4756 (c) The possession of any mechanical harvesting device on
4757 the waters of Apalachicola Bay from 5 p.m. until sunrise shall be
4758 unlawful.

4759 (d) Each vessel used for the transport or deployment of a
4760 dredge or scrape shall prominently display the lease or grant
4761 number or numbers, in numerals which are at least 12 inches high
4762 and 6 inches wide, in such a manner that the lease or grant

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4763 number or numbers are readily identifiable from both the air and
4764 the water.

4765 (e) Oysters may be harvested from natural or public grounds
4766 by common hand tongs or by hand, by scuba diving, free diving,
4767 leaning from vessels, or wading. In the Apalachicola Bay, this
4768 provision shall apply to all shellfish.

4769
4770 The commission shall apply other statutes, rules, or conditions
4771 necessary to protect the environment and natural resources from
4772 improper transport, deployment, and operation of a dredge or
4773 scrape. Any violation of this subsection or of any other
4774 statutes, rules, or conditions referenced in the special activity
4775 license shall be considered a violation of the license and shall
4776 result in revocation of the license and forfeiture of the bond
4777 submitted to the commission as a prerequisite to the issuance of
4778 this license.

4779 (3) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.--Each
4780 packer, canner, corporation, firm, commission person, or dealer
4781 in fish shall, on the first day of each month, make a return
4782 under oath to the Fish and Wildlife Conservation Commission, as
4783 to the number of oysters, clams, and shellfish purchased, caught,
4784 or handled during the preceding month. Whoever is found guilty of
4785 making any false affidavit to any such report is guilty of
4786 perjury and punished as provided by law, and any person who fails
4787 to make such report shall be punished by a fine not exceeding
4788 \$500 or by imprisonment in the county jail not exceeding 6
4789 months.

4790 (4) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND
4791 CLAM LAWS, ETC.--Vessels, with their cargoes, violating the
4792 provisions of the laws relating to oysters and clams may be



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4793 seized by anyone duly and lawfully authorized to make arrests
4794 under this section or by any sheriff or the sheriff's deputies,
4795 and taken into custody, and when not arrested by the sheriff or
4796 the sheriff's deputies, delivered to the sheriff of the county in
4797 which the seizure is made, and shall be liable to forfeiture, on
4798 appropriate proceedings being instituted by the Fish and Wildlife
4799 Conservation Commission, before the courts of that county. In
4800 such case the cargo shall at once be disposed of by the sheriff,
4801 for account of whom it may concern. Should the master or any of
4802 the crew of said vessel be found guilty of using dredges or other
4803 instruments in fishing oysters on natural reefs contrary to law,
4804 or fishing on the natural oyster or clam reefs out of season, or
4805 unlawfully taking oysters or clams belonging to a lessee, such
4806 vessel shall be declared forfeited by the court, and ordered sold
4807 and the proceeds of the sale shall be deposited with the Chief
4808 Financial Officer to the credit of the General Revenue Fund; any
4809 person guilty of such violations shall not be permitted to have
4810 any license provided for in this chapter within a period of 1
4811 year from the date of conviction. Pending proceedings such vessel
4812 may be released upon the owner furnishing bond, with good and
4813 solvent security in double the value of the vessel, conditioned
4814 upon its being returned in good condition to the sheriff to abide
4815 the judgment of the court.

4816 (5) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging of
4817 dead shell deposits is prohibited in the state.

4818 (6) REQUIREMENTS FOR OYSTER VESSELS.--All vessels used for
4819 the harvesting, gathering, or transporting of noncultured oysters
4820 for commercial use shall be constructed and maintained to prevent
4821 contamination or deterioration of oysters. To this end, all such
4822 vessels shall be provided with false bottoms and bulkheads fore

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4823 and aft to prevent oysters from coming in contact with any bilge
4824 water. No dogs or other animals shall be allowed at any time on
4825 vessels used to harvest or transport oysters. A violation of any
4826 provision of this subsection shall result in at least the
4827 revocation of the violator's license.

4828 Section 89. Part III of chapter 379, Florida Statutes,
4829 consisting of section 379.28, is created to read:

4830 PART III

4831 FRESHWATER AQUATIC LIFE

4832
4833 Section 90. Section 372.26, Florida Statutes, is renumbered
4834 as section 379.28, Florida Statutes, and amended to read:

4835 379.28 ~~372.26~~ Imported fish.--

4836 (1) No person shall import into the state or place in any
4837 of the fresh waters of the state any freshwater fish of any
4838 species without having first obtained a permit from the Fish and
4839 Wildlife Conservation Commission. The commission is authorized to
4840 issue or deny such a permit upon the completion of studies of the
4841 species made by it to determine any detrimental effect the
4842 species might have on the ecology of the state.

4843 (2) A person who violates this section commits a Level
4844 Three violation under s. 379.401 ~~372.83~~.

4845 Section 91. Part IV of chapter 379, Florida Statutes,
4846 consisting of sections 379.3001, 379.3002, 379.3003, 379.3004,
4847 379.3011, 379.3012, 379.3013, 379.3014, 379.3015, 379.3016,
4848 379.3017, 379.302, 379.303, 379.304, 379.305, 379.3061, 379.3062,
4849 and 379.3063, is created to read:

4850 PART IV

4851 WILD ANIMAL LIFE

4852



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4853 Section 92. Section 372.0025, Florida Statutes, is
4854 renumbered as section 379.3001, Florida Statutes, to read:

4855 379.3001 ~~372.0025~~ No net loss of hunting lands.--

4856 (1) As used in this section, the term:

4857 (a) "Commission" means the Fish and Wildlife Conservation
4858 Commission.

4859 (b) "Commission-managed lands" means those lands owned by
4860 the commission, those lands owned by the state over which the
4861 commission holds management authority, or those privately owned
4862 lands that are leased or managed by the commission.

4863 (c) "Hunting" means the lawful pursuit, trapping, shooting,
4864 capture, collection, or killing of wildlife or the lawful attempt
4865 to pursue, trap, shoot, capture, collect, or kill wildlife.

4866 (2) Commission-managed lands shall be open to access and
4867 use for hunting except as limited by the commission for reasons
4868 of public safety, fish or wildlife management, or homeland
4869 security or as otherwise limited by law.

4870 (3) The commission, in exercising its authority under the
4871 State Constitution and statutes, shall exercise its authority,
4872 consistent with subsection (2), in a manner that supports,
4873 promotes, and enhances hunting opportunities to the extent
4874 authorized by state law.

4875 (4) Commission land management decisions and actions,
4876 including decisions made by private owners to close hunting land
4877 managed by the commission, shall not result in any net loss of
4878 habitat land acreage available for hunting opportunities on
4879 commission-managed lands that exists on the effective date of
4880 this act. The commission shall expeditiously find replacement
4881 acreage for hunting to compensate for closures of any existing
4882 hunting land. Replacement lands shall, to the greatest extent



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4883 possible, be located within the same administrative region of the
4884 commission and shall be consistent with the hunting discipline
4885 that the commission allowed on the closed land.

4886 (5) Any state agency or water management district that owns
4887 or manages lands shall assist and coordinate and cooperate with
4888 the commission to allow hunting on such lands if such lands are
4889 determined by the commission to be suitable for hunting. To
4890 ensure no net loss of land acreage available for hunting, state
4891 agencies and water management districts shall cooperate with the
4892 commission to open new, additional hunting lands to replace lost
4893 hunting acreage. However, lands officially designated as units
4894 within the state park system may not be considered for
4895 replacement hunting lands and may only be opened for hunting when
4896 necessary as a wildlife control or management tool as determined
4897 by the Division of Recreation and Parks in the Department of
4898 Environmental Protection.

4899 (6) By October 1 of each year, the executive director of
4900 the commission shall submit to the Legislature a written report
4901 describing:

4902 (a) The acreage managed by the commission that was closed
4903 to hunting during the previous fiscal year and the reasons for
4904 the closures.

4905 (b) The acreage managed by the commission that was opened
4906 to hunting to compensate for closures of existing land pursuant
4907 to subsection (4).

4908 (7) By October 1 of each year, any state agency or water
4909 management district that owns or manages lands shall submit a
4910 written report to the commission and the Legislature that
4911 includes:



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4912 (a) A list of properties that were open for hunting during
4913 the previous fiscal year.

4914 (b) A list of properties that were not open for hunting
4915 during the previous fiscal year.

4916 (c) The acreage for each property and the county where each
4917 property is located, except for right-of-way lands and parcels
4918 under 50 acres.

4919 Section 93. Section 372.023, Florida Statutes, is
4920 renumbered as section 379.3002, Florida Statutes, to read:

4921 379.3002 ~~372.023~~ J. W. Corbett and Cecil M. Webb Wildlife
4922 Management Areas.--

4923 (1) The Fish and Wildlife Conservation Commission of this
4924 state is neither authorized nor empowered to do the following as
4925 to the J. W. Corbett Wildlife Management Area in Palm Beach
4926 County or the Cecil M. Webb Wildlife Management Area without the
4927 approval of the Board of Trustees of the Internal Improvement
4928 Trust Fund that such action is in the best interest of orderly
4929 and economical development of said area, viz.:

4930 (a) To trade, barter, lease, or exchange lands therein for
4931 lands of greater acreage contiguous to said wildlife management
4932 areas.

4933 (b) To grant easements for construction and maintenance of
4934 roads, railroads, canals, ditches, dikes, and utilities,
4935 including but not limited to telephone, telegraph, oil, gas,
4936 electric power, water, and sewers.

4937 (c) To convey or release all rights in and to the
4938 phosphate, minerals, metals, and petroleum that is or may be in,
4939 on or under any lands traded, bartered, leased, or exchanged
4940 pursuant to paragraph (a).



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4941 (2) The Board of Trustees of the Internal Improvement Trust
4942 Fund and the State Board of Education and all and every board,
4943 state department or state agency of the state having any title,
4944 right and interest in or to the land including oil and mineral
4945 rights in the lands to be traded, bartered, leased or exchanged
4946 within the J. W. Corbett Wildlife Management Area in Palm Beach
4947 County, is authorized and empowered to convey this interest of
4948 whatsoever nature to the record owner.

4949 (3) Moneys received from the sale of lands within either
4950 wildlife management area, less reasonable expenses incident to
4951 the sale, shall be used by the Fish and Wildlife Conservation
4952 Commission to acquire acreage contiguous to the wildlife
4953 management area or lands of equal wildlife value. The sale shall
4954 be made directly to the state, notwithstanding the procedures of
4955 s. 270.08 to the contrary.

4956 Section 94. Section 372.988, Florida Statutes, is
4957 renumbered as section 379.3003, Florida Statutes, and amended to
4958 read:

4959 379.3003 ~~372.988~~ Required clothing for persons hunting
4960 deer.--It is a Level One violation under s. 379.401 ~~372.83~~ for
4961 any person to hunt deer, or for any person to accompany another
4962 person hunting deer, during the open season for the taking of
4963 deer on public lands unless each person shall wear a total of at
4964 least 500 square inches of daylight fluorescent orange material
4965 as an outer garment. Such clothing shall be worn above the
4966 waistline and may include a head covering. The provisions of this
4967 section shall not apply to any person hunting deer with a bow and
4968 arrow during seasons restricted to hunting with a bow and arrow.



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4969 | Section 95. Section 372.7016, Florida Statutes, is
4970 | renumbered as section 379.3004, Florida Statutes, and amended to
4971 | read:

4972 | 379.3004 ~~372.7016~~ Voluntary Authorized Hunter
4973 | Identification Program.--

4974 | (1) There is created the "Voluntary Authorized Hunter
4975 | Identification Program" to assist landowners and law enforcement
4976 | officials in better controlling trespass and illegal or
4977 | unauthorized hunting. Landowners wishing to participate in the
4978 | program shall:

4979 | (a) Annually notify the sheriff's office in the county in
4980 | which the land is situated and the respective area supervisor of
4981 | the Fish and Wildlife Conservation Commission by letter of their
4982 | desire to participate in the program, and provide a description
4983 | of their property which they wish to have in the program by
4984 | township, range, section, partial section, or other geographical
4985 | description.

4986 | (b) Provide a means of identifying authorized hunters as
4987 | provided in subsection (2).

4988 | (2) Any person hunting on private land enrolled in the
4989 | Voluntary Authorized Hunter Identification Program shall have
4990 | readily available on the land at all times when hunting on the
4991 | property written authorization from the owner or his or her
4992 | authorized representative to be on the land for the purpose of
4993 | hunting. The written authorization shall be presented on demand
4994 | to any law enforcement officer, the owner, or the authorized
4995 | agent of the owner.

4996 | (a) For purposes of this section, the term "hunting" means
4997 | to be engaged in or reasonably equipped to engage in the pursuit
4998 | or taking by any means of any animal described in s. 379.101 (19)



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4999 | or (20) 372.001(10) or (11), and the term "written authorization"
5000 | means a card, letter, or other written instrument which shall
5001 | include, but need not be limited to, the name of the person or
5002 | entity owning the property, the name and signature of the person
5003 | granting the authorization, a description by township, range,
5004 | section, partial section, or other geographical description of
5005 | the land to which the authorization applies, and a statement of
5006 | the time period during which the authorization is valid.

5007 | (b) Failure by any person hunting on private land enrolled
5008 | in the program to present written authorization to hunt on said
5009 | land to any law enforcement officer or the owner or
5010 | representative thereof within 7 days of demand shall be prima
5011 | facie evidence of violation of s. 810.09(2)(c), punishable as
5012 | provided in s. 775.082, s. 775.083, or s. 775.084. However, such
5013 | evidence may be contradicted or rebutted by other evidence.

5014 | Section 96. Section 372.6671, Florida Statutes, is
5015 | renumbered as section 379.3011, Florida Statutes, and amended to
5016 | read:

5017 | 379.3011 ~~372.6671~~ Alligator trapping program;
5018 | definitions.--Unless otherwise provided by a specific section or
5019 | the context otherwise requires, as used in ss. 379.3011,
5020 | 379.3012, 379.3751, and 379.3752 ~~372.6671-372.6674~~, the following
5021 | definitions shall apply:

5022 | (1) "Alligator" means a member of the species of alligator
5023 | (*Alligator mississippiensis*) but does not mean its eggs.

5024 | (2) "Alligator hatchling" means a juvenile alligator as
5025 | more specifically defined by commission rule.

5026 | (3) "Process" or "processing" means the skinning,
5027 | butchering, or possession of alligators.

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5028 Section 97. Section 372.6672, Florida Statutes, is
5029 renumbered as section 379.3012, Florida Statutes, to read:
5030 379.3012 ~~372.6672~~ Alligator management and trapping program
5031 implementation; commission authority.--

5032 (1) In any alligator management and trapping program that
5033 the Fish and Wildlife Conservation Commission shall establish,
5034 the commission shall have the authority to adopt all rules
5035 necessary for full and complete implementation of such alligator
5036 management and trapping program, and, in order to ensure its
5037 lawful, safe, and efficient operation in accordance therewith,
5038 may:

5039 (a) Regulate the marketing and sale of alligators, their
5040 hides, eggs, meat, and byproducts, including the development and
5041 maintenance of a state-sanctioned sale.

5042 (b) Regulate the handling and processing of alligators,
5043 their eggs, hides, meat, and byproducts, for the lawful, safe,
5044 and sanitary handling and processing of same.

5045 (c) Regulate commercial alligator farming facilities and
5046 operations for the captive propagation and rearing of alligators
5047 and their eggs.

5048 (d) Provide hide-grading services by two or more
5049 individuals pursuant to state-sanctioned sales if rules are first
5050 promulgated by the commission governing:

5051 1. All grading-related services to be provided pursuant to
5052 this section;

5053 2. Criteria for qualifications of persons to serve as hide-
5054 graders for grading services to be provided pursuant to this
5055 section; and

5056 3. The certification process by which hide-graders
5057 providing services pursuant to this section will be certified.

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5058 (e) Provide sales-related services by contract pursuant to
5059 state-sanctioned sales if rules governing such services are first
5060 promulgated by the commission.

5061 (2) All contractors of the commission for the grading,
5062 marketing, and sale of alligators and their hides, eggs, meat,
5063 and byproducts shall not engage in any act constituting a
5064 conflict of interest under part III of chapter 112.

5065 (3) The powers and duties of the commission hereunder shall
5066 not be construed so as to supersede the regulatory authority or
5067 lawful responsibility of the Department of Agriculture and
5068 Consumer Services, the Department of Health, or any local
5069 governmental entity regarding the processing or handling of food
5070 products, but shall be deemed supplemental thereto.

5071 Section 98. Section 372.6678, Florida Statutes, is
5072 renumbered as section 379.3013, Florida Statutes, to read:

5073 379.3013 ~~372.6678~~ Alligator study requirements.--The
5074 commission shall conduct studies of all areas of the state which
5075 it intends to open to alligator collection permits. The study
5076 shall include individual wet areas, lakes, and rivers, or
5077 reasonable numbers of wet areas, lakes, and rivers that may be
5078 logically grouped. The studies shall determine the safe yield of
5079 alligators for which collection permits may be issued. The
5080 studies shall be based upon the best biological information that
5081 indicates the number of alligators which can be removed from the
5082 system without long-term adverse impacts on population levels.

5083 Section 99. Section 372.662, Florida Statutes, is
5084 renumbered as section 379.3014, Florida Statutes, and amended to
5085 read:

5086 379.3014 ~~372.662~~ Unlawful sale, possession, or transporting
5087 of alligators or alligator skins.--Whenever the sale, possession,



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5088 or transporting of alligators or alligator skins is prohibited by
5089 any law of this state, or by the rules, regulations, or orders of
5090 the Fish and Wildlife Conservation Commission adopted pursuant to
5091 s. 9, Art. IV of the State Constitution, the sale, possession, or
5092 transporting of alligators or alligator skins is a Level Three
5093 violation under s. 379.401 ~~372.83~~.

5094 Section 100. Section 372.664, Florida Statutes, is
5095 renumbered as section 379.3015, Florida Statutes, to read:

5096 379.3015 ~~372.664~~ Prima facie evidence of intent to violate
5097 laws protecting alligators.--Except as otherwise provided by rule
5098 of the Fish and Wildlife Conservation Commission for the purpose
5099 of the limited collection of alligators in designated areas, the
5100 display or use of a light in a place where alligators might be
5101 known to inhabit in a manner capable of disclosing the presence
5102 of alligators, together with the possession of firearms, spear
5103 guns, gigs, and harpoons customarily used for the taking of
5104 alligators, during the period between 1 hour after sunset and 1
5105 hour before sunrise shall be prima facie evidence of an intent to
5106 violate the provisions of law regarding the protection of
5107 alligators.

5108 Section 101. Section 372.6645, Florida Statutes, is
5109 renumbered as section 379.3016, Florida Statutes, to read:

5110 379.3016 ~~372.6645~~ Unlawful to sell alligator products;
5111 penalty.--

5112 (1) It is unlawful for any person to sell any alligator
5113 product manufactured in the form of a stuffed baby alligator or
5114 other baby crocodilia.

5115 (2) No person shall sell any alligator product manufactured
5116 from a species which has been declared to be endangered by the

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5117 United States Fish and Wildlife Service or the Fish and Wildlife
5118 Conservation Commission.

5119 (3) Any person who violates this section is guilty of a
5120 misdemeanor of the first degree, punishable as provided in s.
5121 775.082 or s. 775.083.

5122 Section 102. Section 372.665, Florida Statutes, is
5123 renumbered as section 379.3017, Florida Statutes, to read:

5124 379.3017 ~~372.665~~ Word "alligator" or "gator" not to be used
5125 in certain sales.--It is unlawful for any person to use the word
5126 "gator" or "alligator" in connection with the sale of any product
5127 derived or made from the skins of other crocodilia or in
5128 connection with the sale of other crocodilia. Any person
5129 violating this section shall, upon conviction, be guilty of a
5130 misdemeanor.

5131 Section 103. Section 372.16, Florida Statutes, is
5132 renumbered as section 379.302, Florida Statutes, and amended to
5133 read:

5134 379.302 ~~372.16~~ Private game preserves and farms;
5135 regulations; penalties ~~penalty~~.--

5136 (1) Any person owning land in this state may establish,
5137 maintain, and operate within the boundaries thereof, a private
5138 preserve and farm, not exceeding an area of 640 acres, for the
5139 protection, preservation, propagation, rearing, and production of
5140 game birds and animals for private and commercial purposes,
5141 provided that no two game preserves shall join each other or be
5142 connected. ~~Before any private game preserve or farm is~~
5143 ~~established, the owner or operator shall secure a license from~~
5144 ~~the commission, the fee for which is \$50 per year.~~

5145 (2) All private game preserves or farms established under
5146 the provisions of this section shall be fenced in such manner



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5147 | that domestic game thereon may not escape and wild game on
5148 | surrounding lands may not enter and shall be subject at any time
5149 | to inspection by the Fish and Wildlife Conservation Commission,
5150 | or its conservation officers. Such private preserve or farm shall
5151 | be equipped and operated in such manner as to provide sufficient
5152 | food and humane treatment for the game kept thereon. Game reared
5153 | or produced on private game preserves and farms shall be
5154 | considered domestic game and private property and may be sold or
5155 | disposed of as such and shall be the subject of larceny. Live
5156 | game may be purchased, sold, shipped, and transported for
5157 | propagation and restocking purposes only at any time. Such game
5158 | may be sold for food purposes only during the open season
5159 | provided by law for such game. All game killed must be killed on
5160 | the premises of such private game preserve or farm and must be
5161 | killed by means other than shooting, except during the open
5162 | season. All domestic game sold for food purposes must be marked
5163 | or tagged in a manner prescribed by the Fish and Wildlife
5164 | Conservation Commission; and the owner or operator of such
5165 | private game preserve or farm shall report to the said
5166 | commission, on blanks to be furnished by it, each sale or
5167 | shipment of domestic game, such reports showing the quantity and
5168 | kind of game shipped or sold and to whom sold. Such report shall
5169 | be made not later than 5 days following such sale or shipment.
5170 | Game reared or produced as aforesaid may be served as such by
5171 | hotels, restaurants, or other public eating places during the
5172 | open season provided by law on such particular species of game,
5173 | under such regulations as the commission may prescribe.

5174 | (3) It is unlawful for any common carrier to knowingly
5175 | transport or receive for transportation any domestic game unless
5176 | the package or container containing such shipment has attached

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5177 thereto a permit for such shipment and such package or container
5178 shall be marked on the outside showing quantity and kind of game
5179 enclosed.

5180 (4) Any person violating this section for the first offense
5181 commits a misdemeanor of the second degree, punishable as
5182 provided in s. 775.082 or s. 775.083, and for a second or
5183 subsequent offense commits a misdemeanor of the first degree,
5184 punishable as provided in s. 775.082 or s. 775.083. Any person
5185 convicted of violating this section shall forfeit to the
5186 commission any license issued under this section; and no further
5187 license shall be issued to such person for a period of 1 year
5188 following such conviction.

5189 Section 104. Subsections (3) and (4) of section 372.922,
5190 Florida Statutes, are renumbered as section 379.303, Florida
5191 Statutes, and amended to read:

5192 379.303 Classification of wildlife; seizure of captive
5193 wildlife.--

5194 (1)~~(3)~~ The commission shall promulgate rules defining Class
5195 I, Class II, and Class III types of wildlife. The commission
5196 shall also establish rules and requirements necessary to ensure
5197 that permits are granted only to persons qualified to possess and
5198 care properly for wildlife and that permitted wildlife possessed
5199 as personal pets will be maintained in sanitary surroundings and
5200 appropriate neighborhoods.

5201 (2)~~(4)~~ In instances where wildlife is seized or taken into
5202 custody by the commission, said owner or possessor of such
5203 wildlife shall be responsible for payment of all expenses
5204 relative to the capture, transport, boarding, veterinary care, or
5205 other costs associated with or incurred due to seizure or custody
5206 of wildlife. Such expenses shall be paid by said owner or



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5207 | possessor upon any conviction or finding of guilt of a criminal
5208 | or noncriminal violation, regardless of adjudication or plea
5209 | entered, of any provision of chapter 828 or this chapter, or rule
5210 | of the commission or if such violation is disposed of under s.
5211 | 921.187. Failure to pay such expense may be grounds for
5212 | revocation or denial of permits to such individual to possess
5213 | wildlife.

5214 | Section 105. Subsections (4), (5), (6), (9), and (10) of
5215 | section 372.921, Florida Statutes, are renumbered as section
5216 | 379.304, Florida Statutes, and amended to read:

5217 | 379.304 ~~372.921~~ Exhibition or sale of wildlife.--

5218 | (1) ~~(4)~~ Permits issued pursuant to this section and places
5219 | where wildlife is kept or held in captivity shall be subject to
5220 | inspection by officers of the commission at all times. The
5221 | commission shall have the power to release or confiscate any
5222 | specimens of any wildlife, specifically birds, mammals,
5223 | amphibians, or reptiles, whether indigenous to the state or not,
5224 | when it is found that conditions under which they are being
5225 | confined are unsanitary, or unsafe to the public in any manner,
5226 | or that the species of wildlife are being maltreated, mistreated,
5227 | or neglected or kept in any manner contrary to the provisions of
5228 | chapter 828, any such permit to the contrary notwithstanding.
5229 | Before any such wildlife is confiscated or released under the
5230 | authority of this section, the owner thereof shall have been
5231 | advised in writing of the existence of such unsatisfactory
5232 | conditions; the owner shall have been given 30 days in which to
5233 | correct such conditions; the owner shall have failed to correct
5234 | such conditions; the owner shall have had an opportunity for a
5235 | proceeding pursuant to chapter 120; and the commission shall have
5236 | ordered such confiscation or release after careful consideration



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5237 of all evidence in the particular case in question. The final
5238 order of the commission shall constitute final agency action.

5239 ~~(2)(5)~~ In instances where wildlife is seized or taken into
5240 custody by the commission, said owner or possessor of such
5241 wildlife shall be responsible for payment of all expenses
5242 relative to the capture, transport, boarding, veterinary care, or
5243 other costs associated with or incurred due to seizure or custody
5244 of wildlife. Such expenses shall be paid by said owner or
5245 possessor upon any conviction or finding of guilt of a criminal
5246 or noncriminal violation, regardless of adjudication or plea
5247 entered, of any provision of chapter 828 or this chapter, or rule
5248 of the commission or if such violation is disposed of under s.
5249 921.187. Failure to pay such expense may be grounds for
5250 revocation or denial of permits to such individual to possess
5251 wildlife.

5252 ~~(3)(6)~~ Any animal on exhibit of a type capable of
5253 contracting or transmitting rabies shall be immunized against
5254 rabies.

5255 ~~(4)(9)~~ The commission is authorized to adopt rules pursuant
5256 to ss. 120.536(1) and 120.54 to implement the provisions of this
5257 section.

5258 ~~(5)(10)~~ A violation of this section is punishable as
5259 provided by s. 379.401 ~~372.83~~.

5260 Section 106. Section 372.92, Florida Statutes, is
5261 renumbered as section 379.305, Florida Statutes, and amended to
5262 read:

5263 379.305 ~~372.92~~ Rules and regulations; penalties.--

5264 (1) The Fish and Wildlife Conservation Commission may
5265 prescribe such other rules and regulations as it may deem
5266 necessary to prevent the escape of venomous reptiles or reptiles



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5267 of concern, either in connection of construction of such cages or
5268 otherwise to carry out the intent of ss. 379.372-379.374 ~~372.86-~~
5269 ~~372.88~~.

5270 (2) A person who knowingly releases a nonnative venomous
5271 reptile or reptile of concern to the wild or who through gross
5272 negligence allows a nonnative venomous reptile or reptile of
5273 concern to escape commits a Level Three violation, punishable as
5274 provided in s. 379.4015 ~~372.935~~.

5275 Section 107. Section 372.673, Florida Statutes, is
5276 renumbered as section 379.3061, Florida Statutes, to read:
5277 379.3061 ~~372.673~~ Florida Panther Technical Advisory
5278 Council.--

5279 (1) The Florida Panther Technical Advisory Council is
5280 established within the Fish and Wildlife Conservation Commission.
5281 The council shall be appointed by the Governor and shall consist
5282 of seven members with technical knowledge and expertise in the
5283 research and management of large mammals.

5284 (a) Two members shall represent state or federal agencies
5285 responsible for management of endangered species; two members,
5286 who must have specific experience in the research and management
5287 of large felines or large mammals, shall be appointed from
5288 universities, colleges, or associated institutions; and three
5289 members, with similar expertise, shall be appointed from the
5290 public at large.

5291 (b) As soon as practicable after July 1, 1983, one member
5292 representing a state or federal agency and one member appointed
5293 from a university, college, or associated institution shall be
5294 appointed for terms ending August 1, 1985, and the remaining
5295 members shall be appointed for terms ending August 1, 1987.
5296 Thereafter, all appointments shall be for 4-year terms. If a



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5297 | vacancy occurs, a member shall be appointed for the remainder of
5298 | the unexpired term. A member whose term has expired shall
5299 | continue sitting on the council with full rights until a
5300 | replacement has been appointed.

5301 | (c) Council members shall be reimbursed pursuant to s.
5302 | 112.061 but shall receive no additional compensation or
5303 | honorarium.

5304 | (2) The purposes of the council are:

5305 | (a) To serve in an advisory capacity to the Fish and
5306 | Wildlife Conservation Commission on technical matters of
5307 | relevance to the Florida panther recovery program, and to
5308 | recommend specific actions that should be taken to accomplish the
5309 | purposes of this act.

5310 | (b) To review and comment on research and management
5311 | programs and practices to identify potential harm to the Florida
5312 | panther population.

5313 | (c) To provide a forum for technical review and discussion
5314 | of the status and development of the Florida panther recovery
5315 | program.

5316 | Section 108. Section 372.5714, Florida Statutes, is
5317 | renumbered as section 379.3062, Florida Statutes, and amended to
5318 | read:

5319 | 379.3062 ~~372.5714~~ Waterfowl Advisory Council.--

5320 | (1) There is created a Waterfowl Advisory Council
5321 | consisting of three members, one appointed by the Governor, one
5322 | appointed by the Speaker of the House of Representatives, and one
5323 | appointed by the President of the Senate. Members may be
5324 | representative of appropriate state agencies, private
5325 | conservation groups, or private citizens and shall possess
5326 | knowledge and experience in the area of waterfowl management and

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5327 protection. Members shall be appointed for 4-year, staggered
5328 terms and shall be eligible for reappointment. A vacancy shall be
5329 filled by appointment for the remainder of the unexpired term.

5330 (2) The council shall meet at least once a year either in
5331 person or by a telephone conference call, shall elect a chair
5332 annually to preside over its meetings and perform any other
5333 duties directed by the council, and shall maintain minutes of
5334 each meeting. All records of council activities shall be kept on
5335 file with the Fish and Wildlife Conservation Commission and shall
5336 be made available to any interested person. The Fish and Wildlife
5337 Conservation Commission shall provide such staff support as is
5338 necessary to the council to carry out its duties. Members of the
5339 council shall serve without compensation, but shall be reimbursed
5340 for per diem and travel expenses as provided in s. 112.061 when
5341 carrying out the official business of the council.

5342 (3) It shall be the duty of the council to advise the
5343 commission regarding the administration of revenues generated by
5344 the sale of the Florida waterfowl permit provided for by s.
5345 379.2211 ~~372.5712~~. In particular, the council shall consult with
5346 and advise the commission with respect to the establishment and
5347 operation of projects for the protection and propagation of
5348 migratory waterfowl and the development, restoration,
5349 maintenance, and preservation of wetlands within the state, to be
5350 financed by such revenues as specified in said section.

5351 Section 109. Section 372.992, Florida Statutes, is
5352 renumbered as section 379.3063, Florida Statutes, to read:

5353 379.3063 ~~372.992~~ Nongame Wildlife Advisory Council.--

5354 (1) There is created the Nongame Wildlife Advisory Council,
5355 which shall consist of the following 11 members appointed by the
5356 Governor: one representative each from the Fish and Wildlife

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5357 Conservation Commission, the Department of Environmental
5358 Protection, and the United States Fish and Wildlife Services; the
5359 director of the Florida Museum of Natural History or her or his
5360 designee; one representative from a professional wildlife
5361 organization; one representative from a private wildlife
5362 institution; one representative from a Florida university or
5363 college who has expertise in nongame biology; one representative
5364 of business interests from a private consulting firm who has
5365 expertise in nongame biology; one representative of a statewide
5366 organization of landowner interests; and two members from
5367 conservation organizations. All appointments shall be for 4-year
5368 terms. Members shall be eligible for reappointment.

5369 (2) The council shall recommend to the commission policies,
5370 objectives, and specific actions for nongame wildlife research
5371 and management.

5372 (3) Members of the council shall receive no compensation
5373 but shall be entitled to receive per diem and travel expenses as
5374 provided in s. 112.061, while carrying out official business with
5375 the council, from funds provided under s. 379.209 ~~372.991~~.

5376 Section 110. Part V of chapter 379, Florida Statutes,
5377 consisting of sections 379.33, 379.3311, 379.3312, 379.3313,
5378 379.332, 379.333, 379.334, 379.335, 379.336, 379.337, 379.338,
5379 379.339, 379.340, 379.341, 379.342, and 379.343, is created to
5380 read:

5381 PART V

5382 LAW ENFORCEMENT

5383
5384 Section 111. Section 370.028, Florida Statutes, is
5385 renumbered as section 379.33, Florida Statutes, and amended to
5386 read:

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5387 379.33 ~~370.028~~ Enforcement of commission rules; penalties
5388 for violation of rule.--Rules of the Fish and Wildlife
5389 Conservation Commission shall be enforced by any law enforcement
5390 officer certified pursuant to s. 943.13. Except as provided under
5391 s. 379.401 ~~372.83~~, any person who violates or otherwise fails to
5392 comply with any rule adopted by the commission shall be punished
5393 pursuant to s. 379.407 (1) ~~370.021(1)~~.

5394 Section 112. Section 372.07, Florida Statutes, is
5395 renumbered as section 379.3311, Florida Statutes, to read:

5396 379.3311 ~~372.07~~ Police powers of commission and its
5397 agents.--

5398 (1) The Fish and Wildlife Conservation Commission, the
5399 executive director and the executive director's assistants
5400 designated by her or him, and each wildlife officer are
5401 constituted peace officers with the power to make arrests for
5402 violations of the laws of this state when committed in the
5403 presence of the officer or when committed on lands under the
5404 supervision and management of the commission. The general laws
5405 applicable to arrests by peace officers of this state shall also
5406 be applicable to said director, assistants, and wildlife
5407 officers. Such persons may enter upon any land or waters of the
5408 state for performance of their lawful duties and may take with
5409 them any necessary equipment, and such entry shall not constitute
5410 a trespass.

5411 (2) Such officers shall have power and authority to enforce
5412 throughout the state all laws relating to game, nongame birds,
5413 fish, and fur-bearing animals and all rules and regulations of
5414 the Fish and Wildlife Conservation Commission relating to wild
5415 animal life, marine life, and freshwater aquatic life, and in
5416 connection with said laws, rules, and regulations, in the

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5417 enforcement thereof and in the performance of their duties
5418 thereunder, to:

5419 (a) Go upon all premises, posted or otherwise;

5420 (b) Execute warrants and search warrants for the violation
5421 of said laws;

5422 (c) Serve subpoenas issued for the examination,
5423 investigation, and trial of all offenses against said laws;

5424 (d) Carry firearms or other weapons, concealed or
5425 otherwise, in the performance of their duties;

5426 (e) Arrest upon probable cause without warrant any person
5427 found in the act of violating any of the provisions of said laws
5428 or, in pursuit immediately following such violations, to examine
5429 any person, boat, conveyance, vehicle, game bag, game coat, or
5430 other receptacle for wild animal life, marine life, or freshwater
5431 aquatic life, or any camp, tent, cabin, or roster, in the
5432 presence of any person stopping at or belonging to such camp,
5433 tent, cabin, or roster, when said officer has reason to believe,
5434 and has exhibited her or his authority and stated to the
5435 suspected person in charge the officer's reason for believing,
5436 that any of the aforesaid laws have been violated at such c

5437 (f) Secure and execute search warrants and in pursuance
5438 thereof to enter any building, enclosure, or car and to break
5439 open, when found necessary, any apartment, chest, locker, box,
5440 trunk, crate, basket, bag, package, or container and examine the
5441 contents thereof;

5442 (g) Seize and take possession of all wild animal life,
5443 marine life, or freshwater aquatic life taken or in possession or
5444 under control of, or shipped or about to be shipped by, any
5445 person at any time in any manner contrary to said laws.

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5446 (3) It is unlawful for any person to resist an arrest
5447 authorized by this section or in any manner to interfere, either
5448 by abetting, assisting such resistance, or otherwise interfering
5449 with said executive director, assistants, or wildlife officers
5450 while engaged in the performance of the duties imposed upon them
5451 by law or regulation of the Fish and Wildlife Conservation
5452 Commission.

5453 (4) Upon final disposition of any alleged offense for which
5454 a citation for any violation of this chapter or the rules of the
5455 commission has been issued, the court shall, within 10 days after
5456 the final disposition of the action, certify the disposition to
5457 the commission.

5458 Section 113. Section 372.071, Florida Statutes, is
5459 renumbered as section 379.3312, Florida Statutes, and amended to
5460 read:

5461 379.3312 ~~372.071~~ Powers of arrest by agents of Department
5462 of Environmental Protection or Fish and Wildlife Conservation
5463 Commission.--Any certified law enforcement officer of the
5464 Department of Environmental Protection or the Fish and Wildlife
5465 Conservation Commission, upon receiving information, relayed to
5466 her or him from any law enforcement officer stationed on the
5467 ground, on the water, or in the air, that a driver, operator, or
5468 occupant of any vehicle, boat, or airboat has violated any
5469 section of chapter 327, chapter 328, ~~chapter 370~~, or this
5470 chapter, or s. 597.010 or s. 597.020, may arrest the driver,
5471 operator, or occupant for violation of said laws when reasonable
5472 and proper identification of the vehicle, boat, or airboat and
5473 reasonable and probable grounds to believe that the driver,
5474 operator, or occupant has committed or is committing any such
5475 offense have been communicated to the arresting officer by the

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5476 other officer stationed on the ground, on the water, or in the
5477 air.

5478 Section 114. Subsection(8) of section 370.021, Florida
5479 Statutes, is renumbered as section 379.3313, Florida Statutes,
5480 and amended to read:

5481 379.3313 Powers of commission law enforcement officers.--

5482 ~~(8) POWERS OF OFFICERS.--~~

5483 (1)(a) Law enforcement officers of the commission are
5484 constituted law enforcement officers of this state with full
5485 power to investigate and arrest for any violation of the laws of
5486 this state and the rules of the commission under their
5487 jurisdiction. The general laws applicable to arrests by peace
5488 enforcement officers of this state shall also be applicable to law
5489 enforcement officers of the commission. Such law enforcement
5490 officers may enter upon any land or waters of the state for
5491 performance of their lawful duties and may take with them any
5492 necessary equipment, and such entry will not constitute a
5493 trespass. It is lawful for any boat, motor vehicle, or aircraft
5494 owned or chartered by the commission or its agents or employees
5495 to land on and depart from any of the beaches or waters of the
5496 state. Such law enforcement officers have the authority, without
5497 warrant, to board, inspect, and search any boat, fishing
5498 appliance, storage or processing plant, fishhouse, spongehouse,
5499 oysterhouse, or other warehouse, building, or vehicle engaged in
5500 transporting or storing any fish or fishery products. Such
5501 authority to search and inspect without a search warrant is
5502 limited to those cases in which such law enforcement officers
5503 have reason to believe that fish or any saltwater products are
5504 taken or kept for sale, barter, transportation, or other purposes
5505 in violation of laws or rules promulgated under this law. Any



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5506 such law enforcement officer may at any time seize or take
5507 possession of any saltwater products or contraband which have
5508 been unlawfully caught, taken, or processed or which are
5509 unlawfully possessed or transported in violation of any of the
5510 laws of this state or any rule of the commission. Such law
5511 enforcement officers may arrest any person in the act of
5512 violating any of the provisions of this law, the rules of the
5513 commission, or any of the laws of this state. It is hereby
5514 declared unlawful for any person to resist such arrest or in any
5515 manner interfere, either by abetting or assisting such resistance
5516 or otherwise interfering, with any such law enforcement officer
5517 while engaged in the performance of the duties imposed upon him
5518 or her by law or rule of the commission.

5519 (2) ~~(b)~~ The Legislature finds that the checking and
5520 inspection of saltwater products aboard vessels is critical to
5521 good fishery management and conservation and that, because almost
5522 all saltwater products are either iced or cooled in closed areas
5523 or containers, the enforcement of seasons, size limits, and bag
5524 limits can only be effective when inspection of saltwater
5525 products so stored is immediate and routine. Therefore, in
5526 addition to the authority granted in subsection (1), a law
5527 enforcement officer of the commission who has probable cause to
5528 believe that the vessel has been used for fishing prior to the
5529 inspection shall have full authority to open and inspect all
5530 containers or areas where saltwater products are normally kept
5531 aboard vessels while such vessels are on the water, such as
5532 refrigerated or iced locations, coolers, fish boxes, and bait
5533 wells, but specifically excluding such containers that are
5534 located in sleeping or living areas of the vessel.

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5535 Section 115. Section 372.70, Florida Statutes, is
5536 renumbered as section 379.332, Florida Statutes, to read:
5537 379.332 ~~372.70~~ Prosecutions; state attorney to represent
5538 state.--

5539 (1) The prosecuting officers of the several courts of
5540 criminal jurisdiction of this state shall investigate and
5541 prosecute all violations of the laws relating to game, freshwater
5542 fish, nongame birds, and fur-bearing animals which may be brought
5543 to their attention by the commission or its conservation
5544 officers, or which may otherwise come to their knowledge.

5545 (2) The state attorney shall represent the state in any
5546 forfeiture proceeding under this chapter. The Department of Legal
5547 Affairs shall represent the state in all appeals from judgments
5548 of forfeiture to the Supreme Court. The state may appeal any
5549 judgment denying forfeiture in whole or in part that may be
5550 otherwise adverse to the state.

5551 Section 116. Section 372.701, Florida Statutes, is
5552 renumbered as section 379.333, Florida Statutes, to read:
5553 379.333 ~~372.701~~ Arrest by officers of the Fish and Wildlife
5554 Conservation Commission; recognizance; cash bond; citation.--

5555 (1) In all cases of arrest by officers of the Fish and
5556 Wildlife Conservation Commission and the Department of
5557 Environmental Protection, the person arrested shall be delivered
5558 forthwith by said officer to the sheriff of the county, or shall
5559 obtain from such person arrested a recognizance or, if deemed
5560 necessary, a cash bond or other sufficient security conditioned
5561 for her or his appearance before the proper tribunal of such
5562 county to answer the charge for which the person has been
5563 arrested.



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5564 (2) All officers of the commission and the department are
5565 hereby directed to deliver all bonds accepted and approved by
5566 them to the sheriff of the county in which the offense is alleged
5567 to have been committed.

5568 (3) Any person so arrested and released on her or his own
5569 recognizance by an officer and who shall fail to appear or
5570 respond to the proper citation to appear, shall, in addition to
5571 the charge relating to wildlife or freshwater fish, be charged
5572 with that offense of failing to respond to such citation and,
5573 upon conviction, be punished as for a misdemeanor. A written
5574 warning to this effect shall be given at the time of arrest of
5575 such person.

5576 Section 117. Section 372.76, Florida Statutes, is
5577 renumbered as section 379.334, Florida Statutes, to read:

5578 379.334 ~~372.76~~ Search and seizure authorized and
5579 limited.--The Fish and Wildlife Conservation Commission and its
5580 conservation officers shall have authority when they have
5581 reasonable and probable cause to believe that the provisions of
5582 this chapter have been violated, to board any vessel, boat, or
5583 vehicle or to enter any fishhouse or warehouse or other building,
5584 exclusive of residence, in which game, hides, fur-bearing
5585 animals, fish, or fish nets are kept and to search for and seize
5586 any such game, hides, fur-bearing animals, fish, or fish nets had
5587 or held therein in violation of law. Provided, however, that no
5588 search without warrant shall be made under any of the provisions
5589 of this chapter, unless the officer making such search has such
5590 information from a reliable source as would lead a prudent and
5591 cautious person to believe that some provision of this chapter is
5592 being violated.

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5593 Section 118. Section 372.761, Florida Statutes, is
5594 renumbered as section 379.335, Florida Statutes, to read:

5595 379.335 ~~372.761~~ Issuance of warrant for search of private
5596 dwelling.--

5597 (1) A search warrant may be issued on application by a
5598 commissioned officer of the Fish and Wildlife Conservation
5599 Commission to search any private dwelling occupied as such when
5600 it is being used for the unlawful sale or purchase of wildlife or
5601 freshwater fish being unlawfully kept therein. The term "private
5602 dwelling" shall be construed to include the room or rooms used
5603 and occupied, not transiently but solely as a residence, in an
5604 apartment house, hotel, boardinghouse, or lodginghouse. No
5605 warrant for the search of any private dwelling shall be issued
5606 except upon probable cause supported by sworn affidavit of some
5607 creditable witness that she or he has reason to believe that the
5608 said conditions exist, which affidavit shall set forth the facts
5609 on which such reason for belief is based.

5610 (2) This section shall not be construed as being in
5611 conflict with, but is supplemental to, chapter 933.

5612 Section 119. Section 370.22, Florida Statutes, is
5613 renumbered as section 379.336, Florida Statutes, to read:

5614 379.336 ~~370.22~~ Venue for proceedings against citizens and
5615 residents charged with violations outside state boundaries.--

5616 (1) In any proceeding against a resident or citizen of the
5617 state to enforce the provisions of this chapter with respect to
5618 alleged violations occurring beyond the territorial waters of the
5619 state, the proper venue shall be the county within the state
5620 which is nearest the site of the violation.

5621 (2) For the purpose of this section, any person having
5622 embarked from, or having docked his or her vessel in, a port



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5623 within this state who violates any provision of this chapter with
5624 respect to the unlawful landing of saltwater life, whether or not
5625 outside the territorial waters of the state, shall be considered
5626 a citizen of the state for the purpose of subjecting that person
5627 to the police powers of the state.

5628 Section 120. Section 370.061, Florida Statutes, is
5629 renumbered as section 379.337, Florida Statutes, and amended to
5630 read:

5631 379.337 ~~370.061~~ Confiscation, seizure, and forfeiture of
5632 property and products.--

5633 (1) SEIZURE, FORFEITURE; PROCEDURE.--Nothing in this
5634 subsection affects the commission's authority to confiscate in
5635 any case illegal saltwater products, illegally taken saltwater
5636 products, or illegal fishing gear in accordance with this
5637 section.

5638 (a) Property used in connection with a violation resulting
5639 in a conviction for the illegal taking, or attempted taking,
5640 sale, possession, or transportation of saltwater products is
5641 subject to seizure and forfeiture as part of the commission's
5642 efforts to protect the state's marine life. Saltwater products
5643 and seines, nets, boats, motors, other fishing devices or
5644 equipment, and vehicles or other means of transportation used or
5645 attempted to be used in connection with, as an instrumentality
5646 of, or in aiding and abetting such illegal taking or attempted
5647 taking are hereby declared to be nuisances.

5648 (b) Upon a conviction of a person in whose possession the
5649 property was found, the court having jurisdiction over the
5650 criminal offense, notwithstanding any jurisdictional limitations
5651 on the amount in controversy, may make a finding that the
5652 property was used in connection with a saltwater products



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5653 violation and may order such property forfeited to the
5654 commission.

5655 (c) For purposes of this section, a conviction, except with
5656 respect to a first time offender under this chapter for whom
5657 adjudication is withheld, is any disposition other than acquittal
5658 or dismissal.

5659 (2) SEIZURE, FORFEITURE; NOTICE.--The requirement for a
5660 conviction before forfeiture of property establishes to the
5661 exclusion of any reasonable doubt that the property was used in
5662 connection with the violation resulting in conviction. Prior to
5663 the issuance of a forfeiture order for any vessel, vehicle, or
5664 other property under subsection (1), the commission shall seize
5665 the property and notify the registered owner, if any, that the
5666 property has been seized by the commission. Except as provided in
5667 subsection (6), the procedures of chapter 932 do not apply to any
5668 seizure or forfeiture of property under this section.

5669 (a) Notification of property seized under this section must
5670 be sent by certified mail to a registered owner within 14 days
5671 after seizure. If the commission, after diligent inquiry, cannot
5672 ascertain the registered owner, the notice requirement is
5673 satisfied.

5674 (b) Upon a first conviction for a violation under this
5675 chapter, the property seized under this section shall be returned
5676 to the registered owner if the commission fails to prove by a
5677 preponderance of the evidence before the court having
5678 jurisdiction over the criminal offense that the registered owner
5679 aided in, abetted in, participated in, gave consent to, knew of,
5680 or had reason to know of the violation.

5681 (c) Upon a second or subsequent conviction for a violation
5682 under this chapter, the burden shall be on the registered owner



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5683 | to prove by a preponderance of the evidence before the court
5684 | having jurisdiction over the criminal offense that the registered
5685 | owner in no way aided in, abetted in, participated in, knew of,
5686 | or had reason to know of the second or subsequent violation which
5687 | resulted in seizure of the lawful property.

5688 | (d) Any request for a hearing from a registered owner
5689 | asserting innocence to recover property seized under these
5690 | provisions must be sent to the commission's Division of Law
5691 | Enforcement within 21 days after the registered owner's receipt
5692 | of the notice of seizure. If a request for a hearing is not
5693 | timely received, the court shall forfeit to the commission the
5694 | right to, title to, and interest in the property seized, subject
5695 | only to the rights and interests of bona fide lienholders.

5696 | (e) If a motor vehicle is seized under this section and is
5697 | subject to any existing liens recorded under s. 319.27, all
5698 | further proceedings shall be governed by the expressed intent of
5699 | the Legislature not to divest any innocent person, firm, or
5700 | corporation holding such a recorded lien of any of its
5701 | reversionary rights in such motor vehicle or of any of its rights
5702 | as prescribed in s. 319.27, and upon any default by the violator
5703 | purchaser, the lienholder may foreclose its lien and take
5704 | possession of the motor vehicle involved.

5705 | (3) COURT ORDER OF FORFEITURE.--When any illegal or
5706 | illegally used seine, net, trap, or other fishing device or
5707 | equipment, or illegally taken, possessed, or transported
5708 | saltwater products, are found and taken into custody, and the
5709 | owner thereof is not known to the officer finding the item or
5710 | items, such officer shall immediately procure from the county
5711 | court judge of the county wherein the item or items were found an
5712 | order forfeiting the illegally used or illegally taken saltwater



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5713 products, seines, nets, traps, boats, motors, or other fishing
5714 devices to the commission.

5715 (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property
5716 forfeited under this section may be destroyed, used by the
5717 commission, disposed of by gift to charitable or state
5718 institutions, or sold, with the proceeds derived from the sale
5719 deposited into the Marine Resources Conservation Trust Fund to be
5720 used for law enforcement purposes, ~~or into the commission's~~
5721 ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~
5722 ~~applicable.~~

5723 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS;
5724 PROCEDURE.--

5725 (a) When an arrest is made pursuant to the provisions of
5726 this chapter and illegal, perishable saltwater products or
5727 saltwater products illegally taken or landed are confiscated, the
5728 defendant may post bond or cash deposit in an amount determined
5729 by the judge to be the fair value of such confiscated products.
5730 The defendant shall have 24 hours to transport the products
5731 outside the limits of Florida for sale or other disposition.
5732 Should no bond or cash deposit be given within the time fixed by
5733 the judge, the judge shall order the sale of the confiscated
5734 saltwater products at the highest price obtainable. When
5735 feasible, at least three bids shall be requested.

5736 (b) Moneys received from the sale of confiscated saltwater
5737 products, either by the defendant or by order of the court, shall
5738 be received by the judge and shall be remitted to the commission
5739 to be deposited into a special escrow account in the State
5740 Treasury to be held in trust pending the outcome of the trial of
5741 the defendant. If bond is posted by the defendant, it shall also

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5742 | be remitted to the commission to be held in escrow pending the
5743 | outcome of the trial of the defendant.

5744 | (c) In the event of acquittal, the proceeds of a sale or
5745 | the bond or cash deposit required by this subsection shall be
5746 | returned to the defendant. In the event of a conviction, the
5747 | proceeds of a sale or the bond or cash deposit required by this
5748 | subsection shall be deposited into the Marine Resources
5749 | Conservation Trust Fund to be used for law enforcement purposes
5750 | ~~or into the commission's Federal Law Enforcement Trust Fund as~~
5751 | ~~provided in s. 372.107, as applicable.~~ Such deposit into the
5752 | Marine Resources Conservation Trust Fund ~~or the Federal Law~~
5753 | ~~Enforcement Trust Fund~~ shall constitute confiscation.

5754 | (d) For purposes of confiscation under this subsection, the
5755 | term "saltwater products" has the meaning set out in s.
5756 | 379.101(36) ~~370.01(27)~~, except that the term does not include
5757 | saltwater products harvested under the authority of a
5758 | recreational license unless the amount of such harvested products
5759 | exceeds three times the applicable recreational bag limit for
5760 | trout, snook, or redfish.

5761 | (6) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
5762 | FUNDING.--

5763 | (a) Any municipal or county law enforcement agency that
5764 | enforces or assists the commission in enforcing the provisions of
5765 | this chapter, which results in a forfeiture of property as
5766 | provided in this section, shall be entitled to receive all or a
5767 | share of any property based upon its participation in such
5768 | enforcement.

5769 | (b) If a municipal or county law enforcement agency has a
5770 | marine enforcement unit, any property delivered to any municipal
5771 | or county law enforcement agency as provided in paragraph (a) may

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5772 be retained or sold by the municipal or county law enforcement
5773 agency, and the property or proceeds shall be used to enforce the
5774 provisions of this chapter and chapters 327 and 328. If a
5775 municipal or county law enforcement agency does not have a marine
5776 enforcement unit, such property or proceeds shall be disposed of
5777 under the provisions of chapter 932.

5778 (c) Any funds received by a municipal or county law
5779 enforcement agency pursuant to this subsection shall be
5780 supplemental funds and may not be used as replacement funds by
5781 the municipality or county.

5782 Section 121. Section 372.73, Florida Statutes, is
5783 renumbered as section 379.338, Florida Statutes, and amended to
5784 read:

5785 379.338 ~~372.73~~ Confiscation and disposition of illegally
5786 taken game.--All game and freshwater fish seized under the
5787 authority of this chapter shall, upon conviction of the offender
5788 or sooner if the court so orders, be forfeited and given to some
5789 hospital or charitable institution and receipt therefor sent to
5790 the Fish and Wildlife Conservation Commission. All furs or hides
5791 or fur-bearing animals seized under the authority of this chapter
5792 shall, upon conviction of the offender, be forfeited and sent to
5793 the commission, which shall sell the same and deposit the
5794 proceeds of such sale to the credit of the State Game Trust Fund
5795 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
5796 ~~provided in s. 372.107, as applicable.~~ If any such hides or furs
5797 are seized and the offender is unknown, the court shall order
5798 such hides or furs sent to the Fish and Wildlife Conservation
5799 Commission, which shall sell such hides and furs and deposit the
5800 proceeds of such sale to the credit of the State Game Trust Fund

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5801 | ~~er into the commission's Federal Law Enforcement Trust Fund as~~
5802 | ~~provided in s. 372.107, as applicable.~~

5803 | Section 122. Section 372.9901, Florida Statutes, is
5804 | renumbered as section 379.339, Florida Statutes, and amended to
5805 | read:

5806 | 379.339 ~~372.9901~~ Seizure of illegal hunting devices;
5807 | disposition; notice; forfeiture.--In order to protect the state's
5808 | wildlife resources, any vehicle, vessel, animal, gun, light, or
5809 | other hunting device used or attempted to be used in connection
5810 | with, as an instrumentality of, or in aiding and abetting in the
5811 | commission of an offense prohibited by s. 379.404 ~~372.99~~ is
5812 | subject to seizure and forfeiture. The provisions of chapter 932
5813 | do not apply to any seizure or forfeiture under this section. For
5814 | purposes of this section, a conviction is any disposition other
5815 | than acquittal or dismissal.

5816 | (1) (a) Upon a first conviction of the person in whose
5817 | possession the property was found, the court having jurisdiction
5818 | over the criminal offense, notwithstanding any jurisdictional
5819 | limitations on the amount in controversy, may make a finding that
5820 | the property was used in connection with a violation of s.
5821 | 379.404 ~~372.99~~. Upon such finding, the court may order the
5822 | property forfeited to the commission.

5823 | (b) Upon a second or subsequent conviction of a person in
5824 | whose possession the property was found for a violation of s.
5825 | 379.404 ~~372.99~~, the court shall order the forfeiture to the
5826 | commission of any property used in connection with that
5827 | violation.

5828 | (2) The requirement for a conviction before forfeiture
5829 | establishes, to the exclusion of any reasonable doubt, that the
5830 | property was used in connection with that violation. Prior to the



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5831 issuance of a forfeiture order for any vessel, vehicle, or other
5832 property under subsection (1), the commission shall seize the
5833 property and notify the registered owner, if any, that the
5834 property has been seized by the commission.

5835 (3) Notification of property seized under this section must
5836 be sent by certified mail to a registered owner within 14 days
5837 after seizure. If the commission, after diligent inquiry, cannot
5838 ascertain the registered owner, the notice requirement is
5839 satisfied.

5840 (4) (a) For a first conviction of an offense under s.
5841 379.404 ~~372.99~~, property seized by the commission shall be
5842 returned to the registered owner if the commission fails to prove
5843 by a preponderance of the evidence before the court having
5844 jurisdiction over the criminal offense that the registered owner
5845 aided in, abetted in, participated in, gave consent to, knew of,
5846 or had reason to know of the offense.

5847 (b) Upon a second or subsequent conviction for an offense
5848 under s. 379.404 ~~372.99~~, the burden shall be on the registered
5849 owner to prove by a preponderance of the evidence before the
5850 court having jurisdiction over the criminal offense that the
5851 registered owner in no way aided in, abetted in, participated in,
5852 knew of, or had reason to know of the second offense which
5853 resulted in seizure of the lawful property.

5854 (c) Any request for a hearing from a registered owner
5855 asserting innocence to recover property seized under these
5856 provisions must be sent to the commission's Division of Law
5857 Enforcement within 21 days after the registered owner's receipt
5858 of the notice of seizure. If a request for a hearing is not
5859 timely received, the court shall forfeit to the commission the



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5860 right to, title to, and interest in the property seized, subject
5861 only to the rights and interests of bona fide lienholders.

5862 (5) All amounts received from the sale or other disposition
5863 of the property shall be paid into the State Game Trust Fund ~~or~~
5864 ~~into the commission's Federal Law Enforcement Trust Fund as~~
5865 ~~provided in s. 372.107, as applicable.~~ If the property is not
5866 sold or converted, it shall be delivered to the executive
5867 director of the commission.

5868 Section 123. Section 372.9904, Florida Statutes, is
5869 renumbered as section 379.3395, Florida Statutes, and amended to
5870 read:

5871 379.3395 ~~372.9904~~ Seizure of illegal transportation
5872 devices; disposition; appraisal; forfeiture.--

5873 (1) Any vehicle, vessel, or other transportation device
5874 used in the commission of the offense prohibited by s. 379.406
5875 ~~372.9903~~, except a vehicle, vessel, or other transportation
5876 device duly registered as a common carrier and operated in lawful
5877 transaction of business as such carrier, shall be seized by the
5878 arresting officer, who shall promptly make return of the seizure
5879 and deliver the property to the director of the Fish and Wildlife
5880 Conservation Commission. The return shall describe the property
5881 seized and recite in detail the facts and circumstances under
5882 which it was seized, together with the reason that the property
5883 was subject to seizure. The return shall also contain the names
5884 of all persons known to the officer to be interested in the
5885 property.

5886 (2) The commission, upon receipt of the property, shall
5887 promptly fix its value and make return thereof to the clerk of
5888 the circuit court of the county wherein the article was seized;
5889 after which, on proper showing of ownership of the property by

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5890 | someone other than the person arrested, the property shall be
5891 | returned by the court to the said owner.

5892 | (3) Upon conviction of the violator, the property, if owned
5893 | by the person convicted, shall be forfeited to the state under
5894 | the procedure set forth in ss. 379.337 and 379.362 ~~370.061 and~~
5895 | ~~370.07~~, when not inconsistent with this section. All amounts
5896 | received from the sale or other disposition of the property shall
5897 | be paid into the State Game Trust Fund ~~or into the commission's~~
5898 | ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~
5899 | ~~applicable~~. If the property is not sold or converted, it shall be
5900 | delivered to the director of the Fish and Wildlife Conservation
5901 | Commission.

5902 | Section 124. Section 372.99021, Florida Statutes, is
5903 | renumbered as section 379.341, Florida Statutes, to read:

5904 | 379.341 ~~372.99021~~ Disposition of illegal fishing devices;
5905 | exercise of police power.--

5906 | (1) In all cases of arrest and conviction for use of
5907 | illegal nets or traps or fishing devices, as provided in this
5908 | chapter, such illegal net, trap, or fishing device is declared to
5909 | be a nuisance and shall be seized and carried before the court
5910 | having jurisdiction of such offense and said court shall order
5911 | such illegal trap, net, or fishing device forfeited to the
5912 | commission immediately after trial and conviction of the person
5913 | in whose possession they were found. When any illegal net, trap,
5914 | or fishing device is found in the fresh waters of the state, and
5915 | the owner of same shall not be known to the officer finding the
5916 | same, such officer shall immediately procure from the county
5917 | court judge an order forfeiting said illegal net, trap, or
5918 | fishing device to the commission. The commission may destroy such
5919 | illegal net, trap, or fishing device, if in its judgment said

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5920 net, trap, or fishing device is not of value in the work of the
5921 department.

5922 (2) When any nets, traps, or fishing devices are found
5923 being used illegally as provided in this chapter, the same shall
5924 be seized and forfeited to the commission as provided in this
5925 chapter.

5926 (3) This section is necessary for the more efficient and
5927 proper enforcement of the statutes and laws of this state
5928 prohibiting the illegal use of nets, traps, or fishing devices
5929 and is a lawful exercise of the police power of the state for the
5930 protection of the public welfare, health, and safety of the
5931 people of the state. All the provisions of this section shall be
5932 liberally construed for the accomplishment of these purposes.

5933 Section 125. Section 372.9905, Florida Statutes, is
5934 renumbered as section 379.342, Florida Statutes, and amended to
5935 read:

5936 379.342 ~~372.9905~~ Applicability of ss. 379.339, 379.340,
5937 379.404, and 379.406 ~~372.99, 372.9901, 372.9903, and~~
5938 ~~372.9904.~~--The provisions of ss. 379.339, 379.340, 379.404, and
5939 379.406 ~~372.99, 372.9901, 372.9903, and 372.9904~~ relating to
5940 seizure and forfeiture of animals or of vehicles, vessels, or
5941 other transportation devices do not vitiate any valid lien,
5942 retain title contract, or chattel mortgage on such animals or
5943 vehicles, vessels, or other transportation devices if such lien,
5944 retain title contract, or chattel mortgage is properly of public
5945 record at the time of the seizure.

5946 Section 126. Section 372.0715, Florida Statutes, is
5947 renumbered as section 379.343, Florida Statutes, to read:

5948 379.343 ~~372.0715~~ Rewards.--The Fish and Wildlife
5949 Conservation Commission is authorized to offer rewards in amounts



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5950 of up to \$500 to any person furnishing information leading to the
5951 arrest and conviction of any person who has inflicted or
5952 attempted to inflict bodily injury upon any wildlife officer
5953 engaged in the enforcement of the provisions of this chapter or
5954 the rules and regulations of the Fish and Wildlife Conservation
5955 Commission.

5956 Section 127. Part VI of chapter 379, Florida Statutes,
5957 consisting of sections 379.350, 379.3501, 379.3502, 379.3503,
5958 379.3504, 379.3511, 379.3512, 379.352, 379.353, 379.354, 379.355,
5959 379.356, 379.357, 379.3581, 379.3582, and 379.3582, is created to
5960 read:

5961 PART VI

5962 LICENSES FOR RECREATIONAL ACTIVITIES

5963
5964 Section 128. Section 372.5711, Florida Statutes, is
5965 renumbered as section 379.35, Florida Statutes, to read:

5966 379.35 ~~372.5711~~ Review of fees for licenses and permits;
5967 review of exemptions.--The fees for licenses and permits
5968 established under this chapter, and exemptions thereto, shall be
5969 reviewed by the Legislature during its regular session every 5
5970 years beginning in 2000.

5971 Section 129. Section 372.571, Florida Statutes, is
5972 renumbered as section 379.3501, Florida Statutes, and amended to
5973 read:

5974 379.3501 ~~372.571~~ Expiration of licenses and permits.--Each
5975 license or permit issued under this part ~~chapter~~ must be dated
5976 when issued. Each license or permit issued under this part
5977 ~~chapter~~ remains valid for 12 months after the date of issuance,
5978 except for a lifetime license issued pursuant to s. 379.354
5979 ~~372.57~~ which is valid from the date of issuance until the death

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5980 of the individual to whom the license is issued unless otherwise
5981 revoked in accordance with s. 379.401 ~~372.83~~ or s. 379.404
5982 ~~372.99~~, or a 5-year license issued pursuant to s. 379.354 ~~372.57~~
5983 which is valid for 5 consecutive years from the date of purchase
5984 unless otherwise revoked in accordance with s. 379.401 ~~372.83~~ or
5985 s. 379.404 ~~372.99~~, or a license issued pursuant to s.
5986 379.354(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.
5987 ~~372.57(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.,~~
5988 which is valid for the period specified on the license. A
5989 resident lifetime license or a resident 5-year license that has
5990 been purchased by a resident of this state and who subsequently
5991 resides in another state shall be honored for activities
5992 authorized by that license.

5993 Section 130. Section 372.59, Florida Statutes, is
5994 renumbered as section 379.3502, Florida Statutes, and amended to
5995 read:

5996 379.3502 ~~372.59~~ License and permit not transferable.--A
5997 person may not alter or change in any manner, or loan or transfer
5998 to another, unless otherwise provided, any license or permit
5999 issued pursuant to the provisions of this chapter, nor may any
6000 other person, other than the person to whom it is issued, use the
6001 same.

6002 Section 131. Section 372.58, Florida Statutes, is
6003 renumbered as section 379.3503, Florida Statutes, and amended to
6004 read:

6005 379.3503 ~~372.58~~ False statement in application for license
6006 or permit.--Any person who swears or affirms to any false
6007 statement in any application for license or permit provided by
6008 this chapter, is guilty of violating this chapter, and shall be
6009 subject to the penalty provided in s. 379.401 ~~372.83~~, and any

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6010 false statement contained in any application for such license or
6011 permit renders the license or permit void.

6012 Section 132. Section 372.581, Florida Statutes, is
6013 renumbered as section 379.3504, Florida Statutes, and amended to
6014 read:

6015 379.3504 ~~372.581~~ Entering false information on licenses or
6016 permits.--Whoever knowingly and willfully enters false
6017 information on, or allows or causes false information to be
6018 entered on or shown upon any license or permit issued under the
6019 provisions of this chapter in order to avoid prosecution or to
6020 assist another to avoid prosecution, or for any other wrongful
6021 purpose shall be punished as provided in s. 379.401 ~~372.83~~.

6022 Section 133. Section 372.574, Florida Statutes, is
6023 renumbered as section 379.3511, Florida Statutes, and amended to
6024 read:

6025 379.3511 ~~372.574~~ Appointment of subagents for the sale of
6026 hunting, fishing, and trapping licenses and permits.--

6027 (1) Subagents shall serve at the pleasure of the
6028 commission. The commission may establish, by rule, procedures for
6029 the selection and appointment of subagents. The following are
6030 requirements for subagents so appointed:

6031 (a) The commission may require each subagent to post an
6032 appropriate bond as determined by the commission, using an
6033 insurance company acceptable to the commission. In lieu of the
6034 bond, the commission may purchase blanket bonds covering all or
6035 selected subagents or may allow a subagent to post other security
6036 as required by the commission.

6037 (b) A subagent may sell licenses and permits as authorized
6038 by the commission at specific locations within the county and in
6039 states as will best serve the public interest and convenience in

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6040 obtaining licenses and permits. The commission may prohibit
6041 subagents from selling certain licenses or permits.

6042 (c) It is unlawful for any person to handle licenses or
6043 permits for a fee or compensation of any kind unless he or she
6044 has been appointed as a subagent.

6045 (d) Any person who willfully violates any of the provisions
6046 of this section commits a misdemeanor of the second degree,
6047 punishable as provided in s. 775.082 or s. 775.083.

6048 (e) A subagent may charge and receive as his or her
6049 compensation 50 cents for each license or permit sold. This
6050 charge is in addition to the sum required by law to be collected
6051 for the sale and issuance of each license or permit.

6052 (f) A subagent shall submit payment for and report the sale
6053 of licenses and permits to the commission as prescribed by the
6054 commission.

6055 (2) The Fish and Wildlife Conservation Commission or any
6056 other law enforcement agency may carry out any investigation
6057 necessary to secure information required to carry out and enforce
6058 this section.

6059 (3) All social security numbers that are provided pursuant
6060 to ss. 379.352 and 379.354 ~~372.561 and 372.57~~ and are contained
6061 in records of any subagent appointed under this section are
6062 confidential as provided in those sections.

6063 Section 134. Section 372.551, Florida Statutes, is
6064 renumbered as section 379.3512, Florida Statutes, to read:

6065 379.3512 ~~372.551~~ Competitive bidding for certain sale of
6066 licenses and permits and the issuance of authorization
6067 numbers.--The commission is authorized to establish the
6068 following, using competitive bidding procedures:



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6069 (1) A process and a vendor fee for the sale of licenses and
6070 permits, and the issuance of authorization numbers, over the
6071 telephone.

6072 (2) A process and a vendor fee for the electronic sale of
6073 licenses and permits and for the electronic issuance of
6074 authorization numbers.

6075 Section 135. Section 372.561, Florida Statutes, is
6076 renumbered as section 379.352, Florida Statutes, and amended to
6077 read:

6078 379.352 ~~372.561~~ Recreational licenses, permits, and
6079 authorization numbers to take wild animal life, freshwater
6080 aquatic life, and marine life; issuance; costs; reporting.--

6081 (1) This section applies to all recreational licenses and
6082 permits and to any authorization numbers issued by the commission
6083 for the use of such recreational licenses or permits.

6084 (2) The commission shall establish forms for the issuance
6085 of recreational licenses and permits.

6086 (3) The commission shall issue a license, permit, or
6087 authorization number to take wild animal life, freshwater aquatic
6088 life, or marine life when an applicant provides proof that she or
6089 he is entitled to such license, permit, or authorization number.
6090 Each applicant for a recreational license, permit, or
6091 authorization number shall provide her or his social security
6092 number on the application form. Disclosure of social security
6093 numbers obtained through this requirement shall be limited to the
6094 purposes of administration of the Title IV-D program for child
6095 support enforcement, use by the commission, and as otherwise
6096 provided by law.

6097 (4) Licenses and permits to take wild animal life,
6098 freshwater aquatic life, or marine life may be sold by the



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6099 | commission, by any tax collector in the state, or by any subagent
6100 | authorized under s. 379.3511 ~~372.574~~.

6101 | (5) In addition to any license or permit fee, the sum of
6102 | \$1.50 shall be charged for each license or management area
6103 | permit, except for replacement licenses, to cover the cost of
6104 | issuing such license or permit.

6105 | (6) (a) The fee established pursuant to subsection (5) shall
6106 | be distributed as follows:

6107 | 1. For each hunting license and freshwater fishing license
6108 | sold by a tax collector, including the combination freshwater
6109 | fishing and hunting license, the sportsman's license, and the
6110 | gold sportsman's license, a tax collector may retain \$1.00.

6111 | 2. For each management area permit sold by a tax collector,
6112 | a tax collector may retain \$1.00.

6113 | 3. For each saltwater fishing tag and saltwater fishing
6114 | license sold by a tax collector, including the combination
6115 | saltwater fishing and freshwater fishing license and the
6116 | combination saltwater fishing, freshwater fishing, and hunting
6117 | license, a tax collector may retain \$1.50.

6118 | 4. For licenses and management area permits sold by
6119 | subagents, a tax collector may retain 50 cents for each license
6120 | sold in the tax collector's county.

6121 | 5. Any and all remaining fees shall be deposited in the
6122 | State Game Trust Fund and shall be used to support an automated
6123 | license system and administration of the license program.

6124 | (b) Tax collectors shall remit license and permit revenue
6125 | to the commission weekly.

6126 | (7) (a) The sum of \$10 shall be charged for each replacement
6127 | lifetime license and \$2 for all other replacement licenses and



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6128 | permits. A tax collector may retain \$1.00 for each replacement
6129 | license.

6130 | (b) Fees collected from the issuance of replacement
6131 | licenses shall be deposited in the State Game Trust Fund.

6132 | (8) At each location where hunting, fishing, or trapping
6133 | licenses or permits are sold, voter registration applications
6134 | shall be displayed and made available to the public. Subagents
6135 | shall ask each person who applies for a hunting, fishing, or
6136 | trapping license or permit if he or she would like a voter
6137 | registration application and may provide such application to the
6138 | license or permit applicant but shall not assist such persons
6139 | with voter registration applications or collect complete or
6140 | incomplete voter registration applications.

6141 | (9) Except as provided in subsections (8) and (12), each
6142 | person who applies for a hunting, fishing, or trapping license or
6143 | permit shall be asked if he or she would like the appropriate
6144 | supervisor of elections to provide a voter registration
6145 | application to the applicant at a later date. If at the time a
6146 | license is purchased the applicant indicates that he or she would
6147 | like to receive a voter registration application, the commission
6148 | shall, within 7 days, make the request available to the
6149 | appropriate supervisor of elections or voter registration agency
6150 | so that an application may be sent to the applicant. Supervisors
6151 | of elections shall mail an application to each person requesting
6152 | such application within 5 business days after receipt of the
6153 | request.

6154 | (10) The commission may satisfy the requirements of
6155 | subsection (9) by providing access to an Internet site with the
6156 | voter registration information included thereon.

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6157 (11) When acting in its official capacity pursuant to this
6158 section, neither the commission nor a subagent is deemed a third-
6159 party registration organization, as defined in s. 97.021(36), or
6160 a voter registration agency, as defined in s. 97.021(40), and is
6161 not authorized to solicit, accept, or collect voter registration
6162 applications or provide voter registration services.

6163 (12) Each person who applies for a hunting, fishing, or
6164 trapping license or permit on the Internet shall be provided a
6165 link to the Department of State's online uniform statewide voter
6166 registration application.

6167 (13) The commission, any tax collector in this state, or
6168 any subagent authorized to sell licenses and permits under s.
6169 379.3511 ~~372.574~~ may request and collect donations when selling a
6170 recreational license or permit authorized under s. 379.354
6171 ~~372.57~~. All donations collected under this subsection shall be
6172 deposited into the State Game Trust Fund to be used solely for
6173 the purpose of enhancing youth hunting and youth freshwater and
6174 saltwater fishing programs. By January 1, the commission shall
6175 provide a complete and detailed annual report on the status of
6176 its youth programs and activities performed under this subsection
6177 to the Governor, the President of the Senate, and the Speaker of
6178 the House of Representatives.

6179 (14) The commission is authorized to adopt rules pursuant
6180 to ss. 120.536(1) and 120.54 to implement the provisions of this
6181 section.

6182 Section 136. Section 372.562, Florida Statutes, is
6183 renumbered as section 379.353, Florida Statutes, and amended to
6184 read:

6185 379.353 ~~372.562~~ Recreational licenses and permits;
6186 exemptions from fees and requirements.--



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6187 (1) Hunting, freshwater fishing, and saltwater fishing
6188 licenses and permits shall be issued without fee to any resident
6189 who is certified or determined:

6190 (a) To be totally and permanently disabled for purposes of
6191 workers' compensation under chapter 440 as verified by an order
6192 of a judge of compensation claims or written confirmation by the
6193 carrier providing workers' compensation benefits, or to be
6194 totally and permanently disabled by the Railroad Retirement
6195 Board, by the United States Department of Veterans Affairs or its
6196 predecessor, or by any branch of the United States Armed Forces,
6197 or who holds a valid identification card issued under the
6198 provisions of s. 295.17, upon proof of same. Any license issued
6199 under this paragraph after January 1, 1997, expires after 5 years
6200 and must be reissued, upon request, every 5 years thereafter.

6201 (b) To be disabled by the United States Social Security
6202 Administration, upon proof of same. Any license issued under this
6203 paragraph after October 1, 1999, expires after 2 years and must
6204 be reissued, upon proof of certification of disability, every 2
6205 years thereafter.

6206
6207 A disability license issued after July 1, 1997, and before July
6208 1, 2000, retains the rights vested thereunder until the license
6209 has expired.

6210 (2) A hunting, freshwater fishing, or saltwater fishing
6211 license or permit is not required for:

6212 (a) Any child under 16 years of age, except as otherwise
6213 provided in this part ~~chapter~~.

6214 (b) Any person hunting or freshwater fishing on her or his
6215 homestead property, or on the homestead property of the person's



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6216 spouse or minor child; or any minor child hunting or freshwater
6217 fishing on the homestead property of her or his parent.

6218 (c) Any resident who is a member of the United States Armed
6219 Forces and not stationed in this state, when home on leave for 30
6220 days or less, upon submission of orders.

6221 (d) Any resident freshwater fishing for recreational
6222 purposes only, within her or his county of residence with live or
6223 natural bait, using poles or lines not equipped with a fishing
6224 line retrieval mechanism. This exemption does not apply to
6225 residents fishing in a legally established fish management area.

6226 (e) Any person freshwater fishing in a fish pond of 20
6227 acres or less that is located entirely within the private
6228 property of the fish pond owner.

6229 (f) Any person freshwater fishing in a fish pond that is
6230 licensed in accordance with s. 379.356 ~~372.5705~~.

6231 (g) Any person fishing who has been accepted as a client
6232 for developmental disabilities services by the Department of
6233 Children and Family Services, provided the department furnishes
6234 proof thereof.

6235 (h) Any resident saltwater fishing from land or from a
6236 structure fixed to the land.

6237 (i) Any person saltwater fishing from a vessel licensed
6238 pursuant to s. 379.354(7) ~~372.57(7)~~.

6239 (j) Any person saltwater fishing from a vessel the operator
6240 of which is licensed pursuant to s. 379.354(7) ~~372.57(7)~~.

6241 (k) Any person saltwater fishing who holds a valid
6242 saltwater products license issued under s. 379.361(2) ~~370.06(2)~~.

6243 (l) Any person saltwater fishing for recreational purposes
6244 from a pier licensed under s. 379.354 ~~372.57~~.

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6245 (m) Any resident fishing for a saltwater species in fresh
6246 water from land or from a structure fixed to land.

6247 (n) Any resident fishing for mullet in fresh water who has
6248 a valid Florida freshwater fishing license.

6249 (o) Any resident 65 years of age or older who has in her or
6250 his possession proof of age and residency. A no-cost license
6251 under this paragraph may be obtained from any tax collector's
6252 office upon proof of age and residency and must be in the
6253 possession of the resident during hunting, freshwater fishing,
6254 and saltwater fishing activities.

6255 (p) Any employee of the commission who takes freshwater
6256 fish, saltwater fish, or game as part of employment with the
6257 commission, or any other person authorized by commission permit
6258 to take freshwater fish, saltwater fish, or game for scientific
6259 or educational purposes.

6260 (q) Any resident recreationally freshwater fishing who
6261 holds a valid commercial fishing license issued under s.
6262 379.3625(1)(a) ~~372.65(1)(a)~~.

6263 Section 137. Section 372.57, Florida Statutes, is
6264 renumbered as section 379.354, Florida Statutes, and amended to
6265 read:

6266 379.354 ~~372.57~~ Recreational licenses, permits, and
6267 authorization numbers; fees established.--

6268 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
6269 REQUIRED.--Except as provided in s. 379.353 ~~372.562~~, no person
6270 shall take game, freshwater or saltwater fish, or fur-bearing
6271 animals within this state without having first obtained a
6272 license, permit, or authorization number and paid the fees set
6273 forth in this chapter. Such license, permit, or authorization
6274 number shall authorize the person to whom it is issued to take



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6275 | game, freshwater or saltwater fish, or fur-bearing animals, and
6276 | participate in outdoor recreational activities in accordance with
6277 | the laws of the state and rules of the commission.

6278 | (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.--

6279 | (a) Licenses, permits, and authorization numbers issued
6280 | under this part ~~chapter~~ are not transferable. Each license and
6281 | permit must bear on its face in indelible ink the name of the
6282 | person to whom it is issued and other information as deemed
6283 | necessary by the commission. Licenses issued to the owner,
6284 | operator, or custodian of a vessel that directly or indirectly
6285 | collects fees for taking or attempting to take or possess
6286 | saltwater fish for noncommercial purposes must include the vessel
6287 | registration number or federal documentation number.

6288 | (b) The lifetime licenses and 5-year licenses authorized in
6289 | this section shall be embossed with the name, date of birth, date
6290 | of issuance, and other pertinent information as deemed necessary
6291 | by the commission. A certified copy of the applicant's birth
6292 | certificate shall accompany each application for a lifetime
6293 | license for a resident 12 years of age or younger.

6294 | (c) A positive form of identification is required when
6295 | using a free license, a lifetime license, a 5-year license, or an
6296 | authorization number issued under this chapter, or when otherwise
6297 | required by a license or permit.

6298 | (3) PERSONAL POSSESSION REQUIRED.--Each license, permit, or
6299 | authorization number must be in the personal possession of the
6300 | person to whom it is issued while such person is taking,
6301 | attempting to take, or possessing game, freshwater or saltwater
6302 | fish, or fur-bearing animals. Any person taking, attempting to
6303 | take, or possessing game, freshwater or saltwater fish, or fur-
6304 | bearing animals who fails to produce a license, permit, or

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6305 authorization number at the request of a commission law
6306 enforcement officer commits a violation of the law.

6307 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
6308 and fees for residents participating in hunting and fishing
6309 activities in this state are as follows:

6310 (a) Annual freshwater fishing license, \$15.50.

6311 (b) Annual saltwater fishing license, \$15.50.

6312 (c) Annual hunting license to take game, \$15.50.

6313 (d) Annual combination hunting and freshwater fishing
6314 license, \$31.

6315 (e) Annual combination freshwater fishing and saltwater
6316 fishing license, \$31.

6317 (f) Annual combination hunting, freshwater fishing, and
6318 saltwater fishing license, \$46.50.

6319 (g) Annual license to take fur-bearing animals, \$25.

6320 However, a resident with a valid hunting license or a no-cost
6321 license who is taking fur-bearing animals for noncommercial
6322 purposes using guns or dogs only, and not traps or other devices,
6323 is not required to purchase this license. Also, a resident 65
6324 years of age or older is not required to purchase this license.

6325 (h) Annual sportsman's license, \$79, except that an annual
6326 sportsman's license for a resident 64 years of age or older is
6327 \$12. A sportsman's license authorizes the person to whom it is
6328 issued to take game and freshwater fish, subject to the state and
6329 federal laws, rules, and regulations, including rules of the
6330 commission, in effect at the time of the taking. Other authorized
6331 activities include activities authorized by a management area
6332 permit, a muzzle-loading gun season permit, a crossbow season
6333 permit, a turkey permit, a Florida waterfowl permit, and an
6334 archery season permit.



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6335 (i) Annual gold sportsman's license, \$98.50. The gold
6336 sportsman's license authorizes the person to whom it is issued to
6337 take freshwater fish, saltwater fish, and game, subject to the
6338 state and federal laws, rules, and regulations, including rules
6339 of the commission, in effect at the time of taking. Other
6340 authorized activities include activities authorized by a
6341 management area permit, a muzzle-loading gun season permit, a
6342 crossbow season permit, a turkey permit, a Florida waterfowl
6343 permit, an archery season permit, a snook permit, and a spiny
6344 lobster permit.

6345 (j) Annual military gold sportsman's license, \$18.50. The
6346 gold sportsman's license authorizes the person to whom it is
6347 issued to take freshwater fish, saltwater fish, and game, subject
6348 to the state and federal laws, rules, and regulations, including
6349 rules of the commission, in effect at the time of taking. Other
6350 authorized activities include activities authorized by a
6351 management area permit, a muzzle-loading gun season permit, a
6352 crossbow season permit, a turkey permit, a Florida waterfowl
6353 permit, an archery season permit, a snook permit, and a spiny
6354 lobster permit. Any resident who is an active or retired member
6355 of the United States Armed Forces, the United States Armed Forces
6356 Reserve, the National Guard, the United States Coast Guard, or
6357 the United States Coast Guard Reserve is eligible to purchase the
6358 military gold sportsman's license upon submission of a current
6359 military identification card.

6360 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The licenses
6361 and fees for nonresidents participating in hunting and fishing
6362 activities in the state are as follows:

6363 (a) Freshwater fishing license to take freshwater fish for
6364 3 consecutive days, \$15.50.



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6365 (b) Freshwater fishing license to take freshwater fish for
6366 7 consecutive days, \$28.50.

6367 (c) Saltwater fishing license to take saltwater fish for 3
6368 consecutive days, \$15.50.

6369 (d) Saltwater fishing license to take saltwater fish for 7
6370 consecutive days, \$28.50.

6371 (e) Annual freshwater fishing license, \$45.50.

6372 (f) Annual saltwater fishing license, \$45.50.

6373 (g) Hunting license to take game for 10 consecutive days,
6374 \$45.

6375 (h) Annual hunting license to take game, \$150.

6376 (i) Annual license to take fur-bearing animals, \$25.

6377 However, a nonresident with a valid Florida hunting license who
6378 is taking fur-bearing animals for noncommercial purposes using
6379 guns or dogs only, and not traps or other devices, is not
6380 required to purchase this license.

6381 (6) PIER LICENSE.--A pier license for any pier fixed to
6382 land for the purpose of taking or attempting to take saltwater
6383 fish is \$500 per year. The pier license may be purchased at the
6384 option of the owner, operator, or custodian of such pier and must
6385 be available for inspection at all times.

6386 (7) VESSEL LICENSES.--

6387 (a) No person may operate any vessel wherein a fee is paid,
6388 either directly or indirectly, for the purpose of taking,
6389 attempting to take, or possessing any saltwater fish for
6390 noncommercial purposes unless she or he has obtained a license
6391 for each vessel for that purpose, and has paid the license fee
6392 pursuant to paragraphs (b) and (c) for such vessel.

6393 (b) A license for any person who operates any vessel
6394 licensed to carry more than 10 customers, wherein a fee is paid,



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6395 either directly or indirectly, for the purpose of taking or
6396 attempting to take saltwater fish, is \$800 per year. The license
6397 must be kept aboard the vessel at all times.

6398 (c)1. A license for any person who operates any vessel
6399 licensed to carry no more than 10 customers, or for any person
6400 licensed to operate any vessel carrying 6 or fewer customers,
6401 wherein a fee is paid, either directly or indirectly, for the
6402 purpose of taking or attempting to take saltwater fish, is \$400
6403 per year.

6404 2. A license for any person licensed to operate any vessel
6405 carrying 6 or fewer customers but who operates a vessel carrying
6406 4 or fewer customers, wherein a fee is paid, either directly or
6407 indirectly, for the purpose of taking or attempting to take
6408 saltwater fish, is \$200 per year. The license must be kept aboard
6409 the vessel at all times.

6410 3. A person who operates a vessel required to be licensed
6411 pursuant to paragraph (b) or this paragraph may obtain a license
6412 in her or his own name, and such license shall be transferable
6413 and apply to any vessel operated by the purchaser, provided that
6414 the purchaser has paid the appropriate license fee.

6415 (d) A license for a recreational vessel not for hire and
6416 for which no fee is paid, either directly or indirectly, by
6417 guests for the purpose of taking or attempting to take saltwater
6418 fish noncommercially is \$2,000 per year. The license may be
6419 purchased at the option of the vessel owner and must be kept
6420 aboard the vessel at all times. A log of species taken and the
6421 date the species were taken shall be maintained and a copy of the
6422 log filed with the commission at the time of renewal of the
6423 license.



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6424 (e) The owner, operator, or custodian of a vessel the
6425 operator of which has been licensed pursuant to paragraph (a)
6426 must maintain and report such statistical data as required by,
6427 and in a manner set forth in, the rules of the commission.

6428 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
6429 PERMITS.--In addition to any license required under this chapter,
6430 the following permits and fees for specified hunting, fishing,
6431 and recreational uses and activities are required:

6432 (a) An annual Florida waterfowl permit for a resident or
6433 nonresident to take wild ducks or geese within the state or its
6434 coastal waters is \$3.

6435 (b)1. An annual Florida turkey permit for a resident to
6436 take wild turkeys within the state is \$5.

6437 2. An annual Florida turkey permit for a nonresident to
6438 take wild turkeys within the state is \$100.

6439 (c) An annual snook permit for a resident or nonresident to
6440 take or possess any snook from any waters of the state is \$2.
6441 Revenue generated from the sale of snook permits shall be used
6442 exclusively for programs to benefit the snook population.

6443 (d) An annual spiny lobster permit for a resident or
6444 nonresident to take or possess any spiny lobster for recreational
6445 purposes from any waters of the state is \$2. Revenue generated
6446 from the sale of spiny lobster permits shall be used exclusively
6447 for programs to benefit the spiny lobster population.

6448 (e) A \$5 fee is imposed for each of the following permits:

6449 1. An annual archery season permit for a resident or
6450 nonresident to hunt within the state during any archery season
6451 authorized by the commission.



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6452 2. An annual crossbow season permit for a resident or
6453 nonresident to hunt within the state during any crossbow season
6454 authorized by the commission.

6455 3. An annual muzzle-loading gun season permit for a
6456 resident or nonresident to hunt within the state during any
6457 muzzle-loading gun season authorized by the commission.

6458 (f) A special use permit for a resident or nonresident to
6459 participate in limited entry hunting or fishing activities as
6460 authorized by commission rule shall not exceed \$100 per day or
6461 \$250 per week. Notwithstanding any other provision of this
6462 chapter, there are no exclusions, exceptions, or exemptions from
6463 this permit fee. In addition to the permit fee, the commission
6464 may charge each special use permit applicant a nonrefundable
6465 application fee not to exceed \$10.

6466 (g)1. A management area permit for a resident or
6467 nonresident to hunt on, fish on, or otherwise use for outdoor
6468 recreational purposes land owned, leased, or managed by the
6469 commission, or by the state for the use and benefit of the
6470 commission, shall not exceed \$25 per year.

6471 2. Permit fees for short-term use of land that is owned,
6472 leased, or managed by the commission may be established by rule
6473 of the commission for activities on such lands. Such permits may
6474 be in lieu of, or in addition to, the annual management area
6475 permit authorized in subparagraph 1.

6476 3. Other than for hunting or fishing, the provisions of
6477 this paragraph shall not apply on any lands not owned by the
6478 commission, unless the commission has obtained the written
6479 consent of the owner or primary custodian of such lands.

6480 (h)1. A recreational user permit is required to hunt on,
6481 fish on, or otherwise use for outdoor recreational purposes land

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6482 | leased by the commission from private nongovernmental owners,
6483 | except for those lands located directly north of the Apalachicola
6484 | National Forest, east of the Ochlocknee River until the point the
6485 | river meets the dam forming Lake Talquin, and south of the
6486 | closest federal highway. The fee for a recreational user permit
6487 | shall be based upon the economic compensation desired by the
6488 | landowner, game population levels, desired hunter density, and
6489 | administrative costs. The permit fee shall be set by commission
6490 | rule on a per-acre basis. The recreational user permit fee, less
6491 | administrative costs of up to \$25 per permit, shall be remitted
6492 | to the landowner as provided in the lease agreement for each
6493 | area.

6494 | 2. One minor dependent under 16 years of age may hunt under
6495 | the supervision of the permittee and is exempt from the
6496 | recreational user permit requirements. The spouse and dependent
6497 | children of a permittee are exempt from the recreational user
6498 | permit requirements when engaged in outdoor recreational
6499 | activities other than hunting and when accompanied by a
6500 | permittee. Notwithstanding any other provision of this chapter,
6501 | no other exclusions, exceptions, or exemptions from the
6502 | recreational user permit fee are authorized.

6503 | (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

6504 | (a) Five-year licenses are available for residents only, as
6505 | follows:

6506 | 1. A 5-year freshwater fishing or saltwater fishing license
6507 | is \$77.50 for each type of license and authorizes the person to
6508 | whom the license is issued to take or attempt to take or possess
6509 | freshwater fish or saltwater fish consistent with the state and
6510 | federal laws and regulations and rules of the commission in
6511 | effect at the time of taking.

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6512 2. A 5-year hunting license is \$77.50 and authorizes the
6513 person to whom it is issued to take or attempt to take or possess
6514 game consistent with the state and federal laws and regulations
6515 and rules of the commission in effect at the time of taking.

6516 3. The commission is authorized to sell the hunting,
6517 fishing, and recreational activity permits authorized in
6518 subsection (8) for a 5-year period to match the purchase of 5-
6519 year fishing and hunting licenses. The fee for each permit issued
6520 under this paragraph shall be five times the annual cost
6521 established in subsection (8).

6522 (b) Proceeds from the sale of all 5-year licenses and
6523 permits shall be deposited into the Dedicated License Trust Fund,
6524 to be distributed in accordance with the provisions of s. 379.203
6525 ~~372.106~~.

6526 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
6527 LICENSES.--

6528 (a) Lifetime freshwater fishing licenses or saltwater
6529 fishing licenses are available for residents only, as follows,
6530 for:

6531 1. Persons 4 years of age or younger, for a fee of \$125.

6532 2. Persons 5 years of age or older, but under 13 years of
6533 age, for a fee of \$225.

6534 3. Persons 13 years of age or older, for a fee of \$300.

6535 (b) The following activities are authorized by the purchase
6536 of a lifetime freshwater fishing license:

6537 1. Taking, or attempting to take or possess, freshwater
6538 fish consistent with the state and federal laws and regulations
6539 and rules of the commission in effect at the time of the taking.

6540 2. All activities authorized by a management area permit,
6541 excluding hunting.



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6542 (c) The following activities are authorized by the purchase
6543 of a lifetime saltwater fishing license:

6544 1. Taking, or attempting to take or possess, saltwater fish
6545 consistent with the state and federal laws and regulations and
6546 rules of the commission in effect at the time of the taking.

6547 2. All activities authorized by a snook permit and a spiny
6548 lobster permit.

6549 3. All activities for which an additional license, permit,
6550 or fee is required to take or attempt to take or possess
6551 saltwater fish, which additional license, permit, or fee was
6552 imposed subsequent to the date of the purchase of the lifetime
6553 saltwater fishing license.

6554 (11) RESIDENT LIFETIME HUNTING LICENSES.--

6555 (a) Lifetime hunting licenses are available to residents
6556 only, as follows, for:

6557 1. Persons 4 years of age or younger, for a fee of \$200.

6558 2. Persons 5 years of age or older, but under 13 years of
6559 age, for a fee of \$350.

6560 3. Persons 13 years of age or older, for a fee of \$500.

6561 (b) The following activities are authorized by the purchase
6562 of a lifetime hunting license:

6563 1. Taking, or attempting to take or possess, game
6564 consistent with the state and federal laws and regulations and
6565 rules of the commission in effect at the time of the taking.

6566 2. All activities authorized by a muzzle-loading gun season
6567 permit, a crossbow season permit, a turkey permit, an archery
6568 season permit, a Florida waterfowl permit, and a management area
6569 permit, excluding fishing.

6570 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

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6571 (a) Lifetime sportsman's licenses are available to
6572 residents only, as follows, for:

6573 1. Persons 4 years of age or younger, for a fee of \$400.

6574 2. Persons 5 years of age or older, but under 13 years of
6575 age, for a fee of \$700.

6576 3. Persons 13 years of age or older, for a fee of \$1,000.

6577 (b) The following activities are authorized by the purchase
6578 of a lifetime sportsman's license:

6579 1. Taking, or attempting to take or possess, freshwater and
6580 saltwater fish, and game, consistent with the state and federal
6581 laws and regulations and rules of the commission in effect at the
6582 time of taking.

6583 2. All activities authorized by a management area permit, a
6584 muzzle-loading gun season permit, a crossbow season permit, a
6585 turkey permit, an archery season permit, a Florida waterfowl
6586 permit, a snook permit, and a spiny lobster permit.

6587 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The
6588 proceeds from the sale of all lifetime licenses authorized in
6589 this section shall be deposited into the Lifetime Fish and
6590 Wildlife Trust Fund, to be distributed as provided in s. 379.207
6591 ~~372.105~~.

6592 (14) RECIPROCAL FEE AGREEMENTS.--The commission is
6593 authorized to reduce the fees for licenses and permits under this
6594 section for residents of those states with which the commission
6595 has entered into reciprocal agreements with respect to such fees.

6596 (15) FREE FISHING DAYS.--The commission may designate by
6597 rule no more than 2 consecutive or nonconsecutive days in each
6598 year as free freshwater fishing days and no more than 2
6599 consecutive or nonconsecutive days in each year as free saltwater
6600 fishing days. Notwithstanding any other provision of this

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6601 chapter, any person may take freshwater fish for noncommercial
6602 purposes on a free freshwater fishing day and may take saltwater
6603 fish for noncommercial purposes on a free saltwater fishing day,
6604 without obtaining or possessing a license or permit or paying a
6605 license or permit fee as prescribed in this section. A person who
6606 takes freshwater or saltwater fish on a free fishing day must
6607 comply with all laws, rules, and regulations governing the
6608 holders of a fishing license or permit and all other conditions
6609 and limitations regulating the taking of freshwater or saltwater
6610 fish as are imposed by law or rule.

6611 (16) PROHIBITED LICENSES OR PERMITS.--A person may not
6612 make, forge, counterfeit, or reproduce a license or permit
6613 required under this section, except for those persons authorized
6614 by the commission to make or reproduce such a license or permit.
6615 A person may not knowingly possess a forgery, counterfeit, or
6616 unauthorized reproduction of such a license or permit. A person
6617 who violates this subsection commits a Level Four violation under
6618 s. 379.401 ~~372.83~~.

6619 (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
6620 game, freshwater fish, saltwater fish, or fur-bearing animals
6621 within this state if a license issued to such person as required
6622 under this section or a privilege granted to such person under s.
6623 379.353 ~~372.562~~ is suspended or revoked. A person who violates
6624 this subsection commits a Level Three violation under s. 379.401
6625 ~~372.83~~.

6626 Section 138. Section 370.063, Florida Statutes, is
6627 renumbered as section 379.355, Florida Statutes, and amended to
6628 read:

6629 379.355 ~~370.063~~ Special recreational spiny lobster
6630 license.--There is created a special recreational spiny lobster



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6631 license, to be issued to qualified persons as provided by this
6632 section for the recreational harvest of spiny lobster beginning
6633 August 5, 1994.

6634 (1) The special recreational spiny lobster license shall be
6635 available to any individual spiny lobster trap number holder who
6636 also possesses a saltwater products license during the 1993-1994
6637 license year. A person issued a special recreational spiny
6638 lobster license may not also possess a trap number.

6639 (2) The special recreational spiny lobster license is
6640 required in order to harvest spiny lobster from state territorial
6641 waters in quantities in excess of the regular recreational bag
6642 limit but not in excess of a special bag limit as established by
6643 the Marine Fisheries Commission for these harvesters before the
6644 1994-1995 license year. Such special bag limit does not apply
6645 during the 2-day sport season established by the Fish and
6646 Wildlife Conservation Commission.

6647 (3) The holder of a special recreational spiny lobster
6648 license must also possess the recreational spiny lobster permit
6649 required by s. 379.354(8)(d) ~~372.57(8)(d)~~.

6650 ~~(4) As a condition precedent to the issuance of a special~~
6651 ~~recreational spiny lobster license, the applicant must agree to~~
6652 ~~file quarterly reports with the Fish and Wildlife Conservation~~
6653 ~~Commission in such form as the commission requires, detailing the~~
6654 ~~amount of the licenseholder's spiny lobster harvest in the~~
6655 ~~previous quarter, including the harvest of other recreational~~
6656 ~~harvesters aboard the licenseholder's vessel.~~

6657 (4) ~~(5)~~ The Fish and Wildlife Conservation Commission shall
6658 issue special recreational spiny lobster licenses. The fee for
6659 each such license is \$100 per year. Each license issued in any
6660 license year must be renewed by June 30 of each subsequent year



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6661 by the initial individual holder thereof. ~~Noncompliance with the~~
6662 ~~reporting requirement in subsection (4) or with the special~~
6663 ~~recreational bag limit established under subsection (6)~~
6664 ~~constitutes grounds for which the commission may refuse to renew~~
6665 ~~the license for a subsequent license year.~~ The number of such
6666 licenses outstanding in any one license year may not exceed the
6667 number issued for the 1994-1995 license year. A license is not
6668 transferable by any method. Licenses that are not renewed expire
6669 and may be reissued by the commission in the subsequent license
6670 year to new applicants otherwise qualified under this section.

6671 ~~(6) To promote conservation of the spiny lobster resource,~~
6672 ~~consistent with equitable distribution and availability of the~~
6673 ~~resource, the commission shall establish a spiny lobster~~
6674 ~~management plan incorporating the special recreational spiny~~
6675 ~~lobster license, including, but not limited to, the establishment~~
6676 ~~of a special recreational bag limit for the holders of such~~
6677 ~~license as required by subsection (2). Such special recreational~~
6678 ~~bag limit must not be less than twice the higher of the daily~~
6679 ~~recreational bag limits.~~

6680 ~~(5)(7)~~ The proceeds of the fees collected under this
6681 section must be deposited in the Marine Resources Conservation
6682 Trust Fund and used as follows:

6683 (a) Thirty-five percent for research and the development of
6684 reliable recreational catch statistics for the spiny lobster
6685 fishery.

6686 (b) Twenty percent for administration of this section.

6687 (c) Forty-five percent to be used for enforcement of this
6688 section.

6689 ~~(6)(8)~~ Any person who violates this section commits a Level
6690 One violation under s. 379.401 ~~372.83~~.



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6691 Section 139. Section 372.5705, Florida Statutes, is
6692 renumbered as section 379.356, Florida Statutes, to read:
6693 379.356 ~~372.5705~~ Fish pond license.--The owner of a fish
6694 pond of more than 20 acres which is located entirely within her
6695 or his property may obtain a license from the commission for such
6696 pond at a fee of \$3 per surface acre, and no fishing license
6697 shall be required of any person fishing in such licensed pond.

6698 Section 140. Section 372.5704, Florida Statutes, is
6699 renumbered as section 379.357, Florida Statutes, and amended to
6700 read:

6701 379.357 ~~372.5704~~ Fish and Wildlife Conservation Commission
6702 license program for tarpon; fees; penalties.--

6703 (1) The commission shall establish a license program for
6704 the purpose of issuing tags to individuals desiring to harvest
6705 tarpon (*megalops atlantica*) from the waters of the state. The
6706 tags shall be nontransferable, except that the commission may
6707 allow for a limited number of tags to be purchased by
6708 professional fishing guides for transfer to individuals, and
6709 issued by the commission in order of receipt of a properly
6710 completed application for a nonrefundable fee of \$50 per tag. The
6711 commission and any tax collector may sell the tags and collect
6712 the fees therefor. Tarpon tags are valid from July 1 through June
6713 30. Before August 15 of each year, each tax collector shall
6714 submit to the commission all unissued tags for the previous
6715 fiscal year along with a written audit report, on forms
6716 prescribed or approved by the commission, as to the numbers of
6717 the unissued tags. To defray the cost of issuing any tag, the
6718 issuing tax collector shall collect and retain as his or her
6719 costs, in addition to the tag fee collected, the amount allowed
6720 under s. 379.352(6) ~~372.561(6)~~ for the issuance of licenses.



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6721 ~~(2) The number of tags to be issued shall be determined by~~
6722 ~~rule of the commission. The commission shall in no way allow the~~
6723 ~~issuance of tarpon tags to adversely affect the tarpon~~
6724 ~~population.~~

6725 (2)~~(3)~~ Proceeds from the sale of tarpon tags shall be
6726 deposited in the Marine Resources Conservation Trust Fund and
6727 shall be used to gather information directly applicable to tarpon
6728 management.

6729 (3)~~(4)~~ No individual shall take, kill, or possess any fish
6730 of the species megalops atlantica, commonly known as tarpon,
6731 unless such individual has purchased a tarpon tag and securely
6732 attached it through the lower jaw of the fish. Said individual
6733 shall within 5 days after the landing of the fish submit a form
6734 to the commission which indicates the length, weight, and
6735 physical condition of the tarpon when caught; the date and
6736 location of where the fish was caught; and any other pertinent
6737 information which may be required by the commission. The
6738 commission may refuse to issue new tags to individuals or guides
6739 who fail to provide the required information.

6740 (4)~~(5)~~ Any individual including a taxidermist who possesses
6741 a tarpon which does not have a tag securely attached as required
6742 by this section commits a Level Two violation under s. 379.401
6743 ~~372.83~~. Provided, however, a taxidermist may remove the tag
6744 during the process of mounting a tarpon. The removed tag shall
6745 remain with the fish during any subsequent storage or shipment.

6746 (5)~~(6)~~ Purchase of a tarpon tag shall not accord the
6747 purchaser any right to harvest or possess tarpon in contravention
6748 of rules adopted by the commission. No individual may sell, offer
6749 for sale, barter, exchange for merchandise, transport for sale,



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6750 either within or without the state, offer to purchase, or
6751 purchase any species of fish known as tarpon.

6752 ~~(6)~~ (7) The commission shall prescribe and provide suitable
6753 forms and tags necessary to carry out the provisions of this
6754 section.

6755 ~~(7)~~ (8) The provisions of this section shall not apply to
6756 anyone who immediately returns a tarpon uninjured to the water at
6757 the place where the fish was caught.

6758 Section 141. Section 372.5717, Florida Statutes, is
6759 renumbered as section 379.3581, Florida Statutes, and amended to
6760 read:

6761 379.3581 ~~372.5717~~ Hunter safety course; requirements;
6762 penalty.--

6763 (1) This section may be cited as the Senator Joe Carlucci
6764 Hunter Safety Act.

6765 (2) (a) Except as provided in paragraph (b), a person born
6766 on or after June 1, 1975, may not be issued a license to take
6767 wild animal life with the use of a firearm, gun, bow, or crossbow
6768 in this state without having first successfully completed a
6769 hunter safety course as provided in this section, and without
6770 having in his or her personal possession a hunter safety
6771 certification card, as provided in this section.

6772 (b) A person born on or after June 1, 1975, who has not
6773 successfully completed a hunter safety course may apply to the
6774 commission for a special authorization to hunt under supervision.
6775 The special authorization for supervised hunting shall be
6776 designated on any license or permit required under this chapter
6777 for a person to take game or fur-bearing animals and shall be
6778 valid for not more than 1 year. A special authorization for
6779 supervised hunting may not be issued more than once to the person



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6780 applying for such authorization. A person issued a license with a
6781 special authorization to hunt under supervision must hunt under
6782 the supervision of, and in the presence of, a person 21 years or
6783 age or older who is licensed to hunt pursuant to s. 379.354
6784 ~~372.57~~ or who is exempt from licensing requirements or eligible
6785 for a free license pursuant to s. 379.353 ~~372.562~~.

6786 (3) The Fish and Wildlife Conservation Commission shall
6787 institute and coordinate a statewide hunter safety course that
6788 must be offered in every county and consist of not more than 16
6789 hours of instruction including, but not limited to, instruction
6790 in the competent and safe handling of firearms, conservation, and
6791 hunting ethics.

6792 (4) The commission shall issue a permanent hunter safety
6793 certification card to each person who successfully completes the
6794 hunter safety course. The commission shall maintain records of
6795 hunter safety certification cards issued and shall establish
6796 procedures for replacing lost or destroyed cards.

6797 (5) A hunter safety certification card issued by a wildlife
6798 agency of another state, or any Canadian province, which shows
6799 that the holder of the card has successfully completed a hunter
6800 safety course approved by the commission is an acceptable
6801 substitute for the hunter safety certification card issued by the
6802 commission.

6803 (6) All persons subject to the requirements of subsection
6804 (2) must have in their personal possession proof of compliance
6805 with this section, while taking or attempting to take wildlife
6806 with the use of a firearm, gun, bow, or crossbow, and must,
6807 unless the requirement to complete a hunter safety course is
6808 deferred pursuant to this section, display a valid hunter safety
6809 certification card in order to purchase a Florida hunting



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6810 license. After the issuance of such a license, the license itself
6811 shall serve as proof of compliance with this section. A holder of
6812 a lifetime license whose license does not indicate on the face of
6813 the license that a hunter safety course has been completed must
6814 have in his or her personal possession a hunter safety
6815 certification card, as provided by this section, while attempting
6816 to take wild animal life with the use of a firearm, gun, bow, or
6817 crossbow.

6818 (7) The hunter safety requirements of this section do not
6819 apply to persons for whom licenses are not required under s.
6820 379.353(2) ~~372.562(2)~~.

6821 (8) A person who violates this section commits a Level One
6822 violation under s. 379.401 ~~372.83~~.

6823 Section 142. Section 372.5718, Florida Statutes, is amended
6824 to read:

6825 379.3582 ~~372.5718~~ Hunter safety course for juveniles.--The
6826 Fish and Wildlife Conservation Commission shall develop a hunter
6827 safety course for juveniles who are at least 5 years of age but
6828 less than 16 years of age. The course must include, but is not
6829 limited to, instruction in the competent and safe handling of
6830 firearms, conservation, and hunting ethics. The course must be
6831 appropriate for the ages of the students. The course is voluntary
6832 and must be offered in each county in the state at least
6833 annually. The course is in addition to, and not in lieu of, the
6834 hunter safety course prescribed in s. 379.3581 ~~372.5717~~.

6835 Section 143. Part VII of chapter 379, Florida Statutes,
6836 consisting of sections 379.361, 379.362, 379.363, 379.3635,
6837 379.364, 379.365, 379.366, 379.367, 379.3671, 379.368, 379.369,
6838 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751,
6839 379.3752, 379.3761, 379.3762, and 379.377, is created to read:



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PART VIINONRECREATIONAL LICENSES

6840
6841
6842
6843 Section 144. Section 370.06, Florida Statutes, is
6844 renumbered as section 379.361 Florida Statutes, and amended to
6845 read:

6846 379.361 ~~370.06~~ Licenses.--

6847 (1) LICENSE ON PURSE SEINES.--There is levied, in addition
6848 to any other taxes thereon, an annual license tax of \$25 upon
6849 each purse seine used in the waters of this state. This license
6850 fee shall be collected in the manner provided in this section.

6851 (2) SALTWATER PRODUCTS LICENSE.--

6852 (a) Every person, firm, or corporation that sells, offers
6853 for sale, barter, or exchanges for merchandise any saltwater
6854 products, or which harvests saltwater products with certain gear
6855 or equipment as specified by law, must have a valid saltwater
6856 products license, except that the holder of an aquaculture
6857 certificate under s. 597.004 is not required to purchase and
6858 possess a saltwater products license in order to possess,
6859 transport, or sell marine aquaculture products. Each saltwater
6860 products license allows the holder to engage in any of the
6861 activities for which the license is required. The license must be
6862 in the possession of the licenseholder or aboard the vessel and
6863 is subject to inspection at any time that harvesting activities
6864 for which a saltwater products license is required are being
6865 conducted.

6866 (b)1. A restricted species endorsement on the saltwater
6867 products license is required to sell to a licensed wholesale
6868 dealer those species which the state, by law or rule, has
6869 designated as "restricted species." This endorsement may be



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6870 | issued only to a person who is at least 16 years of age, or to a
6871 | firm certifying that over 25 percent of its income or \$5,000 of
6872 | its income, whichever is less, is attributable to the sale of
6873 | saltwater products pursuant to a saltwater products license
6874 | issued under this paragraph or a similar license from another
6875 | state. This endorsement may also be issued to a for-profit
6876 | corporation if it certifies that at least \$5,000 of its income is
6877 | attributable to the sale of saltwater products pursuant to a
6878 | saltwater products license issued under this paragraph or a
6879 | similar license from another state. However, if at least 50
6880 | percent of the annual income of a person, firm, or for-profit
6881 | corporation is derived from charter fishing, the person, firm, or
6882 | for-profit corporation must certify that at least \$2,500 of the
6883 | income of the person, firm, or corporation is attributable to the
6884 | sale of saltwater products pursuant to a saltwater products
6885 | license issued under this paragraph or a similar license from
6886 | another state, in order to be issued the endorsement. Such income
6887 | attribution must apply to at least 1 of the last 3 years. For the
6888 | purpose of this section, "income" means that income that is
6889 | attributable to work, employment, entrepreneurship, pensions,
6890 | retirement benefits, and social security benefits.

6891 | 2. To renew an existing restricted species endorsement, a
6892 | marine aquaculture producer possessing a valid saltwater products
6893 | license with a restricted species endorsement may apply income
6894 | from the sale of marine aquaculture products to licensed
6895 | wholesale dealers.

6896 | 3. The commission is authorized to require verification of
6897 | such income for all restricted species endorsements issued
6898 | pursuant to this paragraph. Acceptable proof of income earned
6899 | from the sale of saltwater products shall be:



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6900 | a. Copies of trip ticket records generated pursuant to this
6901 | subsection (marine fisheries information system), documenting
6902 | qualifying sale of saltwater products;

6903 | b. Copies of sales records from locales other than Florida
6904 | documenting qualifying sale of saltwater products;

6905 | c. A copy of the applicable federal income tax return,
6906 | including Form 1099 attachments, verifying income earned from the
6907 | sale of saltwater products;

6908 | d. Crew share statements verifying income earned from the
6909 | sale of saltwater products; or

6910 | e. A certified public accountant's notarized statement
6911 | attesting to qualifying source and amount of income.

6912

6913 | Notwithstanding any other provision of law, any person who owns a
6914 | retail seafood market or restaurant at a fixed location for at
6915 | least 3 years, who has had an occupational license for 3 years
6916 | prior to January 1, 1990, who harvests saltwater products to
6917 | supply his or her retail store, and who has had a saltwater
6918 | products license for 1 of the past 3 license years prior to
6919 | January 1, 1990, may provide proof of his or her verification of
6920 | income and sales value at the person's retail seafood market or
6921 | restaurant and in his or her saltwater products enterprise by
6922 | affidavit and shall thereupon be issued a restricted species
6923 | endorsement.

6924 | 4. Exceptions from income requirements shall be as follows:

6925 | a. A permanent restricted species endorsement shall be
6926 | available to those persons age 62 and older who have qualified
6927 | for such endorsement for at least 3 of the last 5 years.

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6928 | b. Active military duty time shall be excluded from
6929 | consideration of time necessary to qualify and shall not be
6930 | counted against the applicant for purposes of qualifying.

6931 | c. Upon the sale of a used commercial fishing vessel owned
6932 | by a person, firm, or corporation possessing or eligible for a
6933 | restricted species endorsement, the purchaser of such vessel
6934 | shall be exempted from the qualifying income requirement for the
6935 | purpose of obtaining a restricted species endorsement for a
6936 | period of 1 year after purchase of the vessel.

6937 | d. Upon the death or permanent disablement of a person
6938 | possessing a restricted species endorsement, an immediate family
6939 | member wishing to carry on the fishing operation shall be
6940 | exempted from the qualifying income requirement for the purpose
6941 | of obtaining a restricted species endorsement for a period of 1
6942 | year after the death or disablement.

6943 | e. A restricted species endorsement may be issued on an
6944 | individual saltwater products license to a person age 62 or older
6945 | who documents that at least \$2,500 of such person's income is
6946 | attributable to the sale of saltwater products.

6947 | f. A permanent restricted species endorsement may also be
6948 | issued on an individual saltwater products license to a person
6949 | age 70 or older who has held a saltwater products license for at
6950 | least 3 of the last 5 license years.

6951 | g. Any resident who is certified to be totally and
6952 | permanently disabled by the Railroad Retirement Board, by the
6953 | United States Department of Veterans Affairs or its predecessor,
6954 | or by any branch of the United States Armed Forces, or who holds
6955 | a valid identification card issued by the Department of Veterans'
6956 | Affairs pursuant to s. 295.17, upon proof of the same, or any
6957 | resident certified to be disabled by the United States Social



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6958 Security Administration or a licensed physician, upon proof of
6959 the same, shall be exempted from the income requirements if he or
6960 she also has held a saltwater products license for at least 3 of
6961 the last 5 license years prior to the date of the disability. A
6962 restricted species endorsement issued under this paragraph may be
6963 issued only on an individual saltwater products license.

6964 (c) At least one saltwater products license bearing a
6965 restricted species endorsement shall be aboard any vessel
6966 harvesting restricted species in excess of any bag limit or when
6967 fishing under a commercial quota or in commercial quantities, and
6968 such vessel shall have a commercial vessel registration. This
6969 subsection does not apply to any person, firm, or corporation
6970 licensed under s. 379.362(1)(a)1. or (b) ~~370.07(1)(a)1. or (b)~~
6971 for activities pursuant to such licenses.

6972 (d) A saltwater products license may be issued in the name
6973 of an individual or a valid commercial vessel registration
6974 number. However, a firm or corporation may only receive a license
6975 issued to a valid commercial vessel registration number. A
6976 saltwater products license may not be transferred by the
6977 licenseholder to another individual, firm, or corporation. A
6978 decal shall be issued with each saltwater products license issued
6979 to a valid commercial vessel registration number. The saltwater
6980 products license decal shall be the same color as the vessel
6981 registration decal issued each year pursuant to s. 328.48(5) and
6982 shall indicate the period of time such license is valid. The
6983 saltwater products license decal shall be placed beside the
6984 vessel registration decal and, in the case of an undocumented
6985 vessel, shall be placed so that the vessel registration decal
6986 lies between the commercial vessel registration number and the
6987 saltwater products license decal. Any saltwater products license



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6988 | decal for a previous year shall be removed from a vessel
6989 | operating on the waters of the state.

6990 | (e) The annual fee for a saltwater products license is:

6991 | 1. For a license issued in the name of an individual which
6992 | authorizes only that individual to engage in commercial fishing
6993 | activities from the shore or a vessel: a resident must pay \$50; a
6994 | nonresident must pay \$200; or an alien must pay \$300.

6995 | 2. For a license issued in the name of an individual which
6996 | authorizes that named individual to engage in commercial fishing
6997 | activities from the shore or a vessel and also authorizes each
6998 | person who is fishing with the named individual aboard a vessel
6999 | to engage in such activities: a resident must pay \$150; a
7000 | nonresident must pay \$600; or an alien must pay \$900.

7001 | 3. For a license issued to a valid commercial vessel
7002 | registration number which authorizes each person aboard such
7003 | registered vessel to engage in commercial fishing activities: a
7004 | resident, or a resident firm or corporation, must pay \$100; a
7005 | nonresident, or a nonresident firm or corporation, must pay \$400;
7006 | or an alien, or an alien firm or corporation, must pay \$600. For
7007 | purposes of this subparagraph, a resident firm or corporation
7008 | means a firm or corporation formed under the laws of this state;
7009 | a nonresident firm or corporation means a firm or corporation
7010 | formed under the laws of any state other than Florida; and an
7011 | alien firm or corporation means a firm or corporation organized
7012 | under any laws other than laws of the United States, any United
7013 | States territory or possession, or any state of the United
7014 | States.

7015 | (f) Any person who sells saltwater products pursuant to a
7016 | saltwater products license may sell only to a licensed wholesale
7017 | dealer. A saltwater products license must be presented to the

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7018 licensed wholesale dealer each time saltwater products are sold,
7019 and an imprint made thereof. The wholesale dealer shall keep
7020 records of each transaction in such detail as may be required by
7021 rule of the commission not in conflict with s. 379.362(6)
7022 ~~370.07(6)~~, and shall provide the holder of the saltwater products
7023 license with a copy of the record. It is unlawful for any
7024 licensed wholesale dealer to buy saltwater products from any
7025 unlicensed person under the provisions of this section, except
7026 that a licensed wholesale dealer may buy from another licensed
7027 wholesale dealer. It is unlawful for any licensed wholesale
7028 dealer to buy saltwater products designated as "restricted
7029 species" from any person, firm, or corporation not possessing a
7030 restricted species endorsement on his or her saltwater products
7031 license under the provisions of this section, except that a
7032 licensed wholesale dealer may buy from another licensed wholesale
7033 dealer. For purposes of this subsection, any saltwater products
7034 received by a wholesale dealer are presumed to have been
7035 purchased.

7036 (g) The commission shall be the licensing agency, may
7037 contract with private persons or entities to implement aspects of
7038 the licensing program, and shall establish by rule a marine
7039 fisheries information system in conjunction with the licensing
7040 program to gather fisheries data.

7041 (h) Any person who sells, offers for sale, barter, or
7042 exchanges for merchandise saltwater products must have a method
7043 of catch preservation which meets the requirements and standards
7044 of the seafood quality control code promulgated by the
7045 commission.

7046 (i) A saltwater products license is required to harvest
7047 commercial quantities of saltwater products. Any vessel from



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7048 | which commercial quantities of saltwater products are harvested
7049 | must have a commercial vessel registration. Commercial quantities
7050 | of saltwater products shall be defined as:

7051 | 1. With respect to those species for which no bag limit has
7052 | been established, more than 100 pounds per person per day,
7053 | provided that the harvesting of two fish or less per person per
7054 | day shall not be considered commercial quantities regardless of
7055 | aggregate weight; and

7056 | 2. With respect to those species for which a bag limit has
7057 | been established, more than the bag limit allowed by law or rule.

7058 | (j)1. In addition to the saltwater products license, a
7059 | marine life fishing endorsement is required for the harvest of
7060 | marine life species as defined by rule of the Fish and Wildlife
7061 | Conservation Commission. This endorsement may be issued only to a
7062 | person who is at least 16 years of age or older or to a
7063 | corporation holding a valid restricted species endorsement.

7064 | 2.a. Effective July 1, 1998, and until July 1, 2002, a
7065 | marine life endorsement may not be issued under this paragraph,
7066 | except that those endorsements that are active during the 1997-
7067 | 1998 fiscal year may be renewed.

7068 | b. In 1998 persons or corporations holding a marine life
7069 | endorsement that was active in the 1997-1998 fiscal year or an
7070 | immediate family member of that person must request renewal of
7071 | the marine life endorsement before December 31, 1998.

7072 | c. In subsequent years and until July 1, 2002, a marine
7073 | life endorsement holder or member of his or her immediate family
7074 | must request renewal of the marine life endorsement before
7075 | September 30 of each year.

7076 | d. If a person or corporation holding an active marine life
7077 | fishing endorsement or a member of that person's immediate family

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7078 | does not request renewal of the endorsement before the applicable
7079 | dates specified in this paragraph, the commission shall
7080 | deactivate that marine life fishing endorsement.

7081 | e. In the event of the death or disability of a person
7082 | holding an active marine life fishing endorsement, the
7083 | endorsement may be transferred by the person to a member of his
7084 | or her immediate family or may be renewed by any person so
7085 | designated by the executor of the person's estate.

7086 | f. Persons or corporations who hold saltwater product
7087 | licenses with marine life fishing endorsements issued to their
7088 | vessel registration numbers and who subsequently replace their
7089 | existing vessels with new vessels may transfer the existing
7090 | marine life fishing endorsement to the new boat registration
7091 | numbers.

7092 | g. Persons or corporations who hold saltwater product
7093 | licenses with marine life fishing endorsements issued to their
7094 | name and who subsequently incorporate or unincorporate may
7095 | transfer the existing marine life fishing endorsement to the new
7096 | corporation or person.

7097 | 3. The fee for a marine life fishery endorsement on a
7098 | saltwater products license shall be \$75. These license fees shall
7099 | be collected and deposited in the Marine Resources Conservation
7100 | Trust Fund and used for the purchase and installation of vessel
7101 | mooring buoys at coral reef sites and for research related to
7102 | marine fisheries.

7103 | (3) NET LICENSES.--Except for cast nets and bait seines
7104 | which are 100 feet in length or less and which have a mesh that
7105 | is 3/8 inch or less, all nets used to take finfish, including,
7106 | but not limited to, gill nets, trammel nets, and beach seines,
7107 | must be licensed or registered. Each net used to take finfish for

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7108 commercial purposes, or by a nonresident, must be licensed under
7109 a saltwater products license issued pursuant to subsection (2)
7110 and must bear the number of such license.

7111 (4) SPECIAL ACTIVITY LICENSES.--

7112 (a) A special activity license is required for any person
7113 to use gear or equipment not authorized in this chapter or rule
7114 of the Fish and Wildlife Conservation Commission for harvesting
7115 saltwater species. In accordance with this chapter, s. 16, Art. X
7116 of the State Constitution, and rules of the commission, the
7117 commission may issue special activity licenses for the use of
7118 nonconforming gear or equipment, including, but not limited to,
7119 trawls, seines and entangling nets, traps, and hook and line
7120 gear, to be used in harvesting saltwater species for scientific
7121 and governmental purposes, and, where allowable, for innovative
7122 fisheries. The commission may prescribe by rule application
7123 requirements and terms, conditions, and restrictions to be
7124 incorporated into each special activity license. This subsection
7125 does not apply to gear or equipment used by certified marine
7126 aquaculturists as provided for in s. 597.004 to harvest marine
7127 aquaculture products.

7128 (b) The Fish and Wildlife Conservation Commission is
7129 authorized to issue special activity licenses in accordance with
7130 this section and s. 379.2524 ~~370.31~~, to permit the importation
7131 and possession of wild anadromous sturgeon. The commission is
7132 also authorized to issue special activity licenses, in accordance
7133 with this section and s. 379.2524 ~~370.31~~, to permit the
7134 importation, possession, and aquaculture of native and nonnative
7135 anadromous sturgeon until best-management practices are
7136 implemented for the cultivation of anadromous sturgeon pursuant
7137 to s. 597.004. The special activity license shall provide for



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7138 specific management practices to protect indigenous populations
7139 of saltwater species.

7140 (c) The conditions and specific management practices
7141 established in this section shall be incorporated into permits
7142 and authorizations issued pursuant to chapter 253, ~~chapter 373,~~
7143 chapter 403, or this chapter, when incorporating such provisions
7144 is in accordance with the aquaculture permit consolidation
7145 procedures. No separate issuance of a special activity license is
7146 required when conditions and specific management practices are
7147 incorporated into permits or authorizations under this paragraph.
7148 Implementation of this section to consolidate permitting actions
7149 does not constitute rules within the meaning of s. 120.52.

7150 (d) The commission is authorized to issue special activity
7151 licenses in accordance with s. 379.2411 ~~370.101~~ and this section;
7152 aquaculture permit consolidation procedures in s. 379.2523(2)
7153 ~~370.26(2)~~; and rules of the commission to permit the capture and
7154 possession of saltwater species protected by law and used as
7155 stock for artificial cultivation and propagation.

7156 (e) The commission is authorized to adopt rules to govern
7157 the administration of special activities licenses as provided in
7158 this chapter and rules of the commission. Such rules may
7159 prescribe application requirements and terms, conditions, and
7160 restrictions for any such special activity license requested
7161 pursuant to this section.

7162 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

7163 (a) For purposes of this section, the following definitions
7164 shall apply:

- 7165 1. "Person" means an individual.
7166 2. "Resident" means any person who has:



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7167 a. Continuously resided in this state for 6 months
7168 immediately preceding the making of his or her application for an
7169 Apalachicola Bay oyster harvesting license; or

7170 b. Established a domicile in this state and evidenced that
7171 domicile as provided in s. 222.17.

7172 (b) No person shall harvest oysters from the Apalachicola
7173 Bay without a valid Apalachicola Bay oyster harvesting license
7174 issued by the Department of Agriculture and Consumer Services.
7175 This requirement shall not apply to anyone harvesting
7176 noncommercial quantities of oysters in accordance with commission
7177 rules chapter 46-27, Florida Administrative Code, or to any
7178 person less than 18 years old.

7179 (c) Any person wishing to obtain an Apalachicola Bay oyster
7180 harvesting license shall submit an annual fee for the license
7181 during a 45-day period from May 17 to June 30 of each year
7182 preceding the license year for which the license is valid.
7183 Failure to pay the annual fee within the required time period
7184 shall result in a \$500 late fee being imposed before issuance of
7185 the license.

7186 (d) The Department of Agriculture and Consumer Services
7187 shall collect an annual fee of \$100 from residents and \$500 from
7188 nonresidents for the issuance of an Apalachicola Bay oyster
7189 harvesting license. The license year shall begin on July 1 of
7190 each year and end on June 30 of the following year. The license
7191 shall be valid only for the licensee. Only bona fide residents of
7192 Florida may obtain a resident license pursuant to this
7193 subsection.

7194 (e) Each person who applies for an Apalachicola Bay oyster
7195 harvesting license shall, before receiving the license for the
7196 first time, attend an educational seminar of not more than 16

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7197 | hours length, developed and conducted jointly by the Department
7198 | of Environmental Protection's Apalachicola National Estuarine
7199 | Research Reserve, the Division of Law Enforcement of the Fish and
7200 | Wildlife Conservation Commission, and the Department of
7201 | Agriculture and Consumer Services' Apalachicola District
7202 | Shellfish Environmental Assessment Laboratory. The seminar shall
7203 | address, among other things, oyster biology, conservation of the
7204 | Apalachicola Bay, sanitary care of oysters, small business
7205 | management, and water safety. The seminar shall be offered five
7206 | times per year, and each person attending shall receive a
7207 | certificate of participation to present when obtaining an
7208 | Apalachicola Bay oyster harvesting license. The educational
7209 | seminar is not required for renewal of an Apalachicola Bay oyster
7210 | harvesting license.

7211 | (f) Each person, while harvesting oysters in Apalachicola
7212 | Bay, shall have in possession a valid Apalachicola Bay oyster
7213 | harvesting license, or proof of having applied for a license
7214 | within the required time period, and shall produce such license
7215 | or proof of application upon request of any law enforcement
7216 | officer.

7217 | (g) Each person who obtains an Apalachicola Bay oyster
7218 | harvesting license shall prominently display the license number
7219 | upon any vessel the person owns which is used for the taking of
7220 | oysters, in numbers which are at least 10 inches high and 1 inch
7221 | wide, so that the permit number is readily identifiable from the
7222 | air and water. Only one vessel displaying a given number may be
7223 | used at any time. A licensee may harvest oysters from the vessel
7224 | of another licensee.



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7225 (h) Any person holding an Apalachicola Bay oyster
7226 harvesting license shall receive credit for the license fee
7227 against the saltwater products license fee.

7228 (i) The proceeds from Apalachicola Bay oyster harvesting
7229 license fees shall be deposited in the General Inspection Trust
7230 Fund and, less reasonable administrative costs, shall be used or
7231 distributed by the Department of Agriculture and Consumer
7232 Services for the following purposes in Apalachicola Bay:

- 7233 1. Relaying and transplanting live oysters.
- 7234 2. Shell planting to construct or rehabilitate oyster bars.
- 7235 3. Education programs for licensed oyster harvesters on
7236 oyster biology, aquaculture, boating and water safety,
7237 sanitation, resource conservation, small business management,
7238 marketing, and other relevant subjects.
- 7239 4. Research directed toward the enhancement of oyster
7240 production in the bay and the water management needs of the bay.

7241 (j) Any person who violates any of the provisions of
7242 paragraphs (b) and (d)-(g) commits a misdemeanor of the second
7243 degree, punishable as provided in ss. 775.082 and 775.083.
7244 Nothing in this subsection shall limit the application of
7245 existing penalties.

7246 (k) Any oyster harvesting license issued pursuant to this
7247 subsection must be in compliance with the rules of the Fish and
7248 Wildlife Conservation Commission regulating gear or equipment,
7249 harvest seasons, size and bag limits, and the taking of saltwater
7250 species.

7251 (6) LICENSE YEAR.--The license year on all licenses
7252 relating to saltwater products dealers, seafood dealers, aliens,
7253 residents, and nonresidents, unless otherwise provided, shall
7254 begin on July 1 of each year and end on June 30 of the next



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7255 | succeeding year. All licenses shall be so dated. However, if the
7256 | commission determines that it is in the best interest of the
7257 | state to issue a license required under this chapter to an
7258 | individual on the birthday of the applicant, the commission may
7259 | establish by rule a procedure to do so. This section does not
7260 | apply to licenses and permits when their use is confined to an
7261 | open season.

7262 | (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;
7263 | EXCEPTION.--Licenses of every kind and nature granted under the
7264 | provisions of the fish and game laws of this state are at all
7265 | times subject to inspection by the police officers of this state
7266 | and the officers of the Fish and Wildlife Conservation
7267 | Commission. Such licenses are not transferable unless otherwise
7268 | provided by law.

7269 | (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
7270 | provided by law, all license taxes or fees provided for in this
7271 | part chapter shall be collected by the commission or its duly
7272 | authorized agents or deputies to be deposited by the Chief
7273 | Financial Officer in the Marine Resources Conservation Trust
7274 | Fund. The commission may by rule establish a reasonable
7275 | processing fee for any free license or permit required under this
7276 | part chapter. The commission is authorized to accept payment by
7277 | credit card for fees, fines, and civil penalties levied pursuant
7278 | to this part chapter.

7279 | (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The commission
7280 | shall deny the renewal or issuance of any saltwater products
7281 | license, wholesale dealer license, or retail dealer license to
7282 | anyone that has unpaid fees, civil assessments, or fines owed to
7283 | the commission.

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7284 Section 145. Section 370.07, Florida Statutes, is
7285 renumbered as section 379.362, Florida Statutes, and amended to
7286 read:

7287 379.362 ~~370.07~~ Wholesale and retail saltwater products
7288 dealers; regulation.--

7289 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license or
7290 privilege taxes are hereby levied and imposed upon dealers in the
7291 state in saltwater products. It is unlawful for any person, firm,
7292 or corporation to deal in any such products without first paying
7293 for and procuring the license required by this section.

7294 Application for all licenses shall be made to the Fish and
7295 Wildlife Conservation Commission on blanks to be furnished by it.
7296 All licenses shall be issued by the commission upon payment to it
7297 of the license tax. The licenses are defined as:

7298 (a)1. "Wholesale county dealer" is any person, firm, or
7299 corporation which sells saltwater products to any person, firm,
7300 or corporation except to the consumer and who may buy saltwater
7301 products in the county designated on the wholesale license from
7302 any person licensed pursuant to s. 379.361(2) ~~370.06(2)~~ or from
7303 any licensed wholesale dealer.

7304 2. "Wholesale state dealer" is a person, firm, or
7305 corporation which sells saltwater products to any person, firm,
7306 or corporation except to the consumer and who may buy saltwater
7307 products in any county of the state from any person licensed
7308 pursuant to s. 379.361(2) ~~370.06(2)~~ or from any licensed
7309 wholesale dealer.

7310 3. "Wholesale dealer" is either a county or a state dealer.

7311 (b) A "retail dealer" is any person, firm, or corporation
7312 which sells saltwater products directly to the consumer, but no
7313 license is required of a dealer in merchandise who deals in or



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7314 | sells saltwater products consumed on the premises or prepared for
7315 | immediate consumption and sold to be taken out of any restaurant
7316 | licensed by the Division of Hotels and Restaurants of the
7317 | Department of Business and Professional Regulation.

7318 |
7319 | Any person, firm, or corporation which is both a wholesale dealer
7320 | and a retail dealer shall obtain both a wholesale dealer's
7321 | license and a retail dealer's license. If a wholesale dealer has
7322 | more than one place of business, the annual license tax shall be
7323 | effective for all places of business, provided that the wholesale
7324 | dealer supplies to the commission a complete list of additional
7325 | places of business upon application for the annual license tax.

7326 | (2) LICENSES; AMOUNT, TRUST FUND.--

7327 | (a) A resident wholesale county seafood dealer is required
7328 | to pay an annual license tax of \$300.

7329 | (b) A resident wholesale state dealer is required to pay an
7330 | annual license tax of \$450.

7331 | (c) A nonresident wholesale county dealer is required to
7332 | pay an annual license tax of \$500.

7333 | (d) A nonresident wholesale state dealer is required to pay
7334 | an annual license tax of \$1,000.

7335 | (e) An alien wholesale county dealer is required to pay an
7336 | annual license tax of \$1,000.

7337 | (f) An alien wholesale state dealer is required to pay an
7338 | annual license tax of \$1,500.

7339 | (g) A resident retail dealer is required to pay an annual
7340 | license tax of \$25; however, if such a dealer has more than one
7341 | place of business, the dealer shall designate one place of
7342 | business as a central place of business, shall pay an annual

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7343 license tax of \$25 for such place of business, and shall pay an
7344 annual license tax of \$10 for each other place of business.

7345 (h) A nonresident retail dealer is required to pay an
7346 annual license tax of \$200; however, if such a dealer has more
7347 than one place of business, the dealer shall designate one place
7348 of business as a central place of business, shall pay an annual
7349 license tax of \$200 for such place of business, and shall pay an
7350 annual license tax of \$25 for each other place of business.

7351 (i) An alien retail dealer is required to pay an annual
7352 license tax of \$250; however, if such a dealer has more than one
7353 place of business, the dealer shall designate one place of
7354 business as a central place of business, shall pay an annual
7355 license tax of \$250 for such place of business, and shall pay an
7356 annual license tax of \$50 for each other place of business.

7357 (j) License or privilege taxes, together with any other
7358 funds derived from the Federal Government or from any other
7359 source, shall be deposited in a Florida Saltwater Products
7360 Promotion Trust Fund to be administered by the Department of
7361 Agriculture and Consumer Services for the sole purpose of
7362 promoting all fish and saltwater products produced in this state,
7363 except that 4 percent of the total wholesale and retail saltwater
7364 products dealer's license fees collected shall be deposited into
7365 the Marine Resources Conservation Trust Fund administered by the
7366 Fish and Wildlife Conservation Commission for the purpose of
7367 processing wholesale and retail saltwater products dealer's
7368 licenses.

7369 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.--The
7370 Department of Agriculture and Consumer Services shall use or
7371 distribute funds paid into the State Treasury to the credit of
7372 the General Inspection Trust Fund pursuant to s. 201.15(11), less



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7373 reasonable costs of administration, to fund the following oyster
7374 management and restoration programs in Apalachicola Bay and other
7375 oyster harvest areas in the state:

7376 (a) The relaying and transplanting of live oysters.

7377 (b) Shell planting to construct or rehabilitate oyster
7378 bars.

7379 (c) Education programs for licensed oyster harvesters on
7380 oyster biology, aquaculture, boating and water safety,
7381 sanitation, resource conservation, small business management, and
7382 other relevant subjects.

7383 (d) Research directed toward the enhancement of oyster
7384 production in the bay and the water management needs of the bay.

7385 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

7386 (a) A person transporting in this state saltwater products
7387 that were produced in this state, regardless of destination,
7388 shall have in his or her possession invoices, bills of lading, or
7389 other similar instruments showing the number of packages, boxes,
7390 or containers and the number of pounds of each species and the
7391 name, physical address, and the Florida wholesale dealer number
7392 of the dealer of origin.

7393 (b) A person transporting in this state saltwater products
7394 that were produced outside this state to be delivered to a
7395 destination in this state shall have in his or her possession
7396 invoices, bills of lading, or other similar instruments showing
7397 the number of packages, boxes, or containers and the number of
7398 pounds of each species, the name and physical address of the
7399 dealer of origin, and the name, physical address, and Florida
7400 wholesale dealer number of the Florida dealer to whom the
7401 shipment is to be delivered.



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7402 (c) A person transporting in this state saltwater products
7403 that were produced outside this state which are to be delivered
7404 to a destination outside this state shall have in his or her
7405 possession invoices, bills of lading, or other similar
7406 instruments showing the number of packages, boxes, or containers
7407 and the number of pounds of each species, the name and physical
7408 address of the dealer of origin, and the name and physical
7409 address of the dealer to whom the shipment is to be delivered.

7410 (d) If the saltwater products in transit come from more
7411 than one dealer, distributor, or producer, each lot from each
7412 dealer shall be covered by invoices, bills of lading, and other
7413 similar instruments showing the number of boxes or containers and
7414 the number of pounds of each species. Each invoice, bill of
7415 lading, and other similar instrument shall display the wholesale
7416 dealer license number and the name and physical address of the
7417 dealer, distributor, or producer of the lot covered by the
7418 instrument.

7419 (e) It is unlawful to sell, deliver, ship, or transport, or
7420 to possess for the purpose of selling, delivering, shipping, or
7421 transporting, any saltwater products without all invoices
7422 concerning the products having thereon the wholesale dealer
7423 license number in the form prescribed under this subsection and
7424 the rules of the commission. Any saltwater products found in the
7425 possession of any person who is in violation of this paragraph
7426 may be seized by the commission and disposed of in the manner
7427 provided by law.

7428 (f) Nothing contained in this subsection may be construed
7429 to apply to the sale and delivery to a consumer of saltwater
7430 products in an ordinary retail transaction by a licensed retail
7431 dealer who has purchased such products from a licensed wholesale



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7432 dealer, or to the sale and delivery of the catch or products of a
7433 saltwater products licensee to a Florida-licensed wholesale
7434 dealer.

7435 (g) Wholesale dealers' licenses shall be issued only to
7436 applicants who furnish to the commission satisfactory evidence of
7437 law-abiding reputation and who pledge themselves to faithfully
7438 observe all of the laws, rules, and regulations of this state
7439 relating to the conservation of, dealing in, or taking, selling,
7440 transporting, or possession of saltwater products, and to
7441 cooperate in the enforcement of all such laws to every reasonable
7442 extent. This pledge may be included in the application for
7443 license.

7444 (h) A wholesale dealer, retail dealer, or restaurant
7445 facility shall not purchase or sell for public consumption any
7446 saltwater products known to be taken illegally, or known to be
7447 taken in violation of s. 16, Art. X of the State Constitution, or
7448 any rule or statute implementing its provisions.

7449 (i) Any person who violates the provisions of this
7450 subsection commits a misdemeanor of the first degree, punishable
7451 as provided in s. 775.082 or s. 775.083.

7452 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7453 (a) A license issued to a wholesale or retail dealer is
7454 good only to the person to whom issued and named therein and is
7455 not transferable. The commission may revoke, suspend, or deny the
7456 renewal of the license of any licensee:

7457 1. Upon the conviction of the licensee of any violation of
7458 the laws or regulations designed for the conservation of
7459 saltwater products;

7460 2. Upon conviction of the licensee of knowingly dealing in,
7461 buying, selling, transporting, possessing, or taking any

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7462 saltwater product, at any time and from any waters, in violation
7463 of the laws of this state; or

7464 3. Upon satisfactory evidence of any violation of the laws
7465 or any regulations of this state designed for the conservation of
7466 saltwater products or of any of the laws of this state relating
7467 to dealing in, buying, selling, transporting, possession, or
7468 taking of saltwater products.

7469 (b) Upon revocation of such license, no other or further
7470 license may be issued to the dealer within 3 years from the date
7471 of revocation except upon special order of the commission. After
7472 revocation, it is unlawful for such dealer to exercise any of the
7473 privileges of a licensed wholesale or retail dealer.

7474 (c) In addition to, or in lieu of, the penalty imposed
7475 pursuant to this subsection, the commission may impose penalties
7476 pursuant to s. 379.407 ~~370.021~~.

7477 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

7478 ~~(a)~~ Wholesale dealers shall be required by the commission
7479 to make and preserve a record of the names and addresses of
7480 persons from whom or to whom saltwater products are purchased or
7481 sold, the quantity so purchased or sold from or to each vendor or
7482 purchaser, and the date of each such transaction. Retail dealers
7483 shall be required to make and preserve a record from whom all
7484 saltwater products are purchased. Such record shall be open to
7485 inspection at all times by the commission. A report covering the
7486 sale of saltwater products shall be made monthly or as often as
7487 required by rule to the commission by each wholesale dealer. All
7488 reports required under this subsection are confidential and shall
7489 be exempt from the provisions of s. 119.07(1) except that,
7490 pursuant to authority related to interstate fishery compacts as
7491 provided by ss. 379.2253(3) and 379.2254(3) ~~370.19(3) and~~

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7492 ~~370.20(3)~~, reports may be shared with another state if that state
7493 is a member of an interstate fisheries compact, and if that state
7494 has signed a Memorandum of Agreement or a similar instrument
7495 agreeing to preserve confidentiality as established by Florida
7496 law.

7497 ~~(b) The commission may revoke, suspend, or deny the renewal~~
7498 ~~of the license of any dealer for failure to make and keep~~
7499 ~~required records, for failure to make required reports, for~~
7500 ~~failure or refusal to permit the examination of required records,~~
7501 ~~or for falsifying any such record. In addition to, or in lieu of,~~
7502 ~~the penalties imposed pursuant to this paragraph and s. 370.021,~~
7503 ~~the commission may impose against any person, firm, or~~
7504 ~~corporation who is determined to have violated any provision of~~
7505 ~~this paragraph or any provisions of any commission rules adopted~~
7506 ~~pursuant to s. 370.0607, the following additional penalties:~~

7507 ~~1. For the first violation, a civil penalty of up to~~
7508 ~~\$1,000;~~

7509 ~~2. For a second violation committed within 24 months of any~~
7510 ~~previous violation, a civil penalty of up to \$2,500; and~~

7511 ~~3. For a third or subsequent violation committed within 36~~
7512 ~~months of any previous two violations, a civil penalty of up to~~
7513 ~~\$5,000.~~

7514
7515 ~~The proceeds of all civil penalties collected pursuant to this~~
7516 ~~subsection shall be deposited into the Marine Resources~~
7517 ~~Conservation Trust Fund and shall be used for administration,~~
7518 ~~auditing, and law enforcement purposes.~~

7519 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY
7520 LOCATION.--Wholesale dealers purchasing saltwater products
7521 pursuant to s. 379.361(2) ~~370.06(2)~~ at any site other than a site

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7522 | located in a county where the dealer has a permanent address must
7523 | notify the Fish and Wildlife Conservation Commission of the
7524 | location of the temporary site of business for each day business
7525 | is to be conducted at such site.

7526 | (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
7527 | unlawful for any licensed retail dealer or any restaurant
7528 | licensed by the Division of Hotels and Restaurants of the
7529 | Department of Business and Professional Regulation to buy
7530 | saltwater products from any person other than a licensed
7531 | wholesale or retail dealer. For purposes of this subsection, any
7532 | saltwater products received by a retail dealer or a restaurant
7533 | are presumed to have been purchased.

7534 | Section 146. Section 372.65, Florida Statutes, is
7535 | renumbered as section 379.363, Florida Statutes, and amended to
7536 | read:

7537 | 379.363 ~~372.65~~ Freshwater fish dealer's license.--

7538 | (1) No person shall engage in the business of taking for
7539 | sale or selling any frogs or freshwater fish, including live
7540 | bait, of any species or size, or importing any exotic or
7541 | nonindigenous fish, until such person has obtained a license and
7542 | paid the fee therefor as set forth herein. The license issued
7543 | shall be in the possession of the person to whom issued while
7544 | such person is engaging in the business of taking for sale or
7545 | selling freshwater fish or frogs, is not transferable, shall bear
7546 | on its face in indelible ink the name of the person to whom it is
7547 | issued, and shall be affixed to a license identification card
7548 | issued by the commission. Such license is not valid unless it
7549 | bears the name of the person to whom it is issued and is so
7550 | affixed. The failure of such person to exhibit such license to
7551 | the commission or any of its wildlife officers when such person



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7552 | is found engaging in such business is a violation of law. The
7553 | license fees and activities permitted under particular licenses
7554 | are as follows:

7555 | (a) The fee for a resident commercial fishing license,
7556 | which permits a resident to take freshwater fish or frogs by any
7557 | lawful method prescribed by the commission and to sell such fish
7558 | or frogs, shall be \$25. The license provided for in this
7559 | paragraph shall also allow noncommercial fishing as provided by
7560 | law and commission rules, and the license in s. 379.354(4)(a)
7561 | ~~372.57(4)(a)~~ shall not be required.

7562 | (b) The fee for a resident freshwater fish dealer's
7563 | license, which permits a resident to import, export, or sell
7564 | freshwater fish or frogs, including live bait, shall be \$40.

7565 | (c) The fee for a nonresident commercial fishing license,
7566 | which permits a nonresident to take freshwater fish or frogs as
7567 | provided in paragraph (a), shall be \$100.

7568 | (d) The fee for a nonresident retail fish dealer's license,
7569 | which permits a nonresident to sell freshwater fish or frogs to a
7570 | consumer, shall be \$100.

7571 | (e) The fee for a nonresident wholesale fish dealer's
7572 | license, which permits a nonresident to sell freshwater fish or
7573 | frogs within the state, and to buy freshwater fish or frogs for
7574 | resale, shall be \$500.

7575 | (f) The fee for a nonresident wholesale fish buyer's
7576 | license, which permits a nonresident who does not sell freshwater
7577 | fish or frogs in Florida to buy freshwater fish or frogs from
7578 | resident fish dealers for resale outside the state, shall be \$50.

7579 | (g) Any individual or business issued an aquaculture
7580 | certificate, pursuant to s. 597.004, shall be exempt from the

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7581 requirements of this part ~~chapter~~ with respect to aquaculture
7582 products authorized under such certificate.

7583 (h) There is levied, in addition to any other license fee
7584 thereon, an annual gear license fee of \$50 upon each person
7585 fishing with trawl seines used in the fresh waters of the state.

7586 (i) There is levied, in addition to any other license fee
7587 thereon, an annual gear license fee of \$100 upon each person
7588 fishing with haul seines used in the fresh waters of the state.

7589 (2) Each boat engaged in commercial fishing shall have at
7590 least one licensed commercial fisher on board.

7591 (3) It shall be unlawful for any resident freshwater fish
7592 dealer, or any nonresident wholesale or nonresident retail fish
7593 dealer, or any nonresident wholesale fish buyer to buy freshwater
7594 fish or frogs from any unlicensed person.

7595 Section 147. Section 372.651, Florida Statutes, is
7596 renumbered as section 379.3635, Florida Statutes, and amended to
7597 read:

7598 379.3635 ~~372.651~~ Haul seine and trawl permits; Lake
7599 Okeechobee ~~freshwater lakes in excess of 500 square miles;~~
7600 fees.--

7601 (1) The Fish and Wildlife Conservation Commission is
7602 authorized to issue permits for each haul seine or trawl used in
7603 Lake Okeechobee ~~freshwater lakes in the state having an area in~~
7604 ~~excess of 500 square miles.~~

7605 (2) The commission may charge an annual fee for the
7606 issuance of such permits which shall not exceed:

7607 (a) For a resident trawl permit, \$50.

7608 (b) For a resident haul seine permit, \$100.

7609 (c) For a nonresident or alien trawl or haul seine permit,
7610 \$500.

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7611 Section 148. Section 372.66, Florida Statutes, is
7612 renumbered as section 379.364, Florida Statutes, to read:

7613 379.364 ~~372.66~~ License required for fur and hide dealers.--

7614 (1) It is unlawful for any person to engage in the business
7615 of a dealer or buyer in alligator skins or green or dried furs in
7616 the state or purchase such skins within the state until such
7617 person has been licensed as herein provided.

7618 (2) Any resident dealer or buyer who solicits business
7619 through the mails, or by advertising, or who travels to buy or
7620 employs or has other agents or buyers, shall be deemed a resident
7621 state dealer and must pay a license fee of \$100 per annum.

7622 (3) A nonresident dealer or buyer must pay a license fee of
7623 \$500 per annum.

7624 (4) All dealers and buyers shall forward to the Fish and
7625 Wildlife Conservation Commission each 2 weeks during open season
7626 a report showing number and kind of hides bought and name of
7627 trapper from whom bought and the trapper's license number, or if
7628 trapper is exempt from license under any of the provisions of
7629 this chapter, such report shall show the nature of such
7630 exemption. A common carrier may not knowingly ship or transport
7631 or receive for transportation any hides or furs unless such
7632 shipments have marked thereon name of shipper and the number of
7633 her or his fur-animal license or fur dealer's license.

7634 Section 149. Section 370.13, Florida Statutes, is
7635 renumbered as section 379.365, Florida Statutes, and amended to
7636 read:

7637 379.365 ~~370.13~~ Stone crab; regulation.--

7638 (1) FEES AND EQUITABLE RENT.--

7639 (a) Endorsement fee.--The fee for a stone crab endorsement
7640 for the taking of stone crabs, as required by rule of the Fish

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7641 and Wildlife Conservation Commission, is \$125, \$25 of which must
7642 be used solely for trap retrieval under s. 379.2424 ~~370.143~~.

7643 (b) Certificate fees.--

7644 1. For each trap certificate issued by the commission under
7645 the requirements of the stone crab trap limitation program
7646 established by commission rule, there is an annual fee of 50
7647 cents per certificate. Replacement tags for lost or damaged tags
7648 cost 50 cents each plus the cost of shipping. In the event of a
7649 major natural disaster, such as a hurricane or major storm, that
7650 causes massive trap losses within an area declared by the
7651 Governor to be a disaster emergency area, the commission may
7652 temporarily defer or waive replacement tag fees.

7653 2. The fee for transferring trap certificates is \$1 per
7654 certificate transferred, except that the fee for eligible crew
7655 members is 50 cents per certificate transferred. Eligible crew
7656 members shall be determined according to criteria established by
7657 rule of the commission. Payment must be made by money order or
7658 cashier's check, submitted with the certificate transfer form
7659 developed by the commission.

7660 3. In addition to the transfer fee, a surcharge of \$1 per
7661 certificate transferred, or 25 percent of the actual value of the
7662 transferred certificate, whichever is greater, will be assessed
7663 the first time a certificate is transferred outside the original
7664 holder's immediate family.

7665 4. Transfer fees and surcharges only apply to the actual
7666 number of certificates received by the purchaser. A transfer of a
7667 certificate is not effective until the commission receives a
7668 notarized copy of the bill of sale as proof of the actual value
7669 of the transferred certificate or certificates, which must also
7670 be submitted with the transfer form and payment.



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7671 5. A transfer fee will not be assessed or required when the
7672 transfer is within a family as a result of the death or
7673 disability of the certificate owner. A surcharge will not be
7674 assessed for any transfer within an individual's immediate
7675 family.

7676 (c) Incidental take endorsement.--The cost of an incidental
7677 take endorsement, as established by commission rule, is \$25.

7678 (d) Equitable rent.--The commission may establish by rule
7679 an amount of equitable rent per trap certificate that may be
7680 recovered as partial compensation to the state for the enhanced
7681 access to its natural resources. In determining whether to
7682 establish such a rent and the amount thereof, the commission may
7683 consider the amount of revenues annually generated by endorsement
7684 fees, trap certificate fees, transfer fees, surcharges,
7685 replacement trap tag fees, trap retrieval fees, incidental take
7686 endorsement fees, and the continued economic viability of the
7687 commercial stone crab industry. A rule establishing an amount of
7688 equitable rent shall become effective only after approval by the
7689 Legislature.

7690 (e) Disposition of fees, surcharges, civil penalties and
7691 fines, and equitable rent.--Endorsement fees, trap certificate
7692 fees, transfer fees, civil penalties and fines, surcharges,
7693 replacement trap tag fees, trap retrieval fees, incidental take
7694 endorsement fees, and equitable rent, if any, must be deposited
7695 in the Marine Resources Conservation Trust Fund. Up to 50 percent
7696 of the revenues generated under this section may be used for
7697 operation and administration of the stone crab trap limitation
7698 program. All remaining revenues so generated must be used for
7699 trap retrieval, management of the stone crab fishery, public
7700 education activities, evaluation of the impact of trap reductions



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7701 on the stone crab fishery, and enforcement activities in support
7702 of the stone crab trap limitation program.

7703 (f) Program to be self-supporting.--The stone crab trap
7704 limitation program is intended to be a self-supporting program
7705 funded from proceeds generated under this section.

7706 (g) No vested rights.--The stone crab trap limitation
7707 program does not create any vested rights for endorsement or
7708 certificateholders and may be altered or terminated by the
7709 commission as necessary to protect the stone crab resource, the
7710 participants in the fishery, or the public interest.

7711 (2) PENALTIES.--For purposes of this subsection, conviction
7712 is any disposition other than acquittal or dismissal, regardless
7713 of whether the violation was adjudicated under any state or
7714 federal law.

7715 (a) It is unlawful to violate commission rules regulating
7716 stone crab trap certificates and trap tags. No person may use an
7717 expired tag or a stone crab trap tag not issued by the commission
7718 or possess or use a stone crab trap in or on state waters or
7719 adjacent federal waters without having a trap tag required by the
7720 commission firmly attached thereto.

7721 1. In addition to any other penalties provided in s.
7722 379.407 ~~370.021~~, for any commercial harvester who violates this
7723 paragraph, the following administrative penalties apply.

7724 a. For a first violation, the commission shall assess an
7725 administrative penalty of up to \$1,000.

7726 b. For a second violation that occurs within 24 months of
7727 any previous such violation, the commission shall assess an
7728 administrative penalty of up to \$2,000 and the stone crab
7729 endorsement under which the violation was committed may be
7730 suspended for 12 calendar months.



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7731 c. For a third violation that occurs within 36 months of
7732 any previous two such violations, the commission shall assess an
7733 administrative penalty of up to \$5,000 and the stone crab
7734 endorsement under which the violation was committed may be
7735 suspended for 24 calendar months.

7736 d. A fourth violation that occurs within 48 months of any
7737 three previous such violations, shall result in permanent
7738 revocation of all of the violator's saltwater fishing privileges,
7739 including having the commission proceed against the endorsement
7740 holder's saltwater products license in accordance with s. 379.407
7741 ~~370.021~~.

7742 2. Any other person who violates the provisions of this
7743 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

7744
7745 Any commercial harvester assessed an administrative penalty under
7746 this paragraph shall, within 30 calendar days after notification,
7747 pay the administrative penalty to the commission, or request an
7748 administrative hearing under ss. 120.569 and 120.57. The proceeds
7749 of all administrative penalties collected under this paragraph
7750 shall be deposited in the Marine Resources Conservation Trust
7751 Fund.

7752 (b) It is unlawful for any commercial harvester to remove
7753 the contents of another harvester's stone crab trap or take
7754 possession of such without the express written consent of the
7755 trap owner available for immediate inspection. Unauthorized
7756 possession of another's trap gear or removal of trap contents
7757 constitutes theft.

7758 1. Any commercial harvester convicted of theft of or from a
7759 trap pursuant to this subsection or s. 379.402 ~~370.1107~~ shall, in
7760 addition to the penalties specified in s. 379.407 ~~370.021~~ and the

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7761 provisions of this section, permanently lose all saltwater
7762 fishing privileges, including saltwater products licenses, stone
7763 crab or incidental take endorsements, and all trap certificates
7764 allotted to such commercial harvester by the commission. In such
7765 cases, trap certificates and endorsements are nontransferable.

7766 2. In addition, any commercial harvester convicted of
7767 violating the prohibitions referenced in this paragraph shall
7768 also be assessed an administrative penalty of up to \$5,000.
7769 Immediately upon receiving a citation for a violation involving
7770 theft of or from a trap and until adjudicated for such a
7771 violation, or, upon receipt of a judicial disposition other than
7772 dismissal or acquittal on such a violation, the violator is
7773 prohibited from transferring any stone crab or spiny lobster
7774 certificates.

7775 3. Any other person who violates the provisions of this
7776 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

7777 (c)1. It is unlawful to violate commission rules that
7778 prohibit any of the following:

7779 a. The willful molestation of any stone crab trap, line, or
7780 buoy that is the property of any licenseholder, without the
7781 permission of that licenseholder.

7782 b. The bartering, trading, or sale, or conspiring or aiding
7783 in such barter, trade, or sale, or supplying, agreeing to supply,
7784 aiding in supplying, or giving away stone crab trap tags or
7785 certificates unless the action is duly authorized by the
7786 commission as provided by commission rules.

7787 c. The making, altering, forging, counterfeiting, or
7788 reproducing of stone crab trap tags.

7789 d. Possession of forged, counterfeit, or imitation stone
7790 crab trap tags.

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7791 e. Engaging in the commercial harvest of stone crabs during
7792 the time either of the endorsements is under suspension or
7793 revocation.

7794 2. Any commercial harvester who violates this paragraph
7795 commits a felony of the third degree, punishable as provided in
7796 s. 775.082, s. 775.083, or s. 775.084.

7797 3. Any other person who violates this paragraph commits a
7798 Level Four violation under s. 379.401 ~~372.83~~.

7799
7800 In addition, any commercial harvester convicted of violating this
7801 paragraph shall also be assessed an administrative penalty of up
7802 to \$5,000, and the incidental take endorsement and/or the stone
7803 crab endorsement under which the violation was committed may be
7804 suspended for up to 24 calendar months. Immediately upon
7805 receiving a citation involving a violation of this paragraph and
7806 until adjudicated for such a violation, or if convicted of such a
7807 violation, the person, firm, or corporation committing the
7808 violation is prohibited from transferring any stone crab
7809 certificates or endorsements.

7810 (d) For any commercial harvester convicted of fraudulently
7811 reporting the actual value of transferred stone crab
7812 certificates, the commission may automatically suspend or
7813 permanently revoke the seller's or the purchaser's stone crab
7814 endorsements. If the endorsement is permanently revoked, the
7815 commission shall also permanently deactivate the endorsement
7816 holder's stone crab certificate accounts. Whether an endorsement
7817 is suspended or revoked, the commission may also levy a fine
7818 against the holder of the endorsement of up to twice the
7819 appropriate surcharge to be paid based on the fair market value
7820 of the transferred certificates.

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7821 (e) During any period of suspension or revocation of an
7822 endorsement holder's endorsement, he or she shall remove all
7823 traps subject to that endorsement from the water within 15 days
7824 after notice provided by the commission. Failure to do so will
7825 extend the period of suspension or revocation for an additional 6
7826 calendar months.

7827 (f) An endorsement will not be renewed until all fees and
7828 administrative penalties imposed under this section are paid.

7829 (3) DEPREDATION PERMITS.--The Fish and Wildlife
7830 Conservation Commission shall issue a depredation permit upon
7831 request to any marine aquaculture producer, as defined in s.
7832 379.2523 ~~370.26~~, engaged in the culture of shellfish, which shall
7833 entitle the aquaculture producer to possess and use up to 75
7834 stone crab traps and up to 75 blue crab traps for the sole
7835 purpose of taking destructive or nuisance stone crabs or blue
7836 crabs within 1 mile of the producer's aquaculture shellfish beds.
7837 Stone crabs or blue crabs taken under this subsection may not be
7838 sold, bartered, exchanged, or offered for sale, barter, or
7839 exchange.

7840 ~~(4) For the 2006-2007 fiscal year only, the trap tag fees~~
7841 ~~required by this section shall be waived by the commission. This~~
7842 ~~subsection expires July 1, 2007.~~

7843 Section 150. Section 370.135, Florida Statutes, is
7844 renumbered as section 379.366, Florida Statutes, and amended to
7845 read:

7846 379.366 ~~370.135~~ Blue crab; regulation.--

7847 (1) No commercial harvester shall transport on the water,
7848 fish with or cause to be fished with, set, or place any trap
7849 designed for taking blue crabs unless such commercial harvester
7850 holds a valid saltwater products license and restricted species



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7851 endorsement issued under s. 379.361 ~~370.06~~ and a blue crab
7852 endorsement issued under this section. Each trap shall have the
7853 harvester's blue crab endorsement number permanently affixed to
7854 it. Each buoy attached to such a trap shall also have the
7855 harvester's blue crab endorsement number permanently attached to
7856 the buoy. The blue crab endorsement number shall be affixed in
7857 legible figures at least 2 inches high on each buoy used. The
7858 saltwater products license must be on board the boat, and both
7859 the license and the crabs shall be subject to inspection at all
7860 times. This subsection shall not apply to an individual fishing
7861 with no more than five traps.

7862 (2) No person shall harvest blue crabs with more than five
7863 traps, harvest blue crabs in commercial quantities, or sell blue
7864 crabs unless such person holds a valid saltwater products license
7865 with a restricted species endorsement issued under s. 379.361
7866 ~~370.06~~ and a blue crab endorsement issued under this section.

7867 (a) In the event of the death or disability of a person
7868 holding an active blue crab endorsement, the endorsement may be
7869 transferred by the person to a member of his or her immediate
7870 family or may be renewed by any person so designated by the
7871 executor of the person's estate.

7872 (b) A commercial harvester who holds a saltwater products
7873 license and a blue crab endorsement that is issued to the
7874 commercial harvester's vessel registration number and who
7875 replaces an existing vessel with a new vessel may transfer the
7876 existing blue crab endorsement to the saltwater products license
7877 of the new vessel.

7878 (3) (a) Endorsement fees.--

7879 1. The fee for a hard-shell blue crab endorsement for the
7880 taking of hard-shell blue crabs, as authorized by rule of the



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7881 commission, is \$125, \$25 of which must be used solely for the
7882 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
7883 in commission rules.

7884 2. The fee for a soft-shell blue crab endorsement for the
7885 taking of soft-shell blue crabs, as authorized by rule of the
7886 commission, is \$250, \$25 of which must be used solely for the
7887 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
7888 in commission rules.

7889 3. The fee for a nontransferable hard-shell blue crab
7890 endorsement for the taking of hard-shell blue crabs, as
7891 authorized by rule of the commission, is \$125, \$25 of which must
7892 be used solely for the trap retrieval program authorized under s.
7893 379.2424 ~~370.143~~ and in commission rules.

7894 4. The fee for an incidental take blue crab endorsement for
7895 the taking of blue crabs as bycatch in shrimp trawls and stone
7896 crab traps is \$25, as authorized in commission rules.

7897 (b) Trap tag fees.--The annual fee for each trap tag issued
7898 by the commission under the requirements of the blue crab effort
7899 management program established by rule of the commission is 50
7900 cents per tag. The fee for replacement tags for lost or damaged
7901 tags is 50 cents per tag plus the cost of shipping. In the event
7902 of a major natural disaster, such as a hurricane or major storm,
7903 that causes massive trap losses within an area declared by the
7904 Governor to be a disaster emergency area, the commission may
7905 temporarily defer or waive replacement tag fees.

7906 (c) Equitable rent.--The commission may establish by rule
7907 an amount of equitable rent that may be recovered as partial
7908 compensation to the state for the enhanced access to its natural
7909 resources. In determining whether to establish such a rent and
7910 the amount thereof, the commission may consider the amount of



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7911 revenues annually generated by endorsement fees, trap tag fees,
7912 replacement trap tag fees, trap retrieval fees, and the continued
7913 economic viability of the commercial blue crab industry. A rule
7914 establishing an amount of equitable rent shall become effective
7915 only upon approval by act of the Legislature.

7916 (d) Disposition of moneys generated from fees and
7917 administrative penalties.--Moneys generated from the sale of blue
7918 crab endorsements, trap tags, and replacement trap tags or from
7919 the assessment of administrative penalties by the commission
7920 under this section shall be deposited into the Marine Resources
7921 Conservation Trust Fund. Up to 50 percent of the moneys generated
7922 from the sale of endorsements and trap tags and the assessment of
7923 administrative penalties may be used for the operation and
7924 administration of the blue crab effort management program. The
7925 remaining moneys generated from the sale of endorsements and trap
7926 tags and the assessment of administrative penalties may be used
7927 for trap retrieval; management of the blue crab fishery; and
7928 public education activities, research, and enforcement activities
7929 in support of the blue crab effort management program.

7930 (e) Waiver of fees.--For the 2007-2008 license year, the
7931 commission shall waive all fees under this subsection for all
7932 persons who qualify by September 30, 2007, to participate in the
7933 blue crab effort management program established by commission
7934 rule.

7935 (4) (a) Untagged trap penalties.--By July 1, 2008, the
7936 commission shall adopt by rule the administrative penalties
7937 authorized by this subsection. In addition to any other penalties
7938 provided in s. 379.407 ~~370.021~~ for any blue crab endorsement
7939 holder who violates commission rules requiring the placement of



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7940 trap tags for traps used for the directed harvest of blue crabs,
7941 the following administrative penalties apply:

7942 1. For a first violation, the commission shall assess an
7943 administrative penalty of up to \$1,000.

7944 2. For a second violation that occurs within 24 months
7945 after any previous such violation, the commission shall assess an
7946 administrative penalty of up to \$2,000, and the blue crab
7947 endorsement holder's blue crab fishing privileges may be
7948 suspended for 12 calendar months.

7949 3. For a third violation that occurs within 36 months after
7950 any two previous such violations, the commission shall assess an
7951 administrative penalty of up to \$5,000, and the blue crab
7952 endorsement holder's blue crab fishing privileges may be
7953 suspended for 24 calendar months.

7954 4. A fourth violation that occurs within 48 months after
7955 any three previous such violations shall result in permanent
7956 revocation of all of the violator's saltwater fishing privileges,
7957 including having the commission proceed against the endorsement
7958 holder's saltwater products license in accordance with s. 379.407
7959 ~~370.021~~.

7960
7961 Any blue crab endorsement holder assessed an administrative
7962 penalty under this paragraph shall, within 30 calendar days after
7963 notification, pay the administrative penalty to the commission or
7964 request an administrative hearing under ss. 120.569 and 120.57.

7965 (b) Trap theft; prohibitions and penalties.--It is unlawful
7966 for any person to remove or take possession of the contents of
7967 another harvester's blue crab trap without the express written
7968 consent of the trap owner, which must be available for immediate



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7969 inspection. Unauthorized possession of another harvester's blue
7970 crab trap gear or removal of trap contents constitutes theft.

7971 1. Any commercial harvester receiving a judicial
7972 disposition other than dismissal or acquittal on a charge of
7973 theft of or from a trap as prohibited by this paragraph shall, in
7974 addition to the penalties specified in s. 379.407 ~~370.021~~ and
7975 this section, permanently lose all saltwater fishing privileges,
7976 including any saltwater products licenses, blue crab
7977 endorsements, and blue crab trap tags allotted to him or her by
7978 the commission. In such cases, endorsements are nontransferable.

7979 2. In addition, any commercial harvester receiving a
7980 judicial disposition other than dismissal or acquittal for
7981 violating this paragraph shall also be assessed an administrative
7982 penalty of up to \$5,000. Immediately upon receipt of a citation
7983 for a violation involving theft of or from a trap and until
7984 adjudicated for such a violation, or upon receipt of a judicial
7985 disposition other than dismissal or acquittal for such a
7986 violation, the commercial harvester committing the violation is
7987 prohibited from transferring any blue crab endorsements.

7988 3. A commercial harvester who violates this paragraph shall
7989 be punished under s. 379.407 ~~370.021~~. Any other person who
7990 violates this paragraph commits a Level Two violation under s.
7991 379.401 ~~372.83~~.

7992 (c) Criminal activities prohibited.--

7993 1. It is unlawful for any commercial harvester or any other
7994 person to:

7995 a. Willfully molest any blue crab trap, line, or buoy that
7996 is the property of any licenseholder without the permission of
7997 that licenseholder.

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7998 | b. Barter, trade, lease, or sell a blue crab trap tag or
7999 | conspire or aid in such barter, trade, lease, or sale unless duly
8000 | authorized by commission rules.

8001 | c. Supply, agree to supply, aid in supplying, or give away
8002 | a blue crab trap tag unless duly authorized by commission rules.

8003 | d. Make, alter, forge, counterfeit, or reproduce a blue
8004 | crab trap tag.

8005 | e. Possess an altered, forged, counterfeit, or imitation
8006 | blue crab trap tag.

8007 | f. Possess a number of original trap tags or replacement
8008 | trap tags, the sum of which exceeds by 1 percent the number of
8009 | traps allowed by commission rules.

8010 | g. Engage in the commercial harvest of blue crabs while the
8011 | blue crab endorsements of the licenseholder are under suspension
8012 | or revocation.

8013 | 2. Immediately upon receiving a citation involving a
8014 | violation of this paragraph and until adjudicated for such a
8015 | violation, a commercial harvester is prohibited from transferring
8016 | any blue crab endorsement.

8017 | 3. A commercial harvester convicted of violating this
8018 | paragraph commits a felony of the third degree, punishable as
8019 | provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
8020 | assessed an administrative penalty of up to \$5,000, and is
8021 | immediately prohibited from transferring any blue crab
8022 | endorsement. All blue crab endorsements issued to a commercial
8023 | harvester convicted of violating this paragraph may be suspended
8024 | for up to 24 calendar months.

8025 | 4. Any other person convicted of violating this paragraph
8026 | commits a Level Four violation under s. 379.401 ~~372.83~~.



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8027 (d) Endorsement transfers; fraudulent reports;
8028 penalties.--For a commercial harvester convicted of fraudulently
8029 reporting the actual value of transferred blue crab endorsements,
8030 the commission may automatically suspend or permanently revoke
8031 the seller's or the purchaser's blue crab endorsements. If the
8032 endorsement is permanently revoked, the commission shall also
8033 permanently deactivate the endorsement holder's blue crab trap
8034 tag accounts.

8035 (e) Prohibitions during endorsement suspension and
8036 revocation.--During any period of suspension or after revocation
8037 of a blue crab endorsement holder's endorsements, he or she
8038 shall, within 15 days after notice provided by the commission,
8039 remove from the water all traps subject to that endorsement.
8040 Failure to do so shall extend the period of suspension for an
8041 additional 6 calendar months.

8042 (5) For purposes of this section, a conviction is any
8043 disposition other than acquittal or dismissal.

8044 (6) A blue crab endorsement may not be renewed until all
8045 fees and administrative penalties imposed under this section are
8046 paid.

8047 (7) Subsections (3), (4), (5), and (6) shall expire on July
8048 1, 2009, unless reenacted by the Legislature during the 2009
8049 Regular Session.

8050 Section 151. Section 370.14, Florida Statutes, is
8051 renumbered as section 379.367, Florida Statutes, and amended to
8052 read:

8053 379.367 ~~370.14~~ Spiny lobster; regulation.--

8054 (1) It is the intent of the Legislature to maintain the
8055 spiny lobster industry for the economy of the state and to
8056 conserve the stocks supplying this industry. The provisions of



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8057 | this act regulating the taking of spiny lobster are for the
8058 | purposes of ensuring and maintaining the highest possible
8059 | production of spiny lobster.

8060 | (2) (a)1. Each commercial harvester taking or attempting to
8061 | take spiny lobster with a trap in commercial quantities or for
8062 | commercial purposes shall obtain and exhibit a spiny lobster
8063 | endorsement number, as required by the Fish and Wildlife
8064 | Conservation Commission. The annual fee for a spiny lobster
8065 | endorsement is \$125. This endorsement may be issued by the
8066 | commission upon the receipt of application by the commercial
8067 | harvester when accompanied by the payment of the fee. The design
8068 | of the applications and of the trap tag shall be determined by
8069 | the commission. Any trap or device used in taking or attempting
8070 | to take spiny lobster, other than a trap with the endorsement
8071 | number, shall be seized and destroyed by the commission. The
8072 | proceeds of the fees imposed by this paragraph shall be deposited
8073 | and used as provided in paragraph (b). The commission may adopt
8074 | rules to carry out the intent of this section.

8075 | 2. Each commercial harvester taking or attempting to take
8076 | spiny lobster in commercial quantities or for commercial purposes
8077 | by any method, other than with a trap having a spiny lobster
8078 | endorsement number issued by the commission, must pay an annual
8079 | fee of \$100.

8080 | (b) Twenty-five dollars of the \$125 fee for a spiny lobster
8081 | endorsement required under subparagraph (a)1. must be used only
8082 | for trap retrieval as provided in s. 379.2424 ~~370.143~~. The
8083 | remainder of the fees collected under paragraph (a) shall be
8084 | deposited as follows:

8085 | 1. Fifty percent of the fees collected shall be deposited
8086 | in the Marine Resources Conservation Trust Fund for use in



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8087 enforcing the provisions of paragraph (a) through aerial and
8088 other surveillance and trap retrieval.

8089 2. Fifty percent of the fees collected shall be deposited
8090 as provided in s. 379.3671(5) ~~370.142(5)~~.

8091 (3) The spiny lobster endorsement must be on board the
8092 boat, and both the endorsement and the harvested spiny lobster
8093 shall be subject to inspection at all times. Only one endorsement
8094 shall be issued for each boat. The spiny lobster endorsement
8095 number must be prominently displayed above the topmost portion of
8096 the boat so as to be easily and readily identified.

8097 (4) (a) It is unlawful for any person willfully to molest
8098 any spiny lobster traps, lines, or buoys belonging to another
8099 without permission of the licenseholder.

8100 (b) A commercial harvester who violates this subsection
8101 commits a felony of the third degree, punishable as provided in
8102 s. 775.082 or s. 775.083. Any other person who violates this
8103 subsection commits a Level Four violation under s. 379.401
8104 ~~372.83~~.

8105 (5) Any spiny lobster licenseholder, upon selling licensed
8106 spiny lobster traps, shall furnish the commission notice of such
8107 sale of all or part of his or her interest within 15 days
8108 thereof. Any holder of said license shall also notify the
8109 commission within 15 days if his or her address no longer
8110 conforms to the address appearing on the license and shall, as a
8111 part of such notification, furnish the commission with his or her
8112 new address.

8113 (6) (a) By a special permit granted by the commission, a
8114 Florida-licensed seafood dealer may lawfully import, process, and
8115 package spiny lobster or uncooked tails of the species *Panulirus*

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8116 | argus during the closed season. However, spiny lobster landed
8117 | under special permit shall not be sold in the state.

8118 | (b) The licensed seafood dealer importing any such spiny
8119 | lobster under the permit shall, 12 hours prior to the time the
8120 | seagoing vessel or airplane delivering such imported spiny
8121 | lobster enters the state, notify the commission as to the
8122 | seagoing vessel's name or the airplane's registration number and
8123 | its captain, location, and point of destination.

8124 | (c) At the time the spiny lobster cargo is delivered to the
8125 | permitholder's place of business, the spiny lobster cargo shall
8126 | be weighed and shall be available for inspection by the
8127 | commission. A signed receipt of such quantity in pounds shall be
8128 | forwarded to the commission within 48 hours after shipment weigh-
8129 | in completion. If requested by the commission, the weigh-in
8130 | process will be delayed up to 4 hours to allow for a commission
8131 | representative to be present during the process.

8132 | (d) Within 48 hours after shipment weigh-in completion, the
8133 | permitholder shall submit to the commission, on forms provided by
8134 | the commission, a sworn report of the quantity in pounds of the
8135 | spiny lobster received, which report shall include the location
8136 | of said spiny lobster and a sworn statement that said spiny
8137 | lobster were taken at least 50 miles from Florida's shoreline.
8138 | The landing of spiny lobster or spiny lobster tails from which
8139 | the eggs, swimmerettes, or pleopods have been removed; the
8140 | falsification of information as to area from which spiny lobster
8141 | were obtained; or the failure to file the report called for in
8142 | this section shall be grounds to revoke the permit.

8143 | (e) Each permitholder shall keep throughout the period of
8144 | the closed season copies of the bill of sale or invoices covering
8145 | each transaction involving spiny lobster imported under this

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8146 permit. Such invoices and bills shall be kept available at all
8147 times for inspection by the commission.

8148 (7) (a) A Florida-licensed seafood dealer may obtain a
8149 special permit to import, process, and package uncooked tails of
8150 spiny lobster upon the payment of the sum of \$100 to the
8151 commission.

8152 (b) A special permit must be obtained by any airplane or
8153 seagoing vessel other than a common carrier used to transport
8154 spiny lobster or spiny lobster tails for purchase by licensed
8155 seafood dealers for purposes as provided herein upon the payment
8156 of \$50.

8157 (c) All special permits issued under this subsection are
8158 nontransferable.

8159 (8) No common carrier or employee of said carrier may
8160 carry, knowingly receive for carriage, or permit the carriage of
8161 any spiny lobster of the species *Panulirus argus*, regardless of
8162 where taken, during the closed season, except of the species
8163 *Panulirus argus* lawfully imported from a foreign country for
8164 reshipment outside of the territorial limits of the state under
8165 United States Customs bond or in accordance with paragraph
8166 (7) (a).

8167 Section 152. Section 370.142, Florida Statutes, is
8168 renumbered as section 379.3671, Florida Statutes, and amended to
8169 read:

8170 379.3671 ~~370.142~~ Spiny lobster trap certificate program.--

8171 (1) INTENT.--Due to rapid growth, the spiny lobster fishery
8172 is experiencing increased congestion and conflict on the water,
8173 excessive mortality of undersized lobsters, a declining yield per
8174 trap, and public concern over petroleum and debris pollution from
8175 existing traps. In an effort to solve these and related problems,



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8176 | the Legislature intends to develop pursuant to the provisions of
8177 | this section a spiny lobster trap certificate program, the
8178 | principal goal of which is to stabilize the fishery by reducing
8179 | the total number of traps, which should increase the yield per
8180 | trap and therefore maintain or increase overall catch levels. The
8181 | Legislature seeks to preserve as much flexibility in the program
8182 | as possible for the fishery's various constituents and ensure
8183 | that any reduction in total trap numbers will be proportioned
8184 | equally on a percentage basis among all users of traps in the
8185 | fishery.

8186 | (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
8187 | PENALTIES.--The Fish and Wildlife Conservation Commission shall
8188 | establish a trap certificate program for the spiny lobster
8189 | fishery of this state and shall be responsible for its
8190 | administration and enforcement as follows:

8191 | (a) Transferable trap certificates.--Each holder of a
8192 | saltwater products license who uses traps for taking or
8193 | attempting to take spiny lobsters shall be required to have a
8194 | certificate on record for each trap possessed or used therefor,
8195 | except as otherwise provided in this section.

8196 | 1. Trap certificates are transferable on a market basis and
8197 | may be transferred from one licenseholder to another for a fair
8198 | market value agreed upon between the transferor and transferee.
8199 | Each such transfer shall, within 72 hours thereof, be recorded on
8200 | a notarized form provided for that purpose by the Fish and
8201 | Wildlife Conservation Commission and hand delivered or sent by
8202 | certified mail, return receipt requested, to the commission for
8203 | recordkeeping purposes. In order to cover the added
8204 | administrative costs of the program and to recover an equitable
8205 | natural resource rent for the people of the state, a transfer fee

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8206 of \$2 per certificate transferred shall be assessed against the
8207 purchasing licenseholder and sent by money order or cashier's
8208 check with the certificate transfer form. Also, in addition to
8209 the transfer fee, a surcharge of \$5 per certificate transferred
8210 or 25 percent of the actual market value, whichever is greater,
8211 given to the transferor shall be assessed the first time a
8212 certificate is transferred outside the original transferor's
8213 immediate family. No transfer of a certificate shall be effective
8214 until the commission receives the notarized transfer form and the
8215 transfer fee, including any surcharge, is paid. The commission
8216 may establish by rule an amount of equitable rent per trap
8217 certificate that shall be recovered as partial compensation to
8218 the state for the enhanced access to its natural resources. A
8219 rule establishing an amount of equitable rent shall become
8220 effective only after approval by the Legislature. In determining
8221 whether to establish such a rent and, if so, the amount thereof,
8222 the commission shall consider the amount of revenues annually
8223 generated by certificate fees, transfer fees, surcharges, trap
8224 license fees, and sales taxes, the demonstrated fair market value
8225 of transferred certificates, and the continued economic viability
8226 of the commercial lobster industry. All proceeds of equitable
8227 rent recovered shall be deposited in the Marine Resources
8228 Conservation Trust Fund and used by the commission for research,
8229 management, and protection of the spiny lobster fishery and
8230 habitat. A transfer fee may not be assessed or required when the
8231 transfer is within a family as a result of the death or
8232 disability of the certificate owner. A surcharge will not be
8233 assessed for any transfer within an individual's immediate
8234 family.



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8235 2. No person, firm, corporation, or other business entity
8236 may control, directly or indirectly, more than 1.5 percent of the
8237 total available certificates in any license year.

8238 3. The commission shall maintain records of all
8239 certificates and their transfers and shall annually provide each
8240 licenseholder with a statement of certificates held.

8241 4. The number of trap tags issued annually to each
8242 licenseholder shall not exceed the number of certificates held by
8243 the licenseholder at the time of issuance, and such tags and a
8244 statement of certificates held shall be issued simultaneously.

8245 5. It is unlawful for any person to lease spiny lobster
8246 trap tags or certificates.

8247 (b) Trap tags.--Each trap used to take or attempt to take
8248 spiny lobsters in state waters or adjacent federal waters shall,
8249 in addition to the spiny lobster endorsement number required by
8250 s. 379.367(2) ~~370.14(2)~~, have affixed thereto an annual trap tag
8251 issued by the commission. Each such tag shall be made of durable
8252 plastic or similar material and shall, based on the number of
8253 certificates held, have stamped thereon the owner's license
8254 number. To facilitate enforcement and recordkeeping, such tags
8255 shall be issued each year in a color different from that of each
8256 of the previous 3 years. The annual certificate fee shall be \$1
8257 per certificate. Replacement tags for lost or damaged tags may be
8258 obtained as provided by rule of the commission. In the event of a
8259 major natural disaster, such as a hurricane or major storm, that
8260 causes massive trap losses within an area declared by the
8261 Governor to be a disaster emergency area, the commission may
8262 temporarily defer or waive replacement tag fees.

8263 (c) Prohibitions; penalties.--

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8264 | 1. It is unlawful for a person to possess or use a spiny
8265 | lobster trap in or on state waters or adjacent federal waters
8266 | without having affixed thereto the trap tag required by this
8267 | section. It is unlawful for a person to possess or use any other
8268 | gear or device designed to attract and enclose or otherwise aid
8269 | in the taking of spiny lobster by trapping that is not a trap as
8270 | defined by commission rule.

8271 | 2. It is unlawful for a person to possess or use spiny
8272 | lobster trap tags without having the necessary number of
8273 | certificates on record as required by this section.

8274 | 3. It is unlawful for any person to willfully molest, take
8275 | possession of, or remove the contents of another harvester's
8276 | spiny lobster trap without the express written consent of the
8277 | trap owner available for immediate inspection. Unauthorized
8278 | possession of another's trap gear or removal of trap contents
8279 | constitutes theft.

8280 | a. A commercial harvester who violates this subparagraph
8281 | shall be punished under ss. 379.367 and 379.407 ~~370.021 and~~
8282 | ~~370.14~~. Any commercial harvester receiving a judicial disposition
8283 | other than dismissal or acquittal on a charge of theft of or from
8284 | a trap pursuant to this subparagraph or s. 379.402 ~~370.1107~~
8285 | shall, in addition to the penalties specified in ss. 379.367 and
8286 | 379.407 ~~370.021 and 370.14~~ and the provisions of this section,
8287 | permanently lose all his or her saltwater fishing privileges,
8288 | including his or her saltwater products license, spiny lobster
8289 | endorsement, and all trap certificates allotted to him or her
8290 | through this program. In such cases, trap certificates and
8291 | endorsements are nontransferable.

8292 | b. Any commercial harvester receiving a judicial
8293 | disposition other than dismissal or acquittal on a charge of

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8294 willful molestation of a trap, in addition to the penalties
8295 specified in ss. 379.367 and 379.407 ~~370.021 and 370.14~~, shall
8296 lose all saltwater fishing privileges for a period of 24 calendar
8297 months.

8298 c. In addition, any commercial harvester charged with
8299 violating this subparagraph and receiving a judicial disposition
8300 other than dismissal or acquittal for violating this subparagraph
8301 or s. 379.402 ~~370.1107~~ shall also be assessed an administrative
8302 penalty of up to \$5,000.

8303

8304 Immediately upon receiving a citation for a violation involving
8305 theft of or from a trap, or molestation of a trap, and until
8306 adjudicated for such a violation or, upon receipt of a judicial
8307 disposition other than dismissal or acquittal of such a
8308 violation, the commercial harvester committing the violation is
8309 prohibited from transferring any spiny lobster trap certificates
8310 and endorsements.

8311 4. In addition to any other penalties provided in s.
8312 379.407 ~~370.021~~, a commercial harvester who violates the
8313 provisions of this section or commission rules relating to spiny
8314 lobster traps shall be punished as follows:

8315 a. If the first violation is for violation of subparagraph
8316 1. or subparagraph 2., the commission shall assess an additional
8317 administrative penalty of up to \$1,000. For all other first
8318 violations, the commission shall assess an additional
8319 administrative penalty of up to \$500.

8320 b. For a second violation of subparagraph 1. or
8321 subparagraph 2. which occurs within 24 months of any previous
8322 such violation, the commission shall assess an additional
8323 administrative penalty of up to \$2,000 and the spiny lobster

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8324 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~
8325 may be suspended for the remainder of the current license year.

8326 c. For a third or subsequent violation of subparagraph 1.,
8327 subparagraph 2., or subparagraph 3. which occurs within 36 months
8328 of any previous two such violations, the commission shall assess
8329 an additional administrative penalty of up to \$5,000 and may
8330 suspend the spiny lobster endorsement issued under s. 379.367(2)
8331 or (6) ~~370.14(2) or (6)~~ for a period of up to 24 months or may
8332 revoke the spiny lobster endorsement and, if revoking the spiny
8333 lobster endorsement, may also proceed against the licenseholder's
8334 saltwater products license in accordance with the provisions of
8335 s. 379.407(2) (h) ~~370.021(2) (h)~~.

8336 d. Any person assessed an additional administrative penalty
8337 pursuant to this section shall within 30 calendar days after
8338 notification:

8339 (I) Pay the administrative penalty to the commission; or
8340 (II) Request an administrative hearing pursuant to the
8341 provisions of ss. 120.569 and 120.57.

8342 e. The commission shall suspend the spiny lobster
8343 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~
8344 for any person failing to comply with the provisions of sub-
8345 subparagraph d.

8346 5.a. It is unlawful for any person to make, alter, forge,
8347 counterfeit, or reproduce a spiny lobster trap tag or
8348 certificate.

8349 b. It is unlawful for any person to knowingly have in his
8350 or her possession a forged, counterfeit, or imitation spiny
8351 lobster trap tag or certificate.

8352 c. It is unlawful for any person to barter, trade, sell,
8353 supply, agree to supply, aid in supplying, or give away a spiny



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8354 lobster trap tag or certificate or to conspire to barter, trade,
8355 sell, supply, aid in supplying, or give away a spiny lobster trap
8356 tag or certificate unless such action is duly authorized by the
8357 commission as provided in this chapter or in the rules of the
8358 commission.

8359 6.a. Any commercial harvester who violates the provisions
8360 of subparagraph 5., or any commercial harvester who engages in
8361 the commercial harvest, trapping, or possession of spiny lobster
8362 without a spiny lobster endorsement as required by s. 379.367(2)
8363 or (6) ~~370.14(2) or (6)~~ or during any period while such spiny
8364 lobster endorsement is under suspension or revocation, commits a
8365 felony of the third degree, punishable as provided in s. 775.082,
8366 s. 775.083, or s. 775.084.

8367 b. In addition to any penalty imposed pursuant to sub-
8368 subparagraph a., the commission shall levy a fine of up to twice
8369 the amount of the appropriate surcharge to be paid on the fair
8370 market value of the transferred certificates, as provided in
8371 subparagraph (a)1., on any commercial harvester who violates the
8372 provisions of sub-subparagraph 5.c.

8373 c. In addition to any penalty imposed pursuant to sub-
8374 subparagraph a., any commercial harvester receiving any judicial
8375 disposition other than acquittal or dismissal for a violation of
8376 subparagraph 5. shall be assessed an administrative penalty of up
8377 to \$5,000, and the spiny lobster endorsement under which the
8378 violation was committed may be suspended for up to 24 calendar
8379 months. Immediately upon issuance of a citation involving a
8380 violation of subparagraph 5. and until adjudication of such a
8381 violation, and after receipt of any judicial disposition other
8382 than acquittal or dismissal for such a violation, the commercial
8383 harvester holding the spiny lobster endorsement listed on the



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8384 citation is prohibited from transferring any spiny lobster trap
8385 certificates.

8386 d. Any other person who violates the provisions of
8387 subparagraph 5. commits a Level Four violation under s. 379.401
8388 ~~372.83~~.

8389 7. Any certificates for which the annual certificate fee is
8390 not paid for a period of 3 years shall be considered abandoned
8391 and shall revert to the commission. During any period of trap
8392 reduction, any certificates reverting to the commission shall
8393 become permanently unavailable and be considered in that amount
8394 to be reduced during the next license-year period. Otherwise, any
8395 certificates that revert to the commission are to be reallocated
8396 in such manner as provided by the commission.

8397 8. The proceeds of all administrative penalties collected
8398 pursuant to subparagraph 4. and all fines collected pursuant to
8399 sub-subparagraph 6.b. shall be deposited into the Marine
8400 Resources Conservation Trust Fund.

8401 9. All traps shall be removed from the water during any
8402 period of suspension or revocation.

8403 10. Except as otherwise provided, any person who violates
8404 this paragraph commits a Level Two violation under s. 379.401
8405 ~~372.83~~.

8406 (d) No vested rights.--The trap certificate program shall
8407 not create vested rights in licenseholders whatsoever and may be
8408 altered or terminated as necessary to protect the spiny lobster
8409 resource, the participants in the fishery, or the public
8410 interest.

8411 (3) TRAP REDUCTION.--The objective of the overall trap
8412 certificate program is to reduce the number of traps used in the
8413 spiny lobster fishery to the lowest number that will maintain or



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8414 | increase overall catch levels, promote economic efficiency in the
8415 | fishery, and conserve natural resources. Therefore, the Marine
8416 | Fisheries Commission shall set an overall trap reduction goal
8417 | based on maintaining or maximizing a sustained harvest from the
8418 | spiny lobster fishery. To reach that goal, the Marine Fisheries
8419 | Commission shall, by July 1, 1992, set an annual trap reduction
8420 | schedule, not to exceed 10 percent per year, applicable to all
8421 | certificateholders until the overall trap reduction goal is
8422 | reached. All certificateholders shall have their certificate
8423 | holdings reduced by the same percentage of certificates each year
8424 | according to the trap reduction schedule. Until July 1, 1999, the
8425 | Department of Environmental Protection shall issue the number of
8426 | trap tags authorized by the Marine Fisheries Commission, as
8427 | requested, and a revised statement of certificates held.
8428 | Beginning July 1, 1999, the Fish and Wildlife Conservation
8429 | Commission shall annually issue the number of trap tags
8430 | authorized by the commission's schedule, as requested, and a
8431 | revised statement of certificates held. Certificateholders may
8432 | maintain or increase their total number of certificates held by
8433 | purchasing available certificates from within the authorized
8434 | total. The Fish and Wildlife Conservation Commission shall
8435 | provide for an annual evaluation of the trap reduction process
8436 | and shall suspend the annual percentage reductions for any period
8437 | deemed necessary by the commission in order to assess the impact
8438 | of the trap reduction schedule on the fishery. The Fish and
8439 | Wildlife Conservation Commission may then, by rule, resume,
8440 | terminate, or reverse the schedule as it deems necessary to
8441 | protect the spiny lobster resource and the participants in the
8442 | fishery.



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8443 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
8444 BOARD.--There is hereby established the Trap Certificate
8445 Technical Advisory and Appeals Board. Such board shall consider
8446 and advise the commission on disputes and other problems arising
8447 from the implementation of the spiny lobster trap certificate
8448 program. The board may also provide information to the commission
8449 on the operation of the trap certificate program.

8450 (a) The board shall consist of the executive director of
8451 the commission or designee and nine other members appointed by
8452 the executive director, according to the following criteria:

8453 1. All appointed members shall be certificateholders, but
8454 two shall be holders of fewer than 100 certificates, two shall be
8455 holders of at least 100 but no more than 750 certificates, three
8456 shall be holders of more than 750 but not more than 2,000
8457 certificates, and two shall be holders of more than 2,000
8458 certificates.

8459 2. At least one member each shall come from Broward, Dade,
8460 and Palm Beach Counties; and five members shall come from the
8461 various regions of the Florida Keys.

8462 3. At least one appointed member shall be a person of
8463 Hispanic origin capable of speaking English and Spanish.

8464 (b) The term of each appointed member shall be for 4 years,
8465 and any vacancy shall be filled for the balance of the unexpired
8466 term with a person of the qualifications necessary to maintain
8467 the requirements of paragraph (a). There shall be no limitation
8468 on successive appointments to the board.

8469 (c) The executive director of the commission or designee
8470 shall serve as a member and shall call the organizational meeting
8471 of the board. The board shall annually elect a chair and a vice
8472 chair. There shall be no limitation on successive terms that may



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8473 | be served by a chair or vice chair. The board shall meet at the
8474 | call of its chair, at the request of a majority of its
8475 | membership, at the request of the commission, or at such times as
8476 | may be prescribed by its rules. A majority of the board shall
8477 | constitute a quorum, and official action of the board shall
8478 | require a majority vote of the total membership of the board
8479 | present at the meeting.

8480 | (d) The procedural rules adopted by the board shall conform
8481 | to the requirements of chapter 120.

8482 | (e) Members of the board shall be reimbursed for per diem
8483 | and travel expenses as provided in s. 112.061.

8484 | (f) Upon reaching a decision on any dispute or problem
8485 | brought before it, including any decision involving the allotment
8486 | of certificates under paragraph (g), the board shall submit such
8487 | decision to the executive director of the commission for final
8488 | approval. The executive director of the commission may alter or
8489 | disapprove any decision of the board, with notice thereof given
8490 | in writing to the board and to each party in the dispute
8491 | explaining the reasons for the disapproval. The action of the
8492 | executive director of the commission constitutes final agency
8493 | action.

8494 | (g) In addition to those certificates allotted pursuant to
8495 | the provisions of subparagraph (2)(a)1., up to 125,000
8496 | certificates may be allotted by the board to settle disputes or
8497 | other problems arising from implementation of the trap
8498 | certificate program during the 1992-1993 and 1993-1994 license
8499 | years. Any certificates not allotted by March 31, 1994, shall
8500 | become permanently unavailable and shall be considered as part of
8501 | the 1994-1995 reduction schedule. All appeals for additional

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8502 certificates or other disputes must be filed with the board
8503 before October 1, 1993.

8504 (h) Any trap certificates issued by the Department of
8505 Environmental Protection and, effective July 1, 1999, the
8506 commission as a result of the appeals process must be added to
8507 the existing number of trap certificates for the purposes of
8508 determining the total number of certificates from which the
8509 subsequent season's trap reduction is calculated.

8510 (i) On and after July 1, 1994, the board shall no longer
8511 consider and advise the Fish and Wildlife Conservation Commission
8512 on disputes and other problems arising from implementation of the
8513 trap certificate program nor allot any certificates with respect
8514 thereto.

8515 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees and
8516 surcharges, annual trap certificate fees, and recreational tag
8517 fees collected pursuant to paragraphs (2)(a) and (b) shall be
8518 deposited in the Marine Resources Conservation Trust Fund and
8519 used for administration of the trap certificate program, research
8520 and monitoring of the spiny lobster fishery, and enforcement and
8521 public education activities in support of the purposes of this
8522 section and shall also be for the use of the Fish and Wildlife
8523 Conservation Commission in evaluating the impact of the trap
8524 reduction schedule on the spiny lobster fishery; however, at
8525 least 15 percent of the fees and surcharges collected shall be
8526 provided to the commission for such evaluation.

8527 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife
8528 Conservation Commission may adopt rules to implement the
8529 provisions of this section.

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8530 | ~~(7) For the 2006-2007 fiscal year only, the trap tag fees~~
8531 | ~~required by this section shall be waived by the commission. This~~
8532 | ~~subsection expires July 1, 2007.~~

8533 | Section 153. Subsections (2), (3), and (4) of section
8534 | 370.143, Florida Statutes, are renumbered as section 379.368,
8535 | Florida Statutes, and amended to read:

8536 | 379.368 ~~370.143~~ Fees for the retrieval of spiny lobster,
8537 | stone crab, blue crab, and black sea bass traps during closed
8538 | ~~season; commission authority; fees.--~~

8539 | (1)(2) Pursuant to s. 379.2424, the commission shall assess
8540 | trap owners, and collect, a retrieval fee of \$10 per trap
8541 | ~~retrieved shall be assessed trap owners.~~ However, for each person
8542 | holding a spiny lobster endorsement, a stone crab endorsement, or
8543 | a blue crab endorsement issued under rule of the commission, the
8544 | retrieval fee shall be waived for the first five traps retrieved.
8545 | Traps recovered under this program shall become the property of
8546 | the commission or its contract agent, as determined by the
8547 | commission, and shall be either destroyed or resold to the
8548 | original owner. Revenue from retrieval fees shall be deposited in
8549 | the Marine Resources Conservation Trust Fund and used solely for
8550 | operation of the trap retrieval program.

8551 | (2)(3) Payment of all assessed retrieval fees shall be
8552 | required prior to renewal of the trap owner's saltwater products
8553 | license. Retrieval fees assessed under this program shall stand
8554 | in lieu of other penalties imposed for such trap violations.

8555 | (3)(4) In the event of a major natural disaster, such as a
8556 | hurricane or major storm, that causes massive trap losses within
8557 | an area declared by the Governor to be a disaster emergency area,
8558 | the commission shall waive trap retrieval fees.

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8559 Section 154. Section 370.1535, Florida Statutes, is
8560 renumbered as section 379.369, Florida Statutes, and amended to
8561 read:

8562 379.369 ~~370.1535~~ Fees for Regulation of shrimp fishing in
8563 Tampa Bay; ~~licensing requirements.--~~

8564 ~~(1) No person shall operate as a dead shrimp producer in~~
8565 ~~any waters of Tampa Bay unless such person has procured from the~~
8566 ~~Fish and Wildlife Conservation Commission a dead shrimp~~
8567 ~~production permit.~~

8568 ~~(2) The Fish and Wildlife Conservation Commission is~~
8569 ~~authorized to issue a dead shrimp production permit to persons~~
8570 ~~qualified pursuant to the following criteria:~~

8571 ~~(a) The person has submitted an application designed by the~~
8572 ~~commission for such permit.~~

8573 ~~(b) One permit is required for each vessel used for dead~~
8574 ~~shrimp production in the waters of Tampa Bay. A permit shall only~~
8575 ~~be issued to an individual who is the principal owner of the~~
8576 ~~vessel or of the business entity owning the vessel and utilizing~~
8577 ~~the permit. No more than three permits shall be issued to any~~
8578 ~~individual.~~

8579 ~~(c) Each application for a permit to shrimp fish in the~~
8580 ~~waters of Tampa Bay shall be accompanied by a fee of \$250 for~~
8581 ~~each resident of the state and \$1,000 for each nonresident of the~~
8582 ~~state. The proceeds of the fees collected pursuant to this~~
8583 ~~paragraph shall be deposited into the Marine Resources~~
8584 ~~Conservation Trust Fund to be used by the commission for the~~
8585 ~~purpose of enforcement of marine resource laws.~~

8586 ~~(d) No person shall be issued a permit or be allowed to~~
8587 ~~renew a permit if such person is registered for noncommercial~~
8588 ~~trawling pursuant to s. 370.15(4).~~



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8589 ~~(c) Each applicant shall make application prior to June 30,~~
8590 ~~1992, and shall hold any other license or registration required~~
8591 ~~to operate a commercial fishing vessel in Tampa Bay on the date~~
8592 ~~of application.~~

8593 ~~(3) Each permit issued in the base year of 1992 shall be~~
8594 ~~renewable by June 30 in each subsequent year upon application~~
8595 ~~meeting the requirements for issuance for an initial permit~~
8596 ~~pursuant to subsection (2). The number of permits outstanding in~~
8597 ~~any one year shall not exceed the number issued for 1992. No~~
8598 ~~permit shall be transferable by any method, including devise or~~
8599 ~~inheritance, and a permit shall be renewable only by the initial~~
8600 ~~holder thereof. All permits not renewed for any reason shall~~
8601 ~~expire and shall not be renewable under any circumstances.~~

8602 ~~(4) No person harvesting dead shrimp from Tampa Bay shall~~
8603 ~~sell such shrimp to any person unless such seller is in~~
8604 ~~possession of a dead shrimp production permit issued pursuant to~~
8605 ~~this section. Except for purchases from other wholesale dealers,~~
8606 ~~no wholesale dealer, as defined in s. 370.07(1)(a)3., shall~~
8607 ~~purchase dead shrimp harvested in Tampa Bay, unless the seller~~
8608 ~~produces his or her dead shrimp production permit prior to the~~
8609 ~~sale of the shrimp.~~

8610 ~~(5) The operator of any vessel used in Tampa Bay for dead~~
8611 ~~shrimp production shall possess while in or on the waters of the~~
8612 ~~bay and produce upon the request of any duly authorized law~~
8613 ~~enforcement officer a current dead shrimp production permit~~
8614 ~~issued for the vessel pursuant to this section.~~

8615 ~~(6) Each person harvesting shrimp in Tampa Bay pursuant to~~
8616 ~~the permit required by this section shall comply with all rules~~
8617 ~~of the Fish and Wildlife Conservation Commission regulating such~~
8618 ~~harvest.~~

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8619 ~~(7) For purpose of this section, "Tampa Bay" means all the~~
8620 ~~waters of the bay east and north of the Sunshine Skyway Bridge~~
8621 ~~(U.S. 19 and Interstate 275).~~

8622 Section 155. Section 379.3711, Florida Statutes, is created
8623 to read:

8624 379.3711 License fee for private game preserves and
8625 farms.--The licensee fee for establishing, maintaining, and
8626 operating a private preserve and farm pursuant to s. 379.302 is
8627 \$50 per year. The fee is payable to the commission and shall be
8628 deposited in the State Game Trust Fund.

8629 Section 156. Section 372.661, Florida Statutes, is
8630 renumbered as section 379.3712, Florida Statutes, and amended to
8631 read:

8632 379.3712 ~~372.661~~ Private hunting preserve license fees;
8633 exception.--

8634 (1) Any person who operates a private hunting preserve
8635 commercially or otherwise shall be required to pay a license fee
8636 of \$70 for each such preserve; provided, however, that during the
8637 open season established for wild game of any species a private
8638 individual may take artificially propagated game of such species
8639 up to the bag limit prescribed for the particular species without
8640 being required to pay the license fee required by this section;
8641 provided further that if any such individual shall charge a fee
8642 for taking such game she or he shall be required to pay the
8643 license fee required by this section and to comply with the rules
8644 of the commission relative to the operation of private hunting
8645 preserves.

8646 (2) A commercial hunting preserve license, which shall
8647 exempt patrons of licensed preserves from the license and permit
8648 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j)



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8649 | ~~372.57(4)(c), (d), (f), (h), (i), and (j);~~ (5) (g) and (h);
8650 | (8) (a), (b), and (e); (9) (a)2.; (11); and (12) while hunting on
8651 | the licensed preserve property, shall be \$500. Such commercial
8652 | hunting preserve license shall be available only to those private
8653 | hunting preserves licensed pursuant to this section which are
8654 | operated exclusively for commercial purposes, which are open to
8655 | the public, and for which a uniform fee is charged to patrons for
8656 | hunting privileges.

8657 | Section 157. Section 372.86, Florida Statutes, is
8658 | renumbered as section 379.372, Florida Statutes, to read:

8659 | 379.372 ~~372.86~~ Capturing, keeping, possessing,
8660 | transporting, or exhibiting venomous reptiles or reptiles of
8661 | concern; license required.--

8662 | (1) No person, firm, or corporation shall capture, keep,
8663 | possess, or exhibit any poisonous or venomous reptile or reptile
8664 | of concern without first having obtained a special permit or
8665 | license therefor from the Fish and Wildlife Conservation
8666 | Commission as provided in this section.

8667 | (2) By December 31, 2007, the commission shall establish a
8668 | list of reptiles of concern, including venomous, nonvenomous,
8669 | native, nonnative, or other reptiles, which require additional
8670 | regulation for capture, possession, transportation, or exhibition
8671 | due to their nature, habits, status, or potential to negatively
8672 | impact the environment, ecology, or humans.

8673 | (3) It shall be unlawful for any person, firm, or
8674 | corporation, whether licensed hereunder or not, to capture, keep,
8675 | possess, or exhibit any venomous reptile or reptile of concern in
8676 | any manner not approved as safe, secure, and proper by the
8677 | commission. Venomous reptiles or reptiles of concern held in
8678 | captivity are subject to inspection by the commission. The



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8679 | commission shall determine whether the reptiles are securely,
8680 | safely, and properly penned. In the event that the reptiles are
8681 | not safely penned, the commission shall report the situation in
8682 | writing to the person, firm, or corporation owning the reptiles.
8683 | Failure of the person, firm, or corporation to correct the
8684 | situation within 30 days after such written notice shall be
8685 | grounds for revocation of the license or permit of the person,
8686 | firm, or corporation.

8687 | (4) Venomous reptiles or reptiles of concern shall be
8688 | transported in a safe, secure, and proper manner. The commission
8689 | shall establish by rule the requirements for the transportation
8690 | of venomous reptiles or reptiles of concern.

8691 | Section 158. Section 372.87, Florida Statutes, is
8692 | renumbered as 379.373, Florida Statutes, to read:

8693 | 379.373 ~~372.87~~ License fee; renewal, revocation.--

8694 | (1) (a) The Fish and Wildlife Conservation Commission is
8695 | authorized and empowered to issue a license or permit for the
8696 | capturing, keeping, possessing, or exhibiting of venomous
8697 | reptiles, upon payment of an annual fee of \$100 and upon
8698 | assurance that all of the provisions of ss. 379.372-379.305 and
8699 | ss. 379.372-379.374 ~~372.86-372.92~~ and such other reasonable rules
8700 | and regulations as the commission may prescribe will be fully
8701 | complied with in all respects.

8702 | (b) The Fish and Wildlife Conservation Commission is
8703 | authorized and empowered to issue a license or permit for the
8704 | capturing, keeping, possessing, or exhibiting of reptiles of
8705 | concern upon payment of an annual fee not to exceed \$100 and upon
8706 | assurance that all of the provisions of ss. 379.305, 379.372,
8707 | 379.373, and 379.374 ~~372.86-372.92~~ and such other reasonable
8708 | rules and regulations as the commission may prescribe will be

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8709 fully complied with in all respects. The annual fee for issuance
8710 or renewal of a license or permit under this paragraph for
8711 reptiles of concern is initially set at \$100. However, the
8712 commission may reduce that annual fee by rule if the commission
8713 determines that there is general compliance with ss. 379.305,
8714 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and that such
8715 compliance allows for a reduction in fees to cover the costs of
8716 administering and enforcing the reptiles of concern program. The
8717 commission may issue a license or permit to an applicant who
8718 holds a current and valid license or permit for venomous reptiles
8719 under paragraph (a) and meets all requirements for the capturing,
8720 keeping, possessing, or exhibiting of reptiles of concern, but
8721 shall not require payment of an additional annual fee.

8722 (2) Such permits or licenses may be revoked by the
8723 commission upon violation of any of the provisions of ss.
8724 379.305, 379.372, 379.373, and 379.374 ~~372.86-372.92~~ or upon
8725 violation of any of the rules and regulations prescribed by the
8726 commission relating to the capturing, keeping, possessing, and
8727 exhibiting of any venomous reptiles or reptiles of concern. Such
8728 permits or licenses shall be for an annual period to be
8729 prescribed by the commission and shall be renewable upon the
8730 payment of said fee and shall be subject to the same conditions,
8731 limitations, and restrictions as set forth in this section. All
8732 moneys received pursuant to this section shall be deposited into
8733 the State Game Trust Fund to be used to implement, administer,
8734 enforce, and educate the public regarding ss. 379.305, 379.372,
8735 379.373, and 379.374 ~~372.86-372.92~~.

8736 Section 159. Section 372.88, Florida Statutes, is
8737 renumbered as section 379.374, Florida Statutes, to read:

8738 379.374 ~~372.88~~ Bond required, amount.--

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8739 (1) No person, party, firm, or corporation shall exhibit to
8740 the public either with or without charge or admission fee any
8741 venomous reptile without having first posted a good and
8742 sufficient bond in writing in the penal sum of \$10,000 payable to
8743 the commission, conditioned that such exhibitor will indemnify
8744 and save harmless all persons from injury or damage from such
8745 venomous reptiles so exhibited and shall fully comply with all
8746 laws of the state and all rules and regulations of the commission
8747 governing the capturing, keeping, possessing, or exhibiting of
8748 venomous reptiles; provided, however, that the aggregate
8749 liability of the surety for all such injuries or damages shall,
8750 in no event, exceed the penal sum of the bond. The surety for the
8751 bond must be a surety company authorized to do business under the
8752 laws of the state or in lieu of such a surety, cash in the sum of
8753 \$10,000 may be posted with the commission to ensure compliance
8754 with the conditions of the bond.

8755 (2) No person, party, firm, or corporation shall exhibit to
8756 the public either with or without charge or admission fee, any
8757 Class I wildlife, as defined in s. 379.303 ~~372.922~~ and commission
8758 rule chapter 68A-6, Florida Administrative Code, without having
8759 first guaranteed financial responsibility, in the sum of \$10,000,
8760 for any liability which may be incurred in the exhibition to the
8761 public of Class I wildlife. The commission shall adopt, by rule,
8762 the methods of payment that satisfy the financial responsibility,
8763 which may include cash, the establishment of a trust fund, an
8764 irrevocable letter of credit, casualty insurance, a corporate
8765 guarantee, or any combination thereof, in the sum of \$10,000
8766 which shall be posted with the commission. In lieu of the \$10,000
8767 financial responsibility guarantee required in this subsection,
8768 the exhibiter has the option to maintain comprehensive general



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8769 liability insurance, with minimum limits of \$2 million per
8770 occurrence and \$2 million annual aggregate, as shall protect the
8771 exhibiter from claims for damage for personal injury, including
8772 accidental death, as well as claims for property damage which may
8773 arise. Proof of such insurance shall be submitted to the
8774 commission.

8775 Section 160. Section 372.6673, Florida Statutes, is
8776 renumbered as section 379.3751, Florida Statutes, to read:

8777 379.3751 ~~372.6673~~ Taking and possession of alligators;
8778 trapping licenses; fees.--

8779 (1) (a) No person shall take or possess any alligator or the
8780 eggs thereof without having first obtained from the commission a
8781 trapping license and paid the fee provided in this section. Such
8782 license shall be dated when issued and remain valid for 12 months
8783 after the date of issuance and shall authorize the person to whom
8784 it is issued to take or possess alligators and their eggs, and to
8785 sell, possess, and process alligators and their hides and meat,
8786 in accordance with law and commission rules. Such license shall
8787 not be transferable and shall not be valid unless it bears on its
8788 face in indelible ink the name of the person to whom it is
8789 issued. Such license shall be in the personal possession of the
8790 licensee while such person is taking alligators or their eggs or
8791 is selling, possessing, or processing alligators or their eggs,
8792 hides, or meat. The failure of the licensee to exhibit such
8793 license to the commission or its wildlife officers, when such
8794 person is found taking alligators or their eggs or is found
8795 selling, possessing, or processing alligators or their eggs,
8796 hides, or meat, shall be a violation of law.

8797 (b) In order to assure the optimal utilization of the
8798 estimated available alligator resource and to ensure adequate



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8799 control of the alligator management and harvest program, the
8800 commission may by rule limit the number of participants engaged
8801 in the taking of alligators or their eggs from the wild.

8802 (c) No person who has been convicted of any violation of s.
8803 s. 379.3015 or s.379.409 ~~372.663 or s. 372.664~~ or the rules of
8804 the commission relating to the illegal taking of crocodilian
8805 species shall be eligible for issuance of a license for a period
8806 of 5 years subsequent to such conviction. In the event such
8807 violation involves the unauthorized taking of an endangered
8808 crocodilian species, no license shall be issued for 10 years
8809 subsequent to the conviction.

8810 (2) The license and issuance fee, and the activity
8811 authorized thereby, shall be as follows:

8812 (a) The annual fee for issuance of a resident alligator
8813 trapping license, which permits a resident of the state to take
8814 alligators occurring in the wild other than alligator hatchlings,
8815 to possess and process alligators taken under authority of such
8816 alligator trapping license or otherwise legally acquired, and to
8817 possess, process, and sell their hides and meat, shall be \$250.

8818 (b) The annual fee for issuance of a nonresident alligator
8819 trapping license, which permits a person other than a resident of
8820 the state to take alligators occurring in the wild other than
8821 alligator hatchlings, to possess and process alligators taken
8822 under authority of such alligator trapping license, and to
8823 possess, process, and sell their hides and meat, shall be \$1,000.

8824 (c) The annual fee for issuance of an alligator trapping
8825 agent's license, which permits a person to act as an agent of any
8826 person who has been issued a resident or nonresident alligator
8827 trapping license as provided in paragraph (a) or paragraph (b)
8828 and to take alligators occurring in the wild other than alligator



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8829 hatchlings, and to possess and process alligators taken under
8830 authority of such agency relationship, shall be \$50. Such
8831 alligator trapping agent's license shall be issued only in
8832 conjunction with an alligator trapping license and shall bear on
8833 its face in indelible ink the name and license number of the
8834 alligator trapping licenseholder for whom the holder of this
8835 license is acting as an agent.

8836 (d) The annual fee for issuance of an alligator farming
8837 license, which permits a person to operate a facility for captive
8838 propagation of alligators, to possess alligators for captive
8839 propagation, to take alligator hatchlings and alligator eggs
8840 occurring in the wild, to rear such alligators, alligator
8841 hatchlings, and alligator eggs in captivity, to process
8842 alligators taken or possessed under authority of such alligator
8843 farming license or otherwise legally acquired, and to sell their
8844 hides and meat, shall be \$250.

8845 (e) The annual fee for issuance of an alligator farming
8846 agent's license, which permits a person to act as an agent of any
8847 person who has been issued an alligator farming license as
8848 provided in paragraph (d) and to take alligator hatchlings and
8849 alligator eggs occurring in the wild, and to possess and process
8850 alligators taken under authority of such agency relationship,
8851 shall be \$50. Such license shall be issued only in conjunction
8852 with an alligator farming license, and shall bear on its face in
8853 indelible ink the name and license number of the alligator
8854 farming licenseholder for whom the holder of this license is
8855 acting as an agent.

8856 (f) The annual fee for issuance of an alligator processor's
8857 license, which permits a person to buy and process alligators
8858 lawfully taken by alligator trapping licenseholders and taken or



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8859 possessed by alligator farming licenseholders and to sell
8860 alligator meat, hides, and other parts, shall be \$250.

8861 (3) For the purpose of this section, "process" shall mean
8862 the possession and skinning or butchering of an alligator by
8863 someone other than the holder of the alligator trapping license,
8864 alligator trapping agent's license, alligator farming license, or
8865 alligator farming agent's license who has authorized the taking
8866 and possession of such alligator.

8867 (4) No person shall take any alligator egg occurring in the
8868 wild or possess any such egg unless such person has obtained, or
8869 is a licensed agent of another person who has obtained, an
8870 alligator egg collection permit. The alligator egg collection
8871 permit shall be required in addition to the alligator farming
8872 license provided in paragraph (2)(d). The commission is
8873 authorized to assess a fee for issuance of the alligator egg
8874 collection permit of up to \$5 per egg authorized to be taken or
8875 possessed pursuant to such permit. Irrespective of whether a fee
8876 is assessed, \$1 per egg collected and retained, excluding eggs
8877 collected on private wetland management areas, shall be
8878 transferred from the alligator management program to the General
8879 Inspection Trust Fund, to be administered by the Department of
8880 Agriculture and Consumer Services for the purpose of providing
8881 marketing and education services with respect to alligator
8882 products produced in this state, notwithstanding other provisions
8883 in this chapter.

8884 (5) The commission shall adopt criteria by rule to
8885 establish appropriate qualifications for alligator collectors who
8886 may receive permits pursuant to this section.



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8887 Section 161. Section 372.6674, Florida Statutes, is
8888 renumbered as section 379.3752, Florida Statutes, and amended to
8889 read:

8890 379.3752 ~~372.6674~~ Required tagging of alligators and hides;
8891 fees; revenues.--The tags provided in this section shall be
8892 required in addition to any license required under s. 379.3751
8893 ~~372.6673~~.

8894 (1) No person shall take any alligator occurring in the
8895 wild or possess any such alligator unless such alligator is
8896 subsequently tagged in the manner required by commission rule.
8897 For the tag required for an alligator hatchling, the commission
8898 is authorized to assess a fee of not more than \$15 for each
8899 alligator hatchling tag issued. The commission shall expend one-
8900 third of the revenue generated from the issuance of the alligator
8901 hatchling tag for alligator husbandry research.

8902 (2) The commission may require that an alligator hide
8903 validation tag (CITES tag) be affixed to the hide of any
8904 alligator taken from the wild and that such hide be possessed,
8905 purchased, sold, offered for sale, or transported in accordance
8906 with commission rule. The commission is authorized to assess a
8907 fee of up to \$30 for each alligator hide validation tag issued.
8908 Irrespective of whether a fee is assessed, \$5 per validated hide,
8909 excluding those validated from public hunt programs and alligator
8910 farms, shall be transferred from the alligator management program
8911 to the General Inspection Trust Fund, to be administered by the
8912 Department of Agriculture and Consumer Services for the purpose
8913 of providing marketing and education services with respect to
8914 alligator products produced in this state, notwithstanding other
8915 provisions in this chapter.



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8916 (3) The number of tags available for alligators taken
8917 pursuant to a collection permit shall be limited to the number of
8918 tags determined by the commission to equal the safe yield of
8919 alligators as determined pursuant to s. 379.3013 ~~372.6678~~.

8920 Section 162. Subsections (1), (2), (3), (7) and (8) of
8921 section 372.921, Florida Statutes, are renumbered as section
8922 379.3761, Florida Statutes, and amended to read:

8923 379.3761 Exhibition or sale of wildlife; fees;
8924 classifications.--

8925 (1) In order to provide humane treatment and sanitary
8926 surroundings for wild animals kept in captivity, no person, firm,
8927 corporation, or association shall have, or be in possession of,
8928 in captivity for the purpose of public display with or without
8929 charge or for public sale any wildlife, specifically birds,
8930 mammals, amphibians, and reptiles, whether indigenous to Florida
8931 or not, without having first secured a permit from the commission
8932 authorizing such person, firm, or corporation to have in its
8933 possession in captivity the species and number of wildlife
8934 specified within such permit; however, this section does not
8935 apply to any wildlife not protected by law and the rules of the
8936 commission.

8937 (2) The fees to be paid for the issuance of permits
8938 required by subsection (1) shall be as follows:

8939 (a) For not more than 25 Class I or Class II individual
8940 specimens in the aggregate of all species, the sum of \$150 per
8941 annum.

8942 (b) For over 25 Class I or Class II individual specimens in
8943 the aggregate of all species, the sum of \$250 per annum.

8944 (c) For any number of Class III individual specimens in the
8945 aggregate of all species, the sum of \$50 per annum.



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8946
8947 The fees prescribed by this subsection shall be submitted to the
8948 commission with the application for permit required by subsection
8949 (1) and shall be deposited in the State Game Trust Fund.

8950 (3) An applicant for a permit shall be required to include
8951 in her or his application a statement showing the place, number,
8952 and species of wildlife to be held in captivity by the applicant
8953 and shall be required upon request by the Fish and Wildlife
8954 Conservation Commission to show when, where, and in what manner
8955 she or he came into possession of any wildlife acquired
8956 subsequent to the effective date of this act. The source of
8957 acquisition of such wildlife shall not be divulged by the
8958 commission except in connection with a violation of this section
8959 or a regulation of the commission in which information as to
8960 source of wildlife is required as evidence in the prosecution of
8961 such violation.

8962 (4) ~~(7)~~ The provisions of this section relative to
8963 licensing do not apply to any municipal, county, state, or other
8964 publicly owned wildlife exhibit. The provisions of this section
8965 do not apply to any traveling zoo, circus, or exhibit licensed as
8966 provided by chapter 205.

8967 (5) ~~(8)~~ This section shall not apply to the possession,
8968 control, care, and maintenance of ostriches, emus, rheas, and
8969 bison domesticated and confined for commercial farming purposes,
8970 except those kept and maintained on hunting preserves or game
8971 farms or primarily for exhibition purposes in zoos, carnivals,
8972 circuses, and other such establishments where such species are
8973 kept primarily for display to the public.

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8974 Section 163. Subsections (1), (2), (5), (6), and (7) of
8975 section 372.922, Florida Statutes, are renumbered as section
8976 379.3762, Florida Statutes, and amended to read:

8977 379.3762 ~~372.922~~ Personal possession of wildlife.--

8978 (1) It is unlawful for any person or persons to possess any
8979 wildlife as defined in this act, whether indigenous to Florida or
8980 not, until she or he has obtained a permit as provided by this
8981 section from the Fish and Wildlife Conservation Commission.

8982 (2) The classifications of types of wildlife and fees to be
8983 paid for permits for the personal possession of wildlife shall be
8984 as follows:

8985 (a) Class I--Wildlife which, because of its nature, habits,
8986 or status, shall not be possessed as a personal pet.

8987 (b) Class II--Wildlife considered to present a real or
8988 potential threat to human safety, the sum of \$140 per annum.

8989 (c) Class III--All other wildlife not included in Class I
8990 or Class II, for which a no-cost permit must be obtained from the
8991 commission.

8992 (3) ~~(5)~~ Any person, firm, corporation, or association
8993 exhibiting or selling wildlife and being duly permitted as
8994 provided by s. 379.304 ~~372.921~~ shall be exempt from the fee
8995 requirement to receive a permit under this section.

8996 (4) ~~(6)~~ This section shall not apply to the possession,
8997 control, care, and maintenance of ostriches, emus, rheas, and
8998 bison domesticated and confined for commercial farming purposes,
8999 except those kept and maintained on hunting preserves or game
9000 farms or primarily for exhibition purposes in zoos, carnivals,
9001 circuses, and other such establishments where such species are
9002 kept primarily for display to the public.



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9003 ~~(5)(7)~~ Persons in violation of this section shall be
9004 punishable as provided in s. 379.401 ~~372.83~~.

9005 Section 164. Section 372.653, Florida Statutes, is
9006 renumbered as section 379.377, Florida Statutes, and amended to
9007 read:

9008 379.377 ~~372.653~~ Tag fees for sale of Lake Okeechobee game
9009 fish ~~Required tagging of fish; lakes in excess of 500 square~~
9010 ~~miles; tag fee; game fish taken in lakes of 500 square miles or~~
9011 ~~less.--The commission is authorized to assess a fee of not more~~
9012 ~~than 5 cents per tag, payable at the time of delivery of the tag,~~
9013 ~~for the purpose of allowing the sale of game fish taken~~
9014 ~~commercially from Lake Okeechobee, as may be allowed by the~~
9015 ~~commission.~~

9016 ~~(1)(a) No game fish taken from, or caught in, a lake in~~
9017 ~~this state the area of which is in excess of 500 square miles~~
9018 ~~shall be sold for consumption in this state unless it is tagged~~
9019 ~~in the manner required by the Fish and Wildlife Conservation~~
9020 ~~Commission. Bass or pickerel taken by any method other than hook~~
9021 ~~and line shall be returned immediately to the water. Trawls and~~
9022 ~~haul seines shall not be operated within 1 mile of rooted aquatic~~
9023 ~~vegetation.~~

9024 ~~(b) In order that such program of tagging be self-~~
9025 ~~sufficient, the Fish and Wildlife Conservation Commission is~~
9026 ~~authorized to assess a fee of not more than 5 cents per tag,~~
9027 ~~payable at the time of delivery of the tag.~~

9028 ~~(2) No freshwater game fish shall be taken from a lake in~~
9029 ~~this state the area of which is 500 square miles or less other~~
9030 ~~than with pole and line; rod and reel; or plug, bob, spinner,~~
9031 ~~spoon, or other artificial bait or lure.~~

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9032 ~~(3) No freshwater game fish taken from a lake in this state~~
9033 ~~the area of which is 500 square miles or less shall be offered~~
9034 ~~for sale or sold.~~

9035 Section 165. Part VIII of chapter 379, Florida Statutes,
9036 consisting of sections 379.401, 379.4015, 379.402, 379.403,
9037 379.404, 379.405, 379.406, 379.407, 379.408, 379.409, 379.411,
9038 379.4115, 379.412, 379.413, and 379.414, is created to read:

9039 PART VIII

9040 PENALTIES

9041
9042 Section 166. Section 372.83, Florida Statutes, is
9043 renumbered as section 379.401, Florida Statutes, and amended to
9044 read:

9045 379.401 ~~372.83~~ Penalties and violations; civil penalties
9046 for noncriminal infractions; criminal penalties; suspension and
9047 forfeiture of licenses and permits.--

9048 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One
9049 violation if he or she violates any of the following provisions:

9050 1. Rules or orders of the commission relating to the filing
9051 of reports or other documents required to be filed by persons who
9052 hold recreational licenses and permits issued by the commission.

9053 2. Rules or orders of the commission relating to quota hunt
9054 permits, daily use permits, hunting zone assignments, camping,
9055 alcoholic beverages, vehicles, and check stations within wildlife
9056 management areas or other areas managed by the commission.

9057 3. Rules or orders of the commission relating to daily use
9058 permits, alcoholic beverages, swimming, possession of firearms,
9059 operation of vehicles, and watercraft speed within fish
9060 management areas managed by the commission.

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9061 4. Rules or orders of the commission relating to vessel
9062 size or specifying motor restrictions on specified water bodies.

9063 5. Section 379.355 ~~370.063~~, providing for special
9064 recreational spiny lobster licenses.

9065 6. Section 379.354(1)-(15) ~~372.57(1)-(15)~~, providing for
9066 recreational licenses to hunt, fish, and trap.

9067 7. Section 379.3581 ~~372.5717~~, providing hunter safety
9068 course requirements.

9069 8. Section 379.3003 ~~372.988~~, prohibiting deer hunting
9070 unless required clothing is worn.

9071 (b) A person who commits a Level One violation commits a
9072 noncriminal infraction and shall be cited to appear before the
9073 county court.

9074 (c)1. The civil penalty for committing a Level One
9075 violation involving the license and permit requirements of s.
9076 379.354 ~~372.57~~ is \$50 plus the cost of the license or permit,
9077 unless subparagraph 2. applies.

9078 2. The civil penalty for committing a Level One violation
9079 involving the license and permit requirements of s. 379.354
9080 ~~372.57~~ is \$100 plus the cost of the license or permit if the
9081 person cited has previously committed the same Level One
9082 violation within the preceding 36 months.

9083 (d)1. The civil penalty for any other Level One violation
9084 is \$50 unless subparagraph 2. applies.

9085 2. The civil penalty for any other Level One violation is
9086 \$100 if the person cited has previously committed the same Level
9087 One violation within the preceding 36 months.

9088 (e) A person cited for a Level One violation shall sign and
9089 accept a citation to appear before the county court. The issuing
9090 officer may indicate on the citation the time and location of the



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9091 | scheduled hearing and shall indicate the applicable civil
9092 | penalty.

9093 | (f) A person cited for a Level One violation may pay the
9094 | civil penalty by mail or in person within 30 days after receipt
9095 | of the citation. If the civil penalty is paid, the person shall
9096 | be deemed to have admitted committing the Level One violation and
9097 | to have waived his or her right to a hearing before the county
9098 | court. Such admission may not be used as evidence in any other
9099 | proceedings except to determine the appropriate fine for any
9100 | subsequent violations.

9101 | (g) A person who refuses to accept a citation, who fails to
9102 | pay the civil penalty for a Level One violation, or who fails to
9103 | appear before a county court as required commits a misdemeanor of
9104 | the second degree, punishable as provided in s. 775.082 or s.
9105 | 775.083.

9106 | (h) A person who elects to appear before the county court
9107 | or who is required to appear before the county court shall be
9108 | deemed to have waived the limitations on civil penalties provided
9109 | under paragraphs (c) and (d). After a hearing, the county court
9110 | shall determine if a Level One violation has been committed, and
9111 | if so, may impose a civil penalty of not less than \$50 for a
9112 | first-time violation, and not more than \$500 for subsequent
9113 | violations. A person found guilty of committing a Level One
9114 | violation may appeal that finding to the circuit court. The
9115 | commission of a violation must be proved beyond a reasonable
9116 | doubt.

9117 | (i) A person cited for violating the requirements of s.
9118 | 379.354 ~~372.57~~ relating to personal possession of a license or
9119 | permit may not be convicted if, prior to or at the time of a
9120 | county court hearing, the person produces the required license or

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9121 permit for verification by the hearing officer or the court
9122 clerk. The license or permit must have been valid at the time the
9123 person was cited. The clerk or hearing officer may assess a \$5
9124 fee for costs under this paragraph.

9125 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
9126 violation if he or she violates any of the following provisions:

9127 1. Rules or orders of the commission relating to seasons or
9128 time periods for the taking of wildlife, freshwater fish, or
9129 saltwater fish.

9130 2. Rules or orders of the commission establishing bag,
9131 possession, or size limits or restricting methods of taking
9132 wildlife, freshwater fish, or saltwater fish.

9133 3. Rules or orders of the commission prohibiting access or
9134 otherwise relating to access to wildlife management areas or
9135 other areas managed by the commission.

9136 4. Rules or orders of the commission relating to the
9137 feeding of wildlife, freshwater fish, or saltwater fish.

9138 5. Rules or orders of the commission relating to landing
9139 requirements for freshwater fish or saltwater fish.

9140 6. Rules or orders of the commission relating to restricted
9141 hunting areas, critical wildlife areas, or bird sanctuaries.

9142 7. Rules or orders of the commission relating to tagging
9143 requirements for game and fur-bearing animals.

9144 8. Rules or orders of the commission relating to the use of
9145 dogs for the taking of game.

9146 9. Rules or orders of the commission which are not
9147 otherwise classified.

9148 10. Rules or orders of the commission prohibiting the
9149 unlawful use of finfish traps.



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9150 | 11. ~~10.~~ All prohibitions in chapter 370 which are not
9151 | otherwise classified.

9152 | 12. ~~11.~~ Section 379.33 ~~370.028~~, prohibiting the violation
9153 | of or noncompliance with commission rules.

9154 | 13. ~~12.~~ Section 379.407(6) ~~370.021(6)~~ prohibiting the sale,
9155 | purchase, harvest, or attempted harvest of any saltwater product
9156 | with intent to sell.

9157 | 14. ~~13.~~ Section 379.2421 ~~370.08~~, prohibiting the
9158 | obstruction of waterways with net gear.

9159 | ~~14. Section 370.1105, prohibiting the unlawful use of~~
9160 | ~~finfish traps.~~

9161 | 15. Section 379.413 ~~370.1121~~, prohibiting the unlawful
9162 | taking of bonefish.

9163 | 16. Section 379.365(2)(a) and (b) ~~370.13(2)(a) and (b)~~,
9164 | prohibiting the possession or use of stone crab traps without
9165 | trap tags and theft of trap contents or gear.

9166 | 17. Section 379.366 (4)(b) ~~370.135(4)(b)~~, prohibiting the
9167 | theft of blue crab trap contents or trap gear.

9168 | 18. Section 379.3671(2)(c) ~~370.142(2)(e)~~, prohibiting the
9169 | possession or use of spiny lobster traps without trap tags or
9170 | certificates and theft of trap contents or trap gear.

9171 | 19. Section 379.357 ~~372.5704~~, prohibiting the possession of
9172 | tarpon without purchasing a tarpon tag.

9173 | 20. Section 379.409 ~~372.667~~, prohibiting the feeding or
9174 | enticement of alligators or crocodiles.

9175 | 21. Section 379.105 ~~372.705~~, prohibiting the intentional
9176 | harassment of hunters, fishers, or trappers.

9177 | (b)1. A person who commits a Level Two violation but who
9178 | has not been convicted of a Level Two or higher violation within



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9179 | the past 3 years commits a misdemeanor of the second degree,
9180 | punishable as provided in s. 775.082 or s. 775.083.

9181 | 2. Unless the stricter penalties in subparagraph 3. or
9182 | subparagraph 4. apply, a person who commits a Level Two violation
9183 | within 3 years after a previous conviction for a Level Two or
9184 | higher violation commits a misdemeanor of the first degree,
9185 | punishable as provided in s. 775.082 or s. 775.083, with a
9186 | minimum mandatory fine of \$250.

9187 | 3. Unless the stricter penalties in subparagraph 4. apply,
9188 | a person who commits a Level Two violation within 5 years after
9189 | two previous convictions for a Level Two or higher violation,
9190 | commits a misdemeanor of the first degree, punishable as provided
9191 | in s. 775.082 or s. 775.083, with a minimum mandatory fine of
9192 | \$500 and a suspension of any recreational license or permit
9193 | issued under s. 379.354 ~~372.57~~ for 1 year. Such suspension shall
9194 | include the suspension of the privilege to obtain such license or
9195 | permit and the suspension of the ability to exercise any
9196 | privilege granted under any exemption in s. 379.353 ~~372.562~~.

9197 | 4. A person who commits a Level Two violation within 10
9198 | years after three previous convictions for a Level Two or higher
9199 | violation commits a misdemeanor of the first degree, punishable
9200 | as provided in s. 775.082 or s. 775.083, with a minimum mandatory
9201 | fine of \$750 and a suspension of any recreational license or
9202 | permit issued under s. 379.354 ~~372.57~~ for 3 years. Such
9203 | suspension shall include the suspension of the privilege to
9204 | obtain such license or permit and the suspension of the ability
9205 | to exercise any privilege granted under s. 379.353 ~~372.562~~. If
9206 | the recreational license or permit being suspended was an annual
9207 | license or permit, any privileges under ss. 379.353 and 379.354

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9208 ~~372.562 and 372.57~~ may not be acquired for a 3-year period
9209 following the date of the violation.

9210 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
9211 Three violation if he or she violates any of the following
9212 provisions:

9213 1. Rules or orders of the commission prohibiting the sale
9214 of saltwater fish.

9215 2. Rules or orders of the commission prohibiting the
9216 illegal importation or possession of exotic marine plants or
9217 animals.

9218 3. 2. Section 379.407(2) ~~370.021(2)~~, establishing major
9219 violations.

9220 4. 3. Section 379.407(4) ~~370.021(4)~~, prohibiting the
9221 possession of certain finfish in excess of recreational daily bag
9222 limits.

9223 ~~4. Section 370.081, prohibiting the illegal importation or~~
9224 ~~possession of exotic marine plants or animals.~~

9225 5. Section 379.28 ~~372.26~~, prohibiting the importation of
9226 freshwater fish.

9227 6. Section 379.231 ~~372.265~~, prohibiting the importation of
9228 nonindigenous species of the animal kingdom without a permit
9229 issued by the commission.

9230 7. Section 379.354(17) ~~372.57(17)~~, prohibiting the taking
9231 of game, freshwater fish, or saltwater fish while a required
9232 license is suspended or revoked.

9233 8. Section 379.3014 ~~372.662~~, prohibiting the illegal sale
9234 or possession of alligators.

9235 9. Section 379.404(1), (3), and (6) ~~372.99(1), (3), and~~
9236 ~~(6)~~, prohibiting the illegal taking and possession of deer and
9237 wild turkey.

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9238 | 10. Section 379.406 ~~372.9903~~, prohibiting the possession
9239 | and transportation of commercial quantities of freshwater game
9240 | fish.

9241 | (b)1. A person who commits a Level Three violation but who
9242 | has not been convicted of a Level Three or higher violation
9243 | within the past 10 years commits a misdemeanor of the first
9244 | degree, punishable as provided in s. 775.082 or s. 775.083.

9245 | 2. A person who commits a Level Three violation within 10
9246 | years after a previous conviction for a Level Three or higher
9247 | violation commits a misdemeanor of the first degree, punishable
9248 | as provided in s. 775.082 or s. 775.083, with a minimum mandatory
9249 | fine of \$750 and a suspension of any recreational license or
9250 | permit issued under s. 379.354 ~~372.57~~ for the remainder of the
9251 | period for which the license or permit was issued up to 3 years.
9252 | Such suspension shall include the suspension of the privilege to
9253 | obtain such license or permit and the ability to exercise any
9254 | privilege granted under s. 379.353 ~~372.562~~. If the recreational
9255 | license or permit being suspended was an annual license or
9256 | permit, any privileges under ss. 379.353 and 379.354 ~~372.562~~ and
9257 | ~~372.57~~ may not be acquired for a 3-year period following the date
9258 | of the violation.

9259 | 3. A person who commits a violation of s. 379.354(17)
9260 | ~~372.57(17)~~ shall receive a mandatory fine of \$1,000. Any
9261 | privileges under ss. 379.353 and 379.354 ~~372.562~~ and ~~372.57~~ may
9262 | not be acquired for a 5-year period following the date of the
9263 | violation.

9264 | (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
9265 | Four violation if he or she violates any of the following
9266 | provisions:

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- 9267 | 1. Section 379.365(2)(c) ~~370.13(2)(e)~~, prohibiting criminal
9268 | activities relating to the taking of stone crabs.
- 9269 | 2. Section 379.366(4)(c) ~~370.135(4)(e)~~, prohibiting
9270 | criminal activities relating to the taking and harvesting of blue
9271 | crabs.
- 9272 | 3. Section 379.367(4) ~~370.14(4)~~, prohibiting the willful
9273 | molestation of spiny lobster gear.
- 9274 | 4. Section 379.3671(2)(c)5. ~~370.142(2)(e)5.~~, prohibiting
9275 | the unlawful reproduction, possession, sale, trade, or barter of
9276 | spiny lobster trap tags or certificates.
- 9277 | 5. Section 379.354(16) ~~372.57(16)~~, prohibiting the making,
9278 | forging, counterfeiting, or reproduction of a recreational
9279 | license or possession of same without authorization from the
9280 | commission.
- 9281 | 6. Section 379.404(5) ~~372.99(5)~~, prohibiting the sale of
9282 | illegally-taken deer or wild turkey.
- 9283 | 7. Section 379.405 ~~372.99022~~, prohibiting the molestation
9284 | or theft of freshwater fishing gear.
- 9285 | (b) A person who commits a Level Four violation commits a
9286 | felony of the third degree, punishable as provided in s. 775.082
9287 | or s. 775.083.
- 9288 | (5) VIOLATIONS OF CHAPTER.--Except as provided in this
9289 | chapter:
- 9290 | (a) A person who commits a violation of any provision of
9291 | this chapter commits, for the first offense, a misdemeanor of the
9292 | second degree, punishable as provided in s. 775.082 or s.
9293 | 775.083.
- 9294 | (b) A person who is convicted of a second or subsequent
9295 | violation of any provision of this chapter commits a misdemeanor



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9296 of the first degree, punishable as provided in s. 775.082 or s.
9297 775.083.

9298 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
9299 order the suspension or forfeiture of any license or permit
9300 issued under this chapter to a person who is found guilty of
9301 committing a violation of this chapter.

9302 (7) CONVICTION DEFINED.--As used in this section, the term
9303 "conviction" means any judicial disposition other than acquittal
9304 or dismissal.

9305 Section 167. Section 372.935, Florida Statutes, is
9306 renumbered as section 379.4015, Florida Statutes, and amended to
9307 read:

9308 379.4015 ~~372.935~~ Captive wildlife penalties.--

9309 (1) LEVEL ONE.--Unless otherwise provided by law, the
9310 following classifications and penalties apply:

9311 (a) A person commits a Level One violation if he or she
9312 violates any of the following provisions:

9313 1. Rules or orders of the commission requiring free permits
9314 or other authorizations to possess captive wildlife.

9315 2. Rules or orders of the commission relating to the filing
9316 of reports or other documents required of persons who are
9317 licensed to possess captive wildlife.

9318 3. Rules or orders of the commission requiring permits to
9319 possess captive wildlife for which a fee is charged, when the
9320 person being charged was issued the permit and the permit has
9321 expired less than 1 year prior to the violation.

9322 (b) Any person cited for committing any offense classified
9323 as a Level One violation commits a noncriminal infraction,
9324 punishable as provided in this section.



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9325 (c) Any person cited for committing a noncriminal
9326 infraction specified in paragraph (a) shall be cited to appear
9327 before the county court. The civil penalty for any noncriminal
9328 infraction is \$50 if the person cited has not previously been
9329 found guilty of a Level One violation and \$250 if the person
9330 cited has previously been found guilty of a Level One violation,
9331 except as otherwise provided in this subsection. Any person cited
9332 for failing to have a required permit or license shall pay an
9333 additional civil penalty in the amount of the license fee
9334 required.

9335 (d) Any person cited for an infraction under this
9336 subsection may:

9337 1. Post a bond, which shall be equal in amount to the
9338 applicable civil penalty; or

9339 2. Sign and accept a citation indicating a promise to
9340 appear before the county court. The officer may indicate on the
9341 citation the time and location of the scheduled hearing and shall
9342 indicate the applicable civil penalty.

9343 (e) Any person charged with a noncriminal infraction under
9344 this subsection may:

9345 1. Pay the civil penalty, either by mail or in person,
9346 within 30 days after the date of receiving the citation; or

9347 2. If the person has posted bond, forfeit bond by not
9348 appearing at the designated time and location.

9349 (f) If the person cited follows either of the procedures in
9350 subparagraph (e)1. or subparagraph (e)2., he or she shall be
9351 deemed to have admitted the infraction and to have waived his or
9352 her right to a hearing on the issue of commission of the
9353 infraction. Such admission shall not be used as evidence in any



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9354 other proceedings except to determine the appropriate fine for
9355 any subsequent violations.

9356 (g) Any person who willfully refuses to post bond or accept
9357 and sign a summons commits a misdemeanor of the second degree,
9358 punishable as provided in s. 775.082 or s. 775.083. Any person
9359 who fails to pay the civil penalty specified in this subsection
9360 within 30 days after being cited for a noncriminal infraction or
9361 to appear before the court pursuant to this subsection commits a
9362 misdemeanor of the second degree, punishable as provided in s.
9363 775.082 or s. 775.083.

9364 (h) Any person electing to appear before the county court
9365 or who is required to appear shall be deemed to have waived the
9366 limitations on the civil penalty specified in paragraph (c). The
9367 court, after a hearing, shall make a determination as to whether
9368 an infraction has been committed. If the commission of an
9369 infraction has been proven, the court may impose a civil penalty
9370 not less than those amounts in paragraph (c) and not to exceed
9371 \$500.

9372 (i) At a hearing under this chapter, the commission of a
9373 charged infraction must be proved beyond a reasonable doubt.

9374 (j) If a person is found by the hearing official to have
9375 committed an infraction, she or he may appeal that finding to the
9376 circuit court.

9377 (2) LEVEL TWO.--Unless otherwise provided by law, the
9378 following classifications and penalties apply:

9379 (a) A person commits a Level Two violation if he or she
9380 violates any of the following provisions:

9381 1. Unless otherwise stated in subsection (1), rules or
9382 orders of the commission that require a person to pay a fee to

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9383 obtain a permit to possess captive wildlife or that require the
9384 maintenance of records relating to captive wildlife.

9385 2. Rules or orders of the commission relating to captive
9386 wildlife not specified in subsection (1) or subsection (3).

9387 3. Rules or orders of the commission that require housing
9388 of wildlife in a safe manner when a violation results in an
9389 escape of wildlife other than Class I wildlife.

9390 4. Section 379.372 ~~372.86~~, relating to capturing, keeping,
9391 possessing, transporting, or exhibiting venomous reptiles or
9392 reptiles of concern.

9393 5. Section 379.373 ~~372.87~~, relating to requiring a license
9394 or permit for the capturing, keeping, possessing, or exhibiting
9395 of venomous reptiles or reptiles of concern.

9396 6. Section 379.374 ~~372.88~~, relating to bonding requirements
9397 for public exhibits of venomous reptiles.

9398 7. Section 379.305 ~~372.92~~, relating to commission rules and
9399 regulations to prevent the escape of venomous reptiles or
9400 reptiles of concern.

9401 8. Section 379.304 ~~372.921~~, relating to exhibition or sale
9402 of wildlife.

9403 9. Section 379.3762 ~~372.922~~, relating to personal
9404 possession of wildlife.

9405 (b) A person who commits any offense classified as a Level
9406 Two violation and who has not been convicted of a Level Two or
9407 higher violation within the past 3 years commits a misdemeanor of
9408 the second degree, punishable as provided in s. 775.082 or s.
9409 775.083.

9410 (c) Unless otherwise stated in this subsection, a person
9411 who commits any offense classified as a Level Two violation
9412 within a 3-year period of any previous conviction of a Level Two

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9413 or higher violation commits a misdemeanor of the first degree,
9414 punishable as provided in s. 775.082 or s. 775.083 with a minimum
9415 mandatory fine of \$250.

9416 (d) Unless otherwise stated in this subsection, a person
9417 who commits any offense classified as a Level Two violation
9418 within a 5-year period of any two previous convictions of Level
9419 Two or higher violations commits a misdemeanor of the first
9420 degree, punishable as provided in s. 775.082 or s. 775.083, with
9421 a minimum mandatory fine of \$500 and a suspension of all licenses
9422 issued under this chapter related to captive wildlife for 1 year.

9423 (e) A person who commits any offense classified as a Level
9424 Two violation within a 10-year period of any three previous
9425 convictions of Level Two or higher violations commits a
9426 misdemeanor of the first degree, punishable as provided in s.
9427 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
9428 a suspension of all licenses issued under this chapter related to
9429 captive wildlife for 3 years.

9430 (3) LEVEL THREE.--Unless otherwise provided by law, the
9431 following classifications and penalties apply:

9432 (a) A person commits a Level Three violation if he or she
9433 violates any of the following provisions:

9434 1. Rules or orders of the commission that require housing
9435 of wildlife in a safe manner when a violation results in an
9436 escape of Class I wildlife.

9437 2. Rules or orders of the commission related to captive
9438 wildlife when the violation results in serious bodily injury to
9439 another person by captive wildlife that consists of a physical
9440 condition that creates a substantial risk of death, serious
9441 personal disfigurement, or protracted loss or impairment of the
9442 function of any bodily member or organ.



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9443 3. Rules or orders of the commission relating to the use of
9444 gasoline or other chemical or gaseous substances on wildlife.

9445 4. Rules or orders of the commission prohibiting the
9446 release of wildlife for which only conditional possession is
9447 allowed.

9448 5. Rules or orders of the commission prohibiting knowingly
9449 entering false information on an application for a license or
9450 permit when the license or permit is to possess wildlife in
9451 captivity.

9452 6. Rules or orders of the commission, relating to the
9453 illegal importation and possession of nonindigenous marine plants
9454 and animals.

9455 7. Rules or orders of the commission relating to the
9456 importation, possession, or release of fish and wildlife for
9457 which possession is prohibited.

9458 8. 6. Section 379.231 372.265, relating to illegal
9459 importation or introduction of foreign wildlife.

9460 ~~7. Section 370.081, relating to the illegal importation and~~
9461 ~~possession of nonindigenous marine plants and animals.~~

9462 9. 8. Section 379.305 372.92, relating to release or escape
9463 of nonnative venomous reptiles or reptiles of concern.

9464 ~~9. Rules or orders of the commission relating to the~~
9465 ~~importation, possession, or release of fish and wildlife for~~
9466 ~~which possession is prohibited.~~

9467 (b)1. A person who commits any offense classified as a
9468 Level Three violation and who has not been convicted of a Level
9469 Three or higher violation within the past 10 years commits a
9470 misdemeanor of the first degree, punishable as provided in s.
9471 775.082 or s. 775.083.



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9472 2. A person who commits any offense classified as a Level
9473 Three violation within a 10-year period of any previous
9474 conviction of a Level Three or higher violation commits a
9475 misdemeanor of the first degree, punishable as provided in s.
9476 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
9477 permanent revocation of all licenses or permits to possess
9478 captive wildlife issued under this chapter.

9479 (4) LEVEL FOUR.--Unless otherwise provided by law, the
9480 following classifications and penalties apply:

9481 (a) A person commits a Level Four violation if he or she
9482 violates any Level Three provision after the permanent revocation
9483 of a license or permit.

9484 (b) A person who commits any offense classified as a Level
9485 Four violation commits a felony of the third degree, punishable
9486 as provided in s. 775.082 or s. 775.083.

9487 (5) SUSPENSION OR REVOCATION OF LICENSE.--The court may
9488 order the suspension or revocation of any license or permit
9489 issued to a person to possess captive wildlife pursuant to this
9490 chapter if that person commits a criminal offense or a
9491 noncriminal infraction as specified under this section.

9492 (6) CONVICTION DEFINED.--For purposes of this section, the
9493 term "conviction" means any judicial disposition other than
9494 acquittal or dismissal.

9495 (7) COMMISSION LIMITATIONS.--Nothing in this section shall
9496 limit the commission from suspending or revoking any license to
9497 possess wildlife in captivity by administrative action in
9498 accordance with chapter 120. For purposes of administrative
9499 action, a conviction of a criminal offense shall mean any
9500 judicial disposition other than acquittal or dismissal.

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9501 Section 168. Section 370.1107, Florida Statutes, is
9502 renumbered as section 379.402, Florida Statutes, to read:
9503 379.402 ~~370.1107~~ Definition; possession of certain licensed
9504 traps prohibited; penalties; exceptions; consent.--

9505 (1) As used in this section, the term "licensed saltwater
9506 fisheries trap" means any trap required to be licensed by the
9507 Fish and Wildlife Conservation Commission and authorized by the
9508 commission for the taking of saltwater products.

9509 (2) It is unlawful for any person, firm, corporation, or
9510 association to be in actual or constructive possession of a
9511 licensed saltwater fisheries trap registered with the Fish and
9512 Wildlife Conservation Commission in another person's, firm's,
9513 corporation's, or association's name.

9514 (a) Unlawful possession of less than three licensed
9515 saltwater fisheries traps is a misdemeanor of the first degree,
9516 punishable as provided in s. 775.082 or s. 775.083.

9517 (b) Unlawful possession of three or more licensed saltwater
9518 fisheries traps is a felony of the third degree, punishable as
9519 provided in s. 775.082 or s. 775.083.

9520 (c) Upon receipt of any judicial disposition other than
9521 dismissal or acquittal on a charge of violating this section or
9522 any provision of law or rule making unlawful the possession of
9523 another's saltwater fishing trap, a person shall permanently lose
9524 all saltwater fishing privileges, including licenses, trap
9525 certificates, and the ability to transfer trap certificates.

9526 (3) It is unlawful for any person, firm, corporation, or
9527 association to possess, attempt to possess, interfere with,
9528 attempt to interfere with, or remove live bait from a live bait
9529 trap or cage of another person, firm, corporation, or
9530 association. Unlawful possession of one or more live bait traps

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9531 or cages is a misdemeanor of the first degree, punishable as
9532 provided in s. 775.082 or s. 775.083.

9533 (4) This section shall not apply to the agents or employees
9534 of the registered owner of the licensed saltwater fisheries trap
9535 or to a person, firm, corporation, or association who has the
9536 written consent from the owner of the licensed saltwater
9537 fisheries trap, to possess such licensed saltwater fisheries
9538 trap, or to agents or employees of the Fish and Wildlife
9539 Conservation Commission who are engaged in the removal of traps
9540 during the closed season.

9541 (5) The registered owner of the licensed saltwater
9542 fisheries trap shall provide the Fish and Wildlife Conservation
9543 Commission with the names of any agents, employees, or any other
9544 person, firm, company, or association to whom the registered
9545 owner has given consent to possess said licensed saltwater
9546 fisheries trap.

9547 Section 169. Section 372.7015, Florida Statutes, is
9548 renumbered as section 379.403, Florida Statutes, and amended to
9549 read:

9550 379.403 ~~372.7015~~ Illegal killing, taking, possessing, or
9551 selling wildlife or game; fines; disposition of fines.--In
9552 addition to any other penalty provided by law, any person who
9553 violates the criminal provisions of this chapter and rules
9554 adopted pursuant to this chapter by illegally killing, taking,
9555 possessing, or selling game or fur-bearing animals as defined in
9556 s. 379.101 (19) or (20) ~~372.001(10) or (11)~~ in or out of season
9557 while violating chapter 810 shall pay a fine of \$250 for each
9558 such violation, plus court costs and any restitution ordered by
9559 the court. All fines collected under this section shall be
9560 remitted by the clerk of the court to the Department of Revenue



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9561 to be deposited into the Fish and Wildlife Conservation
9562 Commission's State Game Trust Fund.

9563 Section 170. Section 372.99, Florida Statutes, is
9564 renumbered as section 379.404, Florida Statutes, and amended to
9565 read:

9566 379.404 ~~372.99~~ Illegal taking and possession of deer and
9567 wild turkey; evidence; penalty.--

9568 (1) Whoever takes or kills any deer or wild turkey, or
9569 possesses a freshly killed deer or wild turkey, during the closed
9570 season prescribed by law or by the rules and regulations of the
9571 Fish and Wildlife Conservation Commission, or whoever takes or
9572 attempts to take any deer or wild turkey by the use of gun and
9573 light in or out of closed season, commits a Level Three violation
9574 under s. 379.401 ~~372.83~~ and shall forfeit any license or permit
9575 issued to her or him under the provisions of this chapter. No
9576 license shall be issued to such person for a period of 3 years
9577 following any such violation on the first offense. Any person
9578 guilty of a second or subsequent violation shall be permanently
9579 ineligible for issuance of a license or permit thereafter.

9580 (2) The display or use of a light in a place where deer
9581 might be found and in a manner capable of disclosing the presence
9582 of deer, together with the possession of firearms or other
9583 weapons customarily used for the taking of deer, between 1 hour
9584 after sunset and 1 hour before sunrise, shall be prima facie
9585 evidence of an intent to violate the provisions of subsection
9586 (1). This subsection does not apply to an owner or her or his
9587 employee when patrolling or inspecting the land of the owner,
9588 provided the employee has satisfactory proof of employment on her
9589 or his person.

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9590 (3) Whoever takes or kills any doe deer; fawn or baby deer;
9591 or deer, whether male or female, which does not have one or more
9592 antlers at least 5 inches in length, except as provided by law or
9593 the rules of the Fish and Wildlife Conservation Commission,
9594 during the open season prescribed by the rules of the commission,
9595 commits a Level Three violation under s. 379.401 ~~372.83~~ and may
9596 be required to forfeit any license or permit issued to such
9597 person for a period of 3 years following any such violation on
9598 the first offense. Any person guilty of a second or subsequent
9599 violation shall be permanently ineligible for issuance of a
9600 license or permit thereafter.

9601 (4) Any person who cultivates agricultural crops may apply
9602 to the Fish and Wildlife Conservation Commission for a permit to
9603 take or kill deer on land which that person is currently
9604 cultivating. When said person can show, to the satisfaction of
9605 the Fish and Wildlife Conservation Commission, that such taking
9606 or killing of deer is justified because of damage to the person's
9607 crops caused by deer, the Fish and Wildlife Conservation
9608 Commission may issue a limited permit to the applicant to take or
9609 kill deer without being in violation of subsection (1) or
9610 subsection (3).

9611 (5) Whoever possesses for sale or sells deer or wild turkey
9612 taken in violation of this chapter or the rules and regulations
9613 of the commission commits a Level Four violation under s. 379.401
9614 ~~372.83~~.

9615 (6) Any person who enters upon private property and shines
9616 lights upon such property, without the express permission of the
9617 owner of the property and with the intent to take deer by
9618 utilizing such shining lights, commits a Level Three violation
9619 under s. 379.401 ~~372.83~~.



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9620 Section 171. Section 372.99022, Florida Statutes, is
9621 renumbered as section 379.405, Florida Statutes, and amended to
9622 read:

9623 379.405 ~~372.99022~~ Illegal molestation of or theft from
9624 freshwater fishing gear.--

9625 (1) (a) Any person, firm, or corporation that willfully
9626 molests any authorized and lawfully permitted freshwater fishing
9627 gear belonging to another without the express written consent of
9628 the owner commits a Level Four violation under s. 379.401 ~~372.83~~.
9629 Any written consent must be available for immediate inspection.

9630 (b) Any person, firm, or corporation that willfully removes
9631 the contents of any authorized and lawfully permitted freshwater
9632 fishing gear belonging to another without the express written
9633 consent of the owner commits a Level Four violation under s.
9634 379.401 ~~372.83~~. Any written consent must be available for
9635 immediate inspection.

9636
9637 A person, firm, or corporation that receives a citation for a
9638 violation of this subsection is prohibited, immediately upon
9639 receipt of such citation and until adjudicated or convicted of a
9640 felony under this subsection, from transferring any endorsements.

9641 (2) Any person, firm, or corporation convicted pursuant to
9642 subsection (1) of removing the contents of freshwater fishing
9643 gear without the express written consent of the owner shall
9644 permanently lose all of his or her freshwater and saltwater
9645 fishing privileges, including his or her recreational and
9646 commercial licenses and endorsements, and shall be assessed an
9647 administrative penalty of not more than \$5,000. The endorsements
9648 of such person, firm, or corporation are not transferable.

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9649 (3) For purposes of this section, the term "freshwater
9650 fishing gear" means haul seines, slat baskets, wire traps, hoop
9651 nets, or pound nets, and includes the lines or buoys attached
9652 thereto.

9653 Section 172. Section 372.9903, Florida Statutes, is
9654 renumbered as section 379.406, Florida Statutes, and amended to
9655 read:

9656 379.406 ~~372.9903~~ Illegal possession or transportation of
9657 freshwater game fish in commercial quantities; penalty.--

9658 (1) Whoever possesses, moves, or transports any black bass,
9659 bream, speckled perch, or other freshwater game fish in
9660 commercial quantities in violation of law or the rules of the
9661 Fish and Wildlife Conservation Commission commits a Level Three
9662 violation under s. 379.401 ~~372.83~~.

9663 (2) For the purposes of this section "commercial
9664 quantities" shall be deemed to be a quantity of freshwater game
9665 fish of 150 or more pounds, and the possession, movement, or
9666 transportation of freshwater game fish in excess of such weight
9667 shall constitute prima facie evidence of possession or
9668 transportation for commercial purposes.

9669 Section 173. Subsections (1), (2), (3), (4), (5), (6),
9670 (11), and (12) of section 370.021, Florida Statutes, are
9671 renumbered as section 379.407, Florida Statutes, and amended to
9672 read:

9673 379.407 ~~370.021~~ Administration; rules, publications,
9674 records; penalties; injunctions.--

9675 (1) BASE PENALTIES.--Unless otherwise provided by law, any
9676 person, firm, or corporation who violates any provision of this
9677 chapter, or any rule of the Fish and Wildlife Conservation

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9678 Commission relating to the conservation of marine resources,
9679 shall be punished:

9680 (a) Upon a first conviction, by imprisonment for a period
9681 of not more than 60 days or by a fine of not less than \$100 nor
9682 more than \$500, or by both such fine and imprisonment.

9683 (b) On a second or subsequent conviction within 12 months,
9684 by imprisonment for not more than 6 months or by a fine of not
9685 less than \$250 nor more than \$1,000, or by both such fine and
9686 imprisonment.

9687

9688 Upon final disposition of any alleged offense for which a
9689 citation for any violation of this chapter or the rules of the
9690 commission has been issued, the court shall, within 10 days,
9691 certify the disposition to the commission.

9692 (2) MAJOR VIOLATIONS.--In addition to the penalties
9693 provided in paragraphs (1)(a) and (b), the court shall assess
9694 additional penalties against any commercial harvester convicted
9695 of major violations as follows:

9696 (a) For a violation involving more than 100 illegal blue
9697 crabs, spiny lobster, or stone crabs, an additional penalty of
9698 \$10 for each illegal blue crab, spiny lobster, stone crab, or
9699 part thereof.

9700 (b)1. For a violation involving the taking or harvesting of
9701 shrimp from a nursery or other prohibited area, or any two
9702 violations within a 12-month period involving shrimping gear,
9703 minimum size (count), or season, an additional penalty of \$10 for
9704 each pound of illegal shrimp or part thereof.

9705 2. For violations involving the taking of shrimp in certain
9706 closed areas:



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9707 a. Any person convicted of taking shrimp in Santa Rosa
9708 Sound in violation of commission rule designating a closed area
9709 shall have his or her saltwater products license and the
9710 saltwater products license of the boat involved in the violation
9711 revoked. If the person holds such a license, he or she shall be
9712 ineligible to make application for such a license for a period of
9713 2 years from the date of such conviction. If a person not having
9714 a license is convicted hereunder, that person and the boat
9715 involved in the violation shall not be eligible for such a
9716 license for 5 years.

9717 b. A third or subsequent violation by any person of the
9718 designated closure to shrimping in Santa Rosa Sound within a 3-
9719 year period is a felony of the third degree, punishable as
9720 provided in s. 775.082, s. 775.083, or s. 775.084.

9721 c. A second or any subsequent violation by any person for
9722 taking shrimp in a food shrimp production closed area in a
9723 portion of Monroe County designated by the commission is a felony
9724 of the third degree, punishable as provided in s. 775.082 or s.
9725 775.083.

9726 d. A third or any subsequent violation by the owner or
9727 master of any vessel engaged in food shrimp production in the
9728 Tortugas Shrimp Beds closed area designated by the commission
9729 within a 3-year period shall be a felony of the third degree,
9730 punishable as provided in ss. 775.082 and 775.083.

9731 (c) For a violation involving the taking or harvesting of
9732 oysters from nonapproved areas or the taking or possession of
9733 unculled oysters, an additional penalty of \$10 for each bushel of
9734 illegal oysters.



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9735 (d) For a violation involving the taking or harvesting of
9736 clams from nonapproved areas, an additional penalty of \$100 for
9737 each 500 count bag of illegal clams.

9738 (e) For a violation involving the taking, harvesting, or
9739 possession of any of the following species, which are endangered,
9740 threatened, or of special concern:

- 9741 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 9742 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 9743 3. Common snook (*Centropomus undecimalis*);
- 9744 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 9745 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 9746 6. Leatherback turtle (*Dermochelys coriacea*);
- 9747 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
9748 *imbricata*);
- 9749 8. Atlantic ridley turtle (*Lepidochelys kemp*); or
- 9750 9. West Indian manatee (*Trichechus manatus latirostris*),
9751

9752 an additional penalty of \$100 for each unit of marine life or
9753 part thereof.

9754 (f) For a second or subsequent conviction within 24 months
9755 for any violation of the same law or rule involving the taking or
9756 harvesting of more than 100 pounds of any finfish, an additional
9757 penalty of \$5 for each pound of illegal finfish.

9758 (g) For any violation involving the taking, harvesting, or
9759 possession of more than 1,000 pounds of any illegal finfish, an
9760 additional penalty equivalent to the wholesale value of the
9761 illegal finfish.

9762 (h) Permits issued to any commercial harvester by the
9763 commission to take or harvest saltwater products, or any license
9764 issued pursuant to s. 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~ may be



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9765 | suspended or revoked by the commission, pursuant to the
9766 | provisions and procedures of s. 120.60, for any major violation
9767 | prescribed in this subsection:

9768 | 1. Upon a first conviction, for up to 30 calendar days.

9769 | 2. Upon a second conviction which occurs within 12 months
9770 | after a prior violation, for up to 90 calendar days.

9771 | 3. Upon a third conviction which occurs within 24 months
9772 | after a prior conviction, for up to 180 calendar days.

9773 | 4. Upon a fourth conviction which occurs within 36 months
9774 | after a prior conviction, for a period of 6 months to 3 years.

9775 | (i) Upon the arrest and conviction for a major violation
9776 | involving stone crabs, the licenseholder must show just cause why
9777 | his or her license should not be suspended or revoked. For the
9778 | purposes of this paragraph, a "major violation" means a major
9779 | violation as prescribed for illegal stone crabs; any single
9780 | violation involving possession of more than 25 stone crabs during
9781 | the closed season or possession of 25 or more whole-bodied or
9782 | egg-bearing stone crabs; any violation for trap molestation, trap
9783 | robbing, or pulling traps at night; or any combination of
9784 | violations in any 3-consecutive-year period wherein more than 75
9785 | illegal stone crabs in the aggregate are involved.

9786 | (j) Upon the arrest and conviction for a major violation
9787 | involving spiny lobster, the licenseholder must show just cause
9788 | why his or her license should not be suspended or revoked. For
9789 | the purposes of this paragraph, a "major violation" means a major
9790 | violation as prescribed for illegal spiny lobster; any single
9791 | violation involving possession of more than 25 spiny lobster
9792 | during the closed season or possession of more than 25 wrung
9793 | spiny lobster tails or more than 25 egg-bearing or stripped spiny
9794 | lobster; any violation for trap molestation, trap robbing, or



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9795 pulling traps at night; or any combination of violations in any
9796 3-consecutive-year period wherein more than 75 illegal spiny
9797 lobster in the aggregate are involved.

9798 (k) Upon the arrest and conviction for a major violation
9799 involving blue crabs, the licenseholder shall show just cause why
9800 his or her saltwater products license should not be suspended or
9801 revoked. This paragraph shall not apply to an individual fishing
9802 with no more than five traps. For the purposes of this paragraph,
9803 a "major violation" means a major violation as prescribed for
9804 illegal blue crabs, any single violation wherein 50 or more
9805 illegal blue crabs are involved; any violation for trap
9806 molestation, trap robbing, or pulling traps at night; or any
9807 combination of violations in any 3-consecutive-year period
9808 wherein more than 100 illegal blue crabs in the aggregate are
9809 involved.

9810 (l) Upon the conviction for a major violation involving
9811 finfish, the licenseholder must show just cause why his or her
9812 saltwater products license should not be suspended or revoked.
9813 For the purposes of this paragraph, a major violation is
9814 prescribed for the taking and harvesting of illegal finfish, any
9815 single violation involving the possession of more than 100 pounds
9816 of illegal finfish, or any combination of violations in any 3-
9817 consecutive-year period wherein more than 200 pounds of illegal
9818 finfish in the aggregate are involved.

9819 (m) For a violation involving the taking or harvesting of
9820 any marine life species, as those species are defined by rule of
9821 the commission, the harvest of which is prohibited, or the taking
9822 or harvesting of such a species out of season, or with an illegal
9823 gear or chemical, or any violation involving the possession of 25
9824 or more individual specimens of marine life species, or any



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9825 combination of violations in any 3-year period involving more
9826 than 70 such specimens in the aggregate, the suspension or
9827 revocation of the licenseholder's marine life endorsement as
9828 provided in paragraph (h).

9829
9830 The penalty provisions of this subsection apply to commercial
9831 harvesters and wholesale and retail dealers as defined in s.
9832 379.362 ~~370.07~~. Any other person who commits a major violation
9833 under this subsection commits a Level Three violation under s.
9834 379.401 ~~372.83~~. Notwithstanding the provisions of s. 948.01, no
9835 court may suspend, defer, or withhold adjudication of guilt or
9836 imposition of sentence for any major violation prescribed in this
9837 subsection. The proceeds from the penalties assessed pursuant to
9838 this subsection shall be deposited into the Marine Resources
9839 Conservation Trust Fund to be used for marine fisheries research
9840 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
9841 ~~provided in s. 372.107, as applicable.~~

9842 (3) PENALTIES FOR USE OF ILLEGAL NETS.--

9843 (a) It is a major violation pursuant to this section,
9844 punishable as provided in paragraph (b) for any person, firm, or
9845 corporation to be simultaneously in possession of any species of
9846 mullet in excess of the recreational daily bag limit and any gill
9847 or other entangling net as defined in s. 16(c), Art. X of the
9848 State Constitution. Simultaneous possession under this provision
9849 shall include possession of mullet and gill or other entangling
9850 nets on separate vessels or vehicles where such vessels or
9851 vehicles are operated in coordination with one another including
9852 vessels towed behind a main vessel. This subsection does not
9853 prohibit a resident of this state from transporting on land, from



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9854 Alabama to this state, a commercial quantity of mullet together
9855 with a gill net if:

9856 1. The person possesses a valid commercial fishing license
9857 that is issued by the State of Alabama and that allows the person
9858 to use a gill net to legally harvest mullet in commercial
9859 quantities from Alabama waters.

9860 2. The person possesses a trip ticket issued in Alabama and
9861 filled out to match the quantity of mullet being transported, and
9862 the person is able to present such trip ticket immediately upon
9863 entering this state.

9864 3. The mullet are to be sold to a wholesale saltwater
9865 products dealer located in Escambia County or Santa Rosa County,
9866 which dealer also possesses a valid seafood dealer's license
9867 issued by the State of Alabama. The dealer's name must be clearly
9868 indicated on the trip ticket.

9869 4. The mullet being transported are totally removed from
9870 any net also being transported.

9871 (b)1. A flagrant violation of any rule or statute which
9872 implements s. 16(b), Art. X of the State Constitution shall be
9873 considered a felony of the third degree, punishable as provided
9874 in s. 775.082 or s. 775.083. For purposes of this paragraph, a
9875 flagrant violation shall be the illegal possession or use of a
9876 monofilament net or a net with a mesh area larger than 2,000
9877 square feet. A violation means any judicial disposition other
9878 than acquittal or dismissal.

9879 2. In addition to being subject to the other penalties
9880 provided in this chapter, any violation of s. 16(b), Art. X of
9881 the State Constitution, or any statute or rule of the commission
9882 which implements the gear prohibitions and restrictions specified
9883 therein shall be considered a major violation; and any person,

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9884 | firm, or corporation receiving any judicial disposition other
9885 | than acquittal or dismissal of such violation shall be subject to
9886 | the following additional penalties:

9887 | a. For a first major violation within a 7-year period, a
9888 | civil penalty of \$2,500 and suspension of all saltwater products
9889 | license privileges for 90 calendar days following final
9890 | disposition shall be imposed.

9891 | b. For a second major violation under this subparagraph
9892 | charged within 7 years of a previous judicial disposition, which
9893 | results in a second judicial disposition other than acquittal or
9894 | dismissal, a civil penalty of \$5,000 and suspension of all
9895 | saltwater products license privileges for 12 months shall be
9896 | imposed.

9897 | c. For a third or subsequent major violation under this
9898 | subparagraph, charged within a 7-year period, resulting in a
9899 | third or subsequent judicial disposition other than acquittal or
9900 | dismissal, a civil penalty of \$5,000, lifetime revocation of the
9901 | saltwater products license, and forfeiture of all gear and
9902 | equipment used in the violation shall be imposed.

9903 | d. For a first flagrant violation under this subparagraph,
9904 | a civil penalty of \$5,000 and a suspension of all saltwater
9905 | license privileges for 12 months shall be imposed. For a second
9906 | or subsequent flagrant violation under this subparagraph, a civil
9907 | penalty of \$5,000, a lifetime revocation of the saltwater
9908 | products license, and the forfeiture of all gear and equipment
9909 | used in the violation shall be imposed.

9910 |
9911 | A court may suspend, defer, or withhold adjudication of guilt or
9912 | imposition of sentence only for any first violation of s. 16,
9913 | Art. X of the State Constitution, or any rule or statute



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9914 implementing its restrictions, determined by a court only after
9915 consideration of competent evidence of mitigating circumstances
9916 to be a nonflagrant or minor violation of those restrictions upon
9917 the use of nets. Any violation of s. 16, Art. X of the State
9918 Constitution, or any rule or statute implementing its
9919 restrictions, occurring within a 7-year period commencing upon
9920 the conclusion of any judicial proceeding resulting in any
9921 outcome other than acquittal shall be punished as a second,
9922 third, or subsequent violation accordingly.

9923 (c) During the period of suspension or revocation of
9924 saltwater license privileges under this subsection, the licensee
9925 shall not participate in the taking or harvesting, or attempt the
9926 taking or harvesting, of saltwater products from any vessel
9927 within the waters of the state; be aboard any vessel on which a
9928 commercial quantity of saltwater products is possessed through an
9929 activity requiring a license pursuant to this section; or engage
9930 in any other activity requiring a license, permit, or certificate
9931 issued pursuant to this chapter. Any person who is convicted of
9932 violating this paragraph:

9933 1. Upon a first or second conviction, is guilty of a
9934 misdemeanor of the first degree, punishable as provided in s.
9935 775.082 or s. 775.083.

9936 2. Upon a third or subsequent conviction, is guilty of a
9937 felony of the third degree, punishable as provided in s. 775.082,
9938 s. 775.083, or s. 775.084.

9939 (d) Upon reinstatement of saltwater license privileges
9940 suspended pursuant to a violation of this subsection, a licensee
9941 owning or operating a vessel containing or otherwise transporting
9942 in or on Florida waters any gill net or other entangling net, or
9943 containing or otherwise transporting in nearshore and inshore

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9944 Florida waters any net containing more than 500 square feet of
9945 mesh area shall remain restricted for a period of 12 months
9946 following reinstatement, to operating under the following
9947 conditions:

9948 1. Vessels subject to this reinstatement period shall be
9949 restricted to the corridors established by commission rule.

9950 2. A violation of the reinstatement period provisions shall
9951 be punishable pursuant to paragraphs (1) (a) and (b).

9952 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
9953 CERTAIN FINFISH.--

9954 (a) It is a major violation under this section for any
9955 person to be in possession of any species of trout, snook, or
9956 redfish which is three fish in excess of the recreational or
9957 commercial daily bag limit.

9958 (b) A commercial harvester who violates this subsection
9959 shall be punished as provided under paragraph (3) (b). Any other
9960 person who violates this subsection commits a Level Three
9961 violation under s. 379.401 ~~372.83~~.

9962 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
9963 HARVESTED PRODUCTS.--In addition to other penalties authorized in
9964 this chapter, any violation of s. 379.361 ~~370.06~~ or s. 379.362
9965 ~~370.07~~, or rules of the commission implementing s. 379.361 ~~370.06~~
9966 or s. 379.362 ~~370.07~~, involving the purchase of saltwater
9967 products by a commercial wholesale dealer, retail dealer, or
9968 restaurant facility for public consumption from an unlicensed
9969 person, firm, or corporation, or the purchase or sale of any
9970 saltwater product known to be taken in violation of s. 16, Art. X
9971 of the State Constitution, or rule or statute implementing the
9972 provisions thereof, by a commercial wholesale dealer, retail
9973 dealer, or restaurant facility, for public consumption, is a

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9974 major violation, and the commission may assess the following
9975 penalties:

9976 (a) For a first violation, the commission may assess a
9977 civil penalty of up to \$2,500 and may suspend the wholesale or
9978 retail dealer's license privileges for up to 90 calendar days.

9979 (b) For a second violation occurring within 12 months of a
9980 prior violation, the commission may assess a civil penalty of up
9981 to \$5,000 and may suspend the wholesale or retail dealer's
9982 license privileges for up to 180 calendar days.

9983 (c) For a third or subsequent violation occurring within a
9984 24-month period, the commission shall assess a civil penalty of
9985 \$5,000 and shall suspend the wholesale or retail dealer's license
9986 privileges for up to 24 months.

9987
9988 Any proceeds from the civil penalties assessed pursuant to this
9989 subsection shall be deposited into the Marine Resources
9990 Conservation Trust Fund and shall be used as follows: 40 percent
9991 for administration and processing purposes and 60 percent for law
9992 enforcement purposes.

9993 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
9994 HARVEST.--It is a major violation and punishable as provided in
9995 this subsection for any unlicensed person, firm, or corporation
9996 who is required to be licensed under this chapter as a commercial
9997 harvester or a wholesale or retail dealer to sell or purchase any
9998 saltwater product or to harvest or attempt to harvest any
9999 saltwater product with intent to sell the saltwater product.

10000 (a) Any person, firm, or corporation who sells or purchases
10001 any saltwater product without having purchased the licenses
10002 required by this chapter for such sale is subject to penalties as
10003 follows:



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10004 | 1. A first violation is a misdemeanor of the second degree,
10005 | punishable as provided in s. 775.082 or s. 775.083.

10006 | 2. A second violation is a misdemeanor of the first degree,
10007 | punishable as provided in s. 775.082 or s. 775.083, and such
10008 | person may also be assessed a civil penalty of up to \$2,500 and
10009 | is subject to a suspension of all license privileges under this
10010 | chapter ~~and chapter 372~~ for a period not exceeding 90 days.

10011 | 3. A third violation is a misdemeanor of the first degree,
10012 | punishable as provided in s. 775.082 or s. 775.083, with a
10013 | mandatory minimum term of imprisonment of 6 months, and such
10014 | person may also be assessed a civil penalty of up to \$5,000 and
10015 | is subject to a suspension of all license privileges under this
10016 | chapter ~~and chapter 372~~ for a period not exceeding 6 months.

10017 | 4. A third violation within 1 year after a second violation
10018 | is a felony of the third degree, punishable as provided in s.
10019 | 775.082 or s. 775.083, with a mandatory minimum term of
10020 | imprisonment of 1 year, and such person shall be assessed a civil
10021 | penalty of \$5,000 and all license privileges under this chapter
10022 | ~~and chapter 372~~ shall be permanently revoked.

10023 | 5. A fourth or subsequent violation is a felony of the
10024 | third degree, punishable as provided in s. 775.082 or s. 775.083,
10025 | with a mandatory minimum term of imprisonment of 1 year, and such
10026 | person shall be assessed a civil penalty of \$5,000 and all
10027 | license privileges under this chapter ~~and chapter 372~~ shall be
10028 | permanently revoked.

10029 | (b) Any person whose license privileges under this chapter
10030 | have been permanently revoked and who thereafter sells or
10031 | purchases or who attempts to sell or purchase any saltwater
10032 | product commits a felony of the third degree, punishable as
10033 | provided in s. 775.082 or s. 775.083, with a mandatory minimum



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10034 term of imprisonment of 1 year, and such person shall also be
10035 assessed a civil penalty of \$5,000. All property involved in such
10036 offense shall be forfeited pursuant to s. 379.337 ~~370.061~~.

10037 (c) Any commercial harvester or wholesale or retail dealer
10038 whose license privileges under this chapter are under suspension
10039 and who during such period of suspension sells or purchases or
10040 attempts to sell or purchase any saltwater product shall be
10041 assessed the following penalties:

10042 1. A first violation, or a second violation occurring more
10043 than 12 months after a first violation, is a first degree
10044 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
10045 and such commercial harvester or wholesale or retail dealer may
10046 be assessed a civil penalty of up to \$2,500 and an additional
10047 suspension of all license privileges under this chapter ~~and~~
10048 ~~chapter 372~~ for a period not exceeding 90 days.

10049 2. A second violation occurring within 12 months of a first
10050 violation is a third degree felony, punishable as provided in ss.
10051 775.082 and 775.083, with a mandatory minimum term of
10052 imprisonment of 1 year, and such commercial harvester or
10053 wholesale or retail dealer may be assessed a civil penalty of up
10054 to \$5,000 and an additional suspension of all license privileges
10055 under this chapter ~~and chapter 372~~ for a period not exceeding 180
10056 days. All property involved in such offense shall be forfeited
10057 pursuant to s. 379.337 ~~370.061~~.

10058 3. A third violation within 24 months of the second
10059 violation or subsequent violation is a third degree felony,
10060 punishable as provided in ss. 775.082 and 775.083, with a
10061 mandatory minimum term of imprisonment of 1 year, and such
10062 commercial harvester or wholesale or retail dealer shall be
10063 assessed a mandatory civil penalty of up to \$5,000 and an

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10064 additional suspension of all license privileges under this
10065 chapter ~~and chapter 372~~ for a period not exceeding 24 months. All
10066 property involved in such offense shall be forfeited pursuant to
10067 s. 379.337 ~~370.061~~.

10068 (d) Any commercial harvester who harvests or attempts to
10069 harvest any saltwater product with intent to sell the saltwater
10070 product without having purchased a saltwater products license
10071 with the requisite endorsements is subject to penalties as
10072 follows:

10073 1. A first violation is a misdemeanor of the second degree,
10074 punishable as provided in s. 775.082 or s. 775.083.

10075 2. A second violation is a misdemeanor of the first degree,
10076 punishable as provided in s. 775.082 or s. 775.083, and such
10077 commercial harvester may also be assessed a civil penalty of up
10078 to \$2,500 and is subject to a suspension of all license
10079 privileges under this chapter ~~and chapter 372~~ for a period not
10080 exceeding 90 days.

10081 3. A third violation is a misdemeanor of the first degree,
10082 punishable as provided in s. 775.082 or s. 775.083, with a
10083 mandatory minimum term of imprisonment of 6 months, and such
10084 commercial harvester may also be assessed a civil penalty of up
10085 to \$5,000 and is subject to a suspension of all license
10086 privileges under this chapter ~~and chapter 372~~ for a period not
10087 exceeding 6 months.

10088 4. A third violation within 1 year after a second violation
10089 is a felony of the third degree, punishable as provided in s.
10090 775.082 or s. 775.083, with a mandatory minimum term of
10091 imprisonment of 1 year, and such commercial harvester shall also
10092 be assessed a civil penalty of \$5,000 and all license privileges
10093 under this chapter ~~and chapter 372~~ shall be permanently revoked.



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10094 | 5. A fourth or subsequent violation is a felony of the
10095 | third degree, punishable as provided in s. 775.082 or s. 775.083,
10096 | with a mandatory minimum term of imprisonment of 1 year, and such
10097 | commercial harvester shall also be assessed a mandatory civil
10098 | penalty of \$5,000 and all license privileges under this chapter
10099 | ~~and chapter 372~~ shall be permanently revoked.

10100 |
10101 | For purposes of this subsection, a violation means any judicial
10102 | disposition other than acquittal or dismissal.

10103 | (7)~~(11)~~ REVOCATION OF LICENSES.--Any person licensed under
10104 | this chapter who has been convicted of taking aquaculture species
10105 | raised at a certified facility shall have his or her license
10106 | revoked for 5 years by the commission pursuant to the provisions
10107 | and procedures of s. 120.60.

10108 | (8)~~(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
10109 | purposes of imposing license or permit suspensions or revocations
10110 | authorized by this chapter, the license or permit under which the
10111 | violation was committed is subject to suspension or revocation by
10112 | the commission. For purposes of assessing monetary civil or
10113 | administrative penalties authorized by this chapter, the
10114 | commercial harvester cited and subsequently receiving a judicial
10115 | disposition of other than dismissal or acquittal in a court of
10116 | law is subject to the monetary penalty assessment by the
10117 | commission. However, if the license or permitholder of record is
10118 | not the commercial harvester receiving the citation and judicial
10119 | disposition, the license or permit may be suspended or revoked
10120 | only after the license or permitholder has been notified by the
10121 | commission that the license or permit has been cited in a major
10122 | violation and is now subject to suspension or revocation should
10123 | the license or permit be cited for subsequent major violations.

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10124 Section 174. Section 372.84, Florida Statutes, is
10125 renumbered as section 379.408, Florida Statutes, to read:
10126 379.408 ~~372.84~~ Forfeiture or denial of licenses and
10127 permits.--Any person convicted as aforesaid shall forfeit to the
10128 state any license or permit that may have been issued to her or
10129 him under the provisions of this law, or other law of this state
10130 relating to game shall forthwith surrender the same to the court.
10131 If such violation occurs in the open season, relating to game, no
10132 license or permit shall be issued under the provisions of this
10133 law to such person at any time during the remainder of such open
10134 season, or if such violation occurs during the closed season no
10135 license shall be issued to such person for the open season on
10136 game next following.

10137 Section 175. Section 372.663, Florida Statutes, is
10138 renumbered as section 379.409, Florida Statutes, to read:
10139 379.409 ~~372.663~~ Illegal killing, possessing, or capturing
10140 of alligators or other crocodilia or eggs; confiscation of
10141 equipment.--

10142 (1) It is unlawful to intentionally kill, injure, possess,
10143 or capture, or attempt to kill, injure, possess, or capture, an
10144 alligator or other crocodilian, or the eggs of an alligator or
10145 other crocodilian, unless authorized by the rules of the Fish and
10146 Wildlife Conservation Commission. Any person who violates this
10147 section is guilty of a felony of the third degree, punishable as
10148 provided in s. 775.082, s. 775.083, or s. 775.084, in addition to
10149 such other punishment as may be provided by law. Any equipment,
10150 including but not limited to weapons, vehicles, boats, and lines,
10151 used by a person in the commission of a violation of any law,
10152 rule, regulation, or order relating to alligators or other
10153 crocodilia or the eggs of alligators or other crocodilia shall,

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10154 upon conviction of such person, be confiscated by the Fish and
10155 Wildlife Conservation Commission and disposed of according to
10156 rules and regulations of the commission. The arresting officer
10157 shall promptly make a return of the seizure, describing in detail
10158 the property seized and the facts and circumstances under which
10159 it was seized, including the names of all persons known to the
10160 officer who have an interest in the property.

10161 (2) The commission shall promptly fix the value of the
10162 property and make return to the clerk of the circuit court of the
10163 county wherein same was seized. Upon proper showing that any such
10164 property is owned by, or titled in the name of, any innocent
10165 party, such property shall be promptly returned to such owner.

10166 (3) The provisions of this section shall not vitiate any
10167 valid lien, retain title contract, or chattel mortgage on such
10168 property in effect as of the time of such seizure.

10169 Section 176. Section 372.0725, Florida Statutes, is
10170 renumbered as section 379.411, Florida Statutes, to read:

10171 379.411 ~~372.0725~~ Killing or wounding of any species
10172 designated as endangered, threatened, or of special concern;
10173 criminal penalties.--It is unlawful for a person to intentionally
10174 kill or wound any fish or wildlife of a species designated by the
10175 Fish and Wildlife Conservation Commission as endangered,
10176 threatened, or of special concern, or to intentionally destroy
10177 the eggs or nest of any such fish or wildlife, except as provided
10178 for in the rules of the commission. Any person who violates this
10179 provision with regard to an endangered or threatened species is
10180 guilty of a felony of the third degree, punishable as provided in
10181 s. 775.082, s. 775.083, or s. 775.084.

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10182 Section 177. Section 372.671, Florida Statutes, is
10183 renumbered as section 379.4115, Florida Statutes, and amended to
10184 read:

10185 379.4115 ~~372.671~~ Florida or wild panther; killing
10186 prohibited; penalty.--

10187 (1) It is unlawful for a person to kill a member of the
10188 Florida "endangered species," as defined in s. 379.2291(3)
10189 ~~372.072(3)~~, known as the Florida panther (*Felis concolor coryi*).

10190 (2) It is unlawful for a person to kill any member of the
10191 species of panther (*Felis concolor*) occurring in the wild.

10192 (3) A person convicted of unlawfully killing a Florida
10193 panther, or unlawfully killing any member of the species of
10194 panther occurring in the wild, is guilty of a felony of the third
10195 degree, punishable as provided in s. 775.082, s. 775.083, or s.
10196 775.084.

10197 Section 178. Section 370.1121, Florida Statutes, is
10198 renumbered as section 379.413, Florida Statutes, and amended to
10199 read:

10200 379.413 ~~370.1121~~ Bonefish; penalties ~~regulation~~.--

10201 ~~(1) It is unlawful to take or attempt to take any bonefish~~
10202 ~~(*Albula vulpes*) from any of the waters of the state for the~~
10203 ~~purpose of sale or exchange while fishing with any net, seine, or~~
10204 ~~similar device.~~

10205 ~~(2) It is unlawful for any wholesale or retail fish dealer~~
10206 ~~to possess, buy, sell, or store any bonefish or permit any~~
10207 ~~bonefish to be possessed, sold, or stored on, in, or about the~~
10208 ~~premises where such wholesale or retail fish business is carried~~
10209 ~~on or conducted. It shall be unlawful for any person, firm, or~~
10210 ~~corporation to buy or sell bonefish in any form.~~

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10211 ~~(3)~~ A commercial harvester or wholesale or retail saltwater
10212 products dealer who violates commission rules pertaining to
10213 bonefish s.370.1121 ~~this section~~ shall be punished under s.
10214 379.407 ~~370.021~~. Any other person who violates this section
10215 commits a Level Two violation under s. 379.401 ~~372.83~~.

10216 Section 179. Section 379.414, Florida Statutes, is created
10217 to read:

10218 379.414 Additional penalties for saltwater products dealers
10219 violating records requirements.--

10220 (1) The commission may revoke, suspend, or deny the renewal
10221 of the license of any saltwater products dealer for failure to
10222 make and keep records as required by s. 379.362, for failure to
10223 make required reports, for failure or refusal to permit the
10224 examination of required records, or for falsifying any such
10225 record. In addition to other applicable penalties, the commission
10226 may impose against any person, firm, or corporation who is
10227 determined to have violated any provision of s. 379.362 or any
10228 provisions of any commission rules adopted pursuant to s.
10229 379.407, the following additional penalties:

10230 (a) For the first violation, a civil penalty of up to
10231 \$1,000;

10232 (b) For a second violation committed within 24 months of
10233 any previous violation, a civil penalty of up to \$2,500; and

10234 (c) For a third or subsequent violation committed within 36
10235 months of any previous two violations, a civil penalty of up to
10236 \$5,000.

10237 (2) The proceeds of all civil penalties collected pursuant
10238 to this section shall be deposited into the Marine Resources
10239 Conservation Trust Fund and shall be used for administration,
10240 auditing, and law enforcement purposes.

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10241 Section 180. Paragraph (a) of subsection (1) of section
10242 72.011, Florida Statutes, is amended to read:

10243 72.011 Jurisdiction of circuit courts in specific tax
10244 matters; administrative hearings and appeals; time for commencing
10245 action; parties; deposits.--

10246 (1) (a) A taxpayer may contest the legality of any
10247 assessment or denial of refund of tax, fee, surcharge, permit,
10248 interest, or penalty provided for under s. 125.0104, s. 125.0108,
10249 chapter 198, chapter 199, chapter 201, chapter 202, chapter 203,
10250 chapter 206, chapter 207, chapter 210, chapter 211, chapter 212,
10251 chapter 213, chapter 220, chapter 221, s. 379.362(3) ~~370.07(3)~~,
10252 chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s.
10253 538.25, chapter 550, chapter 561, chapter 562, chapter 563,
10254 chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an
10255 action in circuit court; or, alternatively, the taxpayer may file
10256 a petition under the applicable provisions of chapter 120.
10257 However, once an action has been initiated under s. 120.56, s.
10258 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b), no action
10259 relating to the same subject matter may be filed by the taxpayer
10260 in circuit court, and judicial review shall be exclusively
10261 limited to appellate review pursuant to s. 120.68; and once an
10262 action has been initiated in circuit court, no action may be
10263 brought under chapter 120.

10264 Section 181. Section 97.05831, Florida Statutes, is amended
10265 to read:

10266 97.05831 Voter registration applications made available to
10267 the Fish and Wildlife Conservation Commission.--As required in s.
10268 379.352 ~~372.561~~, each supervisor of elections shall supply voter
10269 registration applications to the Fish and Wildlife Conservation
10270 Commission and its subagents, as needed.

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10271 Section 182. Subsection (4) of section 125.01, Florida
10272 Statutes, is amended to read:

10273 125.01 Powers and duties.--

10274 (4) The legislative and governing body of a county shall
10275 not have the power to regulate the taking or possession of
10276 saltwater fish, as defined in s. 379.101 ~~370.01~~, with respect to
10277 the method of taking, size, number, season, or species. However,
10278 this subsection does not prohibit a county from prohibiting, for
10279 reasons of protecting the public health, safety, or welfare,
10280 saltwater fishing from real property owned by that county, nor
10281 does it prohibit the imposition of excise taxes by county
10282 ordinance.

10283 Section 183. Subsections (1) and (4) of section 142.01,
10284 Florida Statutes, are amended to read:

10285 142.01 Fine and forfeiture fund; clerk of the circuit
10286 court.--There shall be established by the clerk of the circuit
10287 court in each county of this state a separate fund to be known as
10288 the fine and forfeiture fund for use by the clerk of the circuit
10289 court in performing court-related functions. The fund shall
10290 consist of the following:

10291 (1) Fines and penalties pursuant to ss. 28.2402(2),
10292 34.045(2), 316.193, 327.35, 327.72, 379.2203(1) ~~372.72(1)~~, and
10293 775.083(1).

10294 (4) Proceeds from forfeited bail bonds, unclaimed bonds,
10295 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
10296 379.2203(1) ~~372.72(1)~~, and 903.26(3)(a).

10297
10298 Notwithstanding the provisions of this section, all fines and
10299 forfeitures arising from operation of the provisions of s.
10300 318.1215 shall be disbursed in accordance with that section.

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10301 Section 184. Paragraph (c) of subsection (5) of section
10302 161.053, Florida Statutes, is amended to read:

10303 161.053 Coastal construction and excavation; regulation on
10304 county basis.--

10305 (5) Except in those areas where local zoning and building
10306 codes have been established pursuant to subsection (4), a permit
10307 to alter, excavate, or construct on property seaward of
10308 established coastal construction control lines may be granted by
10309 the department as follows:

10310 (c) The department may condition the nature, timing, and
10311 sequence of construction of permitted activities to provide
10312 protection to nesting sea turtles and hatchlings and their
10313 habitat, pursuant to s. 379.2431 ~~370.12~~, and to native salt-
10314 resistant vegetation and endangered plant communities.

10315 Section 185. Subsection (11) of section 201.15, Florida
10316 Statutes, is amended to read:

10317 201.15 Distribution of taxes collected.--All taxes
10318 collected under this chapter shall be distributed as follows and
10319 shall be subject to the service charge imposed in s. 215.20(1),
10320 except that such service charge shall not be levied against any
10321 portion of taxes pledged to debt service on bonds to the extent
10322 that the amount of the service charge is required to pay any
10323 amounts relating to the bonds:

10324 (11) From the moneys specified in paragraphs (1)(e) and
10325 (2)(a) and prior to deposit of any moneys into the General
10326 Revenue Fund, \$30 million shall be paid into the State Treasury
10327 to the credit of the Ecosystem Management and Restoration Trust
10328 Fund in fiscal year 2000-2001 and each fiscal year thereafter, to
10329 be used for the preservation and repair of the state's beaches as
10330 provided in ss. 161.091-161.212, \$2 million shall be paid into

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10331 | the State Treasury to the credit of the Marine Resources
10332 | Conservation Trust Fund to be used for marine mammal care as
10333 | provided in s. 379.208(3) ~~370.0603(3)~~, and \$300,000 shall be paid
10334 | into the State Treasury to the credit of the General Inspection
10335 | Trust Fund in fiscal year 2006-2007 and each fiscal year
10336 | thereafter, to be used to fund oyster management and restoration
10337 | programs as provided in s. 379.362(3) ~~370.07(3)~~.

10338 | Section 186. Paragraph (b) of subsection (8) of section
10339 | 212.06, Florida Statutes, is amended to read:

10340 | 212.06 Sales, storage, use tax; collectible from dealers;
10341 | "dealer" defined; dealers to collect from purchasers; legislative
10342 | intent as to scope of tax.--

10343 | (8)

10344 | (b) The presumption that tangible personal property used in
10345 | another state, territory of the United States, or the District of
10346 | Columbia for 6 months or longer before being imported into this
10347 | state was not purchased for use in this state does not apply to
10348 | any boat for which a saltwater fishing license fee is required to
10349 | be paid pursuant to s. 379.354(7) ~~372.57(7)~~, either directly or
10350 | indirectly, for the purpose of taking, attempting to take, or
10351 | possessing any saltwater fish for noncommercial purposes. Use tax
10352 | shall apply and be due on such a boat as provided in this
10353 | paragraph, and proof of payment of such tax must be presented
10354 | prior to the first such licensure of the boat, registration of
10355 | the boat pursuant to chapter 328, and titling of the boat
10356 | pursuant to chapter 328. A boat that is first licensed within 1
10357 | year after purchase shall be subject to use tax on the full
10358 | amount of the purchase price; a boat that is first licensed in
10359 | the second year after purchase shall be subject to use tax on 90
10360 | percent of the purchase price; a boat that is first licensed in



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10361 | the third year after purchase shall be subject to use tax on 80
10362 | percent of the purchase price; a boat that is first licensed in
10363 | the fourth year after purchase shall be subject to use tax on 70
10364 | percent of the purchase price; a boat that is first licensed in
10365 | the fifth year after purchase shall be subject to use tax on 60
10366 | percent of the purchase price; and a boat that is first licensed
10367 | in the sixth year after purchase, or later, shall be subject to
10368 | use tax on 50 percent of the purchase price. If the purchaser
10369 | fails to provide the purchase invoice on such boat, the fair
10370 | market value of the boat at the time of importation into this
10371 | state shall be used to compute the tax.

10372 | Section 187. Paragraph (h) of subsection (5) of section
10373 | 212.08, Florida Statutes, is amended to read:

10374 | 212.08 Sales, rental, use, consumption, distribution, and
10375 | storage tax; specified exemptions.--The sale at retail, the
10376 | rental, the use, the consumption, the distribution, and the
10377 | storage to be used or consumed in this state of the following are
10378 | hereby specifically exempt from the tax imposed by this chapter.

10379 | (5) EXEMPTIONS; ACCOUNT OF USE.--

10380 | (h) Business property used in an enterprise zone.--

10381 | 1. Business property purchased for use by businesses
10382 | located in an enterprise zone which is subsequently used in an
10383 | enterprise zone shall be exempt from the tax imposed by this
10384 | chapter. This exemption inures to the business only through a
10385 | refund of previously paid taxes. A refund shall be authorized
10386 | upon an affirmative showing by the taxpayer to the satisfaction
10387 | of the department that the requirements of this paragraph have
10388 | been met.

10389 | 2. To receive a refund, the business must file under oath
10390 | with the governing body or enterprise zone development agency

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10391 having jurisdiction over the enterprise zone where the business
10392 is located, as applicable, an application which includes:

10393 a. The name and address of the business claiming the
10394 refund.

10395 b. The identifying number assigned pursuant to s. 290.0065
10396 to the enterprise zone in which the business is located.

10397 c. A specific description of the property for which a
10398 refund is sought, including its serial number or other permanent
10399 identification number.

10400 d. The location of the property.

10401 e. The sales invoice or other proof of purchase of the
10402 property, showing the amount of sales tax paid, the date of
10403 purchase, and the name and address of the sales tax dealer from
10404 whom the property was purchased.

10405 f. Whether the business is a small business as defined by
10406 s. 288.703(1).

10407 g. If applicable, the name and address of each permanent
10408 employee of the business, including, for each employee who is a
10409 resident of an enterprise zone, the identifying number assigned
10410 pursuant to s. 290.0065 to the enterprise zone in which the
10411 employee resides.

10412 3. Within 10 working days after receipt of an application,
10413 the governing body or enterprise zone development agency shall
10414 review the application to determine if it contains all the
10415 information required pursuant to subparagraph 2. and meets the
10416 criteria set out in this paragraph. The governing body or agency
10417 shall certify all applications that contain the information
10418 required pursuant to subparagraph 2. and meet the criteria set
10419 out in this paragraph as eligible to receive a refund. If
10420 applicable, the governing body or agency shall also certify if 20



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10421 | percent of the employees of the business are residents of an
10422 | enterprise zone, excluding temporary and part-time employees. The
10423 | certification shall be in writing, and a copy of the
10424 | certification shall be transmitted to the executive director of
10425 | the Department of Revenue. The business shall be responsible for
10426 | forwarding a certified application to the department within the
10427 | time specified in subparagraph 4.

10428 | 4. An application for a refund pursuant to this paragraph
10429 | must be submitted to the department within 6 months after the tax
10430 | is due on the business property that is purchased.

10431 | 5. The amount refunded on purchases of business property
10432 | under this paragraph shall be the lesser of 97 percent of the
10433 | sales tax paid on such business property or \$5,000, or, if no
10434 | less than 20 percent of the employees of the business are
10435 | residents of an enterprise zone, excluding temporary and part-
10436 | time employees, the amount refunded on purchases of business
10437 | property under this paragraph shall be the lesser of 97 percent
10438 | of the sales tax paid on such business property or \$10,000. A
10439 | refund approved pursuant to this paragraph shall be made within
10440 | 30 days of formal approval by the department of the application
10441 | for the refund. No refund shall be granted under this paragraph
10442 | unless the amount to be refunded exceeds \$100 in sales tax paid
10443 | on purchases made within a 60-day time period.

10444 | 6. The department shall adopt rules governing the manner
10445 | and form of refund applications and may establish guidelines as
10446 | to the requisites for an affirmative showing of qualification for
10447 | exemption under this paragraph.

10448 | 7. If the department determines that the business property
10449 | is used outside an enterprise zone within 3 years from the date
10450 | of purchase, the amount of taxes refunded to the business



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10451 purchasing such business property shall immediately be due and
10452 payable to the department by the business, together with the
10453 appropriate interest and penalty, computed from the date of
10454 purchase, in the manner provided by this chapter. Notwithstanding
10455 this subparagraph, business property used exclusively in:

- 10456 a. Licensed commercial fishing vessels,
 - 10457 b. Fishing guide boats, or
 - 10458 c. Ecotourism guide boats
- 10459

10460 that leave and return to a fixed location within an area
10461 designated under s. 379.2353 ~~370.28~~ are eligible for the
10462 exemption provided under this paragraph if all requirements of
10463 this paragraph are met. Such vessels and boats must be owned by a
10464 business that is eligible to receive the exemption provided under
10465 this paragraph. This exemption does not apply to the purchase of
10466 a vessel or boat.

10467 8. The department shall deduct an amount equal to 10
10468 percent of each refund granted under the provisions of this
10469 paragraph from the amount transferred into the Local Government
10470 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for
10471 the county area in which the business property is located and
10472 shall transfer that amount to the General Revenue Fund.

10473 9. For the purposes of this exemption, "business property"
10474 means new or used property defined as "recovery property" in s.
10475 168(c) of the Internal Revenue Code of 1954, as amended, except:

- 10476 a. Property classified as 3-year property under s.
10477 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
- 10478 b. Industrial machinery and equipment as defined in sub-
10479 subparagraph (b)6.a. and eligible for exemption under paragraph
10480 (b);

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10481 c. Building materials as defined in sub-subparagraph
10482 (g)8.a.; and
10483 d. Business property having a sales price of under \$5,000
10484 per unit.

10485 10. This paragraph expires on the date specified in s.
10486 290.016 for the expiration of the Florida Enterprise Zone Act.
10487 Section 188. Paragraph (o) of subsection (1) of section
10488 213.053, Florida Statutes, is amended to read:
10489 213.053 Confidentiality and information sharing.--
10490 (1) This section applies to:
10491 (o) Section 379.362(3) ~~370.07(3)~~, Apalachicola Bay oyster
10492 surcharge;
10493 Section 189. Paragraph (u) of subsection (4) of section
10494 215.20, Florida Statutes, is amended to read:
10495 215.20 Certain income and certain trust funds to contribute
10496 to the General Revenue Fund.--
10497 (4) The income of a revenue nature deposited in the
10498 following described trust funds, by whatever name designated, is
10499 that from which the appropriations authorized by subsection (3)
10500 shall be made:
10501 (u) Within the Fish and Wildlife Conservation Commission:
10502 1. The Conservation and Recreation Lands Program Trust
10503 Fund.
10504 2. The Florida Panther Research and Management Trust Fund.
10505 3. The Land Acquisition Trust Fund.
10506 4. The Marine Resources Conservation Trust Fund, with the
10507 exception of those fees collected for recreational saltwater
10508 fishing licenses as provided in s. 379.354 ~~372.57~~.
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10510 The enumeration of the foregoing moneys or trust funds shall not
10511 prohibit the applicability thereto of s. 215.24 should the
10512 Governor determine that for the reasons mentioned in s. 215.24
10513 the money or trust funds should be exempt herefrom, as it is the
10514 purpose of this law to exempt income from its force and effect
10515 when, by the operation of this law, federal matching funds or
10516 contributions or private grants to any trust fund would be lost
10517 to the state.

10518 Section 190. Subsection (6) of section 290.004, Florida
10519 Statutes, is amended to read:

10520 290.004 Definitions relating to Florida Enterprise Zone
10521 Act.--As used in ss. 290.001-290.016:

10522 (6) "Rural enterprise zone" means an enterprise zone that
10523 is nominated by a county having a population of 75,000 or fewer,
10524 or a county having a population of 100,000 or fewer which is
10525 contiguous to a county having a population of 75,000 or fewer, or
10526 by a municipality in such a county, or by such a county and one
10527 or more municipalities. An enterprise zone designated in
10528 accordance with s. 290.0065(5)(b) or s. 379.2353 ~~370.28~~ is
10529 considered to be a rural enterprise zone.

10530 Section 191. Paragraph (b) of subsection (1) and paragraph
10531 (b) of subsection (24) and of section 320.08058, Florida
10532 Statutes, are amended to read:

10533 320.08058 Specialty license plates.--

10534 (1) MANATEE LICENSE PLATES.--

10535 (b) The manatee license plate annual use fee must be
10536 deposited into the Save the Manatee Trust Fund, created within
10537 the Fish and Wildlife Conservation Commission, and shall be used
10538 only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

10539 (24) CONSERVE WILDLIFE LICENSE PLATES.--



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10540 (b) The proceeds of the Conserve Wildlife license plate
10541 annual use fee shall be forwarded to the Wildlife Foundation of
10542 Florida, Inc., a citizen support organization created pursuant to
10543 s. 379.223 ~~372.0215~~.

10544 1. Notwithstanding s. 320.08062, up to 10 percent of the
10545 proceeds from the annual use fee may be used for marketing the
10546 Conserve Wildlife license plate and administrative costs directly
10547 related to the management and distribution of the proceeds.

10548 2. The remaining proceeds from the annual use fee shall be
10549 used for programs and activities of the Fish and Wildlife
10550 Conservation Commission that contribute to the health and well-
10551 being of Florida black bears and other wildlife diversity.

10552 Section 192. Paragraph (a) of subsection (5) of section
10553 327.02, Florida Statutes, is amended to read:

10554 327.02 Definitions of terms used in this chapter and in
10555 chapter 328.--As used in this chapter and in chapter 328, unless
10556 the context clearly requires a different meaning, the term:

10557 (5) "Commercial vessel" means:

10558 (a) Any vessel primarily engaged in the taking or landing
10559 of saltwater fish or saltwater products or freshwater fish or
10560 freshwater products, or any vessel licensed pursuant to s.
10561 379.361 ~~370.06~~ from which commercial quantities of saltwater
10562 products are harvested, from within and without the waters of
10563 this state for sale either to the consumer, retail dealer, or
10564 wholesale dealer.

10565 Section 193. Subsection (2) of section 327.41, Florida
10566 Statutes, is amended to read:

10567 327.41 Uniform waterway regulatory markers.--

10568 (2) Any county or municipality which has been granted a
10569 restricted area designation, pursuant to s. 327.46, for a portion



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10570 of the Florida Intracoastal Waterway within its jurisdiction or
10571 which has adopted a restricted area by ordinance pursuant to s.
10572 327.22, s. 327.60, or s. 379.2431(2)(p) ~~370.12(2)(p)~~, or any
10573 other governmental entity which has legally established a
10574 restricted area, may apply to the commission for permission to
10575 place regulatory markers within the restricted area.

10576 Section 194. Paragraph (k) of subsection (1) of section
10577 327.73, Florida Statutes, is amended to read:

10578 327.73 Noncriminal infractions.--

10579 (1) Violations of the following provisions of the vessel
10580 laws of this state are noncriminal infractions:

10581 (k) Violations relating to restricted areas and speed
10582 limits:

10583 1. Established by the commission pursuant to s. 327.46.

10584 2. Established by local governmental authorities pursuant
10585 to s. 327.22 or s. 327.60.

10586 3. Speed limits established pursuant to s. 379.2431(2)
10587 ~~370.12(2)~~.

10588
10589 Any person cited for a violation of any such provision shall be
10590 deemed to be charged with a noncriminal infraction, shall be
10591 cited for such an infraction, and shall be cited to appear before
10592 the county court. The civil penalty for any such infraction is
10593 \$50, except as otherwise provided in this section. Any person who
10594 fails to appear or otherwise properly respond to a uniform
10595 boating citation shall, in addition to the charge relating to the
10596 violation of the boating laws of this state, be charged with the
10597 offense of failing to respond to such citation and, upon
10598 conviction, be guilty of a misdemeanor of the second degree,
10599 punishable as provided in s. 775.082 or s. 775.083. A written

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10600 warning to this effect shall be provided at the time such uniform
10601 boating citation is issued.

10602 Section 195. Subsection (1) of section 328.66, Florida
10603 Statutes, is amended to read:

10604 328.66 County and municipality optional registration fee.--

10605 (1) Any county may impose an annual registration fee on
10606 vessels registered, operated, or stored in the water within its
10607 jurisdiction. This fee shall be 50 percent of the applicable
10608 state registration fee. However, the first \$1 of every
10609 registration imposed under this subsection shall be remitted to
10610 the state for deposit in the Save the Manatee Trust Fund created
10611 within the Fish and Wildlife Conservation Commission, and shall
10612 be used only for the purposes specified in s. 379.2431(4)
10613 ~~370.12(4)~~. All other moneys received from such fee shall be
10614 expended for the patrol, regulation, and maintenance of the
10615 lakes, rivers, and waters and for other boating-related
10616 activities of such municipality or county. A municipality that
10617 was imposing a registration fee before April 1, 1984, may
10618 continue to levy such fee, notwithstanding the provisions of this
10619 section.

10620 Section 196. Subsections (11) and (16) of section 328.72,
10621 Florida Statutes, are amended to read:

10622 328.72 Classification; registration; fees and charges;
10623 surcharge; disposition of fees; fines; marine turtle stickers.--

10624 (11) VOLUNTARY CONTRIBUTIONS.--The application form for
10625 boat registration shall include a provision to allow each
10626 applicant to indicate a desire to pay an additional voluntary
10627 contribution to the Save the Manatee Trust Fund to be used for
10628 the purposes specified in s. 379.2431(4) ~~370.12(4)~~. This
10629 contribution shall be in addition to all other fees and charges.

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10630 The amount of the request for a voluntary contribution solicited
10631 shall be \$2 or \$5 per registrant. A registrant who provides a
10632 voluntary contribution of \$5 or more shall be given a sticker or
10633 emblem by the tax collector to display, which signifies support
10634 for the Save the Manatee Trust Fund. All voluntary contributions
10635 shall be deposited in the Save the Manatee Trust Fund and shall
10636 be used for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.
10637 The form shall also include language permitting a voluntary
10638 contribution of \$5 per applicant, which contribution shall be
10639 transferred into the Election Campaign Financing Trust Fund. A
10640 statement providing an explanation of the purpose of the trust
10641 fund shall also be included.

10642 (16) MARINE TURTLE STICKER.--The Department of Highway
10643 Safety and Motor Vehicles shall offer for sale with vessel
10644 registrations a waterproof sticker in the shape of a marine
10645 turtle at an additional cost of \$5, the proceeds of which shall
10646 be deposited in the Marine Resources Conservation Trust Fund to
10647 be used for marine turtle protection, research, and recovery
10648 efforts pursuant to the provisions of s. 379.2431(1) ~~370.12(1)~~.

10649 Section 197. Paragraph (a) of subsection (1) and subsection
10650 (2) of section 328.76, Florida Statutes, are amended to read:

10651 328.76 Marine Resources Conservation Trust Fund; vessel
10652 registration funds; appropriation and distribution.--

10653 (1) Except as otherwise specified in this subsection and
10654 less \$1.4 million for any administrative costs which shall be
10655 deposited in the Highway Safety Operating Trust Fund, in each
10656 fiscal year beginning on or after July 1, 2001, all funds
10657 collected from the registration of vessels through the Department
10658 of Highway Safety and Motor Vehicles and the tax collectors of
10659 the state, except for those funds designated as the county

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10660 | portion pursuant to s. 328.72(1), shall be deposited in the
10661 | Marine Resources Conservation Trust Fund for recreational channel
10662 | marking; public launching facilities; law enforcement and quality
10663 | control programs; aquatic weed control; manatee protection,
10664 | recovery, rescue, rehabilitation, and release; and marine mammal
10665 | protection and recovery. The funds collected pursuant to s.
10666 | 328.72(1) shall be transferred as follows:

10667 | (a) In each fiscal year, an amount equal to \$1.50 for each
10668 | commercial and recreational vessel registered in this state shall
10669 | be transferred by the Department of Highway Safety and Motor
10670 | Vehicles to the Save the Manatee Trust Fund and shall be used
10671 | only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

10672 | (2) All funds collected pursuant to s. 379.361(2) ~~370.06(2)~~
10673 | shall be deposited in the Marine Resources Conservation Trust
10674 | Fund. Such funds shall be used to pay the cost of implementing
10675 | the saltwater products license program. Additional proceeds from
10676 | the licensing revenue shall be distributed among the following
10677 | program functions:

10678 | (a) No more than 15 percent shall go to marine law
10679 | enforcement;

10680 | (b) Twenty-five percent shall go to the Florida Saltwater
10681 | Products Promotion Trust Fund within the Department of
10682 | Agriculture and Consumer Services, on a monthly basis, for the
10683 | purpose of providing marketing and extension services including
10684 | industry information and education; and

10685 | (c) The remainder shall go to the Fish and Wildlife
10686 | Conservation Commission, for use in marine research and
10687 | statistics development, including quota management.

10688 | Section 198. Subsection (5) of section 373.046, Florida
10689 | Statutes, is amended to read:

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10690 | 373.046 Interagency agreements.--

10691 | (5) Notwithstanding the provisions of s. 403.927, when any
10692 | operating agreement is developed pursuant to subsection (4), the
10693 | department shall have regulatory responsibility under part IV of
10694 | this chapter for aquaculture activities that meet or exceed the
10695 | thresholds for aquaculture general permits authorized pursuant to
10696 | ss. 379.2523 ~~370.26~~ and 403.814.

10697 | Section 199. Paragraph (h) of subsection (2) of section
10698 | 403.41315, Florida Statutes, is amended to read:

10699 | 403.41315 Comprehensive illegal dumping, litter, and marine
10700 | debris control and prevention.--

10701 | (2) The comprehensive illegal dumping, litter, and marine
10702 | debris control and prevention program at a minimum must include
10703 | the following:

10704 | (h) The prohibition of balloon releases as authorized under
10705 | s. 379.233 ~~372.995~~.

10706 | Section 200. Paragraph (f) of subsection (2) of section
10707 | 403.813, Florida Statutes, is amended to read:

10708 | 403.813 Permits issued at district centers; exceptions.--

10709 | (2) A permit is not required under this chapter, chapter
10710 | 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter
10711 | 25270, 1949, Laws of Florida, for activities associated with the
10712 | following types of projects; however, except as otherwise
10713 | provided in this subsection, nothing in this subsection relieves
10714 | an applicant from any requirement to obtain permission to use or
10715 | occupy lands owned by the Board of Trustees of the Internal
10716 | Improvement Trust Fund or any water management district in its
10717 | governmental or proprietary capacity or from complying with
10718 | applicable local pollution control programs authorized under this



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10719 | chapter or other requirements of county and municipal
10720 | governments:

10721 | (f) The performance of maintenance dredging of existing
10722 | manmade canals, channels, intake and discharge structures, and
10723 | previously dredged portions of natural water bodies within
10724 | drainage rights-of-way or drainage easements which have been
10725 | recorded in the public records of the county, where the spoil
10726 | material is to be removed and deposited on a self-contained,
10727 | upland spoil site which will prevent the escape of the spoil
10728 | material into the waters of the state, provided that no more
10729 | dredging is to be performed than is necessary to restore the
10730 | canals, channels, and intake and discharge structures, and
10731 | previously dredged portions of natural water bodies, to original
10732 | design specifications or configurations, provided that the work
10733 | is conducted in compliance with s. 379.2431(2)(d) ~~370.12(2)(d)~~,
10734 | provided that no significant impacts occur to previously
10735 | undisturbed natural areas, and provided that control devices for
10736 | return flow and best management practices for erosion and
10737 | sediment control are utilized to prevent bank erosion and
10738 | scouring and to prevent turbidity, dredged material, and toxic or
10739 | deleterious substances from discharging into adjacent waters
10740 | during maintenance dredging. Further, for maintenance dredging of
10741 | previously dredged portions of natural water bodies within
10742 | recorded drainage rights-of-way or drainage easements, an entity
10743 | that seeks an exemption must notify the department or water
10744 | management district, as applicable, at least 30 days prior to
10745 | dredging and provide documentation of original design
10746 | specifications or configurations where such exist. This exemption
10747 | applies to all canals and previously dredged portions of natural
10748 | water bodies within recorded drainage rights-of-way or drainage

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10749 easements constructed prior to April 3, 1970, and to those canals
10750 and previously dredged portions of natural water bodies
10751 constructed on or after April 3, 1970, pursuant to all necessary
10752 state permits. This exemption does not apply to the removal of a
10753 natural or manmade barrier separating a canal or canal system
10754 from adjacent waters. When no previous permit has been issued by
10755 the Board of Trustees of the Internal Improvement Trust Fund or
10756 the United States Army Corps of Engineers for construction or
10757 maintenance dredging of the existing manmade canal or intake or
10758 discharge structure, such maintenance dredging shall be limited
10759 to a depth of no more than 5 feet below mean low water. The Board
10760 of Trustees of the Internal Improvement Trust Fund may fix and
10761 recover from the permittee an amount equal to the difference
10762 between the fair market value and the actual cost of the
10763 maintenance dredging for material removed during such maintenance
10764 dredging. However, no charge shall be exacted by the state for
10765 material removed during such maintenance dredging by a public
10766 port authority. The removing party may subsequently sell such
10767 material; however, proceeds from such sale that exceed the costs
10768 of maintenance dredging shall be remitted to the state and
10769 deposited in the Internal Improvement Trust Fund.

10770 Section 201. Paragraph (a) of subsection (5) and paragraph
10771 (a) of subsection (18) of section 597.010, Florida Statutes, are
10772 amended to read:

10773 597.010 Shellfish regulation; leases.--

10774 (5) LEASES IN PERPETUITY; RENT.--

10775 (a) All leases issued previously under the provisions of s.
10776 379.2525 ~~370.16~~ shall be enforced under the authority of this
10777 chapter, notwithstanding any other law to the contrary, and shall
10778 continue in perpetuity under such restrictions as stated in the

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10779 | lease agreement. The annual rental fee charged for all leases
10780 | shall consist of the minimum rate of \$15 per acre, or any
10781 | fraction of an acre, per year and shall be adjusted on January 1,
10782 | 1995, and every 5 years thereafter, based on the 5-year average
10783 | change in the Consumer Price Index. Rent shall be paid in advance
10784 | of January 1 of each year or in the case of a new lease at the
10785 | time of signing, regardless of who holds the lease.

10786 | (18) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
10787 | REEFS; LICENSES, ETC.; PENALTY.--

10788 | (a) It is unlawful to use a dredge or any means or
10789 | implement other than hand tongs in removing oysters from the
10790 | natural or artificial state reefs or beds. This restriction shall
10791 | apply to all areas of Apalachicola Bay for all shellfish
10792 | harvesting, excluding private grounds leased or granted by the
10793 | state prior to July 1, 1989, if the lease or grant specifically
10794 | authorizes the use of implements other than hand tongs for
10795 | harvesting. Except in Apalachicola Bay, upon the payment of \$25
10796 | annually, for each vessel or boat using a dredge or machinery in
10797 | the gathering of clams or mussels, a special activity license may
10798 | be issued by the Fish and Wildlife Conservation Commission
10799 | pursuant to subsection (15) or s. 379.361 ~~370.06~~ for such use to
10800 | such person.

10801 | Section 202. Paragraphs (a), (d), and (e) of subsection (4)
10802 | of section 777.04, Florida Statutes, are amended to read:

10803 | 777.04 Attempts, solicitation, and conspiracy.--

10804 | (4) (a) Except as otherwise provided in ss. 104.091(2),
10805 | 379.2431(1) ~~370.12(1)~~, 828.125(2), 849.25(4), 893.135(5), and
10806 | 921.0022, the offense of criminal attempt, criminal solicitation,
10807 | or criminal conspiracy is ranked for purposes of sentencing under
10808 | chapter 921 and determining incentive gain-time eligibility under



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10809 chapter 944 one level below the ranking under s. 921.0022 or s.
10810 921.0023 of the offense attempted, solicited, or conspired to. If
10811 the criminal attempt, criminal solicitation, or criminal
10812 conspiracy is of an offense ranked in level 1 or level 2 under s.
10813 921.0022 or s. 921.0023, such offense is a misdemeanor of the
10814 first degree, punishable as provided in s. 775.082 or s. 775.083.

10815 (d) Except as otherwise provided in s. 104.091(2), s.
10816 379.2431(1) ~~370.12(1)~~, s. 828.125(2), or s. 849.25(4), if the
10817 offense attempted, solicited, or conspired to is a:

- 10818 1. Felony of the second degree;
- 10819 2. Burglary that is a felony of the third degree; or
- 10820 3. Felony of the third degree ranked in level 3, 4, 5, 6,
10821 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

10822
10823 the offense of criminal attempt, criminal solicitation, or
10824 criminal conspiracy is a felony of the third degree, punishable
10825 as provided in s. 775.082, s. 775.083, or s. 775.084.

10826 (e) Except as otherwise provided in s. 104.091(2), s.
10827 379.2431(1) ~~370.12(1)~~, s. 849.25(4), or paragraph (d), if the
10828 offense attempted, solicited, or conspired to is a felony of the
10829 third degree, the offense of criminal attempt, criminal
10830 solicitation, or criminal conspiracy is a misdemeanor of the
10831 first degree, punishable as provided in s. 775.082 or s. 775.083.

10832 Section 203. Paragraph (h) of subsection (2) of section
10833 810.09, Florida Statutes, is amended to read:

10834 810.09 Trespass on property other than structure or
10835 conveyance.--

10836 (2)

10837 (h) Any person who in taking or attempting to take any
10838 animal described in s. 379.101(19) or (20) ~~372.001(10) or (11)~~,



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10839 or in killing, attempting to kill, or endangering any animal
 10840 described in s. 585.01(13) knowingly propels or causes to be
 10841 propelled any potentially lethal projectile over or across
 10842 private land without authorization commits trespass, a felony of
 10843 the third degree, punishable as provided in s. 775.082, s.
 10844 775.083, or s. 775.084. For purposes of this paragraph, the term
 10845 "potentially lethal projectile" includes any projectile launched
 10846 from any firearm, bow, crossbow, or similar tensile device. This
 10847 section does not apply to any governmental agent or employee
 10848 acting within the scope of his or her official duties.

10849 Section 204. Paragraphs (b) and (c) of subsection (3) of
 10850 section 921.0022, Florida Statutes, are amended to read:

10851 921.0022 Criminal Punishment Code; offense severity ranking
 10852 chart.--

10853 (3) OFFENSE SEVERITY RANKING CHART

10854 (b) LEVEL 2

10855

Florida Statute	Felony Degree	Description
<u>379.2431</u> <u>(1) (e) 3.</u> 370.12(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
<u>379.2431(1)(e)4.</u> 370.12(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume

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10859			or any quantity for commercial purposes, or hazardous waste.
	517.07	3rd	Registration of securities and furnishing of prospectus required.
10860			
	590.28 (1)	3rd	Willful, malicious, or intentional burning.
10861			
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
10862			
	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
10863			
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
10864			
	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
10865			
	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
10866			
	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.



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10867	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
10868	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
10869	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
10870	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
10871	817.52(3)	3rd	Failure to redeliver hired vehicle.
10872	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
10873	817.60(5)	3rd	Dealing in credit cards of another.
10874	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
10875	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
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10877	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
10878	831.01	3rd	Forgery.
10879	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
10880	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
10881	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
10882	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
10883	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
10884	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
10885	843.08	3rd	Falsely impersonating an officer.
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7.,



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10886			(2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.
	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
10887			
10888	(c)	LEVEL 3	
10889			
	Florida Statute	Felony Degree	Description
10890			
	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
10891			
	316.066(6)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
10892			
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
10893			
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
10894			
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
10895			
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.

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10896	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
10897	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
10898	327.35(2)(b)	3rd	Felony BUI.
10899	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
10900	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
10901	<u>379.2431(1)(e)5.</u> 370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
10902	<u>379.2431(1)(e)6.</u> 370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
10903			



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10904	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
10905	400.903 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.
10906	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
10907	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
10908	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
10909	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
10910	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
10911	697.08	3rd	Equity skimming.
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.

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10912	796.05 (1)	3rd	Live on earnings of a prostitute.
10913	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
10914	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
10915	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
10916	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
10917	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
10918	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
10919	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
10920	817.233	3rd	Burning to defraud insurer.
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10922	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
10923	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
10924	817.236	3rd	Filing a false motor vehicle insurance application.
10925	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
10926	817.413 (2)	3rd	Sale of used goods as new.
10927	817.505 (4)	3rd	Patient brokering.
10928	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
10929	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
10930	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
	838.021 (3) (b)	3rd	Threatens unlawful harm to public



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10931			servant.
	843.19	3rd	Injure, disable, or kill police dog or horse.
10932			
	860.15 (3)	3rd	Overcharging for repairs and parts.
10933			
	870.01 (2)	3rd	Riot; inciting or encouraging.
10934			
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
10935			
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of university.
10936			
	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of public housing facility.
10937			
	893.13 (6) (a)	3rd	Possession of any controlled substance



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10938			other than felony possession of cannabis.
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
10939			
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
10940			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
10941			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
10942			
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
10943			
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an

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10944 animal in obtaining a controlled substance.

10945 893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

10946 893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

10947 918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

10948 944.47(1)(a)1.- 3rd Introduce contraband to correctional facility.
2.

10949 944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

10950 985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

10951 Section 205. Paragraph (e) of subsection (6) of section
10952 932.7055, Florida Statutes, is amended to read:
10953 932.7055 Disposition of liens and forfeited property.--



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10954 (6) If the seizing agency is a state agency, all remaining
 10955 proceeds shall be deposited into the General Revenue Fund.

10956 However, if the seizing agency is:

10957 (e) The Fish and Wildlife Conservation Commission, the
 10958 proceeds accrued pursuant to the provisions of the Florida
 10959 Contraband Forfeiture Act shall be deposited into the State Game
 10960 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395
 10961 ~~372.73, 372.9901, and 372.9904~~, into the Marine Resources
 10962 Conservation Trust Fund as provided in s. 379.337 ~~370.061, or~~
 10963 ~~into the commission's Federal Law Enforcement Trust Fund as~~
 10964 ~~provided in s. 372.107, as applicable.~~

10965 Section 206. Sections 370.081, 370.0821, 370.09, 370.1105,
 10966 370.15, 370.154, 370.155, 372.001, 372.0225, 372.107, 372.27,
 10967 372.667, 372.85, 372.98, 372.981, and 372.993, Florida Statutes,
 10968 are repealed.

10969 Section 207. This act shall take effect July 1, 2008.

10970

10971 ===== T I T L E A M E N D M E N T =====

10972 And the title is amended as follows:

10973 Delete everything before the enacting clause
 10974 and insert:

10975 A bill to be entitled
 10976 An act relating to fish and wildlife conservation;
 10977 consolidating chapters 370 and 372, F.S., to create
 10978 chapter 379, F.S., entitled "Fish and Wildlife
 10979 Conservation"; creating part I of chapter 379, F.S.,
 10980 relating to general provisions; creating part II of
 10981 chapter 379, F.S., relating to marine life; creating part
 10982 III of chapter 379, F.S., relating to freshwater aquatic
 10983 life; creating part IV of chapter 379, F.S., relating to

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10984 wild animal life; creating part V of chapter 379, F.S.,
10985 relating to law enforcement; creating part VI of chapter
10986 379, F.S., relating to licenses for recreation activities;
10987 creating part VII of chapter 379, F.S., relating to
10988 nonrecreational licenses; creating part VIII of chapter
10989 379, F.S., relating to penalties; renumbering, amending,
10990 creating, and repealing various statutory provisions to
10991 conform; renumbering and amending ss. 370.021, 370.06,
10992 370.061, 370.063, 370.16, 370.22, 370.26, 370.028, 370.07,
10993 370.08, 370.11, 370.1107, 370.1121, 370.135, 370.14,
10994 370.143, 370.1535, 370.1603, 370.31, 370.73, 372.07,
10995 372.071, 372.0715, 372.0025, 372.023, 372.0725, 372.16,
10996 372.26, 372.551, 372.561, 372.562, 372.65, 372.57,
10997 372.5704, 372.5705, 372.571, 372.5711, 372.5714, 372.5717,
10998 372.5718, 372.574, 372.58, 372.581, 372.59, 372.651,
10999 372.653, 372.66, 372.661, 372.662, 372.663, 372.664,
11000 372.6645, 372.665, 372.6671, 372.6672, 372.6673, 372.6674,
11001 372.6678, 372.671, 372.673, 372.70, 372.701, 372.7015,
11002 372.7016, 372.76, 372.761, 372.83, 372.84, 372.86, 372.87,
11003 372.88, 372.921, 372.922, 372.935, 372.988, 372.99,
11004 372.9901, 372.99021, 372.99022, 372.9903, 372.9904,
11005 372.9905, and 372.992, F.S.; correcting cross-references;
11006 conforming provisions to changes made by this act;
11007 renumbering and amending s. 370.12, F.S.; deleting an
11008 obsolete provision relating to certain annual use fees;
11009 correcting cross-references; renumbering and amending s.
11010 370.13, F.S.; deleting an obsolete provision relating to
11011 stone crab trap tag fees; correcting cross-references;
11012 renumbering and amending s. 370.142, F.S.; deleting an
11013 obsolete provision relating to spiny lobster trap tag

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11014 | fees; correcting cross-references; renumbering and
11015 | amending s. 370.151, F.S.; deleting legislative intent
11016 | relating to shrimp beds; conforming provisions relating to
11017 | shrimping license violations; renumbering and amending s.
11018 | 372.5701, F.S.; deleting provisions requiring an annual
11019 | legislative appropriation for specified activities and
11020 | programs; correcting cross-references; creating s.
11021 | 379.3711, F.S.; establishing an annual license fee for
11022 | private game preserves and farms; providing for payment of
11023 | such fees to the commission; requiring proceeds to be
11024 | deposited in the State Game Trust Fund; creating 379.414,
11025 | F.S.; providing additional civil penalties for violations
11026 | of record requirements by saltwater products dealers;
11027 | requiring fees collected for such violations are deposited
11028 | in the Marine Resources Conservation Trust Fund;
11029 | specifying the use of such funds; amending ss. 72.011,
11030 | 97.05831, 125.01, 142.01, 161.053, 201.15, 212.06, 212.08,
11031 | 213.053, 215.20, 290.004, 320.08058, 327.02, 327.41,
11032 | 327.73, 328.66, 328.72, 328.76, 373.046, 403.41315,
11033 | 403.813, 597.010, 777.04, 810.09, 921.0022, and 932.7055,
11034 | F.S.; correcting cross-references to conform to changes
11035 | made by this act; repealing s. 370.081, F.S., relating to
11036 | illegal importation or possession of nonindigenous marine
11037 | plants and animals to conform to changes made by this act;
11038 | repealing s. 370.0821, F.S., relating to use of nets in
11039 | St. Johns County to conform to changes made by this act;
11040 | repealing s. 370.09, F.S., relating to industrial hazards
11041 | and prohibited oil deposits discharge to conform to
11042 | changes made by this act; repealing s. 370.1105, F.S.,
11043 | relating to saltwater finfish trap regulation to conform

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11044 | to changes made by this act; repealing ss. 370.15 and
11045 | 370.154, F.S., relating to shrimp regulations to conform
11046 | to changes made by this act; repealing s. 370.155, F.S.,
11047 | relating to shrimp fishing to conform to changes made by
11048 | this act; repealing 372.001, F.S., relating to wildlife
11049 | definitions to conform to changes made by this act;
11050 | repealing s. 372.0225, F.S., relating to freshwater
11051 | organisms to conform to changes made by this act;
11052 | repealing s. 372.107, F.S., relating to the Fish and
11053 | Wildlife Conservation Commission Federal Law Enforcement
11054 | Trust Fund to conform to changes made by this act;
11055 | repealing s. 372.27, F.S., relating to the prohibition of
11056 | fishing in Silver Springs and Rainbow Springs to conform
11057 | to changes made by this act; repealing s. 372.667, F.S.,
11058 | relating to the unlawful feeding or enticement of
11059 | alligators or crocodiles to conform to changes made by
11060 | this act; repealing s. 372.85, F.S., relating to the
11061 | contamination of fresh waters to conform to changes made
11062 | by this act; repealing s. 372.98, F.S., relating to the
11063 | possession of nutria to conform to changes made by this
11064 | act; repealing s. 372.981, F.S., relating to the
11065 | regulation of importation of caiman to conform to changes
11066 | made by this act; repealing s. 372.993, F.S., relating to
11067 | land-based commercial and recreational fishing activities
11068 | to conform to changes made by this act; providing an
11069 | effective date.

11070 |
11071 | WHEREAS, it is the intent of the Legislature that the
11072 | consolidation of chapters 370 and 372, Florida Statutes, into a
11073 | new chapter 379, Florida Statutes, shall not be construed as

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11074 | creating, establishing, or implementing any substantive changes
11075 | to current law in either of the two chapters consolidated, and
11076 | WHEREAS, it is the intent of the Legislature that the
11077 | consolidation of chapters 370 and 372, Florida Statutes, into a
11078 | new chapter 379, Florida Statutes, shall not be construed as
11079 | expanding any constitutional authority of the Fish and Wildlife
11080 | Conservation Commission or as granting any additional
11081 | legislative authority to the Fish and Wildlife Conservation
11082 | Commission, NOW, THEREFORE,