

By the Committee on Environmental Preservation and Conservation;
and Senator Saunders

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1 A bill to be entitled
2 An act relating to fish and wildlife conservation;
3 consolidating chapters 370 and 372, F.S., to create
4 chapter 379, F.S., entitled "Fish and Wildlife
5 Conservation"; creating part I of chapter 379, F.S.,
6 relating to general provisions; creating part II of
7 chapter 379, F.S., relating to marine life; creating part
8 III of chapter 379, F.S., relating to freshwater aquatic
9 life; creating part IV of chapter 379, F.S., relating to
10 wild animal life; creating part V of chapter 379, F.S.,
11 relating to law enforcement; creating part VI of chapter
12 379, F.S., relating to licenses for recreation activities;
13 creating part VII of chapter 379, F.S., relating to
14 nonrecreational licenses; creating part VIII of chapter
15 379, F.S., relating to penalties; renumbering, amending,
16 creating, and repealing various statutory provisions to
17 conform; renumbering and amending ss. 370.021, 370.06,
18 370.061, 370.063, 370.16, 370.22, 370.26, 370.028, 370.07,
19 370.08, 370.11, 370.1107, 370.1121, 370.135, 370.14,
20 370.143, 370.1535, 370.1603, 370.31, 370.73, 372.07,
21 372.071, 372.0715, 372.0025, 372.023, 372.0725, 372.16,
22 372.26, 372.551, 372.561, 372.562, 372.65, 372.57,
23 372.5704, 372.5705, 372.571, 372.5711, 372.5714, 372.5717,
24 372.5718, 372.574, 372.58, 372.581, 372.59, 372.651,
25 372.653, 372.66, 372.661, 372.662, 372.663, 372.664,
26 372.6645, 372.665, 372.6671, 372.6672, 372.6673, 372.6674,
27 372.6678, 372.671, 372.673, 372.70, 372.701, 372.7015,
28 372.7016, 372.76, 372.761, 372.83, 372.84, 372.86, 372.87,
29 372.88, 372.921, 372.922, 372.935, 372.988, 372.99,

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30 | 372.9901, 372.99021, 372.99022, 372.9903, 372.9904,
31 | 372.9905, and 372.992, F.S.; correcting cross-references;
32 | conforming provisions to changes made by this act;
33 | renumbering and amending s. 370.12, F.S.; deleting an
34 | obsolete provision relating to certain annual use fees;
35 | correcting cross-references; renumbering and amending s.
36 | 370.13, F.S.; deleting an obsolete provision relating to
37 | stone crab trap tag fees; correcting cross-references;
38 | renumbering and amending s. 370.142, F.S.; deleting an
39 | obsolete provision relating to spiny lobster trap tag
40 | fees; correcting cross-references; renumbering and
41 | amending s. 370.151, F.S.; deleting legislative intent
42 | relating to shrimp beds; conforming provisions relating to
43 | shrimping license violations; renumbering and amending s.
44 | 372.5701, F.S.; deleting provisions requiring an annual
45 | legislative appropriation for specified activities and
46 | programs; correcting cross-references; creating s.
47 | 379.3711, F.S.; establishing an annual license fee for
48 | private game preserves and farms; providing for payment of
49 | such fees to the commission; requiring proceeds to be
50 | deposited in the State Game Trust Fund; creating 379.414,
51 | F.S.; providing additional civil penalties for violations
52 | of record requirements by saltwater products dealers;
53 | requiring fees collected for such violations are deposited
54 | in the Marine Resources Conservation Trust Fund;
55 | specifying the use of such funds; amending ss. 72.011,
56 | 97.05831, 125.01, 142.01, 161.053, 201.15, 212.06, 212.08,
57 | 213.053, 215.20, 290.004, 320.08058, 327.02, 327.41,
58 | 327.73, 328.66, 328.72, 328.76, 373.046, 403.41315,

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59 | 403.813, 597.010, 777.04, 810.09, 921.0022, and 932.7055,
60 | F.S.; correcting cross-references to conform to changes
61 | made by this act; repealing s. 370.081, F.S., relating to
62 | illegal importation or possession of nonindigenous marine
63 | plants and animals to conform to changes made by this act;
64 | repealing s. 370.0821, F.S., relating to use of nets in
65 | St. Johns County to conform to changes made by this act;
66 | repealing s. 370.09, F.S., relating to industrial hazards
67 | and prohibited oil deposits discharge to conform to
68 | changes made by this act; repealing s. 370.1105, F.S.,
69 | relating to saltwater finfish trap regulation to conform
70 | to changes made by this act; repealing ss. 370.15 and
71 | 370.154, F.S., relating to shrimp regulations to conform
72 | to changes made by this act; repealing s. 370.155, F.S.,
73 | relating to shrimp fishing to conform to changes made by
74 | this act; repealing 372.001, F.S., relating to wildlife
75 | definitions to conform to changes made by this act;
76 | repealing s. 372.0225, F.S., relating to freshwater
77 | organisms to conform to changes made by this act;
78 | repealing s. 372.107, F.S., relating to the Fish and
79 | Wildlife Conservation Commission Federal Law Enforcement
80 | Trust Fund to conform to changes made by this act;
81 | repealing s. 372.27, F.S., relating to the prohibition of
82 | fishing in Silver Springs and Rainbow Springs to conform
83 | to changes made by this act; repealing s. 372.667, F.S.,
84 | relating to the unlawful feeding or enticement of
85 | alligators or crocodiles to conform to changes made by
86 | this act; repealing s. 372.85, F.S., relating to the
87 | contamination of fresh waters to conform to changes made

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88 | by this act; repealing s. 372.98, F.S., relating to the
89 | possession of nutria to conform to changes made by this
90 | act; repealing s. 372.981, F.S., relating to the
91 | regulation of importation of caiman to conform to changes
92 | made by this act; repealing s. 372.993, F.S., relating to
93 | land-based commercial and recreational fishing activities
94 | to conform to changes made by this act; providing an
95 | effective date.

96 |
97 | WHEREAS, it is the intent of the Legislature that the
98 | consolidation of chapters 370 and 372, Florida Statutes, into a
99 | new chapter 379, Florida Statutes, shall not be construed as
100 | creating, establishing, or implementing any substantive changes
101 | to current law in either of the two chapters consolidated, and

102 | WHEREAS, it is the intent of the Legislature that the
103 | consolidation of chapters 370 and 372, Florida Statutes, into a
104 | new chapter 379, Florida Statutes, shall not be construed as
105 | expanding any constitutional authority of the Fish and Wildlife
106 | Conservation Commission or as granting any additional
107 | legislative authority to the Fish and Wildlife Conservation
108 | Commission, NOW, THEREFORE,

109 |
110 | Be It Enacted by the Legislature of the State of Florida:

111 |
112 | Section 1. Chapter 379, Florida Statutes, is created and
113 | entitled "Fish and Wildlife Conservation."

114 | Section 2. Part I of chapter 379, Florida Statutes,
115 | consisting of sections 379.101, 379.102, 379.1025, 379.10255,
116 | 379.103, 379.104, 379.105, 379.106, 379.201, 379.202, 379.202,

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117 | 379.203, 379.204, 379.205, 379.206, 379.207, 379.208, 379.209,
118 | 379.211, 379.2201, 379.2202, 379.2203, 379.2211, 379.2212,
119 | 379.2213, 379.2221, 379.2222, 379.2223, 379.2224, 379.2225,
120 | 379.223, 379.224, 379.2251, 379.2252, 379.2253, 379.2254,
121 | 379.2255, 379.2256, 379.2257, 379.2258, 379.2259, 379.226,
122 | 379.2271, 379.2272, 379.2281, 379.2282, 379.2291, 379.2292,
123 | 379.230, 379.231, 379.232, 379.233, 379.2341, 379.2342, 379.2351,
124 | 379.2352, 379.2353, 379.236, and 379.237, is created to read:

125 | PART I

126 | GENERAL PROVISIONS

127 |
128 | Section 3. Section 370.01, Florida Statutes, is renumbered
129 | as section 379.101, Florida Statutes, and amended to read:

130 | 379.101 ~~370.01~~ Definitions.--In construing these statutes,
131 | where the context does not clearly indicate otherwise, the word,
132 | phrase, or term:

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

137 | (2) "Beaches" and "shores" shall mean the coastal and
138 | intracoastal shoreline of this state bordering upon the waters of
139 | the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida,
140 | and any part thereof, and any other bodies of water under the
141 | jurisdiction of the State of Florida, between the mean high-water
142 | line and as far seaward as may be necessary to effectively carry
143 | out the purposes of this act.

144 | (3) "Closed season" shall be that portion of the year
145 | wherein the laws or rules of Florida forbid the taking of

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146 particular species of game or varieties of fish.

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

150 (5) "Commercial harvester" means any person, firm, or
151 corporation that takes, harvests, or attempts to take or harvest
152 saltwater products for sale or with intent to sell; that is
153 operating under or is required to operate under a license or
154 permit or authorization issued pursuant to this chapter; that is
155 using gear that is prohibited for use in the harvest of
156 recreational amounts of any saltwater product being taken or
157 harvested; or that is harvesting any saltwater product in an
158 amount that is at least two times the recreational bag limit for
159 the saltwater product being taken or harvested.

160 (6) "Commission" shall mean the Fish and Wildlife
161 Conservation Commission.

162 (7) "Common carrier" shall include any person, firm, or
163 corporation, who undertakes for hire, as a regular business, to
164 transport persons or commodities from place to place offering his
165 or her services to all such as may choose to employ the common
166 carrier and pay his or her charges.

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

169 (9) "Department" shall mean the Department of Environmental
170 Protection.

171 (10) "Erosion control," "beach preservation," and
172 "hurricane protection" shall include any activity, work, program,
173 project, or other thing deemed necessary by the Department of
174 Environmental Protection to effectively preserve, protect,

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175 restore, rehabilitate, stabilize, and improve the beaches and
176 shores of this state, as defined above.

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

178 (12) "Finfish" means any member of the classes Agnatha,
179 Chondrichthyes, or Osteichthyes.

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

182 (14) "Fish management area" means a pond, lake, or other
183 water within a county, or within several counties, designated to
184 improve fishing for public use, and established and specifically
185 circumscribed for authorized management by the commission and the
186 board of county commissioners of the county in which such waters
187 lie, under agreement between the commission and an owner with
188 approval by the board of county commissioners or under agreement
189 with the board of county commissioners for use of public waters
190 in the county in which such waters lie.

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

194 (16)-(13) "Food fish" shall include mullet, trout, redfish,
195 sheepshead, pompano, mackerel, bluefish, red snapper, grouper,
196 black drum, jack crevalle, and all other fish generally used for
197 human consumption.

198 (17) "Fresh water," except where otherwise provided by law,
199 means all lakes, rivers, canals, and other waterways of Florida,
200 to such point or points where the fresh and salt waters commingle
201 to such an extent as to become unpalatable and unfit for human
202 consumption because of the saline content, or to such point or
203 points as may be fixed by order of the commission by and with the

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204 consent of the board of county commissioners of the county or
205 counties to be affected by such order. The Steinhatchee River
206 shall be considered fresh water from its source to mouth.

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

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

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

215 (21)-(14) "Guide" shall include any person engaged in the
216 business of guiding hunters or hunting parties, fishers or
217 fishing parties, for compensation.

218 (22)-(15) "Marine fish" means any saltwater species of
219 finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes,
220 and marine invertebrates in the classes Gastropoda, Bivalvia, and
221 Crustacea, or the phylum Echinodermata, but does not include
222 nonliving shells or Echinoderms.

223 (23)-(16) "Molest," in connection with any fishing trap or
224 its buoy or buoy line, means to touch, bother, disturb, or
225 interfere or tamper with, in any manner.

226 (24)-(17) A "natural oyster or clam reef" or "bed" or "bar"
227 shall be considered and defined as an area containing not less
228 than 100 square yards of the bottom where oysters or clams are
229 found in a stratum.

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

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233 ~~(26)-(18)~~ "Nonresident alien" shall mean those individuals
234 from other nations who can provide documentation from the Bureau
235 of Citizenship and Immigration Services evidencing permanent
236 residency status in the United States. For the purposes of this
237 chapter, a "nonresident alien" shall be considered a
238 "nonresident."

239 ~~(27)-(19)~~ "Open season" shall be that portion of the year
240 wherein the laws of Florida for the preservation of fish and game
241 permit the taking of particular species of game or varieties of
242 fish.

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

246 ~~(29)-(20)~~ "Reef bunch oysters" are oysters found growing on
247 the bars or reefs in the open bay and exposed to the air between
248 high and low tide.

249 ~~(30)-(21)~~ "Resident" or "resident of Florida" means:
250 includes

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

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

259 ~~(31)-(22)~~ "Resident alien" shall mean those persons who have
260 continuously resided in this state for at least 1 year and 6
261 months in the county and can provide documentation from the

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262 Bureau of Citizenship and Immigration Services evidencing
263 permanent residency status in the United States. For the purposes
264 of this chapter, a "resident alien" shall be considered a
265 "resident."

266 ~~(32)~~~~(23)~~ "Restricted species" means any species of
267 saltwater products which the state by law, or the Fish and
268 Wildlife Conservation Commission by rule, has found it necessary
269 to so designate. The term includes a species of saltwater
270 products designated by the commission as restricted within a
271 geographical area or during a particular time period of each
272 year. Designation as a restricted species does not confer the
273 authority to sell a species pursuant to s. 379.361 ~~370.06~~ if the
274 law or rule prohibits the sale of the species.

275 ~~(33)~~~~(24)~~ "Salt water," except where otherwise provided by
276 law, shall be all of the territorial waters of Florida excluding
277 all lakes, rivers, canals, and other waterways of Florida from
278 such point or points where the fresh and salt waters commingle to
279 such an extent as to become unpalatable because of the saline
280 content, or from such point or points as may be fixed for
281 conservation purposes by the Department of Environmental
282 Protection and the Fish and Wildlife Conservation Commission,
283 with the consent and advice of the board of county commissioners
284 of the county or counties to be affected.

285 ~~(34)~~~~(25)~~ "Saltwater fish" means:

286 (a) Any saltwater species of finfish of the classes
287 Agnatha, Chondrichthyes, or Osteichthyes and marine invertebrates
288 of the classes Gastropoda, Bivalvia, or Crustacea, or of the
289 phylum Echinodermata, but does not include nonliving shells or
290 echinoderms; and

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

293 (35)~~(26)~~ "Saltwater license privileges," except where
294 otherwise provided by law, means any license, endorsement,
295 certificate, or permit issued pursuant to this chapter.

296 (36)~~(27)~~ "Saltwater products" means any species of
297 saltwater fish, marine plant, or echinoderm, except shells, and
298 salted, cured, canned, or smoked seafood.

299 (37)~~(28)~~ "Shellfish" shall include oysters, clams, and
300 whelks.

301 (38) "Take" means taking, attempting to take, pursuing,
302 hunting, molesting, capturing, or killing any wildlife or
303 freshwater or saltwater fish, or their nests or eggs, by any
304 means, whether or not such actions result in obtaining possession
305 of such wildlife or freshwater or saltwater fish or their nests
306 or eggs.

307 (39)~~(29)~~ "Transport" shall include shipping, transporting,
308 carrying, importing, exporting, receiving or delivering for
309 shipment, transportation or carriage or export.

310 Section 4. Section 372.01, Florida Statutes, is renumbered
311 as section 379.102, Florida Statutes, to read:

312 379.102 ~~372.01~~ Fish and Wildlife Conservation Commission.--

313 (1) The Fish and Wildlife Conservation Commission shall
314 consist of seven members who shall be appointed by the Governor,
315 subject to confirmation by the Senate, for staggered terms of 5
316 years.

317 (2) Members so appointed shall annually select one of their
318 members as chair. Such chair may be removed at any time for
319 sufficient cause, by the affirmative vote of the majority of the

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320 members of the commission. In case the said office of chair
321 becomes vacant by removal or otherwise, the same may be filled
322 for the unexpired term at any time by the commission from its
323 members.

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

327 Section 5. Section 372.021, Florida Statutes, is renumbered
328 as section 379.1025, Florida Statutes, to read:

329 379.1025 ~~372.021~~ Powers, duties, and authority of
330 commission; rules, regulations, and orders.--The Fish and
331 Wildlife Conservation Commission may exercise the powers, duties,
332 and authority granted by s. 9, Art. IV of the Constitution of
333 Florida, and as otherwise authorized by the Legislature by the
334 adoption of rules, regulations, and orders in accordance with
335 chapter 120.

336 Section 6. Section 372.03, Florida Statutes, is renumbered
337 as section 379.104, Florida Statutes, to read:

338 379.10255 ~~372.03~~ Headquarters of commission.--The Fish and
339 Wildlife Conservation Commission is located at the state capital,
340 and, when suitable adequate office space cannot be provided in
341 the State Capitol Building, or other buildings owned by the
342 state, the commission may rent or lease suitable office space in
343 Tallahassee. Said commission may also rent or lease suitable and
344 adequate space in other cities and towns of the state for branch
345 or division offices and headquarters and storerooms for equipment
346 and supplies, as the business of the commission may require or
347 necessitate, payment for said rented or leased premises to be
348 made from the State Game Trust Fund.

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349 Section 7. Section 372.05, Florida Statutes, is renumbered
350 as section 379.103, Florida Statutes, to read:

351 379.103 ~~372.05~~ Duties of executive director.--The executive
352 director of the Fish and Wildlife Conservation Commission shall:

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

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

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

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

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

369 Section 8. Section 372.002, Florida Statutes, is renumbered
370 as section 379.104, Florida Statutes, to read:

371 379.104 ~~372.002~~ Right to hunt and fish.--The Legislature
372 recognizes that hunting, fishing, and the taking of game are a
373 valued part of the cultural heritage of Florida and should be
374 forever preserved for Floridians. The Legislature further
375 recognizes that these activities play an important part in the
376 state's economy and in the conservation, preservation, and
377 management of the state's natural areas and resources. Therefore,

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378 | the Legislature intends that the citizens of Florida have a right
379 | to hunt, fish, and take game, subject to the regulations and
380 | restrictions prescribed by general law and by s. 9, Art. IV of
381 | the State Constitution.

382 | Section 9. Section 372.705, Florida Statutes, is renumbered
383 | as section 379.105, Florida Statutes, and amended to read:

384 | 379.105 ~~372.705~~ Harassment of hunters, trappers, or
385 | fishers.--

386 | (1) A person may not intentionally, within a publicly or
387 | privately owned wildlife management or fish management area or on
388 | any state-owned water body:

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

391 | (b) Attempt to disturb fish, game, or nongame animals or
392 | attempt to affect their behavior with the intent to prevent their
393 | lawful taking by another.

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

396 | Section 10. Section 370.023, Florida Statutes, is
397 | renumbered as section 379.106, Florida Statutes, to read:

398 | 379.106 ~~370.023~~ Administration of commission grant
399 | programs.--

400 | (1) The Fish and Wildlife Conservation Commission is
401 | authorized to establish grant programs that are consistent with
402 | statutory authority and legislative appropriations. The
403 | commission is further authorized to receive funds from any legal
404 | source for purposes of matching state dollars or for passing
405 | through the agency as grants to other entities whether or not
406 | matching funds or in-kind matches are required.

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407 (2) For any grant program established by the commission,
408 the commission shall adopt rules, pursuant to the requirements of
409 chapter 120, for each grant program which shall include, but are
410 not limited to: the method or methods of payment; the supporting
411 documents required before payment will be made; when matching
412 funds or in-kind matches are allowed; what moneys, services, or
413 other sources and amounts of matching funds or in-kind matches
414 will be eligible for use for matching the grant by the
415 commission; who is eligible to participate in the program; and
416 other provisions that the commission finds necessary to achieve
417 program objectives and an accounting for state funds in
418 accordance with law and generally accepted accounting principles.

419 (3) The commission is authorized to preaudit or postaudit
420 account books and other documentation of a grant recipient to
421 assure that grant funds have been used in accordance with the
422 terms of the grant and state rules and statutes. When such audit
423 reveals that moneys have not been spent in accordance with grant
424 requirements, the commission may withhold moneys or recover
425 moneys previously paid. A grant recipient will be allowed a
426 maximum of 60 days to submit any additional pertinent
427 documentation to offset the amount identified as being due the
428 commission.

429 Section 11. Section 372.101, Florida Statutes, is
430 renumbered as section 379.201, Florida Statutes, to read:

431 379.201 ~~372.101~~ Administrative Trust Fund.--

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

434 (2) The fund is established for use as a depository for
435 funds to be used for management activities that are

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436 commissionwide in nature and funded by indirect cost earnings or
437 assessments against trust funds. Moneys to be credited to the
438 trust fund include indirect cost reimbursements from grantors,
439 administrative assessments against trust funds, interest
440 earnings, and other appropriate administrative fees.

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

446 Section 12. Section 372.127, Florida Statutes, is
447 renumbered as section 379.202, Florida Statutes, to read:

448 379.202 ~~372.127~~ Conservation and Recreation Lands Program
449 Trust Fund of the Fish and Wildlife Conservation Commission.--

450 (1) There is created a Conservation and Recreation Lands
451 Program Trust Fund within the Fish and Wildlife Conservation
452 Commission. The purpose of the trust fund is to provide for the
453 management of conservation and recreation lands by the
454 commission. Funds may be appropriated to the trust fund from the
455 Conservation and Recreation Lands Trust Fund in the Department of
456 Environmental Protection, as created by s. 259.032(2), or from
457 such other sources as the Legislature may determine.

458 (2) Notwithstanding the provisions of s. 216.301 and
459 pursuant to s. 216.351, any balance in the trust fund at the end
460 of any fiscal year shall remain in the trust fund at the end of
461 the year and shall be available for carrying out the purposes of
462 the trust fund.

463 Section 13. Section 372.106, Florida Statutes, is
464 renumbered as section 379.203, Florida Statutes, and amended to

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465 read:

466 379.203 ~~372.106~~ Dedicated License Trust Fund.--

467 (1) There is established within the Fish and Wildlife
468 Conservation Commission the Dedicated License Trust Fund. The
469 fund shall be credited with moneys collected pursuant to s.
470 379.354 ~~372.57~~ for 5-year licenses and permits and replacement 5-
471 year licenses.

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

476 (b) One-fifth of the total proceeds from the sale of 5-year
477 saltwater fishing licenses, permits, and replacement licenses,
478 and all interest derived therefrom, shall be appropriated
479 annually to the Marine Resources Conservation Trust Fund.

480 (3) The fund shall be exempt from the provisions of s.
481 215.20.

482 Section 14. Section 372.102, Florida Statutes, is
483 renumbered as section 379.204, Florida Statutes, to read:

484 379.204 ~~372.102~~ Federal Grants Trust Fund.--

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

487 (2) The fund is established for use as a depository for
488 funds to be used for allowable grant activities funded by
489 restricted program revenues. Moneys to be credited to the trust
490 fund shall consist of grants and funding from the Federal
491 Government, interest earnings, and cash advances from other trust
492 funds.

493 (3) In accordance with s. 19(f)(2), Art. III of the State

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494 Constitution, the Federal Grants Trust Fund shall, unless
495 terminated sooner, be terminated on July 1, 2009. Before its
496 scheduled termination, the trust fund shall be reviewed as
497 provided in s. 215.3206(1) and (2).

498 Section 15. Section 372.672, Florida Statutes, is
499 renumbered as section 379.205, Florida Statutes, to read:

500 379.205 ~~372.672~~ Florida Panther Research and Management
501 Trust Fund.--

502 (1) There is established within the Fish and Wildlife
503 Conservation Commission the Florida Panther Research and
504 Management Trust Fund to be used exclusively for the purposes of
505 this section.

506 (2) Money from the fund shall be spent only for the
507 following purposes:

508 (a) To manage and protect existing Florida panther
509 populations by increasing panther food sources where food is a
510 limiting factor, determining conflicts between public use and
511 panther survival, maintaining sufficient genetic variability in
512 existing populations, and undertaking management and enforcement
513 activities that protect panther habitat.

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

516 (c) To reestablish Florida panthers into areas of suitable
517 habitat, where feasible, by assessing the necessity of a captive
518 breeding program for purposes of reintroduction of the panthers
519 into the suitable habitat; selecting potential sites for
520 reintroduction and investigating associated human sociological
521 aspects; and assessing the potential for panther habitat
522 acquisition.

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

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

528 Section 16. Section 372.103, Florida Statutes, is
529 renumbered as section 379.206, Florida Statutes, to read:

530 379.206 ~~372.103~~ Grants and Donations Trust Fund.--

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

533 (2) The fund is established for use as a depository for
534 funds to be used for allowable grant and donor agreement
535 activities funded by restricted contractual revenue. Moneys to be
536 credited to the trust fund shall consist of grants and donations
537 from private and public nonfederal sources, interest earnings,
538 and cash advances from other trust funds.

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

544 Section 17. Section 372.105, Florida Statutes, is
545 renumbered as section 379.207, Florida Statutes, and amended to
546 read:

547 379.207 ~~372.105~~ Lifetime Fish and Wildlife Trust Fund.--

548 (1) There is established within the Fish and Wildlife
549 Conservation Commission the Lifetime Fish and Wildlife Trust Fund
550 to be used for the purpose of supporting fish and wildlife
551 conservation programs of the state in accordance with this

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552 | section.

553 | (2) The principal of the fund shall be derived from the
554 | following:

555 | (a) Proceeds of any gifts, grants, and contributions to the
556 | state which are specifically designated for inclusion in the
557 | fund.

558 | (b) Proceeds from the sale of lifetime licenses issued in
559 | accordance with s. 379.354 ~~372.57~~.

560 | (3) The fund is declared to constitute a special trust
561 | derived from a contractual relationship between the state and the
562 | members of the public whose investments contribute to the fund.
563 | In recognition of such special trust, the following limitations
564 | and restrictions are placed on expenditures from the funds:

565 | (a) No expenditure or disbursement shall be made from the
566 | principal of the fund.

567 | (b) The interest income received and accruing from the
568 | investments of proceeds from the sale of lifetime freshwater
569 | fishing licenses and lifetime hunting licenses shall be spent in
570 | furtherance of the commission's management, protection, and
571 | conservation of wild animal life and freshwater aquatic life as
572 | set forth in s. 9, Art. IV of the State Constitution and this
573 | chapter and as otherwise authorized by the Legislature.

574 | (c) The interest income received and accruing from the
575 | investments of proceeds from the sale of lifetime saltwater
576 | fishing licenses shall be expended for marine law enforcement,
577 | marine research, and marine fishery enhancement.

578 | (d) No expenditures or disbursements from the interest
579 | income derived from the sale of lifetime licenses shall be made
580 | for any purpose until the respective holders of such licenses

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581 attain the age of 16 years. The Fish and Wildlife Conservation
582 Commission as administrator of the fund shall determine
583 actuarially on an annual basis the amounts of interest income
584 within the fund which may be disbursed pursuant to this
585 paragraph. The director shall cause deposits of proceeds from the
586 sale of lifetime licenses to be identifiable by the ages of the
587 license recipients.

588 (e) Any limitations or restrictions specified by the donors
589 on the uses of the interest income derived from gifts, grants,
590 and voluntary contributions shall be respected but shall not be
591 binding.

592 (f) The fund shall be exempt from the provisions of s.
593 215.20.

594 (4) In the event of a future dissolution or reorganization
595 of the Fish and Wildlife Conservation Commission, any state
596 agency which succeeds the commission or assumes its
597 constitutional or statutory responsibilities shall, through its
598 agency head acting ex officio, assume the trusteeship of the fund
599 and shall be bound by all the limitations and restrictions placed
600 by this section on expenditures from the fund. No repeal or
601 modification of this chapter or s. 9, Art. IV of the State
602 Constitution shall alter the fundamental purposes to which the
603 fund may be applied. No dissolution or reorganization of the Fish
604 and Wildlife Conservation Commission shall invalidate any
605 lifetime license issued in accordance with this section.

606 Section 18. Section 370.0603, Florida Statutes, is
607 renumbered as section 379.208, Florida Statutes, and amended to
608 read:

609 379.208 ~~370.0603~~ Marine Resources Conservation Trust Fund;

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610 purposes.--

611 (1) The Marine Resources Conservation Trust Fund within the
612 Fish and Wildlife Conservation Commission shall serve as a broad-
613 based depository for funds from various marine-related and
614 boating-related activities and shall be administered by the
615 commission for the purposes of:

616 (a) Funding for marine research.

617 (b) Funding for fishery enhancement, including, but not
618 limited to, fishery statistics development, artificial reefs, and
619 fish hatcheries.

620 (c) Funding for marine law enforcement.

621 (d) Funding for administration of licensing programs for
622 recreational fishing, saltwater products sales, and related
623 information and education activities.

624 (e) Funding for the operations of the Fish and Wildlife
625 Conservation Commission.

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

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

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

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

635 (j) Funding for the stone crab trap reduction program under
636 s. 379.365 ~~370.13~~, the blue crab effort management program under
637 s. 379.366 ~~370.135~~, the spiny lobster trap certificate program
638 under s. 379.3671 ~~370.142~~, and the trap retrieval program under

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639 s. 379.2424 ~~370.143~~.

640 (2) The Marine Resources Conservation Trust Fund shall
641 receive the proceeds from:

642 (a) All license fees collected pursuant to ss. 379.361 and
643 379.362 ~~370.06 and 370.07~~.

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

646 (c) All fees collected under ss. 379.2424, 379.355,
647 379.357, 379.365, 379.3671, and 379.366 ~~370.063, 370.13, 370.135,~~
648 ~~370.142, 370.143, and 372.5704~~.

649 (d) All fines and penalties under ss. 379.365, 379.366
650 379.3671, and 379.407 ~~370.021, 370.13, 370.135, and 370.142~~.

651 (e) Other revenues as provided by law.

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

655 (a) To reimburse the cost of activities authorized pursuant
656 to the Fish and Wildlife Service of the United States Department
657 of the Interior. Such facilities must be involved in the actual
658 rescue and full-time acute care veterinarian-based rehabilitation
659 of manatees. The cost of activities includes, but is not limited
660 to, costs associated with expansion, capital outlay, repair,
661 maintenance, and operation related to the rescue, treatment,
662 stabilization, maintenance, release, and monitoring of manatees.
663 Moneys distributed through the contractual agreement to each
664 facility for manatee rehabilitation must be proportionate to the
665 number of manatees under acute care rehabilitation; the number of
666 maintenance days medically necessary in the facility; and the
667 number released during the previous fiscal year. The commission

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668 may set a cap on the total amount reimbursed per manatee per
669 year.

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

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

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

676 (4) Funds transferred to the Marine Resources Conservation
677 Trust Fund from the Fuel Tax Collection Trust Fund pursuant to s.
678 206.606 shall be used for the following purposes:

679 (a) To provide additional water-related law enforcement
680 positions within the Fish and Wildlife Conservation Commission
681 primarily for the purpose of enforcing laws designed to protect
682 manatee populations. Law enforcement positions funded under this
683 provision shall be assigned to counties having the highest
684 incidence of manatee deaths and injuries.

685 (b) For the placement of uniform waterway markers on state
686 waters.

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

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

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

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697
698 Funds not used in one fiscal year must be carried over for use in
699 subsequent years.

700 Section 19. Section 372.991, Florida Statutes, is
701 renumbered as section 379.209, Florida Statutes, to read:

702 379.209 ~~372.991~~ Nongame Wildlife Trust Fund.--

703 (1) The Legislature recognizes the value of maintaining
704 ecologically healthy and stable populations of a wide diversity
705 of fish and wildlife species and recognizes the need for
706 monitoring, research, management, and public awareness of all
707 wildlife species in order to guarantee that self-sustaining
708 populations be conserved. The Legislature further recognizes that
709 research and management for game species traditionally have been
710 supported by licenses and fees collected by the Fish and Wildlife
711 Conservation Commission for consumptive uses of wildlife and that
712 no such support mechanism is available for species not commonly
713 pursued for sport or profit. It is the intent of the Legislature
714 that the funds provided herein be spent to identify and meet the
715 needs of nongame wildlife as a first priority with the ultimate
716 goal of establishing an integrated approach to the management and
717 conservation of all native fish, wildlife, and plants.

718 (2) (a) There is established within the Fish and Wildlife
719 Conservation Commission the Nongame Wildlife Trust Fund. The fund
720 shall be credited with moneys collected pursuant to ss. 319.32(3)
721 and 320.02(8). Additional funds may be provided from legislative
722 appropriations and by donations from interested individuals and
723 organizations. The commission shall designate an identifiable
724 unit to administer the trust fund.

725 (b) Proceeds from the trust fund shall be used for the

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726 following purposes:

727 1. Documentation of population trends of nongame wildlife
728 and assessment of wildlife habitat, in coordination with the
729 database of Florida natural areas inventory.

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

732 3. Public education programs.

733 (3) The commission may enter into cooperative agreements or
734 memoranda of understanding with related agencies to coordinate
735 nongame programs.

736 Section 20. Section 372.09, Florida Statutes, is renumbered
737 as section 379.211, Florida Statutes, to read:

738 379.211 ~~372.09~~ State Game Trust Fund.--The funds resulting
739 from the operation of the commission and from the administration
740 of the laws and regulations pertaining to birds, game, fur-
741 bearing animals, freshwater fish, reptiles, and amphibians,
742 together with any other funds specifically provided for such
743 purposes shall constitute the State Game Trust Fund and shall be
744 used by the commission as it shall deem fit in carrying out the
745 provisions hereof and for no other purposes, except that annual
746 use fees deposited into the trust fund from the sale of the
747 Largemouth Bass license plate may be expended for the purposes
748 provided under s. 320.08058(18). The commission may not obligate
749 itself beyond the current resources of the State Game Trust Fund
750 unless specifically so authorized by the Legislature.

751 Section 21. Section 372.074, Florida Statutes, is
752 renumbered as section 379.212, Florida Statutes, to read:

753 379.212 ~~372.074~~ Fish and Wildlife Habitat Program.--

754 (1) (a) There is established within the Fish and Wildlife

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755 Conservation Commission the Fish and Wildlife Habitat Program for
756 the purpose of acquiring, assisting other agencies or local
757 governments in acquiring, or managing lands important to the
758 conservation of fish and wildlife.

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

764 (c) Where acquisition pursuant to this section will result
765 in state ownership of land, title shall be vested in the Board of
766 Trustees of the Internal Improvement Trust Fund as required in
767 chapter 253. Land acquisition pursuant to this section shall be
768 voluntary, negotiated acquisition and, where title is to be
769 vested in the Board of Trustees of the Internal Improvement Trust
770 Fund, is subject to the acquisition procedures of s. 253.025.

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

774 (2) Moneys which may be deposited into the Land Acquisition
775 Trust Fund for the purposes of this section may include, but not
776 be limited to, donations, grants, development-of-regional-impact
777 wildlife mitigation contributions, or legislative appropriations.
778 Preservation 2000 acquisition moneys and Conservation and
779 Recreation Lands management moneys shall not be deposited into
780 this fund.

781 Section 22. Section 372.5701, Florida Statutes, is
782 renumbered as section 379.2201, Florida Statutes, and amended to
783 read:

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784 379.2201 ~~372.5701~~ Deposit of license fees; allocation of
785 federal funds.--

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

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

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

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

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

800 (2) The proceeds from recreational saltwater fishing
801 license fees paid by fishers shall only be appropriated to the
802 commission.

803 (3) Funds available from the Wallop-Breaux Aquatic
804 Resources Trust Fund shall be distributed by the commission
805 between freshwater fisheries management and research and marine
806 fisheries management and research in proportion to the numbers of
807 resident fresh and saltwater anglers as determined by the most
808 current data on license sales. Unless otherwise provided by
809 federal law, the commission, at a minimum, shall provide the
810 following:

811 (a) Not less than 5 percent or more than 10 percent of the
812 funds allocated to the commission shall be expended for an

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813 aquatic resources education program; and

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

817 Section 23. Section 372.5702, Florida Statutes, is
818 renumbered as section 379.2202, Florida Statutes, and amended to
819 read:

820 379.2202 ~~372.5702~~ Expenditure of funds.--Any moneys
821 available pursuant to s. 379.2201(1)(c) ~~372.5701(1)(e)~~ may be
822 expended by the commission within Florida through grants and
823 contracts for research with research institutions including but
824 not limited to: Florida Sea Grant; Florida Marine Resources
825 Council; Harbour Branch Oceanographic Institute; Technological
826 Research and Development Authority; Fish and Wildlife Research
827 Institute of the Fish and Wildlife Conservation Commission; Mote
828 Marine Laboratory; Marine Resources Development Foundation;
829 Florida Institute of Oceanography; Rosentiel School of Marine and
830 Atmospheric Science; and Smithsonian Marine Station at Ft.
831 Pierce.

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

834 379.2203 ~~372.72~~ Disposition of fines, penalties, and
835 forfeitures.--

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

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842 (2) All moneys collected from fines, penalties, or
843 forfeitures of bail of persons convicted of violations of rules,
844 regulations, or orders of the Fish and Wildlife Conservation
845 Commission concerning endangered or threatened species or of
846 violation of s. 379.3014, s. 379.409, or s. 379.4115 ~~s. 372.662,~~
847 ~~s. 372.663, s. 372.667, or s. 372.671~~ shall be remitted by the
848 clerk of the court to the Department of Revenue to be deposited
849 in the Nongame Wildlife Trust Fund.

850 Section 25. Section 372.5712, Florida Statutes, is
851 renumbered as section 379.2211, Florida Statutes, and amended to
852 read:

853 379.2211 ~~372.5712~~ Florida waterfowl permit revenues.--

854 (1) The commission shall expend the revenues generated from
855 the sale of the Florida waterfowl permit as provided in s.
856 379.354(8)(a) ~~372.57(8)(a)~~ or that pro rata portion of any
857 license that includes waterfowl hunting privileges, as provided
858 in s. 379.354(4)(h), (i), and (j) and (9)(a)3. ~~372.57(4)(h), (i),~~
859 ~~and (j) and (9)(a)3.~~ as follows: A maximum of 5 percent of the
860 gross revenues shall be expended for administrative costs; a
861 maximum of 25 percent of the gross revenues shall be expended for
862 waterfowl research approved by the commission; and a maximum of
863 70 percent of the gross revenues shall be expended for projects
864 approved by the commission, in consultation with the Waterfowl
865 Advisory Council, for the purpose of protecting and propagating
866 migratory waterfowl and for the development, restoration,
867 maintenance, and preservation of wetlands within the state.

868 (2) The intent of this section is to expand waterfowl
869 research and management and increase waterfowl populations in the
870 state without detracting from other programs. The commission

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871 shall prepare an annual report documenting the use of funds
872 generated under the provisions of this section, to be submitted
873 to the Governor, the Speaker of the House of Representatives, and
874 the President of the Senate on or before September 1 of each
875 year.

876 Section 26. Section 372.5715, Florida Statutes, is
877 renumbered as section 379.2212, Florida Statutes, and amended to
878 read:

879 379.2212 ~~372.5715~~ Florida wild turkey permit revenues.--

880 (1) The commission shall expend the revenues generated from
881 the sale of the turkey permit as provided for in s. 379.354(8)(b)
882 ~~372.57(8)(b)~~ or that pro rata portion of any license that
883 includes turkey hunting privileges as provided for in s.
884 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for
885 research and management of wild turkeys.

886 (2) The intent of this section is to expand wild turkey
887 research and management and to increase wild turkey populations
888 in the state without detracting from other programs. The
889 commission shall prepare an annual report documenting the use of
890 funds generated under the provisions of this section, to be
891 submitted to the Governor, the Speaker of the House of
892 Representatives, and the President of the Senate on or before
893 September 1 of each year.

894 Section 27. Section 372.573, Florida Statutes, is
895 renumbered as section 379.2213, Florida Statutes, and amended to
896 read:

897 379.2213 ~~372.573~~ Management area permit revenues.--The
898 commission shall expend the revenue generated from the sale of
899 the management area permit as provided for in s. 379.354(8)(g)

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900 | ~~372.57(8)(g)~~ or that pro rata portion of any license that
901 | includes management area privileges as provided for in s.
902 | 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for the
903 | lease, management, and protection of lands for public hunting,
904 | fishing, and other outdoor recreation.

905 | Section 28. Section 372.12, Florida Statutes, is renumbered
906 | as section 379.2222, Florida Statutes, to read:

907 | 379.2222 ~~372.12~~ Acquisition of state game lands.--The Fish
908 | and Wildlife Conservation Commission, with the approval of the
909 | Governor, may acquire, in the name of the state, lands and waters
910 | suitable for the protection and propagation of game, fish,
911 | nongame birds, or fur-bearing animals, or for hunting purposes,
912 | game farms, by purchase, lease, gift or otherwise to be known as
913 | state game lands. The said commission may erect such buildings
914 | and fences as may be deemed necessary to properly maintain and
915 | protect such lands, or for propagation of game, nongame birds,
916 | freshwater fish, or fur-bearing animals. The title of land
917 | acquired by purchase, lease, gift or otherwise, shall be approved
918 | by the Department of Legal Affairs. The deed to such lands shall
919 | be deposited as are deeds to other state lands. No property
920 | acquired under this section shall be exempt from state, county,
921 | or district taxation.

922 | Section 29. Section 372.121, Florida Statutes, is
923 | renumbered as section 379.2223, Florida Statutes, to read:

924 | 379.2223 ~~372.121~~ Control and management of state game
925 | lands.--

926 | (1) The Fish and Wildlife Conservation Commission is
927 | authorized to make, adopt, promulgate, amend, repeal, and enforce
928 | all reasonable rules and regulations necessary for the

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929 protection, control, operation, management, or development of
930 lands or waters owned by, leased by, or otherwise assigned to,
931 the commission for fish or wildlife management purposes,
932 including but not being limited to the right of ingress and
933 egress. Before any such rule or regulation is adopted, other than
934 one relating to wild animal life, marine life, or freshwater
935 aquatic life, the commission shall obtain the consent and
936 agreement, in writing, of the owner, in the case of privately
937 owned lands or waters, or the owner or primary custodian, in the
938 case of public lands or waters.

939 (2) Any person violating or otherwise failing to comply
940 with any rule or regulation so adopted commits a misdemeanor of
941 the second degree, punishable as provided in s. 775.082 or s.
942 775.083.

943 Section 30. Section 372.19, Florida Statutes, is renumbered
944 as section 379.2224, Florida Statutes, to read:

945 379.2224 ~~372.19~~ Preserves, refuges, etc., not tax-
946 exempt.--No property acquired by purchase, lease, gift, contract
947 to purchase or lease, or otherwise, under the provisions of this
948 chapter, as state game lands, or any private lands used as game
949 refuges, shooting grounds, privileges, hatcheries or breeding
950 grounds for fish, game, birds or fur-bearing animals, except
951 state-owned lands being used for the protection of game, fish or
952 fur-bearing animals under the provisions of this chapter, shall
953 be exempt from state, county or district taxation. Any contract,
954 lease, gift or purchase of land for such purposes which attempts
955 to exempt or partially exempt such property from taxation shall
956 be null and void and of no effect.

957 Section 31. Section 372.025, Florida Statutes, is

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958 | renumbered as section 379.2225, Florida Statutes, to read:

959 | 379.2225 ~~372.025~~ Everglades recreational sites;

960 | definitions.--

961 | (1) PURPOSE.--It is the intent of the Legislature to
962 | provide for the development and management of recreational sites
963 | in the water conservation areas of the Florida Everglades when
964 | such development:

965 | (a) Can be accomplished without endangering the water
966 | quality and quantity of supply and where environmental impact
967 | will be minimal.

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

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

972 | (d) Offers recreational potential for nature trails, bird
973 | study, picnic areas, boating, fishing, hunting, and target
974 | shooting.

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

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

978 | (a) "Commission" means the Fish and Wildlife Conservation
979 | Commission.

980 | (b) "Indian reservations" means lands as designated by
981 | chapter 285.

982 | (c) "Development of recreational sites" means any
983 | improvements to existing facilities or sites and also such new
984 | selection and improvements as are needed for the various
985 | recreational activities as herein provided.

986 | (3) RECREATIONAL SITES.--The Fish and Wildlife Conservation

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987 Commission is directed to develop, manage, and enforce laws on
988 certain recreational sites in the water conservation areas of the
989 Everglades from funds to be appropriated by the Legislature.

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

994 Section 32. Section 372.0215, Florida Statutes, is
995 renumbered as section 379.223, Florida Statutes, to read:

996 379.223 ~~372.0215~~ Citizen support organizations; use of
997 state property; audit.--

998 (1) The Fish and Wildlife Conservation Commission may
999 authorize the establishment of citizen support organizations to
1000 provide assistance, funding, and promotional support for the
1001 programs of the commission. For purposes of this section, the
1002 term "citizen support organization" means an organization which:

1003 (a) Is a corporation not for profit incorporated pursuant
1004 to the provisions of chapter 617 and approved by the Department
1005 of State.

1006 (b) Is organized and operated to conduct programs and
1007 activities; raise funds; request and receive grants, gifts, and
1008 bequests of money; acquire, receive, hold, invest, and administer
1009 in its own name securities, funds, or real or personal property;
1010 and make expenditures for the benefit of the commission or an
1011 individual program unit of the commission; except that such
1012 organization may not receive funds from the commission or the
1013 Fish and Wildlife Research Institute by grant, gift, or contract
1014 unless specifically authorized by the Legislature.

1015 (c) The commission has determined acts in a manner that is

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1016 consistent with the goals of the commission and the best
1017 interests of the state.

1018 (d) Is approved in writing by the commission to operate for
1019 the benefit of the commission. Such approval must be stated in a
1020 letter of agreement from the executive director of the
1021 commission.

1022 (2) (a) The Fish and Wildlife Conservation Commission may
1023 permit a citizen support organization to use commission property,
1024 facilities, and personnel free of charge. A citizen support
1025 organization may use commission property, facilities, and
1026 personnel if such use is consistent with the approved purpose of
1027 that citizen support organization and if such use does not
1028 unreasonably interfere with the general public's use of
1029 commission property, facilities, and personnel for established
1030 purposes.

1031 (b) The commission may prescribe conditions upon the use by
1032 a citizen support organization of commission property,
1033 facilities, or personnel.

1034 (c) The commission may not permit the use of any property,
1035 facilities, or personnel of the state by a citizen support
1036 organization that does not provide equal membership and
1037 employment opportunities to all persons regardless of race,
1038 color, national origin, religion, sex, or age.

1039 (3) Each citizen support organization shall provide for an
1040 annual financial audit in accordance with s. 215.981. The
1041 identity of a donor or prospective donor to a citizen support
1042 organization who desires to remain anonymous and all information
1043 identifying such donor or prospective donor are confidential and
1044 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I

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1045 of the State Constitution. Such anonymity shall be maintained in
1046 the auditor's report.

1047 Section 33. Section 370.06091, Florida Statutes, is
1048 renumbered as section 379.224, Florida Statutes, to read:

1049 379.224 ~~370.06091~~ Memorandum of agreement relating to Fish
1050 and Wildlife Research Institute.--A memorandum of agreement will
1051 be developed between the Department of Environmental Protection
1052 and the Fish and Wildlife Conservation Commission which will
1053 detail the responsibilities of the Fish and Wildlife Research
1054 Institute to the department, to include, at a minimum, the
1055 following services:

1056 (1) Environmental monitoring and assessment.

1057 (2) Restoration research and development of restoration
1058 technology.

1059 (3) Technical support and response for oil spills, ship
1060 groundings, major marine species die-offs, hazardous spills, and
1061 natural disasters.

1062 Section 34. Section 370.103, Florida Statutes, is
1063 renumbered as section 379.2251, Florida Statutes, to read:

1064 379.2251 ~~370.103~~ Agreements with Federal Government for the
1065 preservation of saltwater fisheries; authority of
1066 commission.--The Fish and Wildlife Conservation Commission is
1067 authorized and empowered to enter into cooperative agreements
1068 with the Federal Government or agencies thereof for the purpose
1069 of preserving saltwater fisheries within and without state waters
1070 and for the purpose of protecting against overfishing, waste,
1071 depletion, or any abuse whatsoever. Such authority includes the
1072 authority to enter into cooperative agreements whereby officers
1073 of the Fish and Wildlife Conservation Commission are empowered to

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1074 enforce federal statutes and rules pertaining to fisheries
1075 management. When differences between state and federal laws
1076 occur, state laws shall take precedence.

1077 Section 35. Section 370.18, Florida Statutes, is renumbered
1078 as section 379.2252, Florida Statutes, to read:

1079 379.2252 ~~370.18~~ Compacts and agreements; generally.--The
1080 Fish and Wildlife Conservation Commission may enter into
1081 agreements of reciprocity with the fish commissioners or other
1082 departments or other proper officials of other states, whereby
1083 the citizens of the state may be permitted to take or catch
1084 shrimp or prawn from the waters under the jurisdiction of such
1085 other states, upon similar agreements to allow such nonresidents
1086 or aliens to fish for or catch seafood products within the
1087 jurisdiction of the state regardless of residence.

1088 Section 36. Section 370.19, Florida Statutes, is renumbered
1089 as section 379.2253, Florida Statutes, to read:

1090 379.2253 ~~370.19~~ Atlantic States Marine Fisheries Compact;
1091 implementing legislation.--

1092 (1) FORM.--The Governor of this state is hereby authorized
1093 and directed to execute a compact on behalf of the State of
1094 Florida with any one or more of the States of Maine, New
1095 Hampshire, Massachusetts, Rhode Island, Connecticut, New York,
1096 New Jersey, Delaware, Maryland, Virginia, North Carolina, South
1097 Carolina, and Georgia, and with such other states as may enter
1098 into the compact, legally joining therein in the form
1099 substantially as follows:

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1101 ATLANTIC STATES MARINE FISHERIES

1102 COMPACT

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The contracting states solemnly agree:

ARTICLE I

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell, and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating a monopoly.

ARTICLE II

This agreement shall become operative immediately as to those states executing it whenever any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

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ARTICLE III

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

ARTICLE IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers

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1161 of the several states within their respective jurisdictions to
1162 promote the preservation of those fisheries and their protection
1163 against overfishing, waste, depletion or any abuse whatsoever and
1164 to assure a continuing yield from the fisheries resources of the
1165 aforementioned states.

1166 To that end the commission shall draft and, after
1167 consultation with the advisory committee hereinafter authorized,
1168 recommend to the governors and legislatures of the various
1169 signatory states legislation dealing with the conservation of the
1170 marine, shell and anadromous fisheries of the Atlantic seaboard.
1171 The commission shall, more than one month prior to any regular
1172 meeting of the legislature in any signatory state, present to the
1173 governor of the state its recommendations relating to enactments
1174 to be made by the legislature of that state in furthering the
1175 intents and purposes of this compact.

1176 The commission shall consult with and advise the pertinent
1177 administrative agencies in the states party hereto with regard to
1178 problems connected with the fisheries and recommend the adoption
1179 of such regulations as it deems advisable.

1180 The commission shall have power to recommend to the states
1181 party hereto the stocking of the waters of such states with fish
1182 and fish eggs or joint stocking by some or all of the states
1183 party hereto and when two or more of the states shall jointly
1184 stock waters the commission shall act as the coordinating agency
1185 for such stocking.

1186

1187 ARTICLE V

1188

1189 The commission shall elect from its number a chair and a

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1190 vice chair and shall appoint and at its pleasure remove or
1191 discharge such officers and employees as may be required to carry
1192 the provisions of this compact into effect and shall fix and
1193 determine their duties, qualifications and compensation. Said
1194 commission shall adopt rules and regulations for the conduct of
1195 its business. It may establish and maintain one or more offices
1196 for the transaction of its business and may meet at any time or
1197 place but must meet at least once a year.

ARTICLE VI

1201 No action shall be taken by the commission in regard to its
1202 general affairs except by the affirmative vote of a majority of
1203 the whole number of compacting states present at any meeting. No
1204 recommendation shall be made by the commission in regard to any
1205 species of fish except by the affirmative vote of a majority of
1206 the compacting states which have an interest in such species. The
1207 commission shall define what shall be an interest.

ARTICLE VII

1211 The Fish and Wildlife Service of the Department of the
1212 Interior of the Government of the United States shall act as the
1213 primary research agency of the Atlantic States Marine Fisheries
1214 Commission cooperating with the research agencies in each state
1215 for that purpose. Representatives of the said Fish and Wildlife
1216 Service shall attend the meetings of the commission.

1217 An advisory committee to be representative of the commercial
1218 fishers and the saltwater anglers and such other interests of

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1219 | each state as the commission deems advisable shall be established
1220 | by the commission as soon as practicable for the purpose of
1221 | advising the commission upon such recommendations as it may
1222 | desire to make.

1223

1224 | ARTICLE VIII

1225

1226 | When any state other than those named specifically in
1227 | Article II of this compact shall become a party thereto for the
1228 | purpose of conserving its anadromous fish in accordance with the
1229 | provisions of Article II the participation of such state in the
1230 | action of the commission shall be limited to such species of
1231 | anadromous fish.

1232

1233 | ARTICLE IX

1234

1235 | Nothing in this compact shall be construed to limit the
1236 | powers of any signatory state or to repeal or prevent the
1237 | enactment of any legislation or the enforcement of any
1238 | requirement by any signatory state imposing additional conditions
1239 | to conserve its fisheries.

1240

1241 | ARTICLE X

1242

1243 | Continued absence of representation or of any representative
1244 | on the commission from any state party hereto shall be brought to
1245 | the attention of the governor thereof.

1246

1247 | ARTICLE XI

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

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

Schedule of Initial Annual
State Contributions

Maine.....	\$700
New Hampshire.....	200
Massachusetts.....	2,300
Rhode Island.....	300
Connecticut.....	400
New York.....	1,300
New Jersey.....	800
Delaware.....	200
Maryland.....	700
Virginia.....	1,300

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1277 North Carolina.....600
 1278 South Carolina.....200
 1279 Georgia.....200
 1280 Florida.....1,500

1281

1282 ARTICLE XII

1283

1284 This compact shall continue in force and remain binding upon
 1285 each compacting state until renounced by it. Renunciation of this
 1286 compact must be preceded by sending 6 months' notice in writing
 1287 of intention to withdraw from the compact to the other states
 1288 party hereto.

1289 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In pursuance
 1290 of Article III of said compact there shall be three members
 1291 (hereinafter called commissioners) of the Atlantic States Marine
 1292 Fisheries Commission (hereinafter called commission) from this
 1293 state. The first commissioner from this state shall be the
 1294 Executive Director of the Fish and Wildlife Conservation
 1295 Commission, ex officio, and the term of any such ex officio
 1296 commissioner shall terminate at the time he or she ceases to hold
 1297 said office of Executive Director of the Fish and Wildlife
 1298 Conservation Commission, and his or her successor as commissioner
 1299 shall be his or her successor as executive director. The second
 1300 commissioner from this state shall be a legislator appointed on a
 1301 rotating basis by the President of the Senate or the Speaker of
 1302 the House of Representatives, beginning with the appointment of a
 1303 member of the Senate, and the term of any such commissioner shall
 1304 terminate at the time he or she ceases to hold said legislative
 1305 office. The Governor (subject to confirmation by the Senate),

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1306 shall appoint a citizen as a third commissioner who shall have a
1307 knowledge of, and interest in, the marine fisheries problem. The
1308 term of said commissioner shall be 3 years and the commissioner
1309 shall hold office until a successor shall be appointed and
1310 qualified. Vacancies occurring in the office of such commissioner
1311 from any reason or cause shall be filled by appointment by the
1312 Governor (subject to confirmation by the Senate), for the
1313 unexpired term. The Executive Director of the Fish and Wildlife
1314 Conservation Commission as ex officio commissioner may delegate,
1315 from time to time, to any deputy or other subordinate in his or
1316 her department or office, the power to be present and
1317 participate, including voting, as his or her representative or
1318 substitute at any meeting of or hearing by or other proceeding of
1319 the commission. The terms of each of the initial three members
1320 shall begin at the date of the appointment of the appointive
1321 commissioner, provided the said compact shall then have gone into
1322 effect in accordance with Article II of the compact; otherwise,
1323 they shall begin upon the date upon which said compact shall
1324 become effective in accordance with said Article II. Any
1325 commissioner may be removed from office by the Governor upon
1326 charges and after a hearing.

1327 (3) POWERS OF COMMISSION AND COMMISSIONERS.--There is
1328 hereby granted to the commission and the commissioners thereof
1329 all the powers provided for in the said compact and all the
1330 powers necessary or incidental to the carrying out of said
1331 compact in every particular. All officers of the State of Florida
1332 are hereby authorized and directed to do all things falling
1333 within their respective provinces and jurisdiction necessary or
1334 incidental to the carrying out of said compact in every

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1335 particular; it being hereby declared to be the policy of the
1336 State of Florida to perform and carry out the said compact and to
1337 accomplish the purposes thereof. All officers, bureaus,
1338 departments and persons of and in the state government or
1339 administration of the State of Florida are hereby authorized and
1340 directed at convenient times and upon request of the said
1341 commission to furnish the said commission with information and
1342 data possessed by them or any of them and to aid said commission
1343 by loan of personnel or other means lying within their legal
1344 rights respectively.

1345 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
1346 granted to the commission shall be regarded as in aid of and
1347 supplemental to and in no case a limitation upon any of the
1348 powers vested in said commission by other laws of the State of
1349 Florida or by the laws of the States of Maine, New Hampshire,
1350 Massachusetts, Connecticut, Rhode Island, New York, New Jersey,
1351 Delaware, Maryland, Virginia, North Carolina, South Carolina,
1352 Georgia and Florida or by the Congress or the terms of said
1353 compact.

1354 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--

1355 (a) The commission shall keep accurate accounts of all
1356 receipts and disbursements and shall report to the Governor and
1357 the Legislature of the State of Florida on or before the 10th day
1358 of December in each year, setting forth in detail the
1359 transactions conducted by it during the 12 months preceding
1360 December 1 of that year and shall make recommendations for any
1361 legislative action deemed by it advisable, including amendments
1362 to the statutes of the State of Florida which may be necessary to
1363 carry out the intent and purposes of the compact between the

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1364 signatory states.

1365 (b) The Department of Financial Services is authorized and
1366 empowered from time to time to examine the accounts and books of
1367 the commission, including its receipts, disbursements and such
1368 other items referring to its financial standing as such
1369 department deems proper and to report the results of such
1370 examination to the governor of such state.

1371 (6) APPROPRIATION FOR EXPENSES OF COMMISSION.--The sum of
1372 \$600, annually, or so much thereof as may be necessary, is hereby
1373 appropriated out of any moneys in the State Treasury not
1374 otherwise appropriated, for the expenses of the commission
1375 created by the compact authorized by this law. The moneys hereby
1376 appropriated shall be paid out of the State Treasury on the audit
1377 and warrant of the Chief Financial Officer upon vouchers
1378 certified by the chair of the commission in the manner prescribed
1379 by law.

1380 Section 37. Section 370.20, Florida Statutes, is renumbered
1381 as section 379.2254, Florida Statutes, to read:

1382 379.2254 ~~370.20~~ Gulf States Marine Fisheries Compact;
1383 implementing legislation.--

1384 (1) FORM.--The Governor of this state is hereby authorized
1385 and directed to execute the compact on behalf of the State of
1386 Florida with any one or more of the States of Alabama,
1387 Mississippi, Louisiana and Texas, and with such other state as
1388 may enter into a compact, legal joining therein in the form
1389 substantially as follows:

1390

1391 GULF STATES MARINE FISHERIES

1392 COMPACT

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The contracting states solemnly agree:

ARTICLE I

Whereas the gulf coast states have the proprietary interest in and jurisdiction over fisheries in the waters within their respective boundaries, it is the purpose of this compact to promote the better utilization of the fisheries, marine, shell and anadromous, of the seaboard of the Gulf of Mexico, by the development of a joint program for the promotion and protection of such fisheries and the prevention of the physical waste of the fisheries from any cause.

ARTICLE II

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

ARTICLE III

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1422 Each state joining herein shall appoint three
1423 representatives to a commission hereby constituted and designated
1424 as the Gulf States Marine Fisheries Commission. One shall be the
1425 head of the administrative agency of such state charged with the
1426 conservation of the fishery resources to which this compact
1427 pertains or, if there be more than one officer or agency, the
1428 official of that state named by the governor thereof. The second
1429 shall be a member of the legislature of such state designated by
1430 such legislature or in the absence of such designation, such
1431 legislator shall be designated by the governor thereof, provided
1432 that if it is constitutionally impossible to appoint a legislator
1433 as a commissioner from such state, the second member shall be
1434 appointed in such manner as may be established by law. The third
1435 shall be a citizen who shall have a knowledge of and interest in
1436 the marine fisheries, to be appointed by the governor. This
1437 commission shall be a body corporate with the powers and duties
1438 set forth herein.

1439
1440 ARTICLE IV
1441

1442 The duty of the said commission shall be to make inquiry and
1443 ascertain from time to time such methods, practices,
1444 circumstances and conditions as may be disclosed for bringing
1445 about the conservation and the prevention of the depletion and
1446 physical waste of the fisheries, marine, shell and anadromous, of
1447 the gulf coast. The commission shall have power to recommend the
1448 coordination of the exercise of the police powers of the several
1449 states within their respective jurisdiction to promote the
1450 preservation of these fisheries and their protection against

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1451 | overfishing, waste, depletion or any abuse whatsoever and to
1452 | assure a continuing yield from the fishery resources of the
1453 | aforementioned states.

1454 | To that end the commission shall draft and recommend to the
1455 | governors and the legislatures of the various signatory states,
1456 | legislation dealing with the conservation of the marine, shell
1457 | and anadromous fisheries of the gulf seaboard. The commission
1458 | shall from time to time present to the governor of each
1459 | compacting state its recommendations relating to enactments to be
1460 | presented to the legislature of the state in furthering the
1461 | interest and purposes of this compact.

1462 | The commission shall consult with and advise the pertinent
1463 | administrative agencies in the states party hereto with regard to
1464 | problems connected with the fisheries and recommend the adoption
1465 | of such regulations as it deems advisable.

1466 | The commission shall have power to recommend to the states
1467 | party hereto the stocking of the waters of such states with fish
1468 | and fish eggs or joint stocking by some or all of the states
1469 | party hereto and when two or more states shall jointly stock
1470 | waters the commission shall act as the coordinating agency for
1471 | such stocking.

1472 |

1473 | ARTICLE V

1474 |

1475 | The commission shall elect from its number a chair and vice
1476 | chair and shall appoint and at its pleasure remove or discharge
1477 | such officers and employees as may be required to carry the
1478 | provisions of this compact into effect and shall fix and
1479 | determine their duties, qualifications and compensation. Said

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1480 commission shall adopt rules and regulations for the conduct of
1481 its business. It may establish and maintain one or more offices
1482 for the transaction of its business and may meet at any time or
1483 place but must meet at least once a year.

1484

1485 ARTICLE VI

1486

1487 No action shall be taken by the commission in regard to its
1488 general affairs except by the affirmative vote of a majority of
1489 the whole number of compacting states. No recommendation shall be
1490 made by the commission in regard to any species of fish except by
1491 the affirmative vote of a majority of the compacting states which
1492 have an interest in such species. The commission shall define
1493 which shall be an interest.

1494

1495 ARTICLE VII

1496

1497 The Fish and Wildlife Service of the Department of the
1498 Interior of the Government of the United States shall act as the
1499 primary research agency of the Gulf States Marine Fisheries
1500 Commission cooperating with the research agencies in each state
1501 for that purpose. Representatives of the said fish and wildlife
1502 service shall attend the meetings of the commission. An advisory
1503 committee to be representative of the commercial salt water
1504 fishers and the salt water anglers and such other interests of
1505 each state as the commissioners deem advisable may be established
1506 by the commissioners from each state for the purpose of advising
1507 those commissioners upon such recommendations as it may desire to
1508 make.

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ARTICLE VIII

1511

1512 When any state other than those named specifically in
1513 article II of this compact shall become a party hereto for the
1514 purpose of conserving its anadromous fish or marine species in
1515 accordance with the provisions of article II, the participation
1516 of such state in the action of the commission shall be limited to
1517 such species of fish.

1518

1519

ARTICLE IX

1520

1521 Nothing in this compact shall be construed to limit the
1522 powers or the proprietary interest of any signatory state or to
1523 repeal or prevent the enactment of any legislation or the
1524 enforcement of any requirement by a signatory state imposing
1525 additional conditions and restrictions to conserve its fisheries.

1526

1527

ARTICLE X

1528

1529 It is agreed that any two or more states party hereto may
1530 further amend this compact by acts of their respective
1531 legislatures subject to approval of Congress as provided in
1532 article I, s. 10, of the Constitution of the United States, to
1533 designate the Gulf States Marine Fisheries Commission as a joint
1534 regulating authority for the joint regulation of specific
1535 fisheries affecting only such states as shall be compact, and at
1536 their joint expense. The representatives of such states shall
1537 constitute a separate section of the Gulf States Marine Fisheries

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1538 Commission for the exercise of the additional powers so granted
 1539 but the creation of such section shall not be deemed to deprive
 1540 the states so compacting of any of their privileges or powers in
 1541 the Gulf States Marine Fisheries Commission as constituted under
 1542 the other articles of this compact.

1543

1544 ARTICLE XI

1545

1546 Continued absence of representation or of any representative
 1547 on the commission from any state party hereto shall be brought to
 1548 the attention of the governor thereof.

1549

1550 ARTICLE XII

1551

1552 The operating expenses of the Gulf States Marine Fisheries
 1553 Commission shall be borne by the states party hereto. Such
 1554 initial appropriations as are set forth below shall be made
 1555 available yearly until modified as hereinafter provided:

1556	Florida.....	\$3,500
1557	Alabama.....	1,000
1558	Mississippi.....	1,000
1559	Louisiana.....	5,000
1560	Texas.....	2,500
1561	Total.....	\$13,000

1562

1563 The proration and total cost per annum of \$13,000, above-
 1564 mentioned, is estimated only, for initial operations, and may be
 1565 changed when found necessary by the commission and approved by
 1566 the legislatures of the respective states. Each state party

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1567 hereto agrees to provide in the manner most acceptable to it, the
1568 travel costs and necessary expenses of its commissioners and
1569 other representatives to and from meetings of the commission or
1570 its duly constituted sections or committees.

1571
1572 ARTICLE XIII
1573

1574 This compact shall continue in force and remain binding upon
1575 each compacting state until renounced by act of the legislature
1576 of such state, in such form as it may choose; provided that such
1577 renunciation shall not become effective until 6 months after the
1578 effective date of the action taken by the legislature. Notice of
1579 such renunciation shall be given to the other states party hereto
1580 by the secretary of state of the compacting state so renouncing
1581 upon passage of the act.

1582 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In pursuance of
1583 article III of said compact, there shall be three members
1584 (hereinafter called commissioners) of the Gulf States Marine
1585 Fisheries Commission (hereafter called commission) from the State
1586 of Florida. The first commissioner from the State of Florida
1587 shall be the Executive Director of the Fish and Wildlife
1588 Conservation Commission, ex officio, and the term of any such ex
1589 officio commissioner shall terminate at the time he or she ceases
1590 to hold said office of Executive Director of the Fish and
1591 Wildlife Conservation Commission, and his or her successor as
1592 commissioner shall be his or her successor as executive director.
1593 The second commissioner from the State of Florida shall be a
1594 legislator appointed on a rotating basis by the President of the
1595 Senate or the Speaker of the House of Representatives, beginning

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1596 with the appointment of a member of the House of Representatives,
1597 and the term of any such commissioner shall terminate at the time
1598 he or she ceases to hold said legislative office. The Governor
1599 (subject to confirmation by the Senate) shall appoint a citizen
1600 as a third commissioner who shall have a knowledge of and
1601 interest in the marine fisheries problem. The term of said
1602 commissioner shall be 3 years and the commissioner shall hold
1603 office until a successor shall be appointed and qualified.
1604 Vacancies occurring in the office of such commissioner from any
1605 reason or cause shall be filled by appointment by the Governor
1606 (subject to confirmation by the Senate) for the unexpired term.
1607 The Executive Director of the Fish and Wildlife Conservation
1608 Commission, as ex officio commissioner, may delegate, from time
1609 to time, to any deputy or other subordinate in his or her
1610 department or office, the power to be present and participate,
1611 including voting, as his or her representative or substitute at
1612 any meeting of or hearing by or other proceeding of the
1613 commission. The terms of each of the initial three members shall
1614 begin at the date of the appointment of the appointive
1615 commissioner, provided the said compact shall then have gone into
1616 effect in accordance with article II of the compact; otherwise
1617 they shall begin upon the date upon which said compact shall
1618 become effective in accordance with said article II.

1619 Any commissioner may be removed from office by the Governor
1620 upon charges and after a hearing.

1621 (3) COMMISSION; POWERS.--There is hereby granted to the
1622 commission and the commissioners thereof all the powers provided
1623 for in the said compact and all the powers necessary or
1624 incidental to the carrying out of said compact in every

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1625 particular. All officers of the State of Florida are hereby
1626 authorized and directed to do all things falling within their
1627 respective provinces and jurisdiction necessary or incidental to
1628 the carrying out of said compact in every particular; it being
1629 hereby declared to be the policy of the State of Florida to
1630 perform and carry out the said compact and to accomplish the
1631 purposes thereof. All officers, bureaus, departments and persons
1632 of and in the state government or administration of the State of
1633 Florida are hereby authorized and directed at convenient times
1634 and upon request of the said commission to furnish the said
1635 commission with information and data possessed by them or any of
1636 them and to aid said commission by loan of personnel or other
1637 means lying within their legal rights respectively.

1638 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
1639 granted to the commissioner shall be regarded as in aid of and
1640 supplemental to and in no case a limitation upon any of the
1641 powers vested in said commission by other laws of the State of
1642 Florida or by the laws of the States of Alabama, Mississippi,
1643 Louisiana, Texas and Florida or by the Congress or the terms of
1644 said compact.

1645 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--The
1646 commission shall keep accurate accounts of all receipts and
1647 disbursements and shall report to the Governor and the
1648 Legislature of the State of Florida on or before the 10th day of
1649 December in each year, setting forth in detail the transactions
1650 conducted by it during the 12 months preceding December 1 of that
1651 year and shall make recommendations for any legislative action
1652 deemed by it advisable, including amendments to the statutes of
1653 the State of Florida which may be necessary to carry out the

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1654 intent and purposes of the compact between the signatory states.

1655 The Department of Financial Services is authorized and
1656 empowered from time to time to examine the accounts and books of
1657 the commission, including its receipts, disbursements and such
1658 other items referring to its financial standing as such
1659 department deems proper and to report the results of such
1660 examination to the governor of such state.

1661 Section 38. Section 372.831, Florida Statutes, is
1662 renumbered as section 379.2255, Florida Statutes, and amended to
1663 read:

1664 379.2255 ~~372.831~~ Wildlife Violator Compact Act.--The
1665 Wildlife Violator Compact is created and entered into with all
1666 other jurisdictions legally joining therein in the form
1667 substantially as follows:

1668

1669 ARTICLE I

1670 Findings and Purpose

1671

1672 (1) The participating states find that:

1673 (a) Wildlife resources are managed in trust by the
1674 respective states for the benefit of all residents and visitors.

1675 (b) The protection of the wildlife resources of a state is
1676 materially affected by the degree of compliance with state
1677 statutes, laws, regulations, ordinances, and administrative rules
1678 relating to the management of such resources.

1679 (c) The preservation, protection, management, and
1680 restoration of wildlife contributes immeasurably to the
1681 aesthetic, recreational, and economic aspects of such natural
1682 resources.

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1683 (d) Wildlife resources are valuable without regard to
1684 political boundaries; therefore, every person should be required
1685 to comply with wildlife preservation, protection, management, and
1686 restoration laws, ordinances, and administrative rules and
1687 regulations of the participating states as a condition precedent
1688 to the continuance or issuance of any license to hunt, fish,
1689 trap, or possess wildlife.

1690 (e) Violation of wildlife laws interferes with the
1691 management of wildlife resources and may endanger the safety of
1692 persons and property.

1693 (f) The mobility of many wildlife law violators
1694 necessitates the maintenance of channels of communication among
1695 the various states.

1696 (g) In most instances, a person who is cited for a wildlife
1697 violation in a state other than his or her home state is:

1698 1. Required to post collateral or a bond to secure
1699 appearance for a trial at a later date;

1700 2. Taken into custody until the collateral or bond is
1701 posted; or

1702 3. Taken directly to court for an immediate appearance.

1703 (h) The purpose of the enforcement practices set forth in
1704 paragraph (g) is to ensure compliance with the terms of a
1705 wildlife citation by the cited person who, if permitted to
1706 continue on his or her way after receiving the citation, could
1707 return to his or her home state and disregard his or her duty
1708 under the terms of the citation.

1709 (i) In most instances, a person receiving a wildlife
1710 citation in his or her home state is permitted to accept the
1711 citation from the officer at the scene of the violation and

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1712 immediately continue on his or her way after agreeing or being
1713 instructed to comply with the terms of the citation.

1714 (j) The practices described in paragraph (g) cause
1715 unnecessary inconvenience and, at times, a hardship for the
1716 person who is unable at the time to post collateral, furnish a
1717 bond, stand trial, or pay a fine, and thus is compelled to remain
1718 in custody until some alternative arrangement is made.

1719 (k) The enforcement practices described in paragraph (g)
1720 consume an undue amount of time of law enforcement agencies.

1721 (2) It is the policy of the participating states to:

1722 (a) Promote compliance with the statutes, laws, ordinances,
1723 regulations, and administrative rules relating to the management
1724 of wildlife resources in their respective states.

1725 (b) Recognize a suspension of the wildlife license
1726 privileges of any person whose license privileges have been
1727 suspended by a participating state and treat such suspension as
1728 if it had occurred in each respective state.

1729 (c) Allow a violator, except as provided in subsection (2)
1730 of Article III, to accept a wildlife citation and, without delay,
1731 proceed on his or her way, whether or not the violator is a
1732 resident of the state in which the citation was issued, if the
1733 violator's home state is party to this compact.

1734 (d) Report to the appropriate participating state, as
1735 provided in the compact manual, any conviction recorded against
1736 any person whose home state was not the issuing state.

1737 (e) Allow the home state to recognize and treat convictions
1738 recorded against its residents, which convictions occurred in a
1739 participating state, as though they had occurred in the home
1740 state.

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1741 (f) Extend cooperation to its fullest extent among the
1742 participating states for enforcing compliance with the terms of a
1743 wildlife citation issued in one participating state to a resident
1744 of another participating state.

1745 (g) Maximize the effective use of law enforcement personnel
1746 and information.

1747 (h) Assist court systems in the efficient disposition of
1748 wildlife violations.

1749 (3) The purpose of this compact is to:

1750 (a) Provide a means through which participating states may
1751 join in a reciprocal program to effectuate the policies
1752 enumerated in subsection (2) in a uniform and orderly manner.

1753 (b) Provide for the fair and impartial treatment of
1754 wildlife violators operating within participating states in
1755 recognition of the violator's right to due process and the
1756 sovereign status of a participating state.

1757
1758 ARTICLE II

1759 Definitions

1760
1761 As used in this compact, the term:

1762 (1) "Citation" means any summons, complaint, summons and
1763 complaint, ticket, penalty assessment, or other official document
1764 issued to a person by a wildlife officer or other peace officer
1765 for a wildlife violation which contains an order requiring the
1766 person to respond.

1767 (2) "Collateral" means any cash or other security deposited
1768 to secure an appearance for trial in connection with the issuance
1769 by a wildlife officer or other peace officer of a citation for a

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1770 | wildlife violation.

1771 | (3) "Compliance" with respect to a citation means the act
1772 | of answering a citation through an appearance in a court or
1773 | tribunal, or through the payment of fines, costs, and surcharges,
1774 | if any.

1775 | (4) "Conviction" means a conviction that results in
1776 | suspension or revocation of a license, including any court
1777 | conviction, for any offense related to the preservation,
1778 | protection, management, or restoration of wildlife which is
1779 | prohibited by state statute, law, regulation, ordinance, or
1780 | administrative rule. The term also includes the forfeiture of any
1781 | bail, bond, or other security deposited to secure appearance by a
1782 | person charged with having committed any such offense, the
1783 | payment of a penalty assessment, a plea of nolo contendere, or
1784 | the imposition of a deferred or suspended sentence by the court.

1785 | (5) "Court" means a court of law, including magistrate's
1786 | court and the justice of the peace court.

1787 | (6) "Home state" means the state of primary residence of a
1788 | person.

1789 | (7) "Issuing state" means the participating state that
1790 | issues a wildlife citation to the violator.

1791 | (8) "License" means any license, permit, or other public
1792 | document that conveys to the person to whom it was issued the
1793 | privilege of pursuing, possessing, or taking any wildlife
1794 | regulated by statute, law, regulation, ordinance, or
1795 | administrative rule of a participating state; any privilege to
1796 | obtain such license, permit, or other public document; or any
1797 | statutory exemption from the requirement to obtain such license,
1798 | permit, or other public document. However, when applied to a

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1799 license, permit, or privilege issued or granted by the State of
1800 Florida, only a license or permit issued under s. 379.354 ~~372.57~~,
1801 or a privilege granted under s. 379.353 ~~372.562~~, shall be
1802 considered a license.

1803 (9) "Licensing authority" means the department or division
1804 within each participating state which is authorized by law to
1805 issue or approve licenses or permits to hunt, fish, trap, or
1806 possess wildlife.

1807 (10) "Participating state" means any state that enacts
1808 legislation to become a member of this wildlife compact.

1809 (11) "Personal recognizance" means an agreement by a person
1810 made at the time of issuance of the wildlife citation that such
1811 person will comply with the terms of the citation.

1812 (12) "State" means any state, territory, or possession of
1813 the United States, the District of Columbia, the Commonwealth of
1814 Puerto Rico, the Provinces of Canada, and other countries.

1815 (13) "Suspension" means any revocation, denial, or
1816 withdrawal of any or all license privileges, including the
1817 privilege to apply for, purchase, or exercise the benefits
1818 conferred by any license.

1819 (14) "Terms of the citation" means those conditions and
1820 options expressly stated upon the citation.

1821 (15) "Wildlife" means all species of animals, including,
1822 but not limited to, mammals, birds, fish, reptiles, amphibians,
1823 mollusks, and crustaceans, which are defined as "wildlife" and
1824 are protected or otherwise regulated by statute, law, regulation,
1825 ordinance, or administrative rule in a participating state.
1826 Species included in the definition of "wildlife" vary from state
1827 to state and the determination of whether a species is "wildlife"

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1828 for the purposes of this compact shall be based on local law.

1829 (16) "Wildlife law" means any statute, law, regulation,
1830 ordinance, or administrative rule developed and enacted for the
1831 management of wildlife resources and the uses thereof.

1832 (17) "Wildlife officer" means any individual authorized by
1833 a participating state to issue a citation for a wildlife
1834 violation.

1835 (18) "Wildlife violation" means any cited violation of a
1836 statute, law, regulation, ordinance, or administrative rule
1837 developed and enacted for the management of wildlife resources
1838 and the uses thereof.

1839
1840 ARTICLE III

1841 Procedures for Issuing State

1842
1843 (1) When issuing a citation for a wildlife violation, a
1844 wildlife officer shall issue a citation to any person whose
1845 primary residence is in a participating state in the same manner
1846 as though the person were a resident of the issuing state and
1847 shall not require such person to post collateral to secure
1848 appearance, subject to the exceptions noted in subsection (2), if
1849 the officer receives the recognizance of such person that he will
1850 comply with the terms of the citation.

1851 (2) Personal recognizance is acceptable if not prohibited
1852 by local law; by policy, procedure, or regulation of the issuing
1853 agency; or by the compact manual and if the violator provides
1854 adequate proof of identification to the wildlife officer.

1855 (3) Upon conviction or failure of a person to comply with
1856 the terms of a wildlife citation, the appropriate official shall

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1857 | report the conviction or failure to comply to the licensing
1858 | authority of the participating state in which the wildlife
1859 | citation was issued. The report shall be made in accordance with
1860 | procedures specified by the issuing state and must contain
1861 | information as specified in the compact manual as minimum
1862 | requirements for effective processing by the home state.

1863 | (4) Upon receipt of the report of conviction or
1864 | noncompliance pursuant to subsection (3), the licensing authority
1865 | of the issuing state shall transmit to the licensing authority of
1866 | the home state of the violator the information in the form and
1867 | content prescribed in the compact manual.
1868 |

1869 | ARTICLE IV

1870 | Procedure for Home State

1871 |
1872 | (1) Upon receipt of a report from the licensing authority
1873 | of the issuing state reporting the failure of a violator to
1874 | comply with the terms of a citation, the licensing authority of
1875 | the home state shall notify the violator and shall initiate a
1876 | suspension action in accordance with the home state's suspension
1877 | procedures and shall suspend the violator's license privileges
1878 | until satisfactory evidence of compliance with the terms of the
1879 | wildlife citation has been furnished by the issuing state to the
1880 | home state licensing authority. Due-process safeguards shall be
1881 | accorded.

1882 | (2) Upon receipt of a report of conviction from the
1883 | licensing authority of the issuing state, the licensing authority
1884 | of the home state shall enter such conviction in its records and
1885 | shall treat such conviction as though it occurred in the home

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1886 state for purposes of the suspension of license privileges.

1887 (3) The licensing authority of the home state shall
1888 maintain a record of actions taken and shall make reports to
1889 issuing states as provided in the compact manual.

1891 ARTICLE V

1892 Reciprocal Recognition of Suspension

1893
1894 (1) Each participating state may recognize the suspension
1895 of license privileges of any person by any other participating
1896 state as though the violation resulting in the suspension had
1897 occurred in that state and would have been the basis for
1898 suspension of license privileges in that state.

1899 (2) Each participating state shall communicate suspension
1900 information to other participating states in the form and content
1901 contained in the compact manual.

1903 ARTICLE VI

1904 Applicability of Other Laws

1905
1906 Except as expressly required by provisions of this compact, this
1907 compact does not affect the right of any participating state to
1908 apply any of its laws relating to license privileges to any
1909 person or circumstance or to invalidate or prevent any agreement
1910 or other cooperative arrangement between a participating state
1911 and a nonparticipating state concerning the enforcement of
1912 wildlife laws.

1914 ARTICLE VII

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Compact Administrator Procedures

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

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

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

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

(5) The board may accept for any of its purposes and

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1944 functions under this compact any and all donations and grants of
1945 moneys, equipment, supplies, materials, and services, conditional
1946 or otherwise, from any state, the United States, or any
1947 governmental agency, and may receive, use, and dispose of the
1948 same.

1949 (6) The board may contract with, or accept services or
1950 personnel from, any governmental or intergovernmental agency,
1951 individual, firm, corporation, or private nonprofit organization
1952 or institution.

1953 (7) The board shall formulate all necessary procedures and
1954 develop uniform forms and documents for administering the
1955 provisions of this compact. All procedures and forms adopted
1956 pursuant to board action shall be contained in a compact manual.

1958 ARTICLE VIII

1959 Entry into Compact and Withdrawal

1960
1961 (1) This compact shall become effective at such time as it
1962 is adopted in substantially similar form by two or more states.

1963 (2)

1964 (a) Entry into the compact shall be made by resolution of
1965 ratification executed by the authorized officials of the applying
1966 state and submitted to the chairman of the board.

1967 (b) The resolution shall substantially be in the form and
1968 content as provided in the compact manual and must include the
1969 following:

1970 1. A citation of the authority from which the state is
1971 empowered to become a party to this compact;

1972 2. An agreement of compliance with the terms and provisions

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1973 of this compact; and

1974 3. An agreement that compact entry is with all states
1975 participating in the compact and with all additional states
1976 legally becoming a party to the compact.

1977 (c) The effective date of entry shall be specified by the
1978 applying state, but may not be less than 60 days after notice has
1979 been given by the chairman of the board of the compact
1980 administrators or by the secretariat of the board to each
1981 participating state that the resolution from the applying state
1982 has been received.

1983 (3) A participating state may withdraw from participation
1984 in this compact by official written notice to each participating
1985 state, but withdrawal shall not become effective until 90 days
1986 after the notice of withdrawal is given. The notice must be
1987 directed to the compact administrator of each member state. The
1988 withdrawal of any state does not affect the validity of this
1989 compact as to the remaining participating states.

1991 ARTICLE IX

1992 Amendments to the Compact

1993
1994 (1) This compact may be amended from time to time.
1995 Amendments shall be presented in resolution form to the chairman
1996 of the board of compact administrators and shall be initiated by
1997 one or more participating states.

1998 (2) Adoption of an amendment shall require endorsement by
1999 all participating states and shall become effective 30 days after
2000 the date of the last endorsement.

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ARTICLE X

Construction and Severability

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

ARTICLE XI

Title

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

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

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

(1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of this act and the interstate Wildlife Violator Compact, the Fish and Wildlife Conservation Commission is the licensing authority

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2031 | for the State of Florida and shall enforce the interstate
2032 | Wildlife Violator Compact and shall do all things within the
2033 | commission's jurisdiction which are necessary to effectuate the
2034 | purposes and the intent of the compact. The commission may
2035 | execute a resolution of ratification to formalize the State of
2036 | Florida's entry into the compact. Upon adoption of the Wildlife
2037 | Violator Compact, the commission may adopt rules to administer
2038 | the provisions of the compact.

2039 | (2) ADMINISTRATIVE REVIEW.--Any action committed or omitted
2040 | by the Fish and Wildlife Conservation Commission under or in the
2041 | enforcement of the Wildlife Violator Compact created in s.
2042 | 379.2255 ~~372.831~~ is subject to review under chapter 120.

2043 | Section 40. Section 372.74, Florida Statutes, is renumbered
2044 | as section 379.2257, Florida Statutes, to read:

2045 | 379.2257 ~~372.74~~ Cooperative agreements with U. S. Forest
2046 | Service; penalty.--The Fish and Wildlife Conservation Commission
2047 | is authorized and empowered:

2048 | (1) To enter into cooperative agreements with the United
2049 | States Forest Service for the development of game, bird, fish,
2050 | reptile, or fur-bearing animal management and demonstration
2051 | projects on and in the Osceola National Forest in Columbia and
2052 | Baker Counties, and in the Ocala National Forest in Marion, Lake,
2053 | and Putnam Counties and in the Apalachicola National Forest in
2054 | Liberty County. Provided, however, that no such cooperative
2055 | agreements shall become effective in any county concerned until
2056 | confirmed by the board of county commissioners of such county
2057 | expressed through appropriate resolution.

2058 | (2) In cooperation with the United States Forest Service,
2059 | to make, adopt, promulgate, amend, and repeal rules and

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2060 regulations, consistent with law, for the further or better
2061 control of hunting, fishing, and control of wildlife in the above
2062 National Forests or parts thereof; to shorten seasons and reduce
2063 bag limits, or shorten or close seasons on any species of game,
2064 bird, fish, reptile, or fur-bearing animal within the limits
2065 prescribed by the Florida law, in the above enumerated National
2066 Forests or parts thereof, when it shall find after investigation
2067 that such action is necessary to assure the maintenance of an
2068 adequate supply of wildlife.

2069 (3) To fix a charge not to exceed \$5, for persons 18 years
2070 of age and over, and not to exceed \$2 for persons under the age
2071 of 18 years, over and above the license fee for hunting now
2072 required by law. This additional fee is to apply only on areas
2073 covered by above cooperative agreements. The proceeds from this
2074 additional license fee shall be used in the development,
2075 propagation of wildlife, and protection of the areas covered by
2076 the cooperative agreements as the commission and the United
2077 States Forest Service may deem proper. Nothing in this section
2078 shall be construed as authorizing the commission to change any
2079 penalty prescribed by law or to change the amount of general
2080 license fees or the general authority conferred by licenses
2081 prescribed by law.

2082 (4) In addition to the requirements of chapter 120, notice
2083 of the making, adoption, and promulgation of the above rules and
2084 regulations shall be given by posting said notices, or copies of
2085 the rules and regulations, in the offices of the county judges
2086 and in the post offices within the area to be affected and within
2087 10 miles thereof. In addition to the posting of said notices, as
2088 aforesaid, copies of said notices or of said rules and

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2089 regulations shall also be published in newspapers published at
2090 the county seats of Baker, Columbia, Marion, Lake, Putnam, and
2091 Liberty Counties, or so many thereof as have newspapers, once not
2092 more than 35 nor less than 28 days and once not more than 21 nor
2093 less than 14 days prior to the opening of the state hunting
2094 season in said areas. Any person violating any rules or
2095 regulations promulgated by the commission to cover these areas
2096 under cooperative agreements between the Fish and Wildlife
2097 Conservation Commission and the United States Forest Service,
2098 none of which shall be in conflict with the laws of Florida,
2099 shall be guilty of a misdemeanor of the second degree, punishable
2100 as provided in s. 775.082 or s. 775.083.

2101 Section 41. Section 372.77, Florida Statutes, is renumbered
2102 as section 379.2258, Florida Statutes, to read:

2103 379.2258 ~~372.77~~ Assent to provisions of Act of Congress of
2104 September 2, 1937.--

2105 (1) The state hereby assents to the provisions of the Act
2106 of Congress entitled "An Act to provide that the United States
2107 shall aid the States in Wildlife Restoration Projects, and for
2108 other purposes," approved September 2, 1937 (Pub. L. No. 415,
2109 75th Congress), and the Fish and Wildlife Conservation Commission
2110 is hereby authorized, empowered, and directed to perform such
2111 acts as may be necessary to the conduct and establishment of
2112 cooperative wildlife restoration projects, as defined in said Act
2113 of Congress, in compliance with said act and rules and
2114 regulations promulgated by the Secretary of Agriculture
2115 thereunder.

2116 (2) From and after the passage of this section it shall be
2117 unlawful to divert any funds accruing to the state from license

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2118 | fees paid by hunters for any purpose other than the
2119 | administration of the Fish and Wildlife Conservation Commission
2120 | of the state.

2121 | Section 42. Section 372.7701, Florida Statutes, is
2122 | renumbered as section 379.2259, Florida Statutes, and amended to
2123 | read:

2124 | 379.2259 ~~372.7701~~ Assent to federal acts.--

2125 | (1) The state hereby assents to the provisions of the
2126 | Federal Aid in Fish Restoration Act of August 9, 1950, as
2127 | amended. The Fish and Wildlife Conservation Commission shall
2128 | perform such activities as are necessary to conduct wildlife and
2129 | sportfish restoration projects, as defined in such Act of
2130 | Congress and in compliance with the act and rules adopted
2131 | thereunder by the United States Department of the Interior.
2132 | Furthermore, the commission shall develop and implement programs
2133 | to manage, protect, restore, and conserve marine mammals and the
2134 | marine fishery and shall develop and implement similar programs
2135 | for wild animal life and freshwater aquatic life.

2136 | (2) Revenues from fees paid by hunters and sport fishers
2137 | may not be diverted to purposes other than the administration of
2138 | fish and wildlife programs by the Fish and Wildlife Conservation
2139 | Commission. Administration of the state fish and wildlife
2140 | programs includes only those functions of fish and wildlife
2141 | management as are the responsibility of and under the authority
2142 | of the Fish and Wildlife Conservation Commission.

2143 | (3) This section shall be construed in harmony with s.
2144 | 379.2258 ~~372.77~~.

2145 | Section 43. Section 370.21, Florida Statutes, is renumbered
2146 | as section 379.226, Florida Statutes, and amended to read:

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2147 379.226 ~~370.21~~ Florida Territorial Waters Act; alien-owned
2148 commercial fishing vessels; prohibited acts; enforcement.--

2149 (1) This act may be known and cited as the "Florida
2150 Territorial Waters Act."

2151 (2) It is the purpose of this act to exercise and exert
2152 full sovereignty and control of the territorial waters of the
2153 state.

2154 (3) No license shall be issued by the Fish and Wildlife
2155 Conservation Commission under s. 379.361 ~~370.06~~, to any vessel
2156 owned in whole or in part by any alien power, which subscribes to
2157 the doctrine of international communism, or any subject or
2158 national thereof, who subscribes to the doctrine of international
2159 communism, or any individual who subscribes to the doctrine of
2160 international communism, or who shall have signed a treaty of
2161 trade, friendship and alliance or a nonaggression pact with any
2162 communist power. The commission shall grant or withhold said
2163 licenses where other alien vessels are involved on the basis of
2164 reciprocity and retorsion, unless the nation concerned shall be
2165 designated as a friendly ally or neutral by a formal suggestion
2166 transmitted to the Governor of Florida by the Secretary of State
2167 of the United States. Upon the receipt of such suggestion
2168 licenses shall be granted under s. 379.361 ~~370.06~~, without regard
2169 to reciprocity and retorsion, to vessels of such nations.

2170 (4) It is unlawful for any unlicensed alien vessel to take
2171 by any means whatsoever, attempt to take, or having so taken to
2172 possess, any natural resource of the state's territorial waters,
2173 as such waters are described by Art. II of the State
2174 Constitution.

2175 (5) It is the duty of all harbormasters of the state to

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2176 prevent the use of any port facility in a manner which they
2177 reasonably suspect may assist in the violation of this act.
2178 Harbormasters shall endeavor by all reasonable means, which may
2179 include the inspection of nautical logs, to ascertain from
2180 masters of newly arrived vessels of all types other than warships
2181 of the United States, the presence of alien commercial fishing
2182 vessels within the territorial waters of the state, and shall
2183 transmit such information promptly to the Fish and Wildlife
2184 Conservation Commission and such law enforcement agencies of the
2185 state as the situation may indicate. Harbormasters shall request
2186 assistance from the United States Coast Guard in appropriate
2187 cases to prevent unauthorized departure from any port facility.

2188 (6) All licensed harbor pilots are required to promptly
2189 transmit any knowledge coming to their attention regarding
2190 possible violations of this act to the harbormaster of the port
2191 or the appropriate law enforcement officials.

2192 (7) All law enforcement agencies of the state, including
2193 but not limited to sheriffs and officers of the Fish and Wildlife
2194 Conservation Commission, are empowered and directed to arrest the
2195 masters and crews of vessels who are reasonably believed to be in
2196 violation of this law, and to seize and detain such vessels,
2197 their equipment and catch. Such arresting officers shall take the
2198 offending crews or property before the court having jurisdiction
2199 of such offenses. All such agencies are directed to request
2200 assistance from the United States Coast Guard in the enforcement
2201 of this act when having knowledge of vessels operating in
2202 violation or probable violation of this act within their
2203 jurisdictions when such agencies are without means to effectuate
2204 arrest and restraint of vessels and their crews.

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2205 (8) The fine or imprisonment of persons and confiscation
2206 proceedings against vessels, gear and catch prescribed for
2207 violations of this chapter, shall be imposed for violation of
2208 this act; provided that nothing herein shall authorize the
2209 repurchase of property for a nominal sum by the owner upon proof
2210 of lack of complicity in the violation or undertaking.

2211 (9) No crew member or master seeking bona fide political
2212 asylum shall be fined or imprisoned hereunder.

2213 (10) Harbormasters and law enforcement agencies are
2214 authorized to request assistance from the Civil Air Patrol in the
2215 surveillance of suspect vessels. Aircraft of the Division of
2216 Forestry of the Department of Agriculture and Consumer Services
2217 or other state or county agencies which are conveniently located
2218 and not otherwise occupied may be similarly utilized.

2219 Section 44. Section 370.06092, Florida Statutes, is
2220 renumbered as section 379.2271, Florida Statutes, to read:

2221 379.2271 ~~370.06092~~ Harmful-Algal-Bloom Task Force.--

2222 (1) There is established a Harmful-Algal-Bloom Task Force
2223 for the purpose of determining research, monitoring, control, and
2224 mitigation strategies for red tide and other harmful algal blooms
2225 in Florida waters. The Fish and Wildlife Research Institute shall
2226 appoint to the task force scientists, engineers, economists,
2227 members of citizen groups, and members of government. The task
2228 force shall determine research and monitoring priorities and
2229 control and mitigation strategies and make recommendations to the
2230 Fish and Wildlife Research Institute for using funds as provided
2231 in this act.

2232 (2) The Harmful-Algal-Bloom Task Force shall:

2233 (a) Review the status and adequacy of information for

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2234 monitoring physical, chemical, biological, economic, and public
2235 health factors affecting harmful algal blooms in Florida;

2236 (b) Develop research and monitoring priorities for harmful
2237 algal blooms in Florida, including detection, prediction,
2238 mitigation, and control;

2239 (c) Develop recommendations that can be implemented by
2240 state and local governments to develop a response plan and to
2241 predict, mitigate, and control the effects of harmful algal
2242 blooms; and

2243 (d) Make recommendations to the Fish and Wildlife Research
2244 Institute for research, detection, monitoring, prediction,
2245 mitigation, and control of harmful algal blooms in Florida.

2246 Section 45. Section 370.06093, Florida Statutes, is
2247 renumbered as section 379.2272, Florida Statutes, to read:

2248 379.2272 ~~370.06093~~ Harmful-algal-bloom program;
2249 implementation; goals; funding.--

2250 (1)(a) The Fish and Wildlife Research Institute shall
2251 implement a program designed to increase the knowledge of factors
2252 that control harmful algal blooms, including red tide, and to
2253 gain knowledge to be used for the early detection of factors
2254 precipitating harmful algal blooms for accurate prediction of the
2255 extent and seriousness of harmful algal blooms and for
2256 undertaking successful efforts to control and mitigate the
2257 effects of harmful algal blooms.

2258 (b) The Legislature intends that this program enhance and
2259 address areas that are not adequately covered in the cooperative
2260 federal-state program known as Ecology and Oceanography of
2261 Harmful Algal Blooms (ECOHAB-Florida), which includes the
2262 University of South Florida, the Mote Marine Laboratory, and the

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2263 Fish and Wildlife Research Institute.

2264 (c) The goal of this program is to enable resource managers
2265 to assess the potential for public health damage and economic
2266 damage from a given bloom and to undertake control and mitigation
2267 efforts through the development and application of an integrated
2268 detection and prediction network for monitoring and responding to
2269 the development and movement of harmful algal blooms in Florida
2270 marine and estuarine waters.

2271 (2) A financial disbursement program is created within the
2272 Fish and Wildlife Research Institute to implement the provisions
2273 of this act. Under the program, the institute shall provide
2274 funding and technical assistance to government agencies, research
2275 universities, coastal local governments, and organizations with
2276 scientific and technical expertise for the purposes of harmful-
2277 algal-bloom research, economic impact study, monitoring,
2278 detection, control, and mitigation. The program may be funded
2279 from state, federal, and private contributions.

2280 Section 46. Section 372.97, Florida Statutes, is renumbered
2281 as section 379.2281, Florida Statutes, to read:

2282 379.2281 ~~372.97~~ Jim Woodruff Dam; reciprocity
2283 agreements.--The Fish and Wildlife Conservation Commission of the
2284 state is hereby authorized to enter into an agreement of the
2285 reciprocity with the game and fish commissioners or the
2286 appropriate officials or departments of the State of Georgia and
2287 the State of Alabama relative to the taking of game and
2288 freshwater fish from the waters of the lake created by the Jim
2289 Woodruff Dam by permitting reciprocal license privileges.

2290 Section 47. Section 372.971, Florida Statutes, is
2291 renumbered as section 379.2282, Florida Statutes, to read:

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2292 379.2282 ~~372.971~~ St. Marys River; reciprocity
2293 agreements.--The Fish and Wildlife Conservation Commission of the
2294 state is hereby authorized to enter into an agreement of
2295 reciprocity with the game and fish commissioner or the
2296 appropriate officials or departments of the State of Georgia
2297 relative to the taking of game and freshwater fish from the
2298 waters of the St. Marys River by permitting reciprocal agreement
2299 license privileges.

2300 Section 48. Section 372.072, Florida Statutes, is
2301 renumbered as 379.2291, Florida Statutes, to read:

2302 379.2291 ~~372.072~~ Endangered and Threatened Species Act.--

2303 (1) SHORT TITLE.--This section may be cited as the "Florida
2304 Endangered and Threatened Species Act."

2305 (2) DECLARATION OF POLICY.--The Legislature recognizes that
2306 the State of Florida harbors a wide diversity of fish and
2307 wildlife and that it is the policy of this state to conserve and
2308 wisely manage these resources, with particular attention to those
2309 species defined by the Fish and Wildlife Conservation Commission,
2310 the Department of Environmental Protection, or the United States
2311 Department of Interior, or successor agencies, as being
2312 endangered or threatened. As Florida has more endangered and
2313 threatened species than any other continental state, it is the
2314 intent of the Legislature to provide for research and management
2315 to conserve and protect these species as a natural resource.

2316 (3) DEFINITIONS.--As used in this section:

2317 (a) "Fish and wildlife" means any member of the animal
2318 kingdom, including, but not limited to, any mammal, fish, bird,
2319 amphibian, reptile, mollusk, crustacean, arthropod, or other
2320 invertebrate.

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2321 (b) "Endangered species" means any species of fish and
2322 wildlife naturally occurring in Florida, whose prospects of
2323 survival are in jeopardy due to modification or loss of habitat;
2324 overutilization for commercial, sporting, scientific, or
2325 educational purposes; disease; predation; inadequacy of
2326 regulatory mechanisms; or other natural or manmade factors
2327 affecting its continued existence.

2328 (c) "Threatened species" means any species of fish and
2329 wildlife naturally occurring in Florida which may not be in
2330 immediate danger of extinction, but which exists in such small
2331 populations as to become endangered if it is subjected to
2332 increased stress as a result of further modification of its
2333 environment.

2334 (4) INTERAGENCY COORDINATION.--

2335 (a) The commission shall be responsible for research and
2336 management of freshwater and upland species and for research and
2337 management of marine species.

2338 (b) Recognizing that citizen awareness is a key element in
2339 the success of this plan, the commission and the Department of
2340 Education are encouraged to work together to develop a public
2341 education program with emphasis on, but not limited to, both
2342 public and private schools.

2343 (c) The commission, in consultation with the Department of
2344 Agriculture and Consumer Services, the Department of Community
2345 Affairs, or the Department of Transportation, may establish
2346 reduced speed zones along roads, streets, and highways to protect
2347 endangered species or threatened species.

2348 (5) ANNUAL REPORT.--The director of the commission shall,
2349 at least 30 days prior to each annual session of the Legislature,

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2350 transmit to the Governor and Cabinet, the President of the
2351 Senate, the Speaker of the House of Representatives, and the
2352 chairs of the appropriate Senate and House committees, a revised
2353 and updated plan for management and conservation of endangered
2354 and threatened species, including criteria for research and
2355 management priorities; a description of the educational program;
2356 statewide policies pertaining to protection of endangered and
2357 threatened species; additional legislation which may be required;
2358 and the recommended level of funding for the following year,
2359 along with a progress report and budget request.

2360 (6) MEASURABLE BIOLOGICAL GOALS.--Measurable biological
2361 goals that define manatee recovery developed by the commission,
2362 working in conjunction with the United States Fish and Wildlife
2363 Service, shall be used by the commission in its development of
2364 management plans or work plans. In addition to other criteria,
2365 these measurable biological goals shall be used by the commission
2366 when evaluating existing and proposed protection rules, and in
2367 determining progress in achieving manatee recovery. Not later
2368 than July 1, 2005, the commission shall develop rules to define
2369 how measurable biological goals will be used by the commission
2370 when evaluating the need for additional manatee protection rules.

2371 Section 49. Section 372.073, Florida Statutes, is
2372 renumbered as section 379.2292, Florida Statutes, and amended to
2373 read:

2374 379.2292 ~~372.073~~ Endangered and Threatened Species Reward
2375 Program.--

2376 (1) There is established within the Fish and Wildlife
2377 Conservation Commission the Endangered and Threatened Species
2378 Reward Program, to be funded from the Nongame Wildlife Trust

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2379 Fund. The commission may post rewards to persons responsible for
2380 providing information leading to the arrest and conviction of
2381 persons illegally killing or wounding or wrongfully possessing
2382 any of the endangered and threatened species listed on the
2383 official Florida list of such species maintained by the
2384 commission or the arrest and conviction of persons who violate s.
2385 379.4115 ~~s. 372.667~~ or ~~s. 372.671~~. Additional funds may be
2386 provided by donations from interested individuals and
2387 organizations. The reward program is to be administered by the
2388 commission. The commission shall establish a schedule of rewards.

2389 (2) The commission may expend funds only for the following
2390 purposes:

2391 (a) The payment of rewards to persons, other than law
2392 enforcement officers, commission personnel, and members of their
2393 immediate families, for information as specified in subsection
2394 (1); or

2395 (b) The promotion of public recognition and awareness of
2396 the Endangered and Threatened Species Reward Program.

2397 Section 50. Section 372.771, Florida Statutes, is
2398 renumbered as section 379.23, Florida Statutes, to read:

2399 379.23 ~~372.771~~ Federal conservation of fish and wildlife;
2400 limited jurisdiction.--

2401 (1) Consent of the State of Florida is hereby given, to the
2402 United States for acquisition of lands, waters, or lands and
2403 waters or interests therein, for the purpose of managing,
2404 protecting and propagating fish and wildlife and for other
2405 conservation uses in the state, providing prior notice has been
2406 given by the Federal Government to the Board of Trustees of the
2407 Internal Improvement Trust Fund, the board of county

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2408 commissioners of the county where the lands proposed for purchase
2409 are located, of such proposed action stating the specific use to
2410 be made of and the specific location and description of such
2411 lands desired by the Federal Government for any such conservation
2412 use, and that such plans for acquisition and use of said lands be
2413 approved by the Board of Trustees of the Internal Improvement
2414 Trust Fund, the board of county commissioners of the county where
2415 the lands proposed for purchase are located; provided further
2416 that nothing herein contained shall be construed to give the
2417 consent of the State of Florida to the acquisition by the United
2418 States of lands, waters, or lands and waters, or interests
2419 therein, through exercise of the power of eminent domain;
2420 provided further that the provisions of this act shall not apply
2421 to lands owned by the several counties or by public corporations.

2422 (2) The United States may exercise concurrent jurisdiction
2423 over lands so acquired and carry out the intent and purpose of
2424 the authority except that the existing laws of Florida relating
2425 to the Department of Environmental Protection or the Fish and
2426 Wildlife Conservation Commission shall prevail relating to any
2427 area under their supervision.

2428 Section 51. Section 372.265, Florida Statutes, is
2429 renumbered as section 379.231, Florida Statutes, and amended to
2430 read:

2431 379.231 ~~372.265~~ Regulation of foreign animals.--

2432 (1) It is unlawful to import for sale or use, or to release
2433 within this state, any species of the animal kingdom not
2434 indigenous to Florida without having obtained a permit to do so
2435 from the Fish and Wildlife Conservation Commission.

2436 (2) The Fish and Wildlife Conservation Commission is

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2437 authorized to issue or deny such a permit upon the completion of
2438 studies of the species made by it to determine any detrimental
2439 effect the species might have on the ecology of the state.

2440 (3) A person in violation of this section commits a Level
2441 Three violation under s. 379.401 ~~372.83~~.

2442 Section 52. Section 370.03, Florida Statutes, is renumbered
2443 as section 379.232, Florida Statutes, to read:

2444 379.232 ~~370.03~~ Water bottoms.--

2445 (1) OWNERSHIP.--All beds and bottoms of navigable rivers,
2446 bayous, lagoons, lakes, bays, sounds, inlets, oceans, gulfs and
2447 other bodies of water within the jurisdiction of Florida shall be
2448 the property of the state except such as may be held under some
2449 grant or alienation heretofore made. No grant, sale or conveyance
2450 of any water bottom, except conditional leases and dispositions
2451 hereinafter provided for, shall hereafter be made by the state,
2452 the Board of Trustees of the Internal Improvement Trust Fund, the
2453 Department of Agriculture and Consumer Services, or any other
2454 official or political corporation. Persons who have received, or
2455 may hereafter receive permits to do business in this state, with
2456 their factories, shucking plants and shipping depots located in
2457 this state, may enjoy the right of fishing for oysters and clams
2458 from the natural reefs and bedding oysters and clams on leased
2459 bedding grounds, and shall have the right to employ such boats,
2460 vessels, or labor and assistants as they may need. Provided that
2461 no oysters shall be transported unshucked and in the shells, out
2462 of the state, except for use in what is commonly known as the
2463 "half-shell trade." When the oyster meats have been separated
2464 from the shells it shall be permissible to ship the meats out of
2465 the state for further processing and for canning or packing. It

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2466 shall be unlawful to transport oysters out of the state,
2467 unshucked and in the shells, for processing or packing.

2468 (2) CONTROL.--The Department of Environmental Protection
2469 has exclusive power and control over all water bottoms, not held
2470 under some grant or alienation heretofore made, including such as
2471 may revert to the state by cancellation or otherwise, and may
2472 lease the same to any person irrespective of residence or
2473 citizenship, upon such terms, conditions and restrictions as said
2474 division may elect to impose, without limitation as to area to
2475 any one person, for the purpose of granting exclusive right to
2476 plant oysters or clams thereon and for the purpose of fishing,
2477 taking, catching, bedding and raising oysters, clams and other
2478 shellfish. No such lessee shall re-lease, sublease, sell or
2479 transfer any such water bottom or property; provided, that
2480 nothing herein contained shall be construed as giving said
2481 department authority to lease sponge beds.

2482 (3) FEES FOR BOTTOM LEASES, ETC.--The department shall
2483 charge and receive a fee of \$2 for each lease granted, and in all
2484 other cases, not specifically provided by this chapter, the same
2485 fees as are allowed clerks of the circuit court for like
2486 services. All fees shall be paid by the party served.

2487 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All grants
2488 prior to June 1, 1913, made in pursuance of heretofore existing
2489 laws, where the person receiving such grant, the person's heirs
2490 or assigns, have bona fide complied with the requirements of said
2491 law, are hereby confirmed; provided, that if any material or
2492 natural oyster or clam reefs or beds on such granted premises are
2493 100 square yards in area and contained natural oysters and clams
2494 (coon oysters not included) in sufficient quantity to have been

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2495 | resorted to by the general public for the purpose of gathering
2496 | oysters or clams to sell for a livelihood, at the time they were
2497 | planted by such grantee, his or her heirs or assigns, such reefs
2498 | or beds are declared to be the property of the state; and when
2499 | such beds or reefs exist within the territory heretofore granted
2500 | as above set forth, or that may hereafter be leased, such grantee
2501 | or lessee shall mark the boundaries of such oyster and clam reefs
2502 | or beds as may be designated by the department as natural oyster
2503 | or clam reefs or beds, clearly defining the boundaries of the
2504 | same, and shall post notice or other device, as shall be required
2505 | by the department, giving notice to the public that such oyster
2506 | or clam beds or reefs are the property of the state, which said
2507 | notice shall be maintained from September 1 to June 1 of each and
2508 | every year, on each oyster bed or reef and on each clam bed for
2509 | such period of each year as the board may direct, at the expense
2510 | of the grantee or lessee. The department shall investigate all
2511 | grants heretofore made, and where, in its opinion, the lessee or
2512 | grantee has not bona fide complied with the law under which he or
2513 | she received his or her grant or lease, and the department is
2514 | authorized and required to institute legal proceedings to vacate
2515 | the same, in order to use such lands for the benefit of the
2516 | public, subject to the same dispositions as other bottoms.

2517 | Section 53. Section 372.995, Florida Statutes, is
2518 | renumbered as section 379.233, Florida Statutes, to read:

2519 | 379.233 ~~372.995~~ Release of balloons.--

2520 | (1) The Legislature finds that the release into the
2521 | atmosphere of large numbers of balloons inflated with lighter-
2522 | than-air gases poses a danger and nuisance to the environment,
2523 | particularly to wildlife and marine animals.

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2524 (2) It is unlawful for any person, firm, or corporation to
2525 intentionally release, organize the release, or intentionally
2526 cause to be released within a 24-hour period 10 or more balloons
2527 inflated with a gas that is lighter than air except for:

2528 (a) Balloons released by a person on behalf of a
2529 governmental agency or pursuant to a governmental contract for
2530 scientific or meteorological purposes;

2531 (b) Hot air balloons that are recovered after launching;

2532 (c) Balloons released indoors; or

2533 (d) Balloons that are either biodegradable or
2534 photodegradable, as determined by rule of the Fish and Wildlife
2535 Conservation Commission, and which are closed by a hand-tied knot
2536 in the stem of the balloon without string, ribbon, or other
2537 attachments. In the event that any balloons are released pursuant
2538 to the exemption established in this paragraph, the party
2539 responsible for the release shall make available to any law
2540 enforcement officer evidence of the biodegradability or
2541 photodegradability of said balloons in the form of a certificate
2542 executed by the manufacturer. Failure to provide said evidence
2543 shall be prima facie evidence of a violation of this act.

2544 (3) Any person who violates subsection (2) is guilty of a
2545 noncriminal infraction, punishable by a fine of \$250.

2546 (4) Any person may petition the circuit court to enjoin the
2547 release of 10 or more balloons if that person is a citizen of the
2548 county in which the balloons are to be released.

2549 Section 54. Subsection (7) of section 370.021, Florida
2550 Statutes, is renumbered as section 379.2341, Florida Statutes,
2551 and amended to read:

2552 379.2341 Publications by the commission.--

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2553 (7) The commission is given authority, from time to time in
2554 its discretion, to cause the statutory laws under its
2555 jurisdiction, together with any rules promulgated by it, to be
2556 published in pamphlet form for free distribution in this state.
2557 The commission is authorized to make charges for technical and
2558 educational publications and mimeographed material of use for
2559 educational or reference purposes. Such charges shall be made at
2560 the discretion of the commission. Such charges may be sufficient
2561 to cover cost of preparation, printing, publishing, and
2562 distribution. All moneys received for publications shall be
2563 deposited into the fund from which the cost of the publication
2564 was paid. The commission is further authorized to enter into
2565 agreements with persons, firms, corporations, governmental
2566 agencies, and other institutions whereby publications may be
2567 exchanged reciprocally in lieu of payments for said publications.

2568 Section 55. Section 372.0222, Florida Statutes, is
2569 renumbered as section 379.2342, Florida Statutes, to read:

2570 379.2342 ~~372.0222~~ Private publication agreements;
2571 advertising; costs of production.--

2572 (1) The Fish and Wildlife Conservation Commission may enter
2573 into agreements to secure the private publication of public
2574 information brochures, pamphlets, audiotapes, videotapes, and
2575 related materials for distribution without charge to the public
2576 and, in furtherance thereof, is authorized to:

2577 (a) Enter into agreements with private vendors for the
2578 publication or production of such public information materials,
2579 whereby the costs of publication or production will be borne in
2580 whole or in part by the vendor or the vendor shall provide
2581 additional compensation in return for the right of the vendor to

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2582 | select, sell, and place advertising which publicizes products or
2583 | services related to and harmonious with the subject matter of the
2584 | publication.

2585 | (b) Retain the right, by agreement, to approve all elements
2586 | of any advertising placed in such public information materials,
2587 | including the form and content thereof.

2588 | (2) (a) Beginning January 1, 2005, the commission, with the
2589 | advice and assistance of the Florida Wildlife Magazine Advisory
2590 | Council, shall publish the Florida Wildlife Magazine. The
2591 | magazine shall be published at least on a quarterly basis in
2592 | hard-copy format and shall be available to the public by
2593 | subscription and retail distribution. The primary focus of the
2594 | magazine shall be to promote the heritage of hunting and fishing
2595 | in Florida. The magazine shall also disseminate information
2596 | regarding other outdoor recreational opportunities available to
2597 | Floridians and visitors.

2598 | (b) In order to offset the cost of publication and
2599 | distribution of the magazine, the commission, with the advice and
2600 | assistance of the Florida Wildlife Magazine Advisory Council, is
2601 | authorized to sell advertising for placement in the magazine. The
2602 | commission shall have the right to approve all elements of any
2603 | advertising placed in the magazine, including the form and
2604 | content thereof. The magazine shall include a statement providing
2605 | that the inclusion of advertising in the magazine does not
2606 | constitute an endorsement by the state or the commission of the
2607 | products or services so advertised. The commission may charge an
2608 | annual magazine subscription fee of up to \$25, a 2-year magazine
2609 | subscription fee of up to \$45, and a 3-year magazine subscription
2610 | fee of up to \$60. The commission may charge a retail per copy fee

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2611 of up to \$7. The provisions of chapter 287 do not apply to the
2612 sale of advertising for placement in the magazine. All revenues
2613 generated by the magazine shall be credited to the State Game
2614 Trust Fund.

2615 (c) The Florida Wildlife Magazine Advisory Council is
2616 created within the commission to advise and make recommendations
2617 to the commission regarding development, publication, and sale of
2618 the Florida Wildlife Magazine. In order to accomplish this
2619 purpose, the council shall provide recommendations to the
2620 commission regarding:

2621 1. The content of articles included in each edition of the
2622 magazine.

2623 2. Advertising proposed for each edition of the magazine.

2624 3. Strategies to improve distribution and circulation of
2625 the magazine.

2626 4. Cost-reduction measures regarding publication of the
2627 magazine.

2628 (d) The Florida Wildlife Magazine Advisory Council shall
2629 consist of seven members appointed by the commission, and initial
2630 appointments shall be made no later than August 1, 2004. When
2631 making initial appointments to the council and filling vacancies,
2632 the commission shall appoint members to represent the following
2633 interests: hunting; saltwater fishing; freshwater fishing;
2634 recreational boating; recreational use of off-road vehicles;
2635 hiking, biking, bird watching, or similar passive activities;
2636 general business interests; and magazine publishing.

2637 (e) Two of the initial appointees shall serve 2-year terms,
2638 two of the initial appointees shall serve 3-year terms, and three
2639 of the initial appointees shall serve 4-year terms. Subsequent to

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2640 the expiration of the initial terms, advisory council appointees
2641 shall serve 4-year terms.

2642 (f) The members of the advisory council shall elect a chair
2643 annually.

2644 (g) The council shall meet at least quarterly at the call
2645 of its chair, at the request of a majority of its membership, or
2646 at the request of the commission. A majority of the council shall
2647 constitute a quorum for the transaction of business.

2648 (h) The commission shall provide the council with clerical,
2649 expert, technical, or other services. All expenses of the council
2650 shall be paid from appropriations made by the Legislature to the
2651 commission. All vouchers shall be approved by the executive
2652 director before submission to the Chief Financial Officer for
2653 payment.

2654 (i) Members of the council shall serve without compensation
2655 but shall receive per diem and reimbursement for travel expenses
2656 as provided in s. 112.061.

2657 (j) Advisory council members may be reappointed. Advisory
2658 council members shall serve at the pleasure of the commission.

2659 (3) Any public information materials produced pursuant to
2660 this section and containing advertising of any kind shall include
2661 a statement providing that the inclusion of advertising in such
2662 material does not constitute an endorsement by the state or
2663 commission of the products or services so advertised.

2664 (4) The Fish and Wildlife Conservation Commission may enter
2665 into agreements with private vendors for vendor advertisement for
2666 the purpose of offsetting expenses relating to license issuance,
2667 and, in furtherance thereof, is authorized to:

2668 (a) Retain the right, by agreement, to approve all elements

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2669 of such advertising, including the form or content.

2670 (b) Require that any advertising of any kind contracted
2671 pursuant to this section shall include a statement providing that
2672 the advertising does not constitute an endorsement by the state
2673 or commission of the products or services to be so advertised.

2674 (5) The commission shall collect, edit, publish, and print
2675 pamphlets, papers, manuscripts, documents, books, monographs, and
2676 other materials relating to fish and wildlife conservation and
2677 may establish and impose a reasonable charge for such materials
2678 to cover costs of production and distribution in whole or part
2679 and may contract for the marketing, sale, and distribution of
2680 such publications and materials; except that no charge shall be
2681 imposed for materials designed to provide the public with
2682 essential information concerning fish and wildlife regulations
2683 and matters of public safety.

2684 (6) The commission shall provide services and information
2685 designed to inform Floridians and visitors about Florida's unique
2686 and diverse fish, game, and wildlife, and make it available by
2687 means of commonly used media. For the accomplishment of those
2688 purposes, the commission may make expenditures to:

2689 (a) Encourage and cooperate with public and private
2690 organizations or groups to publicize to residents and visitors
2691 the diversity of fish, game, and wildlife, and related recreation
2692 opportunities of the state, including the establishment of and
2693 expenditure for a program of cooperative advertising or
2694 sponsorships, or partnerships with the public and private
2695 organizations and groups in accordance with rules adopted by the
2696 commission under chapter 120.

2697 (b) Charge and collect a reasonable fee for researching or

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2698 compiling information or other services which, in its judgment,
2699 should not be free to those requesting the information, research,
2700 handling, material, publication, or other services. Any amounts
2701 of money received by the commission from such sources shall be
2702 restored to the appropriations of the commission, and any
2703 unexpended funds shall be deposited into the State Game Trust
2704 Fund and made available to the commission for use in performing
2705 its duties, powers, and purposes.

2706 (c) Charge and collect registration fees at conferences,
2707 seminars, and other meetings conducted in furtherance of the
2708 duties, powers, and purposes of the commission. Any funds
2709 collected under this paragraph which remain unexpended after the
2710 expenses of the conference, seminar, or meeting have been paid
2711 shall be deposited into the State Game Trust Fund and made
2712 available to the commission for use in performing its duties,
2713 powers, and purposes.

2714 (d) Purchase and distribute promotional items to increase
2715 public awareness regarding boating safety and other programs that
2716 promote public safety or resource conservation.

2717 (7) Notwithstanding the provisions of part I of chapter
2718 287, the commission may adopt rules for the purpose of entering
2719 into contracts that are primarily for promotional and advertising
2720 services and promotional events which may include the authority
2721 to negotiate costs with offerors of such services and commodities
2722 who have been determined to be qualified on the basis of
2723 technical merit, creative ability, and professional competency.

2724 Section 56. Section 370.1103, Florida Statutes, is
2725 renumbered as section 379.2351, Florida Statutes, to read:

2726 379.2351 ~~370.1103~~ Land-based commercial and recreational

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2727 fishing activities; legislative findings and purpose;
2728 definitions; legal protection; local ordinances; prohibited
2729 activity.--

2730 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
2731 finds that commercial and recreational fishing constitute
2732 activities of statewide importance and that the continuation of
2733 commercial and recreational fishing will benefit the health and
2734 welfare of the people of this state. The Legislature further
2735 finds that commercial and recreational fishing operations
2736 conducted in developing and urbanizing areas are potentially
2737 subject to curtailment as a result of local government zoning and
2738 nuisance ordinances which may unreasonably force the closure of
2739 productive commercial and recreational fishing operations. It is
2740 the purpose of this act to prevent the curtailment or abolishment
2741 of commercial and recreational fishing operations solely because
2742 the area in which they are located has changed in character or
2743 the operations are displeasing to neighboring residents.

2744 (2) DEFINITIONS.--As used in this act, "commercial fishing
2745 operation" means any type of activity conducted on land,
2746 requiring the location or storage of commercial fishing equipment
2747 such as fishing vessels, fishing gear, docks, piers, loading
2748 areas, landing areas, and cold storage facilities, including any
2749 activity necessary to prepare finfish or shellfish for
2750 refrigeration. This definition does not include operations with
2751 the sole or primary function of processing seafood.

2752 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL FISHING
2753 OPERATIONS.--No commercial or recreational fishing operation
2754 shall be declared a public or private nuisance solely because of
2755 a change in ownership or a change in the character of the

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2756 | property in or around the locality of the operation.

2757 | (4) LOCAL ORDINANCE.--No local governing authority shall
2758 | adopt any ordinance that declares any commercial or recreational
2759 | fishing operation to be a nuisance solely because it is a
2760 | commercial or recreational fishing operation, or any zoning
2761 | ordinance that unreasonably forces the closure of any commercial
2762 | or recreational fishing operation. Nothing in this act shall
2763 | prevent a local government from regulating commercial and
2764 | recreational fishing operations, including by requiring the use
2765 | of methods, structures, or appliances where such use will
2766 | prevent, ameliorate, or remove conditions which create or may
2767 | create a nuisance or, pursuant to the applicable local zoning
2768 | code, by declaring a commercial or recreational fishing operation
2769 | to be a nonconforming use.

2770 | (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This act
2771 | shall not be construed to permit an existing commercial or
2772 | recreational fishing operation to change to a larger operation
2773 | with regard to emitting more noise or odor, where such change
2774 | violates local ordinances or regulations or creates a nuisance.

2775 | Section 57. Section 370.27, Florida Statutes, is renumbered
2776 | as section 379.2352, Florida Statutes, to read:

2777 | 379.2352 ~~370.27~~ State employment; priority consideration
2778 | for qualified displaced employees of the saltwater fishing
2779 | industry.--All state agencies must give priority consideration to
2780 | any job applicant who is able to document the loss of full-time
2781 | employment in the commercial saltwater fishing industry as a
2782 | result of the adoption of the constitutional amendment limiting
2783 | the use of nets to harvest marine species, provided the applicant
2784 | meets the minimum requirements for the position sought.

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2785 Section 58. Section 370.28, Florida Statutes, is renumbered
2786 as section 379.2353, Florida Statutes, to read:

2787 379.2353 ~~370.28~~ Enterprise zone designation; communities
2788 adversely impacted by net limitations.--

2789 (1) The Office of Tourism, Trade, and Economic Development
2790 is directed to identify communities suffering adverse impacts
2791 from the adoption of the constitutional amendment limiting the
2792 use of nets to harvest marine species.

2793 (2) (a) Such communities having a population of fewer than
2794 7,500 persons and such communities in rural and coastal counties
2795 with a county population of fewer than 25,000 may apply to the
2796 Office of Tourism, Trade, and Economic Development by August 15,
2797 1996, for the designation of an area as an enterprise zone. The
2798 community must comply with the requirements of s. 290.0055,
2799 except that, for a community having a total population of 7,500
2800 persons or more but fewer than 20,000 persons, the selected area
2801 may not exceed 5 square miles. Notwithstanding the provisions of
2802 s. 290.0065, limiting the total number of enterprise zones
2803 designated and the number of enterprise zones within a population
2804 category, the Office of Tourism, Trade, and Economic Development
2805 may designate an enterprise zone in eight of the identified
2806 communities. The governing body having jurisdiction over such
2807 area shall create an enterprise zone development agency pursuant
2808 to s. 290.0056 and submit a strategic plan pursuant to s.
2809 290.0057. Enterprise zones designated pursuant to this section
2810 shall be effective January 1, 1997. Any enterprise zone
2811 designated under this paragraph having an effective date on or
2812 before January 1, 2005, shall continue to exist until December
2813 31, 2005, but shall cease to exist on December 31, 2005. Any

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2814 enterprise zone redesignated on or after January 1, 2006, must do
2815 so in accordance with the Florida Enterprise Zone Act.

2816 (b) Notwithstanding any provisions of this section to the
2817 contrary, communities in coastal counties with a county
2818 population greater than 20,000, which can demonstrate that the
2819 community has historically been a fishing community and has
2820 therefore had a direct adverse impact from the adoption of the
2821 constitutional amendment limiting the use of nets, shall also be
2822 eligible to apply for designation of an area as an enterprise
2823 zone. The community must comply with the requirements of s.
2824 290.0055, except s. 290.0055(3). Such communities shall apply to
2825 the Office of Tourism, Trade, and Economic Development by August
2826 15, 1996. The office may designate one enterprise zone under this
2827 paragraph, which shall be effective January 1, 1997, and which
2828 shall be in addition to the eight zones authorized under
2829 paragraph (a). Any enterprise zone designated under this
2830 paragraph having an effective date on or before January 1, 2005,
2831 shall continue to exist until December 31, 2005, but shall cease
2832 to exist on that date. Any enterprise zone redesignated on or
2833 after January 1, 2006, must do so in accordance with the Florida
2834 Enterprise Zone Act. The governing body having jurisdiction over
2835 such area shall create an enterprise zone development agency
2836 pursuant to s. 290.0056 and submit a strategic plan pursuant to
2837 s. 290.0057.

2838 (3) For the purpose of nominating and designating areas
2839 pursuant to subsection (2), the requirements set out in s.
2840 290.0058(2) shall not apply.

2841 (4) Notwithstanding the time limitations contained in
2842 chapters 212 and 220, a business eligible to receive tax credits

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2843 | under this section from January 1, 1997, to June 1, 1998, must
2844 | submit an application for the tax credits by December 1, 1998.
2845 | All other requirements of the enterprise zone program apply to
2846 | such a business.

2847 | Section 59. Subsection (9) of section 370.021, Florida
2848 | Statutes, is renumbered as section 379.236, Florida Statutes, and
2849 | amended to read:

2850 | 379.236 Retention, destruction, and reproduction of
2851 | commission records.--

2852 | ~~(9)~~ Records and documents of the commission created in
2853 | compliance with and in the implementation of this chapter or
2854 | former chapter 371 shall be retained by the commission as
2855 | specified in record retention schedules established under the
2856 | general provisions of chapters 119 and 257. Such records retained
2857 | by the Department of Environmental Protection on July 1, 1999,
2858 | shall be transferred to the commission. Further, the commission
2859 | is authorized to:

2860 | (1)~~(a)~~ Destroy, or otherwise dispose of, those records and
2861 | documents in conformity with the approved retention schedules.

2862 | (2)~~(b)~~ Photograph, microphotograph, or reproduce such
2863 | records and documents on film, as authorized and directed by the
2864 | approved retention schedules, whereby each page will be exposed
2865 | in exact conformity with the original records and documents
2866 | retained in compliance with the provisions of this section.
2867 | Photographs or microphotographs in the form of film or print of
2868 | any records, made in compliance with the provisions of this
2869 | section, shall have the same force and effect as the originals
2870 | thereof would have and shall be treated as originals for the
2871 | purpose of their admissibility in evidence. Duly certified or

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2872 authenticated reproductions of such photographs or
2873 microphotographs shall be admitted in evidence equally with the
2874 original photographs or microphotographs. The impression of the
2875 seal of the commission on a certificate made pursuant to the
2876 provisions hereof and signed by the executive director of the
2877 commission shall entitle the same to be received in evidence in
2878 all courts and in all proceedings in this state and shall be
2879 prima facie evidence of all factual matters set forth in the
2880 certificate. A certificate may relate to one or more records, as
2881 set forth in the certificate, or in a schedule continued on an
2882 attachment to the certificate.

2883 (3) ~~(e)~~ Furnish certified copies of such records for a fee
2884 of \$1 which shall be deposited in the Marine Resources
2885 Conservation Trust Fund.

2886 Section 60. Subsection (10) of section 370.021, Florida
2887 Statutes, renumbered as section 379.237, Florida Statutes, and
2888 amended to read:

2889 379.237 Courts of equity may enjoin.--

2890 ~~(10) COURTS OF EQUITY MAY ENJOIN.--~~Courts of equity in this
2891 state have jurisdiction to enforce the conservation laws of this
2892 state by injunction.

2893 Section 61. Part II of chapter 379, Florida Statutes,
2894 consisting of sections 379.2401, 379.2402, 379.2411, 379.2412,
2895 379.2413, 379.2421, 379.2422, 379.2423, 379.2424, 379.2425,
2896 379.2431, 379.2432, 379.2433, 379.244, 379.245, 379.246, 379.247,
2897 379.248, 379.249, 379.25, 379.2511, 379.2512, 379.2521, 379.2522,
2898 379.2523, 379.2524, and 379.2525, is created to read:

2899 PART II
2900 MARINE LIFE

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2901

2902 Section 62. Section 370.025, Florida Statutes, is
2903 renumbered as section 379.2401, Florida Statutes, to read:

2904 379.2401 ~~370.025~~ Marine fisheries; policy and standards.--

2905 (1) The Legislature hereby declares the policy of the state
2906 to be management and preservation of its renewable marine fishery
2907 resources, based upon the best available information, emphasizing
2908 protection and enhancement of the marine and estuarine
2909 environment in such a manner as to provide for optimum sustained
2910 benefits and use to all the people of this state for present and
2911 future generations.

2912 (2) The commission is instructed to make recommendations
2913 annually to the Governor and the Legislature regarding marine
2914 fisheries research priorities and funding. All administrative and
2915 enforcement responsibilities which are unaffected by the specific
2916 provisions of this act are the responsibility of the commission.

2917 (3) All rules relating to saltwater fisheries adopted by
2918 the commission shall be consistent with the following standards:

2919 (a) The paramount concern of conservation and management
2920 measures shall be the continuing health and abundance of the
2921 marine fisheries resources of this state.

2922 (b) Conservation and management measures shall be based
2923 upon the best information available, including biological,
2924 sociological, economic, and other information deemed relevant by
2925 the commission.

2926 (c) Conservation and management measures shall permit
2927 reasonable means and quantities of annual harvest, consistent
2928 with maximum practicable sustainable stock abundance on a
2929 continuing basis.

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2930 (d) When possible and practicable, stocks of fish shall be
2931 managed as a biological unit.

2932 (e) Conservation and management measures shall assure
2933 proper quality control of marine resources that enter commerce.

2934 (f) State marine fishery management plans shall be
2935 developed to implement management of important marine fishery
2936 resources.

2937 (g) Conservation and management decisions shall be fair and
2938 equitable to all the people of this state and carried out in such
2939 a manner that no individual, corporation, or entity acquires an
2940 excessive share of such privileges.

2941 (h) Federal fishery management plans and fishery management
2942 plans of other states or interstate commissions should be
2943 considered when developing state marine fishery management plans.
2944 Inconsistencies should be avoided unless it is determined that it
2945 is in the best interest of the fisheries or residents of this
2946 state to be inconsistent.

2947 Section 63. Section 370.0607, Florida Statutes, is
2948 renumbered as section 379.2402, Florida Statutes, to read:

2949 379.2402 ~~370.0607~~ Marine information system.--The Fish and
2950 Wildlife Conservation Commission shall establish by rule a marine
2951 information system in conjunction with the licensing program to
2952 gather marine fisheries data.

2953 Section 64. Section 370.101, Florida Statutes, is
2954 renumbered as section 379.2411, Florida Statutes, and amended to
2955 read:

2956 379.2411 ~~370.101~~ Saltwater fish; regulations.--

2957 (1) The Fish and Wildlife Conservation Commission is
2958 authorized to establish weight equivalencies when minimum lengths

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2959 of saltwater fish are established by law, in those cases where
2960 the fish are artificially cultivated.

2961 (2) A special activity license may be issued by the
2962 commission pursuant to s. 379.361 ~~370.06~~ for catching and
2963 possession of fish protected by law after it has first
2964 established that such protected specimens are to be used as stock
2965 for artificial cultivation.

2966 (3) A permit may not be issued pursuant to subsection (2)
2967 until the commission determines that the artificial cultivation
2968 activity complies with the provisions of ss. 253.67-253.75 and
2969 any other specific provisions contained within this chapter
2970 regarding leases, licenses, or permits for maricultural
2971 activities of each saltwater fish, so that the public interest in
2972 such fish stocks is fully protected.

2973 Section 65. Section 370.102, Florida Statutes, is
2974 renumbered as section 379.2412, Florida Statutes, and amended to
2975 read:

2976 379.2412 ~~370.102~~ State preemption of power to
2977 regulate.--The power to regulate the taking or possession of
2978 saltwater fish, as defined in s. 379.101 ~~370.01~~, is expressly
2979 reserved to the state. This section does not prohibit a local
2980 government from prohibiting, for reasons of protecting the public
2981 health, safety, or welfare, saltwater fishing from real property
2982 owned by that local government.

2983 Section 66. Section 370.11, Florida Statutes, is renumbered
2984 as section 379.2413, Florida Statutes, and amended to read:

2985 379.2413 Catching food fish for the purposes of making oil
2986 ~~370.11~~ ~~Fish; regulation.--~~

2987 ~~(1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL~~

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2988 PROHIBITED.—No person shall take any food fish from the waters
2989 under the jurisdiction of the state, for the purpose of making
2990 oil, fertilizer or compost therefrom. Purse seines may be used,
2991 for the taking of nonfood fish for the purpose of making oil,
2992 fertilizer or compost.

2993 ~~(2) REGULATION; FISH; TARPON, ETC.—No person may sell,~~
2994 ~~offer for sale, barter, exchange for merchandise, transport for~~
2995 ~~sale, either within or without the state, offer to purchase or~~
2996 ~~purchase any species of fish known as tarpon (Tarpon atlanticus)~~
2997 ~~provided, however, any one person may carry out of the state as~~
2998 ~~personal baggage or transport within or out of the state not more~~
2999 ~~than two tarpon if they are not being transported for sale. The~~
3000 ~~possession of more than two tarpon by any one person is unlawful;~~
3001 ~~provided, however, any person may catch an unlimited number of~~
3002 ~~tarpon if they are immediately returned uninjured to the water~~
3003 ~~and released where the same are caught. No common carrier in the~~
3004 ~~state shall knowingly receive for transportation or transport,~~
3005 ~~within or without the state, from any one person for shipment~~
3006 ~~more than two tarpon, except as hereinafter provided. It is~~
3007 ~~expressly provided that any lawful established taxidermist, in~~
3008 ~~the conduct of taxidermy, may be permitted to move or transport~~
3009 ~~any reasonable number of tarpon at any time and in any manner he~~
3010 ~~or she may desire, as specimens for mounting; provided, however,~~
3011 ~~satisfactory individual ownership of the fish so moved or~~
3012 ~~transported can be established by such taxidermist at any time~~
3013 ~~upon demand. Common carriers shall accept for shipment tarpon~~
3014 ~~from a taxidermist when statement of individual ownership~~
3015 ~~involved accompanies bill of lading or other papers controlling~~
3016 ~~the shipment. The Fish and Wildlife Conservation Commission may,~~

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3017 ~~in its discretion, upon application issue permits for the taking~~
3018 ~~and transporting of tarpon for scientific purposes.~~

3019 Section 67. Section 370.08, Florida Statutes, is renumbered
3020 as section 379.2421, Florida Statutes, and amended to read:

3021 379.2421 ~~370.08~~ Fishers and equipment; regulation.--

3022 (1) ILLEGAL POSSESSION OF SEINES AND NETS.--No person may
3023 have in his or her custody or possession in any county of this
3024 state any fishing seine or net, the use of which for fishing
3025 purposes in such county is prohibited by law. Such possession
3026 shall be evidence of a violation of this subsection by both the
3027 owner thereof and the person using or possessing said net. The
3028 provisions of this subsection shall not apply to shrimp nets, to
3029 pound nets or purse nets when used in taking menhaden fish, to
3030 seines used exclusively for taking herring, or to legal beach
3031 seines used in the open gulf or Atlantic Ocean if the possession
3032 of such nets is not prohibited in the county where found.

3033 (2) STOP NETTING DEFINED; PROHIBITION.--

3034 (a) It is unlawful for any person to obstruct any river,
3035 creek, canal, pass, bayou or other waterway in this state by
3036 placing or setting therein any screen, net, seine, rack, wire or
3037 other device, or to use, set, or place any net or seine or
3038 similar device of any kind, either singularly or in rotation or
3039 one behind another in any manner whatsoever so as to prevent the
3040 free passage of fish.

3041 (b) It is unlawful for any person, while fishing or
3042 attempting to fish for shrimp or saltwater fish, to attach or
3043 otherwise secure a frame net, trawl net, trap net, or similar
3044 device to any state road bridge or associated structure situated
3045 over any saltwater body or to use more than one such net or

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3046 device while fishing from such bridge or structure. For the
3047 purposes of this paragraph, a "frame net" is any net similar to a
3048 hoop net, the mouth of which is held open by a frame, with a
3049 trailing mesh net, of any size. Cast nets, dip nets, and similar
3050 devices are specifically excluded from the operation of this
3051 paragraph.

3052 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS, ETC.--No
3053 person may take food fish within or without the waters of this
3054 state with a purse seine, purse gill net, or other net using
3055 rings or other devices on the lead line thereof, through which a
3056 purse line is drawn, or pound net, or have any food fish so taken
3057 in his or her possession for sale or shipment. The provisions of
3058 this section shall not apply to shrimp nets or to pound nets or
3059 purse seines when used for the taking of tuna or menhaden fish
3060 only.

3061 (4) RETURN OF FISH TO WATER.--All persons taking food fish
3062 from any of the waters of this state by use of seines, nets, or
3063 other fishing devices and not using any of such fish because of
3064 size or other reasons shall immediately release and return such
3065 fish alive to the water from which taken and no such fish may be
3066 placed or deposited on any bank, shore, beach or other place out
3067 of the water.

3068 ~~(5) THROWING EXPLOSIVES OR USE OF FIREARMS IN WATER FOR~~
3069 ~~PURPOSE OF KILLING FOOD FISH PROHIBITED.~~ No person may throw or
3070 ~~cause to be thrown, into any of the waters of this state, any~~
3071 ~~dynamite, lime, other explosives or discharge any firearms~~
3072 ~~whatsoever for the purpose of killing food fish therein. The~~
3073 ~~landing ashore or possession on the water by any person of any~~
3074 ~~food fish that has been damaged by explosives or the landing of~~

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3075 | ~~headless jewfish or grouper, if the grouper is taken for~~
3076 | ~~commercial use, is prima facie evidence of violation of this~~
3077 | ~~section.~~

3078 | ~~(5)~~(6) SEINES, POCKET BUNTS.--In any counties where seines
3079 | are not prohibited on the open gulf or Atlantic Ocean, such
3080 | seines may have a pocket bunt on the middle of the seine of a
3081 | mesh size less than that provided by law.

3082 | ~~(6)~~(7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

3083 | ~~(a) It is unlawful for any person to place poisons, drugs,~~
3084 | ~~or other chemicals in the marine waters of this state unless that~~
3085 | ~~person has first obtained a special activity license for such use~~
3086 | ~~pursuant to s. 370.06 from the Fish and Wildlife Conservation~~
3087 | ~~Commission.~~

3088 | ~~(b)~~ Upon application on forms furnished by the commission,
3089 | the commission may issue a license to use poisons, drugs, or
3090 | other chemicals in the marine waters of this state for the
3091 | purpose of capturing live marine species. The application and
3092 | license shall specify the area in which collecting will be done;
3093 | the drugs, chemicals, or poisons to be used; and the maximum
3094 | amounts and concentrations at each sampling.

3095 | ~~(7)~~(8) PENALTIES.--A commercial harvester who violates this
3096 | section shall be punished under s. 379.407 ~~370.021~~. Any other
3097 | person who violates this section commits a Level Two violation
3098 | under s. 379.401 ~~372.83~~.

3099 | Section 68. Section 370.093, Florida Statutes, is
3100 | renumbered as section 379.2422, Florida Statutes, and amended to
3101 | read:

3102 | 379.2422 ~~370.093~~ Illegal use of nets.--

3103 | (1) It is unlawful to take or harvest, or to attempt to

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3104 take or harvest, any marine life in Florida waters with any net
3105 that is not consistent with the provisions of s. 16, Art. X of
3106 the State Constitution.

3107 (2) (a) Beginning July 1, 1998, it is also unlawful to take
3108 or harvest, or to attempt to take or harvest, any marine life in
3109 Florida waters with any net, as defined in subsection (3) and any
3110 attachments to such net, that combined are larger than 500 square
3111 feet and have not been expressly authorized for such use by rule
3112 of the Fish and Wildlife Conservation Commission. The use of
3113 currently legal shrimp trawls and purse seines outside nearshore
3114 and inshore Florida waters shall continue to be legal until the
3115 commission implements rules regulating those types of gear.

3116 (b) The use of gill or entangling nets of any size is
3117 prohibited, as such nets are defined in s. 16, Art. X of the
3118 State Constitution. Any net constructed wholly or partially of
3119 monofilament or multistrand monofilament material, other than a
3120 hand thrown cast net, or a handheld landing or dip net, shall be
3121 considered to be an entangling net within the prohibition of s.
3122 16, Art. X of the State Constitution unless specifically
3123 authorized by rule of the commission. Multistrand monofilament
3124 material shall not be defined to include nets constructed of
3125 braided or twisted nylon, cotton, linen twine, or polypropylene
3126 twine.

3127 (c) This subsection shall not be construed to apply to
3128 aquaculture activities licenses issued pursuant to s. 379.2523
3129 ~~370.26~~.

3130 (3) As used in s. 16, Art. X of the State Constitution and
3131 this subsection, the term "net" or "netting" must be broadly
3132 construed to include all manner or combination of mesh or webbing

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3133 or any other solid or semisolid fabric or other material used to
3134 comprise a device that is used to take or harvest marine life.

3135 (4) Upon the arrest of any person for violation of this
3136 subsection, the arresting officer shall seize the nets illegally
3137 used. Upon conviction of the offender, the arresting authority
3138 shall destroy the nets.

3139 (5) Any person who violates this section shall be punished
3140 as provided in s. 379.407(3) ~~370.021(3)~~.

3141 (6) The Fish and Wildlife Conservation Commission is
3142 granted authority to adopt rules pursuant to s. 379.2401 ~~370.025~~
3143 implementing this section and the prohibitions and restrictions
3144 of s. 16, Art. X of the State Constitution.

3145 Section 69. Section 370.092, Florida Statutes, is
3146 renumbered as section 379.2423, Florida Statutes, and amended to
3147 read:

3148 379.2423 ~~370.092~~ Carriage of proscribed nets across Florida
3149 waters.--

3150 (1) This section applies to all vessels containing or
3151 otherwise transporting in or on Florida waters any gill net or
3152 other entangling net and to all vessels containing or otherwise
3153 transporting in or on Florida waters any net containing more than
3154 500 square feet of mesh area the use of which is restricted or
3155 prohibited by s. 16, Art. X of the State Constitution. This
3156 section does not apply to vessels containing or otherwise
3157 transporting in or on Florida waters dry nets which are rolled,
3158 folded, or otherwise properly stowed in sealed containers so as
3159 to make their immediate use as fishing implements impracticable.

3160 (2) Every vessel containing or otherwise transporting in or
3161 on Florida waters any gill net or other entangling net and every

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3162 vessel containing or otherwise transporting in or on nearshore
3163 and inshore Florida waters any net containing more than 500
3164 square feet of mesh area shall proceed as directly, continuously,
3165 and expeditiously as possible from the place where the vessel is
3166 regularly docked, moored, or otherwise stored to waters where the
3167 use of said nets is lawful and from waters where the use of said
3168 nets is lawful back to the place where the vessel is regularly
3169 docked, moored, or otherwise stored or back to the licensed
3170 wholesale dealer where the catch is to be sold. Exceptions shall
3171 be provided for docked vessels, for vessels which utilize nets in
3172 a licensed aquaculture operation, and for vessels containing
3173 trawl nets as long as the trawl's doors or frame are not deployed
3174 in the water. Otherwise, hovering, drifting, and other similar
3175 activities inconsistent with the direct, continuous, and
3176 expeditious transit of such vessels shall be evidence of the
3177 unlawful use of such nets. The presence of fish in such a net is
3178 not evidence of the unlawful use of the net if the vessel is
3179 otherwise in compliance with this section.

3180 (3) Notwithstanding subsections (1) and (2), unless
3181 authorized by rule of the Fish and Wildlife Conservation
3182 Commission, it is a major violation under this section,
3183 punishable as provided in s. 379.407(3) ~~370.021(3)~~, for any
3184 person, firm, or corporation to possess any gill or entangling
3185 net, or any seine net larger than 500 square feet in mesh area,
3186 on any airboat or on any other vessel less than 22 feet in length
3187 and on any vessel less than 25 feet if primary power of the
3188 vessel is mounted forward of the vessel center point. Gill or
3189 entangling nets shall be as defined in s. 16, Art. X of the State
3190 Constitution, s. 379.2422(2)(b) ~~370.093(2)(b)~~, or in a rule of

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3191 the Fish and Wildlife Conservation Commission implementing s. 16,
3192 Art. X of the State Constitution. Vessel length shall be
3193 determined in accordance with current United States Coast Guard
3194 regulations specified in the Code of Federal Regulations or as
3195 titled by the State of Florida. The Marine Fisheries Commission
3196 is directed to initiate by July 1, 1998, rulemaking to adjust by
3197 rule the use of gear on vessels longer than 22 feet where the
3198 primary power of the vessel is mounted forward of the vessel
3199 center point in order to prevent the illegal use of gill and
3200 entangling nets in state waters and to provide reasonable
3201 opportunities for the use of legal net gear in adjacent federal
3202 waters.

3203 (4) The Fish and Wildlife Conservation Commission shall
3204 adopt rules to prohibit the possession and sale of mullet taken
3205 in illegal gill or entangling nets. Violations of such rules
3206 shall be punishable as provided in s. 379.407(3) ~~370.021(3)~~.

3207 (5) The commission has authority to adopt rules pursuant to
3208 ss. 120.536(1) and 120.54 to implement the provisions of this
3209 section.

3210 Section 70. Subsection (1) of section 370.143, Florida
3211 Statutes, is renumbered as section 379.2424, Florida Statutes,
3212 and amended to read:

3213 379.2424 Retrieval of spiny lobster, stone crab, blue crab,
3214 and black sea bass traps during closed season; commission
3215 authority.--

3216 ~~(1)~~ The Fish and Wildlife Conservation Commission is
3217 authorized to implement a trap retrieval program for retrieval of
3218 spiny lobster, stone crab, blue crab, and black sea bass traps
3219 remaining in the water during the closed season for each species.

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3220 The commission is authorized to contract with outside agents for
3221 the program operation.

3222 Section 71. Section 370.172, Florida Statutes, is
3223 renumbered as section 379.2425, Florida Statutes, to read:

3224 379.2425 ~~370.172~~ Spearfishing; definition; limitations;
3225 penalty.--

3226 (1) For the purposes of this section, "spearfishing" means
3227 the taking of any saltwater fish through the instrumentality of a
3228 spear, gig, or lance operated by a person swimming at or below
3229 the surface of the water.

3230 (2) (a) Spearfishing is prohibited within the boundaries of
3231 the John Pennekamp Coral Reef State Park, the waters of Collier
3232 County, and the area in Monroe County known as Upper Keys, which
3233 includes all salt waters under the jurisdiction of the Fish and
3234 Wildlife Conservation Commission beginning at the county line
3235 between Dade and Monroe Counties and running south, including all
3236 of the keys down to and including Long Key.

3237 (b) For the purposes of this subsection, the possession in
3238 the water of a spear, gig, or lance by a person swimming at or
3239 below the surface of the water in a prohibited area is prima
3240 facie evidence of a violation of the provisions of this
3241 subsection regarding spearfishing.

3242 (3) The Fish and Wildlife Conservation Commission shall
3243 have the power to establish restricted areas when it is
3244 determined that safety hazards exist or when needs are determined
3245 by biological findings. Restricted areas shall be established
3246 only after an investigation has been conducted and upon
3247 application by the governing body of the county or municipality
3248 in which the restricted areas are to be located and one

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3249 publication in a local newspaper of general circulation in said
3250 county or municipality in addition to any other notice required
3251 by law. Prior to promulgation of regulations, the local governing
3252 body of the area affected shall agree to post and maintain
3253 notices in the area affected.

3254 Section 72. Section 370.12, Florida Statutes, is renumbered
3255 as section 379.2431, Florida Statutes, and amended to read:

3256 379.2431 ~~370.12~~ Marine animals; regulation.--

3257 (1) PROTECTION OF MARINE TURTLES.--

3258 (a) This subsection may be cited as the "Marine Turtle
3259 Protection Act."

3260 (b) The Legislature intends, pursuant to the provisions of
3261 this subsection, to ensure that the Fish and Wildlife
3262 Conservation Commission has the appropriate authority and
3263 resources to implement its responsibilities under the recovery
3264 plans of the United States Fish and Wildlife Service for the
3265 following species of marine turtle:

- 3266 1. Atlantic loggerhead turtle (*Caretta caretta*).
- 3267 2. Atlantic green turtle (*Chelonia mydas*).
- 3268 3. Leatherback turtle (*Dermochelys coriacea*).
- 3269 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*).
- 3270 5. Atlantic ridley turtle (*Lepidochelys kemp*).

3271 (c) As used in this subsection, the following phrases have
3272 the following meanings:

- 3273 1. A "properly accredited person" is:
 - 3274 a. Students of colleges or universities whose studies with
3275 saltwater animals are under the direction of their teacher or
3276 professor; or
 - 3277 b. Scientific or technical faculty of public or private

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3278 colleges or universities; or

3279 c. Scientific or technical employees of private research
3280 institutions and consulting firms; or

3281 d. Scientific or technical employees of city, county,
3282 state, or federal research or regulatory agencies; or

3283 e. Members in good standing or recognized and properly
3284 chartered conservation organizations, the Audubon Society, or the
3285 Sierra Club; or

3286 f. Persons affiliated with aquarium facilities or museums,
3287 or contracted as an agent therefor, which are open to the public
3288 with or without an admission fee; or

3289 g. Persons without specific affiliations listed above, but
3290 who are recognized by the commission for their contributions to
3291 marine conservation such as scientific or technical publications,
3292 or through a history of cooperation with the commission in
3293 conservation programs such as turtle nesting surveys, or through
3294 advanced educational programs such as high school marine science
3295 centers.

3296 2. "Take" means an act that actually kills or injures
3297 marine turtles, and includes significant habitat modification or
3298 degradation that kills or injures marine turtles by significantly
3299 impairing essential behavioral patterns, such as breeding,
3300 feeding, or sheltering.

3301 (d) Except as authorized in this paragraph, or unless
3302 otherwise provided by the Federal Endangered Species Act or its
3303 implementing regulations, a person, firm, or corporation may not:

3304 1. Knowingly possess the eggs of any marine turtle species
3305 described in this subsection.

3306 2. Knowingly take, disturb, mutilate, destroy, cause to be

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3307 | destroyed, transfer, sell, offer to sell, molest, or harass any
3308 | marine turtles or the eggs or nest of any marine turtles
3309 | described in this subsection.

3310 | 3. The commission may issue a special permit or loan
3311 | agreement to any person, firm, or corporation, to enable the
3312 | holder to possess a marine turtle or parts thereof, including
3313 | nests, eggs, or hatchlings, for scientific, education, or
3314 | exhibition purposes, or for conservation activities such as the
3315 | relocation of nests, eggs, or marine turtles away from
3316 | construction sites. Notwithstanding other provisions of law, the
3317 | commission may issue such special permit or loan agreement to any
3318 | properly accredited person as defined in paragraph (c) for the
3319 | purposes of marine turtle conservation.

3320 | 4. The commission shall have the authority to adopt rules
3321 | pursuant to chapter 120 to prescribe terms, conditions, and
3322 | restrictions for marine turtle conservation, and to permit the
3323 | possession of marine turtles or parts thereof.

3324 | (e)1. Any person, firm, or corporation that commits any act
3325 | prohibited in paragraph (d) involving any egg of any marine
3326 | turtle species described in this subsection shall pay a penalty
3327 | of \$100 per egg in addition to other penalties provided in this
3328 | paragraph.

3329 | 2. Any person, firm, or corporation that illegally
3330 | possesses 11 or fewer of any eggs of any marine turtle species
3331 | described in this subsection commits a first degree misdemeanor,
3332 | punishable as provided in ss. 775.082 and 775.083.

3333 | 3. For a second or subsequent violation of subparagraph 2.,
3334 | any person, firm, or corporation that illegally possesses 11 or
3335 | fewer of any eggs of any marine turtle species described in this

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3336 subsection commits a third degree felony, punishable as provided
3337 in s. 775.082, s. 775.083, or s. 775.084.

3338 4. Any person, firm, or corporation that illegally
3339 possesses more than 11 of any eggs of any marine turtle species
3340 described in this subsection commits a third degree felony,
3341 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3342 5. Any person, firm, or corporation that illegally takes,
3343 disturbs, mutilates, destroys, causes to be destroyed, transfers,
3344 sells, offers to sell, molests, or harasses any marine turtle
3345 species, or the eggs or nest of any marine turtle species as
3346 described in this subsection, commits a third degree felony,
3347 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3348 6. Notwithstanding s. 777.04, any person, firm, or
3349 corporation that solicits or conspires with another person, firm,
3350 or corporation, to commit an act prohibited by this subsection
3351 commits a felony of the third degree, punishable as provided in
3352 s. 775.082, s. 775.083, or s. 775.084.

3353 7. The proceeds from the penalties assessed pursuant to
3354 this paragraph shall be deposited into the Marine Resources
3355 Conservation Trust Fund.

3356 (f) Any application for a Department of Environmental
3357 Protection permit or other type of approval for an activity that
3358 affects marine turtles or their nests or habitat shall be subject
3359 to conditions and requirements for marine turtle protection as
3360 part of the permitting or approval process.

3361 (g) The Department of Environmental Protection may
3362 condition the nature, timing, and sequence of construction of
3363 permitted activities to provide protection to nesting marine
3364 turtles and hatchlings and their habitat pursuant to the

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3365 provisions of s. 161.053(5). When the department is considering a
3366 permit for a beach restoration, beach renourishment, or inlet
3367 sand transfer project and the applicant has had an active marine
3368 turtle nest relocation program or the applicant has agreed to and
3369 has the ability to administer a program, the department must not
3370 restrict the timing of the project. Where appropriate, the
3371 department, in accordance with the applicable rules of the Fish
3372 and Wildlife Conservation Commission, shall require as a
3373 condition of the permit that the applicant relocate and monitor
3374 all turtle nests that would be affected by the beach restoration,
3375 beach renourishment, or sand transfer activities. Such relocation
3376 and monitoring activities shall be conducted in a manner that
3377 ensures successful hatching. This limitation on the department's
3378 authority applies only on the Atlantic coast of Florida.

3379 (h) The department shall recommend denial of a permit
3380 application if the activity would result in a "take" as defined
3381 in this subsection, unless, as provided for in the federal
3382 Endangered Species Act and its implementing regulations, such
3383 taking is incidental to, and not the purpose of, the carrying out
3384 of an otherwise lawful activity.

3385 (i) The department shall give special consideration to
3386 beach preservation and beach nourishment projects that restore
3387 habitat of endangered marine turtle species. Nest relocation
3388 shall be considered for all such projects in urbanized areas.
3389 When an applicant for a beach restoration, beach renourishment,
3390 or inlet sand transfer project has had an active marine turtle
3391 nest relocation program or the applicant has agreed to have and
3392 has the ability to administer a program, the department in
3393 issuing a permit for a project must not restrict the timing of

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3394 the project. Where appropriate, the department, in accordance
3395 with the applicable rules of the Fish and Wildlife Conservation
3396 Commission, shall require as a condition of the permit that the
3397 applicant relocate and monitor all turtle nests that would be
3398 affected by the beach restoration, beach renourishment, or sand
3399 transfer activities. Such relocation and monitoring activities
3400 shall be conducted in a manner that ensures successful hatching.
3401 This limitation on the department's authority applies only on the
3402 Atlantic coast of Florida.

3403 (2) PROTECTION OF MANATEES OR SEA COWS.--

3404 (a) This subsection shall be known and may be cited as the
3405 "Florida Manatee Sanctuary Act."

3406 (b) The State of Florida is hereby declared to be a refuge
3407 and sanctuary for the manatee, the "Florida state marine mammal."
3408 The protections extended to and authorized on behalf of the
3409 manatee by this act are independent of, and therefore are not
3410 contingent upon, its status as a state or federal listed species.

3411 (c) Whenever the Fish and Wildlife Conservation Commission
3412 is satisfied that the interest of science will be subserved, and
3413 that the application for a permit to possess a manatee or sea cow
3414 (*Trichechus manatus*) is for a scientific or propagational purpose
3415 and should be granted, and after concurrence by the United States
3416 Department of the Interior, the commission may grant to any
3417 person making such application a special permit to possess a
3418 manatee or sea cow, which permit shall specify the exact number
3419 which shall be maintained in captivity.

3420 (d) Except as may be authorized by the terms of a valid
3421 state permit issued pursuant to paragraph (c) or by the terms of
3422 a valid federal permit, it is unlawful for any person at any

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3423 | time, by any means, or in any manner intentionally or negligently
3424 | to annoy, molest, harass, or disturb or attempt to molest,
3425 | harass, or disturb any manatee; injure or harm or attempt to
3426 | injure or harm any manatee; capture or collect or attempt to
3427 | capture or collect any manatee; pursue, hunt, wound, or kill or
3428 | attempt to pursue, hunt, wound, or kill any manatee; or possess,
3429 | literally or constructively, any manatee or any part of any
3430 | manatee.

3431 | (e) Any gun, net, trap, spear, harpoon, boat of any kind,
3432 | aircraft, automobile of any kind, other motorized vehicle,
3433 | chemical, explosive, electrical equipment, scuba or other
3434 | subaquatic gear, or other instrument, device, or apparatus of any
3435 | kind or description used in violation of any provision of
3436 | paragraph (d) may be forfeited upon conviction. The foregoing
3437 | provisions relating to seizure and forfeiture of vehicles,
3438 | vessels, equipment, or supplies do not apply when such vehicles,
3439 | vessels, equipment, or supplies are owned by, or titled in the
3440 | name of, innocent parties; and such provisions shall not vitiate
3441 | any valid lien, retain title contract, or chattel mortgage on
3442 | such vehicles, vessels, equipment, or supplies if such lien,
3443 | retain title contract, or chattel mortgage is property of public
3444 | record at the time of the seizure.

3445 | (f)1. Except for emergency rules adopted under s. 120.54,
3446 | all proposed rules of the commission for which a notice of
3447 | intended agency action is filed proposing to govern the speed and
3448 | operation of motorboats for purposes of manatee protection shall
3449 | be submitted to the counties in which the proposed rules will
3450 | take effect for review by local rule review committees.

3451 | 2. No less than 60 days prior to filing a notice of rule

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3452 development in the Florida Administrative Weekly, as provided in
3453 s. 120.54(3)(a), the commission shall notify the counties for
3454 which a rule to regulate the speed and operation of motorboats
3455 for the protection of manatees is proposed. A county so notified
3456 shall establish a rule review committee or several counties may
3457 combine rule review committees.

3458 3. The county commission of each county in which a rule to
3459 regulate the speed and operation of motorboats for the protection
3460 of manatees is proposed shall designate a rule review committee.
3461 The designated voting membership of the rule review committee
3462 must be comprised of waterway users, such as fishers, boaters,
3463 water skiers, other waterway users, as compared to the number of
3464 manatee and other environmental advocates. A county commission
3465 may designate an existing advisory group as the rule review
3466 committee. With regard to each committee, fifty percent of the
3467 voting members shall be manatee advocates and other environmental
3468 advocates, and fifty percent of the voting members shall be
3469 waterway users.

3470 4. The county shall invite other state, federal, county,
3471 municipal, or local agency representatives to participate as
3472 nonvoting members of the local rule review committee.

3473 5. The county shall provide logistical and administrative
3474 staff support to the local rule review committee and may request
3475 technical assistance from commission staff.

3476 6. Each local rule review committee shall elect a chair and
3477 recording secretary from among its voting members.

3478 7. Commission staff shall submit the proposed rule and
3479 supporting data used to develop the rule to the local rule review
3480 committees.

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3481 8. The local rule review committees shall have 60 days from
3482 the date of receipt of the proposed rule to submit a written
3483 report to commission members and staff. The local rule review
3484 committees may use supporting data supplied by the commission, as
3485 well as public testimony which may be collected by the committee,
3486 to develop the written report. The report may contain recommended
3487 changes to proposed manatee protection zones or speed zones,
3488 including a recommendation that no rule be adopted, if that is
3489 the decision of the committee.

3490 9. Prior to filing a notice of proposed rulemaking in the
3491 Florida Administrative Weekly as provided in s. 120.54(3)(a), the
3492 commission staff shall provide a written response to the local
3493 rule review committee reports to the appropriate counties, to the
3494 commission members, and to the public upon request.

3495 10. In conducting a review of the proposed manatee
3496 protection rule, the local rule review committees may address
3497 such factors as whether the best available scientific information
3498 supports the proposed rule, whether seasonal zones are warranted,
3499 and such other factors as may be necessary to balance manatee
3500 protection and public access to and use of the waters being
3501 regulated under the proposed rule.

3502 11. The written reports submitted by the local rule review
3503 committees shall contain a majority opinion. If the majority
3504 opinion is not unanimous, a minority opinion shall also be
3505 included.

3506 12. The members of the commission shall fully consider any
3507 timely submitted written report submitted by a local rule review
3508 committee prior to authorizing commission staff to move forward
3509 with proposed rulemaking and shall fully consider any timely

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3510 submitted subsequent reports of the committee prior to adoption
3511 of a final rule. The written reports of the local rule review
3512 committees and the written responses of the commission staff
3513 shall be part of the rulemaking record and may be submitted as
3514 evidence regarding the committee's recommendations in any
3515 proceeding relating to a rule proposed or adopted pursuant to
3516 this subsection.

3517 13. The commission is relieved of any obligations regarding
3518 the local rule review committee process created in this paragraph
3519 if a timely noticed county commission fails to timely designate
3520 the required rule review committee.

3521 (g) In order to protect manatees or sea cows from harmful
3522 collisions with motorboats or from harassment, the Fish and
3523 Wildlife Conservation Commission is authorized, in addition to
3524 all other authority, to provide a permitting agency with comments
3525 regarding the expansion of existing, or the construction of new,
3526 marine facilities and mooring or docking slips, by the addition
3527 or construction of five or more powerboat slips. The commission
3528 shall adopt rules under chapter 120 regulating the operation and
3529 speed of motorboat traffic only where manatee sightings are
3530 frequent and the best available scientific information, as well
3531 as other available, relevant, and reliable information, which may
3532 include but is not limited to, manatee surveys, observations,
3533 available studies of food sources, and water depths, supports the
3534 conclusions that manatees inhabit these areas on a regular basis:

3535 1. In Lee County: the entire Orange River, including the
3536 Tice Florida Power and Light Corporation discharge canal and
3537 adjoining waters of the Caloosahatchee River within 1 mile of the
3538 confluence of the Orange and Caloosahatchee Rivers.

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- 3539 2. In Brevard County: those portions of the Indian River
3540 within three-fourths of a mile of the Orlando Utilities
3541 Commission Delespine power plant effluent and the Florida Power
3542 and Light Frontenac power plant effluents.
- 3543 3. In Indian River County: the discharge canals of the Vero
3544 Beach Municipal Power Plant and connecting waters within 11/4
3545 miles thereof.
- 3546 4. In St. Lucie County: the discharge of the Henry D. King
3547 Municipal Electric Station and connecting waters within 1 mile
3548 thereof.
- 3549 5. In Palm Beach County: the discharges of the Florida
3550 Power and Light Riviera Beach power plant and connecting waters
3551 within 11/2 miles thereof.
- 3552 6. In Broward County: the discharge canal of the Florida
3553 Power and Light Port Everglades power plant and connecting waters
3554 within 11/2 miles thereof and the discharge canal of the Florida
3555 Power and Light Fort Lauderdale power plant and connecting waters
3556 within 2 miles thereof. For purposes of ensuring the physical
3557 safety of boaters in a sometimes turbulent area, the area from
3558 the easternmost edge of the authorized navigation project of the
3559 intracoastal waterway east through the Port Everglades Inlet is
3560 excluded from this regulatory zone.
- 3561 7. In Citrus County: headwaters of the Crystal River,
3562 commonly referred to as King's Bay, and the Homosassa River.
- 3563 8. In Volusia County: Blue Springs Run and connecting
3564 waters of the St. Johns River within 1 mile of the confluence of
3565 Blue Springs and the St. Johns River; and Thompson Creek,
3566 Strickland Creek, Dodson Creek, and the Tomoka River.
- 3567 9. In Hillsborough County: that portion of the Alafia River

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3568 from the main shipping channel in Tampa Bay to U.S. Highway 41.

3569 10. In Sarasota County: the Venice Inlet and connecting
3570 waters within 1 mile thereof, including Lyons Bay, Donna Bay,
3571 Roberts Bay, and Hatchett Creek, excluding the waters of the
3572 intracoastal waterway and the right-of-way bordering the
3573 centerline of the intracoastal waterway.

3574 11. In Collier County: within the Port of Islands, within
3575 section 9, township 52 south, range 28 east, and certain
3576 unsurveyed lands, all east-west canals and the north-south canals
3577 to the southerly extent of the intersecting east-west canals
3578 which lie southerly of the centerline of U.S. Highway 41.

3579 12. In Manatee County: that portion of the Manatee River
3580 east of the west line of section 17, range 19 east, township 34
3581 south; the Braden River south of the north line and east of the
3582 west line of section 29, range 18 east, township 34 south; Terra
3583 Ceia Bay and River, east of the west line of sections 26 and 35
3584 of range 17 east, township 33 south, and east of the west line of
3585 section 2, range 17 east, township 34 south; and Bishop Harbor
3586 east of the west line of section 13, range 17 east, township 33
3587 south.

3588 13. In Miami-Dade County: those portions of Black Creek
3589 lying south and east of the water control dam, including all boat
3590 basins and connecting canals within 1 mile of the dam.

3591 (h) The Fish and Wildlife Conservation Commission shall
3592 adopt rules pursuant to chapter 120 regulating the operation and
3593 speed of motorboat traffic only where manatee sightings are
3594 frequent and the best available scientific information, as well
3595 as other available, relevant, and reliable information, which may
3596 include but is not limited to, manatee surveys, observations,

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3597 available studies of food sources, and water depths, supports the
3598 conclusion that manatees inhabit these areas on a regular basis
3599 within that portion of the Indian River between the St. Lucie
3600 Inlet in Martin County and the Jupiter Inlet in Palm Beach County
3601 and within the Loxahatchee River in Palm Beach and Martin
3602 Counties, including the north and southwest forks thereof.

3603 (i) The commission shall adopt rules pursuant to chapter
3604 120 regulating the operation and speed of motorboat traffic only
3605 where manatee sightings are frequent and the best available
3606 scientific information, as well as other available, relevant, and
3607 reliable information, which may include but is not limited to,
3608 manatee surveys, observations, available studies of food sources,
3609 and water depths, supports the conclusion that manatees inhabit
3610 these areas on a regular basis within the Withlacoochee River and
3611 its tributaries in Citrus and Levy Counties. The specific areas
3612 to be regulated include the Withlacoochee River and the U.S. 19
3613 bridge westward to a line between U.S. Coast Guard markers number
3614 33 and number 34 at the mouth of the river, including all side
3615 channels and coves along that portion of the river; Bennets'
3616 Creek from its beginning to its confluence with the Withlacoochee
3617 River; Bird's Creek from its beginning to its confluence with the
3618 Withlacoochee River; and the two dredged canal systems on the
3619 north side of the Withlacoochee River southwest of Yankeetown.

3620 (j) If any new power plant is constructed or other source
3621 of warm water discharge is discovered within the state which
3622 attracts a concentration of manatees or sea cows, the commission
3623 is directed to adopt rules pursuant to chapter 120 regulating the
3624 operation and speed of motorboat traffic within the area of such
3625 discharge. Such rules shall designate a zone which is sufficient

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3626 in size, and which shall remain in effect for a sufficient period
3627 of time, to protect the manatees or sea cows.

3628 (k) It is the intent of the Legislature to allow the Fish
3629 and Wildlife Conservation Commission to post and regulate boat
3630 speeds only where the best available scientific information, as
3631 well as other available, relevant, and reliable information,
3632 which may include but is not limited to, manatee surveys,
3633 observations, available studies of food sources, and water depth,
3634 supports the conclusion that manatees inhabit these areas on a
3635 periodic basis. It is not the intent of the Legislature to permit
3636 the commission to post and regulate boat speeds generally
3637 throughout the waters of the state, thereby unduly interfering
3638 with the rights of fishers, boaters, and water skiers using the
3639 areas for recreational and commercial purposes. The Legislature
3640 further intends that the commission may identify and designate
3641 limited lanes or corridors providing for reasonable motorboat
3642 speeds within waters of the state whenever such lanes and
3643 corridors are consistent with manatee protection.

3644 (l) The commission shall adopt rules pursuant to chapter
3645 120 regulating the operation and speed of motorboat traffic all
3646 year around within Turkey Creek and its tributaries and within
3647 Manatee Cove in Brevard County. The specific areas to be
3648 regulated consist of:

3649 1. A body of water which starts at Melbourne-Tillman
3650 Drainage District structure MS-1, section 35, township 28 south,
3651 range 37 east, running east to include all natural waters and
3652 tributaries of Turkey Creek, section 26, township 28 south, range
3653 37 east, to the confluence of Turkey Creek and the Indian River,
3654 section 24, township 28 south, range 37 east, including all

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3655 lagoon waters of the Indian River bordered on the west by Palm
3656 Bay Point, the north by Castaway Point, the east by the four
3657 immediate spoil islands, and the south by Cape Malabar, thence
3658 northward along the shoreline of the Indian River to Palm Bay
3659 Point.

3660 2. A triangle-shaped body of water forming a cove (commonly
3661 referred to as Manatee Cove) on the east side of the Banana
3662 River, with northern boundaries beginning and running parallel to
3663 the east-west cement bulkhead located 870 feet south of SR 520
3664 Relief Bridge in Cocoa Beach and with western boundaries running
3665 in line with the City of Cocoa Beach channel markers 121 and 127
3666 and all waters east of these boundaries in section 34, township
3667 24 south, range 37 east; the center coordinates of this cove are
3668 28°20'14" north, 80°35'17" west.

3669 (m) The commission shall promulgate regulations pursuant to
3670 chapter 120 relating to the operation and speed of motor boat
3671 traffic in port waters with due regard to the safety requirements
3672 of such traffic and the navigational hazards related to the
3673 movement of commercial vessels.

3674 (n) The commission may designate by rule adopted pursuant
3675 to chapter 120 other portions of state waters where manatees are
3676 frequently sighted and the best available scientific information,
3677 as well as other available, relevant, and reliable information,
3678 which may include but is not limited to, manatee surveys,
3679 observations, available studies of food sources, and water
3680 depths, supports the conclusion that manatees inhabit such waters
3681 periodically. Upon designation of such waters, the commission
3682 shall adopt rules pursuant to chapter 120 to regulate motorboat
3683 speed and operation which are necessary to protect manatees from

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3684 harmful collisions with motorboats and from harassment. The
3685 commission may adopt rules pursuant to chapter 120 to protect
3686 manatee habitat, such as seagrass beds, within such waters from
3687 destruction by boats or other human activity. Such rules shall
3688 not protect noxious aquatic plants subject to control under s.
3689 369.20.

3690 (o) The commission may designate, by rule adopted pursuant
3691 to chapter 120, limited areas as a safe haven for manatees to
3692 rest, feed, reproduce, give birth, or nurse undisturbed by human
3693 activity. Access by motor boat to private residences, boat
3694 houses, and boat docks through these areas by residents, and
3695 their authorized guests, who must cross one of these areas to
3696 have water access to their property is permitted when the
3697 motorboat is operated at idle speed, no wake.

3698 (p) Except in the marked navigation channel of the Florida
3699 Intracoastal Waterway as defined in s. 327.02 and the area within
3700 100 feet of such channel, a local government may regulate, by
3701 ordinance, motorboat speed and operation on waters within its
3702 jurisdiction where the best available scientific information, as
3703 well as other available, relevant, and reliable information,
3704 which may include but is not limited to, manatee surveys,
3705 observations, available studies of food sources, and water
3706 depths, supports the conclusion that manatees inhabit these areas
3707 on a regular basis. However, such an ordinance may not take
3708 effect until it has been reviewed and approved by the commission.
3709 If the commission and a local government disagree on the
3710 provisions of an ordinance, a local manatee protection committee
3711 must be formed to review the technical data of the commission and
3712 the United States Fish and Wildlife Service, and to resolve

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3713 conflicts regarding the ordinance. The manatee protection
3714 committee must be comprised of:

- 3715 1. A representative of the commission;
- 3716 2. A representative of the county;
- 3717 3. A representative of the United States Fish and Wildlife
3718 Service;
- 3719 4. A representative of a local marine-related business;
- 3720 5. A representative of the Save the Manatee Club;
- 3721 6. A local fisher;
- 3722 7. An affected property owner; and
- 3723 8. A representative of the Florida Marine Patrol.

3724

3725 If local and state regulations are established for the same area,
3726 the more restrictive regulation shall prevail.

3727 (q) The commission shall evaluate the need for use of
3728 fenders to prevent crushing of manatees between vessels (100' or
3729 larger) and bulkheads or wharves in counties where manatees have
3730 been crushed by such vessels. For areas in counties where
3731 evidence indicates that manatees have been crushed between
3732 vessels and bulkheads or wharves, the commission shall:

- 3733 1. Adopt rules pursuant to chapter 120 requiring use of
3734 fenders for construction of future bulkheads or wharves; and
- 3735 2. Implement a plan and time schedule to require
3736 retrofitting of existing bulkheads or wharves consistent with
3737 port bulkhead or wharf repair or replacement schedules.

3738

3739 The fenders shall provide sufficient standoff from the bulkhead
3740 or wharf under maximum operational compression to ensure that
3741 manatees cannot be crushed between the vessel and the bulkhead or

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3742 wharf.

3743 (r) Any violation of a restricted area established by this
3744 subsection, or established by rule pursuant to chapter 120 or
3745 ordinance pursuant to this subsection, shall be considered a
3746 violation of the boating laws of this state and shall be charged
3747 on a uniform boating citation as provided in s. 327.74, except as
3748 otherwise provided in paragraph (s). Any person who refuses to
3749 post a bond or accept and sign a uniform boating citation shall,
3750 as provided in s. 327.73(3), be guilty of a misdemeanor of the
3751 second degree, punishable as provided in s. 775.082 or s.
3752 775.083.

3753 (s) Except as otherwise provided in this paragraph, any
3754 person violating the provisions of this subsection or any rule or
3755 ordinance adopted pursuant to this subsection commits a
3756 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)
3757 ~~370.021(1)(a) or (b)~~.

3758 1. Any person operating a vessel in excess of a posted
3759 speed limit shall be guilty of a civil infraction, punishable as
3760 provided in s. 327.73, except as provided in subparagraph 2.

3761 2. This paragraph does not apply to persons violating
3762 restrictions governing "No Entry" zones or "Motorboat Prohibited"
3763 zones, who, if convicted, shall be guilty of a misdemeanor,
3764 punishable as provided in s. 379.407(1)(a) or (b) ~~370.021(1)(a)~~
3765 ~~or (b)~~, or, if such violation demonstrates blatant or willful
3766 action, may be found guilty of harassment as described in
3767 paragraph (d).

3768 3. A person may engage in any activity otherwise prohibited
3769 by this subsection or any rule or ordinance adopted pursuant to
3770 this subsection if the activity is reasonably necessary in order

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3771 to prevent the loss of human life or a vessel in distress due to
3772 weather conditions or other reasonably unforeseen circumstances,
3773 or in order to render emergency assistance to persons or a vessel
3774 in distress.

3775 (t)1. In order to protect manatees and manatee habitat, the
3776 counties identified in the Governor and Cabinet's October 1989
3777 Policy Directive shall develop manatee protection plans
3778 consistent with commission criteria based upon "Schedule K" of
3779 the directive, and shall submit such protection plans for review
3780 and approval by the commission. Any manatee protection plans not
3781 submitted by July 1, 2004, and any plans not subsequently
3782 approved by the commission shall be addressed pursuant to
3783 subparagraph 2.

3784 2. No later than January 1, 2005, the Fish and Wildlife
3785 Conservation Commission shall designate any county it has
3786 identified as a substantial risk county for manatee mortality as
3787 a county that must complete a manatee protection plan by July 1,
3788 2006. The commission is authorized to adopt rules pursuant to s.
3789 120.54 for identifying substantial risk counties and establishing
3790 criteria for approval of manatee protection plans for counties so
3791 identified. Manatee protection plans shall include the following
3792 elements at a minimum: education about manatees and manatee
3793 habitat; boater education; an assessment of the need for new or
3794 revised manatee protection speed zones; local law enforcement;
3795 and a boat facility siting plan to address expansion of existing
3796 and the development of new marinas, boat ramps, and other
3797 multislip boating facilities.

3798 3. Counties required to adopt manatee protection plans
3799 under this paragraph shall incorporate the boating facility

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3800 | siting element of those protection plans within their respective
3801 | comprehensive plans.

3802 | 4. Counties that have already adopted approved manatee
3803 | protection plans, or that adopt subsequently approved manatee
3804 | protection plans by the effective date of this act, are in
3805 | compliance with the provisions of this paragraph so long as they
3806 | incorporate their approved boat facility siting plan into the
3807 | appropriate element of their local comprehensive plan no later
3808 | than July 1, 2003.

3809 | (u)1. Existing state manatee protection rules shall be
3810 | given great weight in determining whether additional rules are
3811 | necessary in a region where the measurable goals developed
3812 | pursuant to s. 379.2291 ~~372.072~~ have been achieved. However, the
3813 | commission may amend existing rules or adopt new rules to address
3814 | risks or circumstances in a particular area or waterbody to
3815 | protect manatees.

3816 | 2. As used in this paragraph, the term "region" means one
3817 | of the four geographic areas defined by the United States Fish
3818 | and Wildlife Service in the Florida Manatee Recovery Plan, 3rd
3819 | revision (October 30, 2001).

3820 | (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It is
3821 | unlawful to catch, attempt to catch, molest, injure, kill, or
3822 | annoy, or otherwise interfere with the normal activity and well-
3823 | being of, mammalian dolphins (porpoises), except as may be
3824 | authorized by a federal permit.

3825 | (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

3826 | (a) Each fiscal year the Save the Manatee Trust Fund shall
3827 | be available to fund an impartial scientific benchmark census of
3828 | the manatee population in the state. Weather permitting, the

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3829 study shall be conducted annually by the Fish and Wildlife
3830 Conservation Commission and the results shall be made available
3831 to the President of the Senate, the Speaker of the House of
3832 Representatives, and the Governor and Cabinet for use in the
3833 evaluation and development of manatee protection measures. In
3834 addition, the Save the Manatee Trust Fund shall be available for
3835 annual funding of activities of public and private organizations
3836 and those of the commission intended to provide manatee and
3837 marine mammal protection and recovery effort; manufacture and
3838 erection of informational and regulatory signs; production,
3839 publication, and distribution of educational materials;
3840 participation in manatee and marine mammal research programs,
3841 including carcass salvage and other programs; programs intended
3842 to assist the recovery of the manatee as an endangered species,
3843 assist the recovery of the endangered or threatened marine
3844 mammals, and prevent the endangerment of other species of marine
3845 mammals; and other similar programs intended to protect and
3846 enhance the recovery of the manatee and other species of marine
3847 mammals.

3848 (b) By December 1 each year, the Fish and Wildlife
3849 Conservation Commission shall provide the President of the Senate
3850 and the Speaker of the House of Representatives a written report,
3851 enumerating the amounts and purposes for which all proceeds in
3852 the Save the Manatee Trust Fund for the previous fiscal year are
3853 expended, in a manner consistent with those recovery tasks
3854 enumerated within the manatee recovery plan as required by the
3855 Endangered Species Act.

3856 (c) When the federal and state governments remove the
3857 manatee from status as an endangered or threatened species, the

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3858 | annual allocation may be reduced.

3859 | (d) Up to 10 percent of the annual use fee deposited in the
3860 | Save the Manatee Trust Fund from the sale of the manatee license
3861 | plate authorized in s. 320.08058 may be used to promote and
3862 | market the license plate issued by the Department of Highway
3863 | Safety and Motor Vehicles after June 30, 2007.

3864 | ~~(e) During the 2007-2008 fiscal year, the annual use fee~~
3865 | ~~deposited into the Save the Manatee Trust Fund from the sale of~~
3866 | ~~the manatee license plate authorized in s. 320.08058 may be used~~
3867 | ~~by the commission to buy back any manatee license plates not~~
3868 | ~~issued by the Department of Highway Safety and Motor Vehicles.~~
3869 | ~~This paragraph expires July 1, 2008.~~

3870 | Section 73. Section 370.1201, Florida Statutes, is
3871 | renumbered as section, 379.2432, Florida Statutes, to read:

3872 | 379.2432 ~~370.1201~~ Manatee protection; intent; conduct of
3873 | studies; initiatives and plans.--It is the intent of the
3874 | Legislature that the commission request the necessary funding and
3875 | staffing through a general revenue budget request to ensure that
3876 | manatees receive the maximum protection possible. The Legislature
3877 | recognizes that strong manatee protection depends upon
3878 | consistently achieving a high degree of compliance with existing
3879 | and future rules. The commission shall conduct standardized
3880 | studies to determine levels of public compliance with manatee
3881 | protection rules, and shall use the results of the studies,
3882 | together with other relevant information, to develop and
3883 | implement strategic law enforcement initiatives and boater
3884 | education plans. Drawing upon information obtained from the
3885 | compliance studies and the implementation of enforcement
3886 | initiatives together with boater education plans, the commission

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3887 shall identify any impediments in consistently achieving high
3888 levels of compliance, and adjust their enforcement and boater
3889 education efforts accordingly.

3890 Section 74. Section 370.1202, Florida Statutes, is
3891 renumbered as section 379.2433, Florida Statutes, to read:

3892 379.2433 ~~370.1202~~ Enhanced manatee protection study.--

3893 (1) The Fish and Wildlife Conservation Commission shall
3894 implement and administer an enhanced manatee protection study
3895 designed to increase knowledge of the factors that determine the
3896 size and distribution of the manatee population in the waters of
3897 the state. The enhanced study shall be used by the commission in
3898 its mission to provide manatees with the maximum protection
3899 possible, while also allowing maximum recreational use of the
3900 state's waterways. The goal of the enhanced study is to collect
3901 data that will enable resource managers and state and local
3902 policymakers, in consultation with the public, to develop and
3903 implement sound science-based policies to improve manatee
3904 habitat, establish manatee protection zones, and maximize the
3905 size of safe boating areas for recreational use of state waters
3906 without endangering the manatee population.

3907 (2) (a) As part of the enhanced manatee protection study,
3908 the Legislature intends that the commission shall contract with
3909 Mote Marine Laboratory to conduct a manatee habitat and submerged
3910 aquatic vegetation assessment that specifically considers:

3911 1. Manatee populations that congregate in the warm water
3912 discharge sites at power plants in the state and the potential
3913 risks for disease resulting from increased congregation of
3914 manatees at these sites;

3915 2. Development of research, monitoring, and submerged

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3916 aquatic vegetation restoration priorities for manatee habitat in
3917 and near the warm water discharge sites at power plants in the
3918 state; and

3919 3. The potential impacts on manatees and manatee habitat if
3920 power plants that provide warm water discharge sites where
3921 manatees congregate are closed, including how closure will affect
3922 the size and health of submerged aquatic vegetation areas.

3923 (b) The Mote Marine Laboratory must submit an interim
3924 report on the manatee habitat and submerged aquatic vegetation
3925 assessment to the Governor, the Legislature, and the commission
3926 by September 1, 2006. The interim report must detail the progress
3927 of the assessment. The final report, due to the Governor, the
3928 Legislature, and the commission by January 1, 2007, must detail
3929 the results of the assessment and include recommendations for
3930 protection of manatee habitat in warm water discharge sites at
3931 power plants in the state.

3932 (c) The commission shall ensure that funds allocated to
3933 implement the manatee habitat and submerged aquatic vegetation
3934 assessment are expended in a manner that is consistent with the
3935 requirements of this subsection. The commission may require an
3936 annual audit of the expenditures made by Mote Marine Laboratory.
3937 Copies of any audit requested under this subsection must be
3938 provided to the appropriate substantive and appropriations
3939 committees of the Senate and the House of Representatives as they
3940 become available.

3941 (3) As part of the enhanced manatee protection study, the
3942 Legislature intends that the commission must conduct a signage
3943 and boat speed assessment to evaluate the effectiveness of
3944 manatee protection signs and sign placement and to assess boat

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3945 speeds. The commission shall evaluate existing data on manatee
3946 mortality before and after existing manatee protection zones were
3947 established, boater compliance and comprehension of regulatory
3948 signs and buoys, changes in boating traffic patterns, and manatee
3949 distribution and behavior. The commission shall also provide
3950 recommendations on innovative marker designs that are in
3951 compliance with the federal aids to navigation system. The
3952 signage and boat speed assessment must address:

3953 (a) The effectiveness of signs and buoys to warn boaters of
3954 manatee slow-speed zones, with a goal of developing federally
3955 approved standards for marking manatee protection zones;

3956 (b) A determination of where buoys may be used in place of
3957 pilings for boating safety purposes; and

3958 (c) An evaluation of higher speed travel corridors in
3959 manatee zones to determine the most effective speed to balance
3960 safe boating, recreational use, vessel operating characteristics,
3961 and manatee protection.

3962
3963 The commission shall complete its signage and boat speed
3964 assessment by January 1, 2007, and must submit a report of its
3965 findings to the Governor, the President of the Senate, and the
3966 Speaker of the House of Representatives by February 1, 2007. The
3967 report must detail the results of the assessment and identify
3968 specific recommendations for developing state and local policies
3969 relating to the appropriate placement of signs, including
3970 innovative markers, in manatee slow-speed zones.

3971 (4) The commission is authorized to develop and implement
3972 the use of genetic tagging to improve its ability to assess the
3973 status and health of the manatee population, including the health

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3974 and reproductive capacity of manatees, estimating annual survival
3975 rates through mark recapture studies, determining migration
3976 patterns, and determining maternity and paternity. The
3977 development and use of genetic tagging may be done in cooperation
3978 with federal agencies or other entities, such as genetic
3979 laboratories at schools within the State University System.

3980 Section 75. Section 370.10, Florida Statutes, is renumbered
3981 as section 379.244, Florida Statutes, to read:

3982 379.244 ~~370.10~~ Crustacea, marine animals, fish;
3983 regulations; general provisions.--

3984 (1) OWNERSHIP OF FISH, SPONGES, ETC.--All fish, shellfish,
3985 sponges, oysters, clams, and crustacea found within the rivers,
3986 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets, and
3987 other bodies of water within the jurisdiction of the state, and
3988 within the Gulf of Mexico and the Atlantic Ocean within the
3989 jurisdiction of the state, excluding all privately owned enclosed
3990 fish ponds not exceeding 150 acres, are the property of the state
3991 and may be taken and used by its citizens and persons not
3992 citizens, subject to the reservations and restrictions imposed by
3993 these statutes. No water bottoms owned by the state shall ever be
3994 sold, transferred, dedicated, or otherwise conveyed without
3995 reserving in the people the absolute right to fish thereon,
3996 except as otherwise provided in these statutes.

3997 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
3998 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION
3999 PURPOSES.--Notwithstanding any other provisions of general or
4000 special law to the contrary, the Fish and Wildlife Conservation
4001 Commission may authorize, upon such terms, conditions, and
4002 restrictions as it may prescribe by rule, any properly accredited

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4003 person to harvest or possess indigenous or nonindigenous
4004 saltwater species for experimental, scientific, education, and
4005 exhibition purposes or to harvest or possess reasonable
4006 quantities of aquacultural species for brood stock. Such
4007 authorizations may allow collection of specimens without regard
4008 to, and not limited to, size, seasonal closure, collection
4009 method, reproductive state, or bag limit. Authorizations issued
4010 under the provisions of this section may be suspended or revoked
4011 by the Fish and Wildlife Conservation Commission if it finds that
4012 the person has violated this section, Fish and Wildlife
4013 Conservation Commission rules or orders, or terms or conditions
4014 of the authorization or has submitted false or inaccurate
4015 information in his or her application.

4016 Section 76. Section 370.1405, Florida Statutes, is
4017 renumbered as section 379.245, Florida Statutes, and amended to
4018 read:

4019 379.245 ~~370.1405~~ Spiny lobster reports by dealers during
4020 closed season required.--

4021 (1) Within 3 days after the commencement of the closed
4022 season for the taking of spiny lobster, each and every seafood
4023 dealer, either retail or wholesale, intending to possess whole
4024 spiny lobster, spiny lobster tails, or spiny lobster meat during
4025 closed season shall submit to the Fish and Wildlife Conservation
4026 Commission, on forms provided by the commission, a sworn report
4027 of the quantity, in pounds, of whole spiny lobster, spiny lobster
4028 tails, and spiny lobster meat in the dealer's name or possession
4029 as of the date the season closed. This report shall state the
4030 location and number of pounds of whole spiny lobster, spiny
4031 lobster tails, and spiny lobster meat. The commission shall not

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4032 accept any reports not delivered or postmarked by midnight of the
4033 3rd calendar day after the commencement of the closed season, and
4034 any stocks of spiny lobster reported therein are declared a
4035 nuisance and may be seized by the commission.

4036 (2) Failure to submit a report as described in subsection
4037 (1) or reporting a greater or lesser amount of whole spiny
4038 lobster, spiny lobster tails, or spiny lobster meat than is
4039 actually in the dealer's possession or name is a major violation
4040 of this chapter, punishable as provided in s. 379.407(1), 379.414
4041 ~~370.021(1)~~, ~~s. 370.07(6)(b)~~, or both. The commission shall seize
4042 the entire supply of unreported or falsely reported whole spiny
4043 lobster, spiny lobster tails, or spiny lobster meat, and shall
4044 carry the same before the court for disposal. The dealer shall
4045 post a cash bond in the amount of the fair value of the entire
4046 quantity of unreported or falsely reported spiny lobster as
4047 determined by the judge. After posting the cash bond, the dealer
4048 shall have 24 hours to transport said products outside the limits
4049 of Florida for sale as provided by s. 379.337 ~~370.061~~. Otherwise,
4050 the product shall be declared a nuisance and disposed of by the
4051 commission according to law.

4052 (3) All dealers having reported stocks of spiny lobster may
4053 sell or offer to sell such stocks of spiny lobster; however, such
4054 dealers shall submit an additional report on the last day of each
4055 month during the duration of the closed season. Reports shall be
4056 made on forms supplied by the commission. Each dealer shall state
4057 on this report the number of pounds brought forward from the
4058 previous report period, the number of pounds sold during the
4059 report period, the number of pounds, if any, acquired from a
4060 licensed wholesale dealer during the report period, and the

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4061 number of pounds remaining on hand. In every case, the amount of
4062 spiny lobster sold plus the amount reported on hand shall equal
4063 the amount acquired plus the amount reported remaining on hand in
4064 the last submitted report. Copies of records or invoices
4065 documenting the number of pounds acquired during the closed
4066 season must be maintained by the wholesale or retail dealer and
4067 shall be kept available for inspection by the commission for a
4068 period not less than 3 years from the date of the recorded
4069 transaction. Reports postmarked later than midnight on the 3rd
4070 calendar day of each month during the duration of the closed
4071 season will not be accepted by the commission. Dealers for which
4072 late supplementary reports are not accepted by the commission
4073 must show just cause why their entire stock of whole spiny
4074 lobster, spiny lobster tails, or spiny lobster meat should not be
4075 seized by the commission. Whenever a dealer fails to timely
4076 submit the monthly supplementary report as described in this
4077 subsection, the dealer may be subject to the following civil
4078 penalties:

4079 (a) For a first violation, the commission shall assess a
4080 civil penalty of \$500.

4081 (b) For a second violation within the same spiny lobster
4082 closed season, the commission shall assess a civil penalty of
4083 \$1,000.

4084 (c) For a third violation within the same spiny lobster
4085 closed season, the commission shall assess a civil penalty of
4086 \$2,500 and may seize said dealer's entire stock of whole spiny
4087 lobster, spiny lobster tails, or spiny lobster meat and carry the
4088 same before the court for disposal. The dealer shall post a cash
4089 bond in the amount of the fair value of the entire remaining

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4090 quantity of spiny lobster as determined by the judge. After
4091 posting the cash bond, a dealer shall have 24 hours to transport
4092 said products outside the limits of Florida for sale as provided
4093 by s. 379.337 ~~370.061~~. Otherwise, the product shall be declared a
4094 nuisance and disposed of by the commission according to law.

4095 (4) All seafood dealers shall at all times during the
4096 closed season make their stocks of whole spiny lobster, spiny
4097 lobster tails, or spiny lobster meat available for inspection by
4098 the commission.

4099 (5) Each wholesale and retail dealer in whole spiny
4100 lobster, spiny lobster tails, or spiny lobster meat shall keep
4101 throughout the period of the spiny lobster closed season copies
4102 of the bill of sale or invoice covering each transaction
4103 involving whole spiny lobster, spiny lobster tails, or spiny
4104 lobster meat. Such invoices and bills shall be kept available at
4105 all times for inspection by the commission.

4106 (6) The Fish and Wildlife Conservation Commission may adopt
4107 rules incorporating by reference such forms as are necessary to
4108 administer this section.

4109 Section 77. Section 370.151, Florida Statutes, is
4110 renumbered as section 379.246, Florida Statutes, and amended to
4111 read:

4112 379.246 ~~370.151~~ Tortugas shrimp beds; gifted and loan
4113 property penalties.--

4114 ~~(1) It is the intention of the Legislature that action~~
4115 ~~should be taken to conserve the supply of shrimp in the large~~
4116 ~~shrimp beds which lie in and around the coast of the Lower Keys~~
4117 ~~of Florida and in the vicinity of the islands of Dry Tortugas in~~
4118 ~~the Florida Keys, hereinafter referred to as the "Tortugas Shrimp~~

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4119 ~~Bed," and which furnish more than 50 percent of the shrimp in~~
4120 ~~waters adjacent to the coast of Florida. It is further the sense~~
4121 ~~of this Legislature that the shrimp industry is a valuable~~
4122 ~~industry to the economy of this state and deserves adequate~~
4123 ~~protection.~~

4124 (1)~~(2)(a)~~ The Fish and Wildlife Conservation Commission is
4125 authorized to take title in the name of the state to any vessel
4126 or vessels suitable for use in carrying out the inspection and
4127 patrol of the Tortugas Bed which may be offered as a gift to the
4128 state by any person, firm, corporation, or association in the
4129 shrimp industry for the purpose of carrying out the provisions of
4130 this section. In the event such title is taken to such vessel or
4131 vessels, the commission is authorized to operate and keep said
4132 vessel or vessels in proper repair.

4133 (2)~~(b)~~ The commission is further authorized to accept the
4134 temporary loan of any vessel or vessels, suitable for use in
4135 carrying out the provisions of this section, for periods not
4136 exceeding 1 year. However, the state shall not assume any
4137 liability to the owner or owners of said vessels for any damage
4138 done by said vessels to other vessels, persons, or property. In
4139 the operation of said loaned vessels, upkeep and repair shall
4140 consist only of minor repairs and routine maintenance. The owner
4141 or owners shall carry full marine insurance coverage on said
4142 loaned vessel or vessels for the duration of the period during
4143 which said vessels are operated by the state.

4144 ~~(3) The owner or master of any vessel not equipped with~~
4145 ~~live shrimp bait tanks dragging shrimp nets in the above-defined~~
4146 ~~area without a live bait shrimping license for this area is~~
4147 ~~guilty of a violation of this section. A third or any subsequent~~

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4148 ~~violation by any person under this subsection within a 3-year~~
4149 ~~period shall be a felony of the third degree, punishable as~~
4150 ~~provided in ss. 775.082 and 775.083.~~

4151 Section 78. Section 370.153, Florida Statutes, is
4152 renumbered as section 379.247, Florida Statutes, and amended to
4153 read:

4154 379.247 ~~370.153~~ Regulation of shrimp fishing; Clay, Duval,
4155 Nassau, Putnam, Flagler, and St. Johns Counties.--

4156 (1) DEFINITIONS.--When used in this section, unless the
4157 context clearly requires otherwise:

4158 (a) "Inland waters" means all creeks, rivers, bayous, bays,
4159 inlets, and canals.

4160 (b) "Sample" means one or more shrimp taken from an
4161 accurately defined part of the area defined.

4162 (c) "Series" means 10 or more samples taken within a period
4163 of not more than 1 week, each sample being taken at a different
4164 station within the pattern.

4165 (d) "Pattern" means 10 or more stations.

4166 (e) "Station" means a single location on the water of the
4167 areas defined.

4168 (f) "Licensed live bait shrimp producer" means any
4169 individual licensed by the Fish and Wildlife Conservation
4170 Commission to employ the use of any trawl for the taking of live
4171 bait shrimp within the inland waters of Nassau, Duval, St. Johns,
4172 Putnam, Flagler, or Clay Counties.

4173 (g) "Licensed dead shrimp producer" means any individual
4174 licensed by the Fish and Wildlife Conservation Commission to
4175 employ the use of any trawl for the taking of shrimp within the
4176 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or

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4177 Clay Counties.

4178 (2) SHRIMPING PROHIBITED.--It is unlawful to employ the use
4179 of any trawl or other net, except a common cast net, designed for
4180 or capable of taking shrimp, within the inland waters of Nassau,
4181 Duval, St. Johns, Putnam, Flagler, or Clay Counties, except as
4182 hereinafter provided.

4183 (3) LIVE BAIT SHRIMP PRODUCTION.--

4184 (a) A live bait shrimp production license shall be issued
4185 by the Fish and Wildlife Conservation Commission upon the receipt
4186 of an application by a person intending to use a boat, not to
4187 exceed 35 feet in length in Duval, St. Johns, Putnam, Flagler,
4188 and Clay Counties and not to exceed 45 feet in length in Nassau
4189 County, for live shrimp production within the inland waters of
4190 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties and
4191 the payment of a fee of \$250. The annual fee of \$250 shall be
4192 collected by the commission for the issuance of the license
4193 during a 60-day period beginning June 1 of each year. The design
4194 of the application and permit shall be determined by the
4195 commission. The proceeds of the fee imposed by this paragraph
4196 shall be used by the Fish and Wildlife Conservation Commission
4197 for the purposes of enforcement of marine resource laws.

4198 (b) The Executive Director of the Fish and Wildlife
4199 Conservation Commission, or his or her designated representative,
4200 may by order close certain areas to live bait shrimp production
4201 when sampling procedures justify the closing based upon sound
4202 conservation practices. The revocation of any order to close has
4203 the effect of opening the area.

4204 (c)1. Each licensed live bait shrimp producer who stores
4205 his or her catch for sale or sells his or her catch shall either:

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4206 a. Maintain onshore facilities which have been annually
4207 checked and approved by the local commission office to assure the
4208 facilities' ability to maintain the catch alive when the live
4209 bait shrimp producer produces for his or her own facility; or

4210 b. Sell his or her catch only to persons who have onshore
4211 facilities that have been annually checked and approved by the
4212 local commission office to assure the facilities' ability to
4213 maintain the catch alive, when the producer sells his or her
4214 catch to an onshore facility. The producer shall provide the
4215 commission with the wholesale number of the facility to which the
4216 shrimp have been sold and shall submit this number on a form
4217 designed and approved by the commission.

4218 2. All persons who maintain onshore facilities as described
4219 in this paragraph, whether the facilities are maintained by the
4220 licensed live bait shrimp producer or by another party who
4221 purchases shrimp from live bait shrimp producers, shall keep
4222 records of their transactions in conformance with the provisions
4223 of s. 379.362(6) ~~370.07(6)~~.

4224 (d) All commercial trawling in Clay, Duval, and St. Johns
4225 Counties shall be restricted to the inland waters of the St.
4226 Johns River proper in the area north of the Acosta Bridge in
4227 Jacksonville and at least 100 yards from the nearest shoreline.

4228 (e) A live shrimp producer must also be a licensed
4229 wholesale dealer. Such person shall not sell live bait shrimp
4230 unless he or she produces a live bait shrimp production license
4231 at the time of sale.

4232 (f) The commission shall rename the Live Bait Shrimp
4233 Production License as the Commercial Live Shrimp Production
4234 License.

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4235 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as a
4236 commercial dead shrimp producer provided that:

4237 (a) A dead shrimp production permit is procured from the
4238 Fish and Wildlife Conservation Commission upon the receipt by the
4239 commission of a properly filled out and approved application by a
4240 person intending to use a boat, not to exceed 35 feet in length
4241 in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed
4242 45 feet in length in Nassau County, for dead shrimp production
4243 within the inland waters of Nassau County and the inland waters
4244 of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or
4245 Clay Counties, which permit shall cost \$250 and shall be required
4246 for each vessel used for dead shrimp production. The design of
4247 the application and permit shall be determined by the Fish and
4248 Wildlife Conservation Commission. The proceeds of the fees
4249 imposed by this paragraph shall be deposited into the account of
4250 the Marine Resources Conservation Trust Fund to be used by the
4251 commission for the purpose of enforcement of marine resource
4252 laws.

4253 (b) All commercial trawling in the St. Johns River proper
4254 shall be restricted to the area north of the Acosta Bridge in
4255 Jacksonville and at least 100 yards from the nearest shoreline.

4256 (c) All commercial shrimping activities shall be allowed
4257 during daylight hours from Tuesday through Friday each week.

4258 (d) No person holding a dead shrimp production permit
4259 issued pursuant to this subsection shall simultaneously hold a
4260 permit for noncommercial trawling under the provisions of
4261 subsection (5). The number of permits issued by the commission
4262 for commercial trawling or dead shrimp production in any one year
4263 shall be limited to those active in the base year, 1976, and

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4264 renewed annually since 1976. All permits for dead shrimp
4265 production issued pursuant to this section shall be inheritable
4266 or transferable to an immediate family member and annually
4267 renewable by the holder thereof. Such inheritance or transfer
4268 shall be valid upon being registered with the commission. Each
4269 permit not renewed shall expire and shall not be renewed under
4270 any circumstances.

4271 (e) It is illegal for any person to sell dead shrimp caught
4272 in the inland waters of Nassau, Duval, Clay, Putnam, and St.
4273 Johns Counties, unless the seller is in possession of a dead
4274 shrimp production license issued pursuant to this subsection.

4275 (f) It is illegal for any person to purchase shrimp for
4276 consumption or bait from any seller (with respect to shrimp
4277 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
4278 St. Johns Counties (St. Johns River)) who does not produce his or
4279 her dead shrimp production license prior to the sale of the
4280 shrimp.

4281 (g) In addition to any other penalties provided for in this
4282 section, any person who violates the provisions of this
4283 subsection shall have his or her license revoked by the
4284 commission.

4285 (h) The commission shall rename the Dead Shrimp Production
4286 License as the Commercial Food Shrimp Production License.

4287 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling is
4288 authorized by the Fish and Wildlife Conservation Commission, any
4289 person may trawl for shrimp in the St. Johns River for his or her
4290 own use as food under the following conditions:

4291 (a) Each person who desires to trawl for shrimp for use as
4292 food shall obtain a noncommercial trawling permit from the local

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4293 office of the Fish and Wildlife Conservation Commission upon
4294 filling out an application on a form prescribed by the commission
4295 and upon paying a fee for the permit, which shall cost \$50.

4296 (b) All trawling shall be restricted to the confines of the
4297 St. Johns River proper in the area north of the Acosta Bridge in
4298 Jacksonville and at least 100 yards from the nearest shoreline.

4299 (c) No shrimp caught by a person licensed under the
4300 provisions of this subsection may be sold or offered for sale.

4301 (6) SAMPLING PROCEDURE.--

4302 (a) The Executive Director of the Fish and Wildlife
4303 Conservation Commission shall have samples taken at established
4304 stations within patterns at frequent intervals.

4305 (b) No area may be closed to live bait shrimp production
4306 unless a series of samples has been taken and it has been
4307 determined that the shrimp are undersized or that continued
4308 shrimping in this area would have an adverse effect on
4309 conservation. Standards for size may be established by rule of
4310 the commission.

4311 (c) No area may be opened to dead shrimp production unless
4312 a series of samples has been taken and it has been determined
4313 that the shrimp are of legal size. Legal-sized shrimp shall be
4314 defined as not more than 47 shrimp with heads on, or 70 shrimp
4315 with heads off, per pound.

4316 (7) LICENSE POSSESSION.--The operator of a boat employing
4317 the use of any trawl for shrimp production must be in possession
4318 of a current shrimp production license issued to him or her
4319 pursuant to the provisions of this section.

4320 (8) USE OF TRAWL; LIMITATION.--

4321 (a) The use of a trawl by either a live bait shrimp

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4322 producer or dead shrimp producer shall be limited to the daylight
4323 hours, and the taking of dead shrimp shall not take place on
4324 Saturdays, Sundays, or legal state holidays.

4325 (b) The use of a trawl by either a live bait shrimp
4326 producer or dead shrimp producer within 100 yards of any
4327 shoreline is prohibited. The Fish and Wildlife Conservation
4328 Commission, by rule or order, may define the area or areas where
4329 this subsection shall apply.

4330 (c)1. It is unlawful to employ the use of any trawl
4331 designed for, or capable of, taking shrimp within 1/4 mile of any
4332 natural or manmade inlet in Duval County or St. Johns County.

4333 2. It is unlawful for anyone to trawl in the Trout River
4334 west of the bridge on U.S. 17 in Duval County.

4335 (9) CREDITS.--Fees paid pursuant to paragraphs (3)(a) and
4336 (4)(a) of this section shall be credited against the saltwater
4337 products license fee.

4338 Section 79. Section 370.17, Florida Statutes, is renumbered
4339 as section 379.248, Florida Statutes, and amended to read:

4340 379.248 ~~370.17~~ Sponges; regulation.--

4341 (1) NONRESIDENT LICENSE; SPONGE FISHING.--Any nonresident
4342 of the state, who desires to engage in the business or occupation
4343 of sponge fishing, either for that person or any other person,
4344 shall, before entering into said business or occupation, procure
4345 a nonresident saltwater products license issued in the name of an
4346 individual or to a valid boat registration pursuant to s. 379.361
4347 ~~370.06~~.

4348 (2) USE AND SIZE OF HOOKS.--Any person engaged in gathering
4349 sponges by use of a hook shall use a hook 5 inches wide for the
4350 purpose of removing sponges from the bottom, and no hook of other

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4351 dimensions may be used.

4352 (3) TAKING, POSSESSING COMMERCIAL; SIZE.--

4353 (a) No person may take, by any means or method, from the
4354 waters of the Gulf of Mexico, the straits of this state or the
4355 other waters within the territorial limits of this state, any
4356 commercial sponges, measuring, when wet, less than 5 inches in
4357 their maximum diameter.

4358 (b) To make effective the foregoing subsection it is
4359 further provided that no person may land, cure, deliver, offer
4360 for sale, sell, or have in his or her possession, within the
4361 territorial limits of this state, or upon any boat, vessel, or
4362 vehicle, other than those operated interstate by common carriers,
4363 within the territorial limits of this state, any commercial
4364 sponges measuring, when wet, less than 5 inches in their maximum
4365 diameter.

4366 (c) The presence of commercial sponges within the
4367 territorial limits of this state, or upon any boat, vessel, or
4368 vehicle, other than those operated interstate by common carriers,
4369 within the territorial limits of this state, measuring, when wet,
4370 less than 5 inches in their maximum diameter, shall be evidence
4371 that the person having such sponges in his or her possession has
4372 violated this section.

4373 (4) POWERS OF THE COMMISSION.--The commission is authorized
4374 and empowered to make, promulgate, and put into effect all rules
4375 and regulations which the commission may consider and decide to
4376 be necessary to accomplish the purpose of this chapter for the
4377 taking and cultivation of sponges, including the power and
4378 authority to determine and fix, in its discretion, the seasons
4379 and period of time within which public state grounds may be

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4380 closed to the taking, possessing, buying, selling, or
4381 transporting of sponges from the sponge cultivation districts
4382 herein provided for and to regulate and prescribe the means and
4383 methods to be employed in the harvesting thereof; however, notice
4384 of all rules, regulations, and orders, and all revisions and
4385 amendments thereto, prescribing closed seasons or prescribing the
4386 means and methods of harvesting sponges adopted by the commission
4387 shall be published in a newspaper of general circulation in the
4388 conservation district affected within 10 days from the adoption
4389 thereof, in addition to any notice required by chapter 120.

4390 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
4391 SERVICE.--The commission shall cooperate with the United States
4392 Fish and Wildlife Service, under existing federal laws, rules and
4393 regulations, and is authorized to accept donations, grants and
4394 matching funds from said federal government under such conditions
4395 as are reasonable and proper, for the purposes of carrying out
4396 this chapter, and the commission is further authorized to accept
4397 any and all donations including funds and loan of vessels.

4398 (6) PENALTY.--Any person violating any of the foregoing
4399 provisions shall, for the second offense, be guilty of a felony
4400 of the third degree, punishable as provided in s. 775.082, s.
4401 775.083, or s. 775.084, and by the confiscation of all boats,
4402 tackle and equipment used in the commission of such violation.

4403 Section 80. Section 370.25, Florida Statutes, is renumbered
4404 as section 379.249, Florida Statutes, to read:

4405 379.249 ~~370.25~~ Artificial reef program; grants and
4406 financial and technical assistance to local governments.--

4407 (1) An artificial reef program is created within the
4408 commission to enhance saltwater opportunities and to promote

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4409 | proper management of fisheries resources associated with
4410 | artificial reefs for the public interest. Under the program, the
4411 | commission may provide grants and financial and technical
4412 | assistance to coastal local governments, state universities, and
4413 | nonprofit corporations qualified under s. 501(c)(3) of the
4414 | Internal Revenue Code for the siting and development of
4415 | artificial reefs as well as for monitoring and evaluating such
4416 | reefs and their recreational, economic, and biological
4417 | effectiveness. The commission is authorized to accept title, on
4418 | behalf of the state, to vessels for use in the artificial reef
4419 | program as offshore artificial reefs. The program may be funded
4420 | from state, federal, and private contributions.

4421 | (2) The commission may adopt by rule procedures for
4422 | submitting an application for financial assistance and criteria
4423 | for allocating available funds.

4424 | (3) The commission may adopt by rule criteria for siting,
4425 | constructing, managing, and evaluating the effectiveness of
4426 | artificial reefs placed in state or adjacent federal waters and
4427 | criteria implementing the transfer of vessel titles to the state
4428 | for use as an offshore artificial reef.

4429 | (4) The commission may adopt by rule criteria for
4430 | determining the eligibility of nonprofit corporations qualified
4431 | under s. 501(c)(3) of the Internal Revenue Code to apply for and
4432 | receive funds available for artificial reef development or
4433 | evaluation. The criteria must include, but are not limited to,
4434 | the following:

4435 | (a) The corporation must show proof that it is a nonprofit
4436 | corporation qualified under s. 501(c)(3) of the Internal Revenue
4437 | Code.

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4438 (b) The corporation must state in its articles of
4439 incorporation or bylaws that one of its objectives is the
4440 development or monitoring of artificial reefs.

4441 (5) The commission's artificial reef program shall track
4442 all artificial-reef-development activities statewide, and
4443 maintain a computer database of these activities for the public
4444 interest and to facilitate long-range planning and coordination
4445 within the commission and among local governments.

4446 (6) It is unlawful for any person to:

4447 (a) Place artificial-reef-construction materials in state
4448 waters outside zones permitted under the terms and conditions
4449 defined in any artificial-reef permits issued by the United
4450 States Army Corps of Engineers or by the Department of
4451 Environmental Protection.

4452 (b) Store, possess, or transport on or across state waters
4453 any materials reasonably suited for artificial-reef construction
4454 and stored in a manner providing ready access for use and
4455 placement as an artificial reef, unless a valid cargo manifest
4456 issued by the commission or a commission-certified inspector is
4457 onboard the transporting vessel. The manifest will serve as
4458 authorization to use a valid permitted site or land-based staging
4459 area, will validate that the type of artificial-reef construction
4460 material being transported is permissible for use at the
4461 permitted site, and will describe and quantify the artificial-
4462 reef material being transported. The manifest will also include
4463 the latitude and longitude coordinates of the proposed deployment
4464 location, the valid permit number, and a copy of the permit
4465 conditions for the permitted site. The manifest must be available
4466 for inspection by any authorized law enforcement officer or

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4467 | commission employee.

4468 | (7) (a) An initial violation of subsection (6) is a
4469 | misdemeanor of the first degree, punishable as provided in s.
4470 | 775.082 or s. 775.083. A subsequent violation of subsection (6)
4471 | which is committed within 12 months after a previous violation of
4472 | that subsection is a felony of the third degree, punishable as
4473 | provided in s. 775.082, s. 775.083, or s. 775.084.

4474 | (b) If a violation of subsection (6) occurs, a law
4475 | enforcement officer may terminate a vessel's voyage and order the
4476 | vessel operator to return immediately to port. Failure or refusal
4477 | to comply with an order to return to port constitutes a felony of
4478 | the third degree, punishable as provided in s. 775.082, s.
4479 | 775.083, or s. 775.084. The vessel operator must immediately
4480 | dispose of the materials on shore according to applicable waste
4481 | disposal laws.

4482 | (c) If, at the time of the violation, the vessel that is
4483 | involved in the violation:

4484 | 1. Is moored at a land-based facility, the registered owner
4485 | of the vessel is responsible for the violation.

4486 | 2. Is underway or anchored, the captain or operator of the
4487 | vessel and the registered owner of the vessel are jointly
4488 | responsible for the violation.

4489 | (d) In addition to the penalties imposed in this
4490 | subsection, the commission shall assess civil penalties of up to
4491 | \$5,000 against any person convicted of violating subsection (6)
4492 | and may seek the suspension or revocation of the vessel
4493 | registration, existing reef-construction permits, or other state
4494 | marine licenses held by the violator. For the purposes of this
4495 | section, conviction includes any judicial disposition other than

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4496 acquittal or dismissal.

4497 Section 81. Section 370.23, Florida Statutes, is renumbered
4498 as section 379.25, Florida Statutes, to read:

4499 379.25 ~~370.23~~ Sale of unlawfully landed product;
4500 jurisdiction.--It is unlawful for any person to bring to port,
4501 sell, or offer to sell any saltwater life landed in violation of
4502 the provisions of this chapter. Any person committing such a
4503 violation and docking his or her vessel at any port in the state,
4504 whether or not such product was landed in the territorial waters
4505 of the state, shall be deemed to have submitted himself or
4506 herself to the jurisdiction of the courts of this state for the
4507 purpose of the enforcement of the provisions of this chapter.

4508 Section 82. Section 370.1601, Florida Statutes, is
4509 renumbered as section 379.2511, Florida Statutes, and amended to
4510 read:

4511 379.2511 ~~370.1601~~ Lease of state-owned water bottoms for
4512 growing oysters and clams.--Effective July 1, 1988, persons
4513 wishing to lease state-owned water bottoms for the purpose of
4514 growing oysters and clams shall no longer be required to apply
4515 under the provisions of s. 379.2525 ~~370.16~~; such leases shall be
4516 issued pursuant to the provisions of ss. 253.67-253.75.

4517 Section 83. Section 370.161, Florida Statutes, is
4518 renumbered as section 379.2512, Florida Statutes, to read:

4519 379.2512 ~~370.161~~ Oyster bottom land grants made pursuant to
4520 ch. 3293.--

4521 (1) All grants previously issued by the several boards of
4522 county commissioners under the authority of chapter 3293, 1881,
4523 Laws of Florida, shall be subject to provisions of s. 597.010,
4524 relating to the marking of such lands, the payment of rents, the

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4525 cultivation of such lands and the forfeiture provisions.

4526 (2) Any grantee of lands referred to in subsection (1)
4527 shall mark such lands and begin cultivation thereof as set forth
4528 in s. 597.010, within 90 days after the effective date of this
4529 act. The rentals prescribed by s. 597.010, shall be payable
4530 immediately upon the effective date of this act and in accordance
4531 with the provisions of said section.

4532 (3) If any grantee shall fail to comply with the provisions
4533 of this act his or her grant shall become null and void and the
4534 lands shall return to the ownership and jurisdiction of the
4535 state.

4536 Section 84. Section 370.027, Florida Statutes, is
4537 renumbered as section 379.2521, Florida Statutes, and amended to
4538 read:

4539 379.2521 ~~370.027~~ Rulemaking authority with respect to
4540 marine life.--Marine aquaculture producers shall be regulated by
4541 the Department of Agriculture and Consumer Services. The Fish and
4542 Wildlife Conservation Commission shall adopt rules, by March 1,
4543 2000, to regulate the sale of farmed red drum and spotted sea
4544 trout. These rules shall specifically provide for the protection
4545 of the wild resource, without restricting a certified aquaculture
4546 producer pursuant to s. 597.004 from being able to sell farmed
4547 fish. To that extent, these rules must only require that farmed
4548 fish be kept separate from wild fish and be fed commercial feed;
4549 that farmed fish be placed in sealed containers; that these
4550 sealed containers must have the name, address, telephone number
4551 and aquaculture certificate number, issued pursuant to s.
4552 597.004, of the farmer clearly and indelibly placed on the
4553 container; and that this information must accompany the fish to

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4554 the ultimate point of sale. Marine aquaculture products produced
4555 by a marine aquaculture producer, certified pursuant to s.
4556 597.004, are exempt from Fish and Wildlife Conservation
4557 Commission resource management rules, with the exception of such
4558 rules governing any fish of the genus *Centropomus* (snook). By
4559 July 1, 2000, the Fish and Wildlife Conservation Commission shall
4560 develop procedures to allow persons possessing a valid
4561 aquaculture certificate of registration to sell and transport
4562 live snook produced in private ponds or private hatcheries as
4563 brood stock, to stock private ponds, or for aquarium display
4564 consistent with the provisions of rules adopted by the Department
4565 of Agriculture and Consumer Services ~~rule 39-23.009, Florida~~
4566 Administrative Code.

4567 Section 85. Section 370.1603, Florida Statutes, is
4568 renumbered as section 379.2522, Florida Statutes, and amended to
4569 read:

4570 379.2522 ~~370.1603~~ Oysters produced in and outside state;
4571 labeling; tracing; rules.--

4572 (1) No wholesale or retail dealer, as defined in s. 379.362
4573 (1) ~~370.07(1)~~, shall sell any oysters produced outside this state
4574 unless they are labeled as such, or unless it is otherwise
4575 reasonably made known to the purchaser that the oysters were not
4576 produced in this state.

4577 (2) The Department of Agriculture and Consumer Services
4578 shall promulgate rules whereby oysters produced in Florida waters
4579 can be traced to the location from which they were harvested. A
4580 wholesale or retail dealer may not sell any oysters produced in
4581 this state unless they are labeled so that they may be traced to
4582 the point of harvesting.

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4583 Section 86. Section 370.26, Florida Statutes, is renumbered
4584 as section 379.2523, Florida Statutes, and amended to read:

4585 379.2523 ~~370.26~~ Aquaculture definitions; marine aquaculture
4586 products, producers, and facilities.--

4587 (1) As used in this section, the term:

4588 (a) "Marine aquaculture facility" means a facility built
4589 and operated for the purpose of producing marine aquaculture
4590 products. Marine aquaculture facilities contain culture systems
4591 such as, but not limited to, ponds, tanks, raceways, cages, and
4592 bags used for commercial production, propagation, growout, or
4593 product enhancement of marine products. Marine aquaculture
4594 facilities specifically do not include:

4595 1. Facilities that maintain marine aquatic organisms
4596 exclusively for the purpose of shipping, distribution, marketing,
4597 or wholesale and retail sales;

4598 2. Facilities that maintain marine aquatic organisms for
4599 noncommercial, education, exhibition, or scientific purposes;

4600 3. Facilities in which the activity does not require an
4601 aquaculture certification pursuant to s. 597.004; or

4602 4. Facilities used by marine aquarium hobbyists.

4603 (b) "Marine aquaculture producer" means a person holding an
4604 aquaculture certificate pursuant to s. 597.004 to produce marine
4605 aquaculture products.

4606 (c) "Marine aquaculture product" means any product derived
4607 from marine aquatic organisms that are owned and propagated,
4608 grown, or produced under controlled conditions by a person
4609 holding an aquaculture certificate pursuant to s. 597.004. Such
4610 product does not include organisms harvested from the wild for
4611 depuration, wet storage, or relayed for the purpose of controlled

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4612 purification. Marine aquaculture products are considered
4613 saltwater products for the purposes of this chapter, except the
4614 holder of an aquaculture certificate is not required to purchase
4615 and possess a saltwater products license in order to possess,
4616 transport, or sell marine aquaculture products pursuant to s.
4617 379.361 ~~370.06~~. To renew an existing restricted species
4618 endorsement, marine aquaculture producers possessing a valid
4619 saltwater products license with a restricted species endorsement
4620 may apply income from the sales of marine aquaculture products to
4621 licensed wholesale dealers. Income from the sales of marine
4622 aquaculture products shall not be eligible for the purpose of
4623 acquiring a new restricted species endorsement. The holder of an
4624 aquaculture certificate must purchase and possess a saltwater
4625 products license in order to possess, transport, or sell
4626 saltwater products not specifically provided for in s. 597.004.

4627 (2) The Department of Environmental Protection shall
4628 encourage the development of aquaculture and the production of
4629 aquaculture products. The department shall develop a process
4630 consistent with this section that would consolidate permits,
4631 general permits, and other regulatory requirements to streamline
4632 the permitting process and result in effective regulation of
4633 aquaculture activities. This process shall provide for a single
4634 application and application fee for marine aquaculture activities
4635 which are regulated by the department. Procedures to consolidate
4636 permitting actions under this section do not constitute rules
4637 within the meaning of s. 120.52.

4638 (3) Until aquaculture general permits under s. 403.814 can
4639 be expanded and developed, the department shall establish
4640 criteria to temporarily permit aquaculture activities that may be

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4641 | presumed not to result in adverse environmental impacts. The
4642 | criteria developed pursuant to this subsection do not constitute
4643 | rules within the meaning of s. 120.52. Permit application fees
4644 | under this subsection shall be no more than that established for
4645 | a general permit. The department may delegate to the water
4646 | management districts the regulatory authority for aquaculture
4647 | facilities subject to the temporary general permitting criteria
4648 | of this subsection. During the period prior to development of a
4649 | general permit under s. 403.814, the department shall establish a
4650 | compliance plan based on monitoring results that will assist in
4651 | the development of the general permit.

4652 | (4) The department shall request that the Aquaculture
4653 | Review Council identify a working group of industry
4654 | representatives who can provide technical assistance in
4655 | developing aquaculture general permits. The industry
4656 | representatives shall come from the segment of the industry to be
4657 | affected by the specific general permit to be developed. The
4658 | working group shall be included in all phases of developing the
4659 | aquaculture general permits.

4660 | (5) The department shall:

4661 | (a) Coordinate with the Aquaculture Review Council, the
4662 | Aquaculture Interagency Coordinating Council, and the Department
4663 | of Agriculture and Consumer Services when developing criteria for
4664 | aquaculture general permits.

4665 | (b) Permit experimental technologies to collect and
4666 | evaluate data necessary to reduce or mitigate environmental
4667 | concerns.

4668 | (c) Provide technical expertise and promote the transfer of
4669 | information that would be beneficial to the development of

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4670 aquaculture.

4671 (6) The Fish and Wildlife Conservation Commission shall
4672 encourage the development of aquaculture in the state through the
4673 following:

4674 (a) Providing assistance in developing technologies
4675 applicable to aquaculture activities, evaluating practicable
4676 production alternatives, and providing management agreements to
4677 develop innovative culture practices.

4678 (b) Facilitating aquaculture research on life histories,
4679 stock enhancement, and alternative species, and providing
4680 research results that would assist in the evaluation,
4681 development, and commercial production of candidate species for
4682 aquaculture, including:

4683 1. Providing eggs, larvae, fry, and fingerlings to
4684 aquaculturists when excess cultured stocks are available from the
4685 commission's facilities and the culture activities are consistent
4686 with the commission's stock enhancement projects. Such stocks may
4687 be obtained by reimbursing the commission for the cost of
4688 production on a per-unit basis. Revenues resulting from the sale
4689 of stocks shall be deposited into the trust fund used to support
4690 the production of such stocks.

4691 2. Conducting research programs to evaluate candidate
4692 species when funding and staff are available.

4693 3. Encouraging the private production of marine fish and
4694 shellfish stocks for the purpose of providing such stocks for
4695 statewide stock enhancement programs. When such stocks become
4696 available, the commission shall reduce or eliminate duplicative
4697 production practices that would result in direct competition with
4698 private commercial producers.

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4699 4. Developing a working group, in cooperation with the
4700 Department of Agriculture and Consumer Services, the Aquaculture
4701 Review Council, and the Aquaculture Interagency Coordinating
4702 Council, to plan and facilitate the development of private marine
4703 fish and nonfish hatcheries and to encourage private/public
4704 partnerships to promote the production of marine aquaculture
4705 products.

4706 (c) Coordinating with public and private research
4707 institutions within the state to advance the aquaculture
4708 production and sale of sturgeon as a food fish.

4709 (7) The Fish and Wildlife Conservation Commission shall
4710 coordinate with the Aquaculture Review Council and the Department
4711 of Agriculture and Consumer Services to establish and implement
4712 grant programs to provide funding for projects and programs that
4713 are identified in the state's aquaculture plan, pending
4714 legislative appropriations. The commission and the Department of
4715 Agriculture and Consumer Services shall establish and implement a
4716 grant program to make grants available to qualified nonprofit,
4717 educational, and research entities or local governments to fund
4718 infrastructure, planning, practical and applied research,
4719 development projects, production economic analysis, and training
4720 and stock enhancement projects, and to make grants available to
4721 counties, municipalities, and other state and local entities for
4722 applied aquaculture projects that are directed to economic
4723 development, pending legislative appropriations.

4724 (8) The Fish and Wildlife Conservation Commission shall
4725 provide assistance to the Department of Agriculture and Consumer
4726 Services in the development of an aquaculture plan for the state.

4727 Section 87. Section 370.31, Florida Statutes, is renumbered

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4728 as section 379.2524, Florida Statutes, to read:

4729 379.2524 ~~370.31~~ Commercial production of sturgeon.--

4730 (1) INTENT.--The Legislature finds and declares that there
4731 is a need to encourage the continuation and advancement of work
4732 being done on aquaculture sturgeon production in keeping with the
4733 state's legislative public policy regarding aquaculture provided
4734 in chapter 597. It also finds that it is in the state's economic
4735 interest to promote the commercial production and stock
4736 enhancement of sturgeon. It is therefore the intent of the
4737 Legislature to hereby create a Sturgeon Production Working Group.

4738 (2) CREATION.--The Sturgeon Production Working Group is
4739 created within the Department of Agriculture and Consumer
4740 Services and shall be composed of seven members as follows:

4741 (a) The head of the sturgeon research program or designee
4742 from the University of Florida, Institute of Food and
4743 Agricultural Sciences. Such member shall be appointed by the
4744 University of Florida's Vice President for Agricultural Affairs.

4745 (b) One representative from the Department of Environmental
4746 Protection to be appointed by the Secretary of Environmental
4747 Protection.

4748 (c) One representative from the Fish and Wildlife
4749 Conservation Commission to be appointed by the executive director
4750 of the Fish and Wildlife Conservation Commission.

4751 (d) One representative from the Department of Agriculture
4752 and Consumer Services to be appointed by the Commissioner of
4753 Agriculture.

4754 (e) Two representatives from the aquaculture industry to be
4755 appointed by the Aquaculture Review Council.

4756 (f) One representative from a private nonprofit

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4757 organization involved in sturgeon production work, to be
4758 appointed by the Commissioner of Agriculture.

4759 (3) MEETINGS; PROCEDURES; RECORDS.--The working group shall
4760 meet at least twice a year and elect, by a quorum, a chair and
4761 vice chair.

4762 (a) The chair of the working group shall preside at all
4763 meetings and shall call a meeting as often as necessary to carry
4764 out the provisions of this section.

4765 (b) The Department of Agriculture and Consumer Services
4766 shall keep a complete record of the proceedings of each meeting,
4767 which includes the names of the members present at each meeting
4768 and the actions taken. The records shall be public records
4769 pursuant to chapter 119.

4770 (c) A quorum shall consist of a majority of the group
4771 members. Members of the group shall not receive compensation, but
4772 shall be entitled to per diem and travel expenses, including
4773 attendance at meetings, as allowed public officers and employees
4774 pursuant to s. 112.061.

4775 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
4776 Sturgeon Production Working Group is to coordinate the
4777 implementation of a state sturgeon production management plan to
4778 promote the commercial production and stock enhancement of
4779 sturgeon in Florida. In carrying out this purpose, the working
4780 group shall:

4781 (a) Establish a state sturgeon production management plan
4782 to inform public or private interested parties of how to
4783 aquaculturally produce sturgeon for commercial purposes and for
4784 stock enhancement. The sturgeon production management plan shall:

4785 1. Provide the regulatory policies for the commercial

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4786 production of sturgeon meat and roe, including a strategy for
4787 obtaining the required permits, licenses, authorizations, or
4788 certificates.

4789 2. Provide the management practices for culturing sturgeon
4790 and ensure that aquacultural development does not impede the
4791 recovery and conservation of wild sturgeon populations.

4792 3. Establish priorities for research needed to support the
4793 commercial production of sturgeon and the recovery of native
4794 stocks in the state.

4795 (b) Support management strategies to permit the commercial
4796 production of native and nonnative sturgeon, including the
4797 distribution of captive-bred Gulf sturgeon to approved certified
4798 aquaculture facilities.

4799 (c) Support the development of a cooperative sturgeon
4800 conservation program to coordinate conservation, habitat, and
4801 resource management programs for native sturgeon, including an
4802 evaluation of how stock enhancement can facilitate the
4803 conservation and recovery of native sturgeon populations.

4804 (d) Seek federal cooperation to implement the sturgeon
4805 production management plan, including federal designation of
4806 captive-bred sturgeon as distinct population segments to
4807 distinguish cultivated stocks from wild native populations.

4808 (e) Develop enforcement guidelines to ensure continued
4809 protection of wild native sturgeon populations.

4810 (f) In furtherance of the purposes and responsibilities of
4811 the Sturgeon Production Working Group, the state shall:

4812 1. Establish a program to coordinate conservation and
4813 aquaculture activities for native sturgeon.

4814 2. Develop a conservation plan for native sturgeon.

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4815 3. Initiate the process to petition for delisting captive-
4816 bred shortnose sturgeon.

4817 4. Initiate the process to petition for delisting captive-
4818 bred Gulf sturgeon.

4819 (g) Establish a sturgeon broodstock committee composed of
4820 fishery scientists, fish farmers, and agency representatives to
4821 manage the taking of wild sturgeon for brood fish and spawning.

4822 (h) Establish the Cooperative Broodstock Development and
4823 Husbandry Board composed of fishery scientists, fish farmers, and
4824 agency representatives to establish standards and criteria for
4825 the management and maintenance of captive-reared sturgeon, to
4826 collect biological data, and to administer the Cooperative
4827 Broodstock Development and Husbandry Program.

4828 Section 88. Section 370.16, Florida Statutes, is renumbered
4829 as section 379.2525, Florida Statutes, and amended to read:

4830 379.2525 ~~370.16~~ Noncultured shellfish harvesting.--

4831 (1) PROTECTION OF SHELLFISH AQUACULTURE PRODUCTS.--

4832 (a) The Fish and Wildlife Conservation Commission shall
4833 assist in protecting shellfish aquaculture products produced on
4834 leased or granted reefs in the hands of lessees or grantees from
4835 the state. Harvesting shellfish is prohibited within a distance
4836 of 25 feet outside lawfully marked lease boundaries or within
4837 setback and access corridors within specifically designated high-
4838 density aquaculture lease areas and aquaculture use zones.

4839 (b) The department, in cooperation with the commission,
4840 shall provide the Legislature with recommendations as needed for
4841 the development and the proper protection of the rights of the
4842 state and private holders therein with respect to the oyster and
4843 clam business.

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4844 (2) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL REEFS;
4845 LICENSES, ETC., PENALTY.--

4846 (a) It is unlawful to use a dredge or any means or
4847 implement other than hand tongs in removing oysters from the
4848 natural or artificial state reefs. This restriction shall apply
4849 to all areas of Apalachicola Bay for all shellfish harvesting,
4850 excluding private grounds leased or granted by the state prior to
4851 July 1, 1989, if the lease or grant specifically authorizes the
4852 use of implements other than hand tongs for harvesting. Except in
4853 Apalachicola Bay, upon the payment of \$25 annually, for each
4854 vessel or boat using a dredge or machinery in the gathering of
4855 clams or mussels, a special activity license may be issued by the
4856 Fish and Wildlife Conservation Commission pursuant to s. 379.361
4857 ~~370.06~~ for such use to such person.

4858 (b) The use of any mechanical harvesting device other than
4859 ordinary hand tongs for taking shellfish for any purpose from
4860 public shellfish beds in Apalachicola Bay shall be unlawful.

4861 (c) The possession of any mechanical harvesting device on
4862 the waters of Apalachicola Bay from 5 p.m. until sunrise shall be
4863 unlawful.

4864 (d) Each vessel used for the transport or deployment of a
4865 dredge or scrape shall prominently display the lease or grant
4866 number or numbers, in numerals which are at least 12 inches high
4867 and 6 inches wide, in such a manner that the lease or grant
4868 number or numbers are readily identifiable from both the air and
4869 the water.

4870 (e) Oysters may be harvested from natural or public grounds
4871 by common hand tongs or by hand, by scuba diving, free diving,
4872 leaning from vessels, or wading. In the Apalachicola Bay, this

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4873 provision shall apply to all shellfish.

4874

4875 The commission shall apply other statutes, rules, or conditions
4876 necessary to protect the environment and natural resources from
4877 improper transport, deployment, and operation of a dredge or
4878 scrape. Any violation of this subsection or of any other
4879 statutes, rules, or conditions referenced in the special activity
4880 license shall be considered a violation of the license and shall
4881 result in revocation of the license and forfeiture of the bond
4882 submitted to the commission as a prerequisite to the issuance of
4883 this license.

4884 (3) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.--Each
4885 packer, canner, corporation, firm, commission person, or dealer
4886 in fish shall, on the first day of each month, make a return
4887 under oath to the Fish and Wildlife Conservation Commission, as
4888 to the number of oysters, clams, and shellfish purchased, caught,
4889 or handled during the preceding month. Whoever is found guilty of
4890 making any false affidavit to any such report is guilty of
4891 perjury and punished as provided by law, and any person who fails
4892 to make such report shall be punished by a fine not exceeding
4893 \$500 or by imprisonment in the county jail not exceeding 6
4894 months.

4895 (4) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND
4896 CLAM LAWS, ETC.--Vessels, with their cargoes, violating the
4897 provisions of the laws relating to oysters and clams may be
4898 seized by anyone duly and lawfully authorized to make arrests
4899 under this section or by any sheriff or the sheriff's deputies,
4900 and taken into custody, and when not arrested by the sheriff or
4901 the sheriff's deputies, delivered to the sheriff of the county in

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4902 | which the seizure is made, and shall be liable to forfeiture, on
4903 | appropriate proceedings being instituted by the Fish and Wildlife
4904 | Conservation Commission, before the courts of that county. In
4905 | such case the cargo shall at once be disposed of by the sheriff,
4906 | for account of whom it may concern. Should the master or any of
4907 | the crew of said vessel be found guilty of using dredges or other
4908 | instruments in fishing oysters on natural reefs contrary to law,
4909 | or fishing on the natural oyster or clam reefs out of season, or
4910 | unlawfully taking oysters or clams belonging to a lessee, such
4911 | vessel shall be declared forfeited by the court, and ordered sold
4912 | and the proceeds of the sale shall be deposited with the Chief
4913 | Financial Officer to the credit of the General Revenue Fund; any
4914 | person guilty of such violations shall not be permitted to have
4915 | any license provided for in this chapter within a period of 1
4916 | year from the date of conviction. Pending proceedings such vessel
4917 | may be released upon the owner furnishing bond, with good and
4918 | solvent security in double the value of the vessel, conditioned
4919 | upon its being returned in good condition to the sheriff to abide
4920 | the judgment of the court.

4921 | (5) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging of
4922 | dead shell deposits is prohibited in the state.

4923 | (6) REQUIREMENTS FOR OYSTER VESSELS.--All vessels used for
4924 | the harvesting, gathering, or transporting of noncultured oysters
4925 | for commercial use shall be constructed and maintained to prevent
4926 | contamination or deterioration of oysters. To this end, all such
4927 | vessels shall be provided with false bottoms and bulkheads fore
4928 | and aft to prevent oysters from coming in contact with any bilge
4929 | water. No dogs or other animals shall be allowed at any time on
4930 | vessels used to harvest or transport oysters. A violation of any

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4931 provision of this subsection shall result in at least the
4932 revocation of the violator's license.

4933 Section 89. Part III of chapter 379, Florida Statutes,
4934 consisting of section 379.28, is created to read:

4935 PART III
4936 FRESHWATER AQUATIC LIFE

4937
4938 Section 90. Section 372.26, Florida Statutes, is renumbered
4939 as section 379.28, Florida Statutes, and amended to read:

4940 379.28 ~~372.26~~ Imported fish.--

4941 (1) No person shall import into the state or place in any
4942 of the fresh waters of the state any freshwater fish of any
4943 species without having first obtained a permit from the Fish and
4944 Wildlife Conservation Commission. The commission is authorized to
4945 issue or deny such a permit upon the completion of studies of the
4946 species made by it to determine any detrimental effect the
4947 species might have on the ecology of the state.

4948 (2) A person who violates this section commits a Level
4949 Three violation under s. 379.401 ~~372.83~~.

4950 Section 91. Part IV of chapter 379, Florida Statutes,
4951 consisting of sections 379.3001, 379.3002, 379.3003, 379.3004,
4952 379.3011, 379.3012, 379.3013, 379.3014, 379.3015, 379.3016,
4953 379.3017, 379.302, 379.303, 379.304, 379.305, 379.3061, 379.3062,
4954 and 379.3063, is created to read:

4955 PART IV
4956 WILD ANIMAL LIFE

4957
4958 Section 92. Section 372.0025, Florida Statutes, is
4959 renumbered as section 379.3001, Florida Statutes, to read:

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4960 379.3001 ~~372.0025~~ No net loss of hunting lands.--

4961 (1) As used in this section, the term:

4962 (a) "Commission" means the Fish and Wildlife Conservation

4963 Commission.

4964 (b) "Commission-managed lands" means those lands owned by

4965 the commission, those lands owned by the state over which the

4966 commission holds management authority, or those privately owned

4967 lands that are leased or managed by the commission.

4968 (c) "Hunting" means the lawful pursuit, trapping, shooting,

4969 capture, collection, or killing of wildlife or the lawful attempt

4970 to pursue, trap, shoot, capture, collect, or kill wildlife.

4971 (2) Commission-managed lands shall be open to access and

4972 use for hunting except as limited by the commission for reasons

4973 of public safety, fish or wildlife management, or homeland

4974 security or as otherwise limited by law.

4975 (3) The commission, in exercising its authority under the

4976 State Constitution and statutes, shall exercise its authority,

4977 consistent with subsection (2), in a manner that supports,

4978 promotes, and enhances hunting opportunities to the extent

4979 authorized by state law.

4980 (4) Commission land management decisions and actions,

4981 including decisions made by private owners to close hunting land

4982 managed by the commission, shall not result in any net loss of

4983 habitat land acreage available for hunting opportunities on

4984 commission-managed lands that exists on the effective date of

4985 this act. The commission shall expeditiously find replacement

4986 acreage for hunting to compensate for closures of any existing

4987 hunting land. Replacement lands shall, to the greatest extent

4988 possible, be located within the same administrative region of the

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4989 | commission and shall be consistent with the hunting discipline
4990 | that the commission allowed on the closed land.

4991 | (5) Any state agency or water management district that owns
4992 | or manages lands shall assist and coordinate and cooperate with
4993 | the commission to allow hunting on such lands if such lands are
4994 | determined by the commission to be suitable for hunting. To
4995 | ensure no net loss of land acreage available for hunting, state
4996 | agencies and water management districts shall cooperate with the
4997 | commission to open new, additional hunting lands to replace lost
4998 | hunting acreage. However, lands officially designated as units
4999 | within the state park system may not be considered for
5000 | replacement hunting lands and may only be opened for hunting when
5001 | necessary as a wildlife control or management tool as determined
5002 | by the Division of Recreation and Parks in the Department of
5003 | Environmental Protection.

5004 | (6) By October 1 of each year, the executive director of
5005 | the commission shall submit to the Legislature a written report
5006 | describing:

5007 | (a) The acreage managed by the commission that was closed
5008 | to hunting during the previous fiscal year and the reasons for
5009 | the closures.

5010 | (b) The acreage managed by the commission that was opened
5011 | to hunting to compensate for closures of existing land pursuant
5012 | to subsection (4).

5013 | (7) By October 1 of each year, any state agency or water
5014 | management district that owns or manages lands shall submit a
5015 | written report to the commission and the Legislature that
5016 | includes:

5017 | (a) A list of properties that were open for hunting during

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5018 | the previous fiscal year.

5019 | (b) A list of properties that were not open for hunting
5020 | during the previous fiscal year.

5021 | (c) The acreage for each property and the county where each
5022 | property is located, except for right-of-way lands and parcels
5023 | under 50 acres.

5024 | Section 93. Section 372.023, Florida Statutes, is
5025 | renumbered as section 379.3002, Florida Statutes, to read:

5026 | 379.3002 ~~372.023~~ J. W. Corbett and Cecil M. Webb Wildlife
5027 | Management Areas.--

5028 | (1) The Fish and Wildlife Conservation Commission of this
5029 | state is neither authorized nor empowered to do the following as
5030 | to the J. W. Corbett Wildlife Management Area in Palm Beach
5031 | County or the Cecil M. Webb Wildlife Management Area without the
5032 | approval of the Board of Trustees of the Internal Improvement
5033 | Trust Fund that such action is in the best interest of orderly
5034 | and economical development of said area, viz.:

5035 | (a) To trade, barter, lease, or exchange lands therein for
5036 | lands of greater acreage contiguous to said wildlife management
5037 | areas.

5038 | (b) To grant easements for construction and maintenance of
5039 | roads, railroads, canals, ditches, dikes, and utilities,
5040 | including but not limited to telephone, telegraph, oil, gas,
5041 | electric power, water, and sewers.

5042 | (c) To convey or release all rights in and to the
5043 | phosphate, minerals, metals, and petroleum that is or may be in,
5044 | on or under any lands traded, bartered, leased, or exchanged
5045 | pursuant to paragraph (a).

5046 | (2) The Board of Trustees of the Internal Improvement Trust

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5047 Fund and the State Board of Education and all and every board,
5048 state department or state agency of the state having any title,
5049 right and interest in or to the land including oil and mineral
5050 rights in the lands to be traded, bartered, leased or exchanged
5051 within the J. W. Corbett Wildlife Management Area in Palm Beach
5052 County, is authorized and empowered to convey this interest of
5053 whatsoever nature to the record owner.

5054 (3) Moneys received from the sale of lands within either
5055 wildlife management area, less reasonable expenses incident to
5056 the sale, shall be used by the Fish and Wildlife Conservation
5057 Commission to acquire acreage contiguous to the wildlife
5058 management area or lands of equal wildlife value. The sale shall
5059 be made directly to the state, notwithstanding the procedures of
5060 s. 270.08 to the contrary.

5061 Section 94. Section 372.988, Florida Statutes, is
5062 renumbered as section 379.3003, Florida Statutes, and amended to
5063 read:

5064 379.3003 ~~372.988~~ Required clothing for persons hunting
5065 deer.--It is a Level One violation under s. 379.401 ~~372.83~~ for
5066 any person to hunt deer, or for any person to accompany another
5067 person hunting deer, during the open season for the taking of
5068 deer on public lands unless each person shall wear a total of at
5069 least 500 square inches of daylight fluorescent orange material
5070 as an outer garment. Such clothing shall be worn above the
5071 waistline and may include a head covering. The provisions of this
5072 section shall not apply to any person hunting deer with a bow and
5073 arrow during seasons restricted to hunting with a bow and arrow.

5074 Section 95. Section 372.7016, Florida Statutes, is
5075 renumbered as section 379.3004, Florida Statutes, and amended to

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5076 read:

5077 379.3004 ~~372.7016~~ Voluntary Authorized Hunter

5078 Identification Program.--

5079 (1) There is created the "Voluntary Authorized Hunter
5080 Identification Program" to assist landowners and law enforcement
5081 officials in better controlling trespass and illegal or
5082 unauthorized hunting. Landowners wishing to participate in the
5083 program shall:

5084 (a) Annually notify the sheriff's office in the county in
5085 which the land is situated and the respective area supervisor of
5086 the Fish and Wildlife Conservation Commission by letter of their
5087 desire to participate in the program, and provide a description
5088 of their property which they wish to have in the program by
5089 township, range, section, partial section, or other geographical
5090 description.

5091 (b) Provide a means of identifying authorized hunters as
5092 provided in subsection (2).

5093 (2) Any person hunting on private land enrolled in the
5094 Voluntary Authorized Hunter Identification Program shall have
5095 readily available on the land at all times when hunting on the
5096 property written authorization from the owner or his or her
5097 authorized representative to be on the land for the purpose of
5098 hunting. The written authorization shall be presented on demand
5099 to any law enforcement officer, the owner, or the authorized
5100 agent of the owner.

5101 (a) For purposes of this section, the term "hunting" means
5102 to be engaged in or reasonably equipped to engage in the pursuit
5103 or taking by any means of any animal described in s. 379.101 (19)
5104 or (20) ~~372.001(10) or (11)~~, and the term "written authorization"

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5105 | means a card, letter, or other written instrument which shall
5106 | include, but need not be limited to, the name of the person or
5107 | entity owning the property, the name and signature of the person
5108 | granting the authorization, a description by township, range,
5109 | section, partial section, or other geographical description of
5110 | the land to which the authorization applies, and a statement of
5111 | the time period during which the authorization is valid.

5112 | (b) Failure by any person hunting on private land enrolled
5113 | in the program to present written authorization to hunt on said
5114 | land to any law enforcement officer or the owner or
5115 | representative thereof within 7 days of demand shall be prima
5116 | facie evidence of violation of s. 810.09(2)(c), punishable as
5117 | provided in s. 775.082, s. 775.083, or s. 775.084. However, such
5118 | evidence may be contradicted or rebutted by other evidence.

5119 | Section 96. Section 372.6671, Florida Statutes, is
5120 | renumbered as section 379.3011, Florida Statutes, and amended to
5121 | read:

5122 | 379.3011 ~~372.6671~~ Alligator trapping program;
5123 | definitions.--Unless otherwise provided by a specific section or
5124 | the context otherwise requires, as used in ss. 379.3011,
5125 | 379.3012, 379.3751, and 379.3752 ~~372.6671-372.6674~~, the following
5126 | definitions shall apply:

5127 | (1) "Alligator" means a member of the species of alligator
5128 | (*Alligator mississippiensis*) but does not mean its eggs.

5129 | (2) "Alligator hatchling" means a juvenile alligator as
5130 | more specifically defined by commission rule.

5131 | (3) "Process" or "processing" means the skinning,
5132 | butchering, or possession of alligators.

5133 | Section 97. Section 372.6672, Florida Statutes, is

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5134 renumbered as section 379.3012, Florida Statutes, to read:

5135 379.3012 ~~372.6672~~ Alligator management and trapping program
5136 implementation; commission authority.--

5137 (1) In any alligator management and trapping program that
5138 the Fish and Wildlife Conservation Commission shall establish,
5139 the commission shall have the authority to adopt all rules
5140 necessary for full and complete implementation of such alligator
5141 management and trapping program, and, in order to ensure its
5142 lawful, safe, and efficient operation in accordance therewith,
5143 may:

5144 (a) Regulate the marketing and sale of alligators, their
5145 hides, eggs, meat, and byproducts, including the development and
5146 maintenance of a state-sanctioned sale.

5147 (b) Regulate the handling and processing of alligators,
5148 their eggs, hides, meat, and byproducts, for the lawful, safe,
5149 and sanitary handling and processing of same.

5150 (c) Regulate commercial alligator farming facilities and
5151 operations for the captive propagation and rearing of alligators
5152 and their eggs.

5153 (d) Provide hide-grading services by two or more
5154 individuals pursuant to state-sanctioned sales if rules are first
5155 promulgated by the commission governing:

5156 1. All grading-related services to be provided pursuant to
5157 this section;

5158 2. Criteria for qualifications of persons to serve as hide-
5159 graders for grading services to be provided pursuant to this
5160 section; and

5161 3. The certification process by which hide-graders
5162 providing services pursuant to this section will be certified.

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5163 (e) Provide sales-related services by contract pursuant to
5164 state-sanctioned sales if rules governing such services are first
5165 promulgated by the commission.

5166 (2) All contractors of the commission for the grading,
5167 marketing, and sale of alligators and their hides, eggs, meat,
5168 and byproducts shall not engage in any act constituting a
5169 conflict of interest under part III of chapter 112.

5170 (3) The powers and duties of the commission hereunder shall
5171 not be construed so as to supersede the regulatory authority or
5172 lawful responsibility of the Department of Agriculture and
5173 Consumer Services, the Department of Health, or any local
5174 governmental entity regarding the processing or handling of food
5175 products, but shall be deemed supplemental thereto.

5176 Section 98. Section 372.6678, Florida Statutes, is
5177 renumbered as section 379.3013, Florida Statutes, to read:

5178 379.3013 ~~372.6678~~ Alligator study requirements.--The
5179 commission shall conduct studies of all areas of the state which
5180 it intends to open to alligator collection permits. The study
5181 shall include individual wet areas, lakes, and rivers, or
5182 reasonable numbers of wet areas, lakes, and rivers that may be
5183 logically grouped. The studies shall determine the safe yield of
5184 alligators for which collection permits may be issued. The
5185 studies shall be based upon the best biological information that
5186 indicates the number of alligators which can be removed from the
5187 system without long-term adverse impacts on population levels.

5188 Section 99. Section 372.662, Florida Statutes, is
5189 renumbered as section 379.3014, Florida Statutes, and amended to
5190 read:

5191 379.3014 ~~372.662~~ Unlawful sale, possession, or transporting

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5192 of alligators or alligator skins.--Whenever the sale, possession,
5193 or transporting of alligators or alligator skins is prohibited by
5194 any law of this state, or by the rules, regulations, or orders of
5195 the Fish and Wildlife Conservation Commission adopted pursuant to
5196 s. 9, Art. IV of the State Constitution, the sale, possession, or
5197 transporting of alligators or alligator skins is a Level Three
5198 violation under s. 379.401 ~~372.83~~.

5199 Section 100. Section 372.664, Florida Statutes, is
5200 renumbered as section 379.3015, Florida Statutes, to read:

5201 379.3015 ~~372.664~~ Prima facie evidence of intent to violate
5202 laws protecting alligators.--Except as otherwise provided by rule
5203 of the Fish and Wildlife Conservation Commission for the purpose
5204 of the limited collection of alligators in designated areas, the
5205 display or use of a light in a place where alligators might be
5206 known to inhabit in a manner capable of disclosing the presence
5207 of alligators, together with the possession of firearms, spear
5208 guns, gigs, and harpoons customarily used for the taking of
5209 alligators, during the period between 1 hour after sunset and 1
5210 hour before sunrise shall be prima facie evidence of an intent to
5211 violate the provisions of law regarding the protection of
5212 alligators.

5213 Section 101. Section 372.6645, Florida Statutes, is
5214 renumbered as section 379.3016, Florida Statutes, to read:

5215 379.3016 ~~372.6645~~ Unlawful to sell alligator products;
5216 penalty.--

5217 (1) It is unlawful for any person to sell any alligator
5218 product manufactured in the form of a stuffed baby alligator or
5219 other baby crocodilia.

5220 (2) No person shall sell any alligator product manufactured

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5221 | from a species which has been declared to be endangered by the
5222 | United States Fish and Wildlife Service or the Fish and Wildlife
5223 | Conservation Commission.

5224 | (3) Any person who violates this section is guilty of a
5225 | misdemeanor of the first degree, punishable as provided in s.
5226 | 775.082 or s. 775.083.

5227 | Section 102. Section 372.665, Florida Statutes, is
5228 | renumbered as section 379.3017, Florida Statutes, to read:

5229 | 379.3017 ~~372.665~~ Word "alligator" or "gator" not to be used
5230 | in certain sales.--It is unlawful for any person to use the word
5231 | "gator" or "alligator" in connection with the sale of any product
5232 | derived or made from the skins of other crocodilia or in
5233 | connection with the sale of other crocodilia. Any person
5234 | violating this section shall, upon conviction, be guilty of a
5235 | misdemeanor.

5236 | Section 103. Section 372.16, Florida Statutes, is
5237 | renumbered as section 379.302, Florida Statutes, and amended to
5238 | read:

5239 | 379.302 ~~372.16~~ Private game preserves and farms;
5240 | regulations; penalties ~~penalty~~.--

5241 | (1) Any person owning land in this state may establish,
5242 | maintain, and operate within the boundaries thereof, a private
5243 | preserve and farm, not exceeding an area of 640 acres, for the
5244 | protection, preservation, propagation, rearing, and production of
5245 | game birds and animals for private and commercial purposes,
5246 | provided that no two game preserves shall join each other or be
5247 | connected. ~~Before any private game preserve or farm is~~
5248 | ~~established, the owner or operator shall secure a license from~~
5249 | ~~the commission, the fee for which is \$50 per year.~~

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5250 (2) All private game preserves or farms established under
5251 the provisions of this section shall be fenced in such manner
5252 that domestic game thereon may not escape and wild game on
5253 surrounding lands may not enter and shall be subject at any time
5254 to inspection by the Fish and Wildlife Conservation Commission,
5255 or its conservation officers. Such private preserve or farm shall
5256 be equipped and operated in such manner as to provide sufficient
5257 food and humane treatment for the game kept thereon. Game reared
5258 or produced on private game preserves and farms shall be
5259 considered domestic game and private property and may be sold or
5260 disposed of as such and shall be the subject of larceny. Live
5261 game may be purchased, sold, shipped, and transported for
5262 propagation and restocking purposes only at any time. Such game
5263 may be sold for food purposes only during the open season
5264 provided by law for such game. All game killed must be killed on
5265 the premises of such private game preserve or farm and must be
5266 killed by means other than shooting, except during the open
5267 season. All domestic game sold for food purposes must be marked
5268 or tagged in a manner prescribed by the Fish and Wildlife
5269 Conservation Commission; and the owner or operator of such
5270 private game preserve or farm shall report to the said
5271 commission, on blanks to be furnished by it, each sale or
5272 shipment of domestic game, such reports showing the quantity and
5273 kind of game shipped or sold and to whom sold. Such report shall
5274 be made not later than 5 days following such sale or shipment.
5275 Game reared or produced as aforesaid may be served as such by
5276 hotels, restaurants, or other public eating places during the
5277 open season provided by law on such particular species of game,
5278 under such regulations as the commission may prescribe.

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5279 (3) It is unlawful for any common carrier to knowingly
5280 transport or receive for transportation any domestic game unless
5281 the package or container containing such shipment has attached
5282 thereto a permit for such shipment and such package or container
5283 shall be marked on the outside showing quantity and kind of game
5284 enclosed.

5285 (4) Any person violating this section for the first offense
5286 commits a misdemeanor of the second degree, punishable as
5287 provided in s. 775.082 or s. 775.083, and for a second or
5288 subsequent offense commits a misdemeanor of the first degree,
5289 punishable as provided in s. 775.082 or s. 775.083. Any person
5290 convicted of violating this section shall forfeit to the
5291 commission any license issued under this section; and no further
5292 license shall be issued to such person for a period of 1 year
5293 following such conviction.

5294 Section 104. Subsections (3) and (4) of section 372.922,
5295 Florida Statutes, are renumbered as section 379.303, Florida
5296 Statutes, and amended to read:

5297 379.303 Classification of wildlife; seizure of captive
5298 wildlife.--

5299 (1)~~(3)~~ The commission shall promulgate rules defining Class
5300 I, Class II, and Class III types of wildlife. The commission
5301 shall also establish rules and requirements necessary to ensure
5302 that permits are granted only to persons qualified to possess and
5303 care properly for wildlife and that permitted wildlife possessed
5304 as personal pets will be maintained in sanitary surroundings and
5305 appropriate neighborhoods.

5306 (2)~~(4)~~ In instances where wildlife is seized or taken into
5307 custody by the commission, said owner or possessor of such

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5308 wildlife shall be responsible for payment of all expenses
5309 relative to the capture, transport, boarding, veterinary care, or
5310 other costs associated with or incurred due to seizure or custody
5311 of wildlife. Such expenses shall be paid by said owner or
5312 possessor upon any conviction or finding of guilt of a criminal
5313 or noncriminal violation, regardless of adjudication or plea
5314 entered, of any provision of chapter 828 or this chapter, or rule
5315 of the commission or if such violation is disposed of under s.
5316 921.187. Failure to pay such expense may be grounds for
5317 revocation or denial of permits to such individual to possess
5318 wildlife.

5319 Section 105. Subsections (4), (5), (6), (9), and (10) of
5320 section 372.921, Florida Statutes, are renumbered as section
5321 379.304, Florida Statutes, and amended to read:

5322 379.304 ~~372.921~~ Exhibition or sale of wildlife.--

5323 (1) ~~(4)~~ Permits issued pursuant to this section and places
5324 where wildlife is kept or held in captivity shall be subject to
5325 inspection by officers of the commission at all times. The
5326 commission shall have the power to release or confiscate any
5327 specimens of any wildlife, specifically birds, mammals,
5328 amphibians, or reptiles, whether indigenous to the state or not,
5329 when it is found that conditions under which they are being
5330 confined are unsanitary, or unsafe to the public in any manner,
5331 or that the species of wildlife are being maltreated, mistreated,
5332 or neglected or kept in any manner contrary to the provisions of
5333 chapter 828, any such permit to the contrary notwithstanding.
5334 Before any such wildlife is confiscated or released under the
5335 authority of this section, the owner thereof shall have been
5336 advised in writing of the existence of such unsatisfactory

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5337 conditions; the owner shall have been given 30 days in which to
5338 correct such conditions; the owner shall have failed to correct
5339 such conditions; the owner shall have had an opportunity for a
5340 proceeding pursuant to chapter 120; and the commission shall have
5341 ordered such confiscation or release after careful consideration
5342 of all evidence in the particular case in question. The final
5343 order of the commission shall constitute final agency action.

5344 (2)~~(5)~~ In instances where wildlife is seized or taken into
5345 custody by the commission, said owner or possessor of such
5346 wildlife shall be responsible for payment of all expenses
5347 relative to the capture, transport, boarding, veterinary care, or
5348 other costs associated with or incurred due to seizure or custody
5349 of wildlife. Such expenses shall be paid by said owner or
5350 possessor upon any conviction or finding of guilt of a criminal
5351 or noncriminal violation, regardless of adjudication or plea
5352 entered, of any provision of chapter 828 or this chapter, or rule
5353 of the commission or if such violation is disposed of under s.
5354 921.187. Failure to pay such expense may be grounds for
5355 revocation or denial of permits to such individual to possess
5356 wildlife.

5357 (3)~~(6)~~ Any animal on exhibit of a type capable of
5358 contracting or transmitting rabies shall be immunized against
5359 rabies.

5360 (4)~~(9)~~ The commission is authorized to adopt rules pursuant
5361 to ss. 120.536(1) and 120.54 to implement the provisions of this
5362 section.

5363 (5)~~(10)~~ A violation of this section is punishable as
5364 provided by s. 379.401 ~~372.83~~.

5365 Section 106. Section 372.92, Florida Statutes, is

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5366 renumbered as section 379.305, Florida Statutes, and amended to
5367 read:

5368 379.305 ~~372.92~~ Rules and regulations; penalties.--

5369 (1) The Fish and Wildlife Conservation Commission may
5370 prescribe such other rules and regulations as it may deem
5371 necessary to prevent the escape of venomous reptiles or reptiles
5372 of concern, either in connection of construction of such cages or
5373 otherwise to carry out the intent of ss. 379.372-379.374 ~~372.86-~~
5374 ~~372.88~~.

5375 (2) A person who knowingly releases a nonnative venomous
5376 reptile or reptile of concern to the wild or who through gross
5377 negligence allows a nonnative venomous reptile or reptile of
5378 concern to escape commits a Level Three violation, punishable as
5379 provided in s. 379.4015 ~~372.935~~.

5380 Section 107. Section 372.673, Florida Statutes, is
5381 renumbered as section 379.3061, Florida Statutes, to read:

5382 379.3061 ~~372.673~~ Florida Panther Technical Advisory
5383 Council.--

5384 (1) The Florida Panther Technical Advisory Council is
5385 established within the Fish and Wildlife Conservation Commission.
5386 The council shall be appointed by the Governor and shall consist
5387 of seven members with technical knowledge and expertise in the
5388 research and management of large mammals.

5389 (a) Two members shall represent state or federal agencies
5390 responsible for management of endangered species; two members,
5391 who must have specific experience in the research and management
5392 of large felines or large mammals, shall be appointed from
5393 universities, colleges, or associated institutions; and three
5394 members, with similar expertise, shall be appointed from the

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5395 public at large.

5396 (b) As soon as practicable after July 1, 1983, one member
5397 representing a state or federal agency and one member appointed
5398 from a university, college, or associated institution shall be
5399 appointed for terms ending August 1, 1985, and the remaining
5400 members shall be appointed for terms ending August 1, 1987.
5401 Thereafter, all appointments shall be for 4-year terms. If a
5402 vacancy occurs, a member shall be appointed for the remainder of
5403 the unexpired term. A member whose term has expired shall
5404 continue sitting on the council with full rights until a
5405 replacement has been appointed.

5406 (c) Council members shall be reimbursed pursuant to s.
5407 112.061 but shall receive no additional compensation or
5408 honorarium.

5409 (2) The purposes of the council are:

5410 (a) To serve in an advisory capacity to the Fish and
5411 Wildlife Conservation Commission on technical matters of
5412 relevance to the Florida panther recovery program, and to
5413 recommend specific actions that should be taken to accomplish the
5414 purposes of this act.

5415 (b) To review and comment on research and management
5416 programs and practices to identify potential harm to the Florida
5417 panther population.

5418 (c) To provide a forum for technical review and discussion
5419 of the status and development of the Florida panther recovery
5420 program.

5421 Section 108. Section 372.5714, Florida Statutes, is
5422 renumbered as section 379.3062, Florida Statutes, and amended to
5423 read:

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5424 379.3062 ~~372.5714~~ Waterfowl Advisory Council.--

5425 (1) There is created a Waterfowl Advisory Council
5426 consisting of three members, one appointed by the Governor, one
5427 appointed by the Speaker of the House of Representatives, and one
5428 appointed by the President of the Senate. Members may be
5429 representative of appropriate state agencies, private
5430 conservation groups, or private citizens and shall possess
5431 knowledge and experience in the area of waterfowl management and
5432 protection. Members shall be appointed for 4-year, staggered
5433 terms and shall be eligible for reappointment. A vacancy shall be
5434 filled by appointment for the remainder of the unexpired term.

5435 (2) The council shall meet at least once a year either in
5436 person or by a telephone conference call, shall elect a chair
5437 annually to preside over its meetings and perform any other
5438 duties directed by the council, and shall maintain minutes of
5439 each meeting. All records of council activities shall be kept on
5440 file with the Fish and Wildlife Conservation Commission and shall
5441 be made available to any interested person. The Fish and Wildlife
5442 Conservation Commission shall provide such staff support as is
5443 necessary to the council to carry out its duties. Members of the
5444 council shall serve without compensation, but shall be reimbursed
5445 for per diem and travel expenses as provided in s. 112.061 when
5446 carrying out the official business of the council.

5447 (3) It shall be the duty of the council to advise the
5448 commission regarding the administration of revenues generated by
5449 the sale of the Florida waterfowl permit provided for by s.
5450 379.2211 ~~372.5712~~. In particular, the council shall consult with
5451 and advise the commission with respect to the establishment and
5452 operation of projects for the protection and propagation of

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5453 migratory waterfowl and the development, restoration,
5454 maintenance, and preservation of wetlands within the state, to be
5455 financed by such revenues as specified in said section.

5456 Section 109. Section 372.992, Florida Statutes, is
5457 renumbered as section 379.3063, Florida Statutes, to read:

5458 379.3063 ~~372.992~~ Nongame Wildlife Advisory Council.--

5459 (1) There is created the Nongame Wildlife Advisory Council,
5460 which shall consist of the following 11 members appointed by the
5461 Governor: one representative each from the Fish and Wildlife
5462 Conservation Commission, the Department of Environmental
5463 Protection, and the United States Fish and Wildlife Services; the
5464 director of the Florida Museum of Natural History or her or his
5465 designee; one representative from a professional wildlife
5466 organization; one representative from a private wildlife
5467 institution; one representative from a Florida university or
5468 college who has expertise in nongame biology; one representative
5469 of business interests from a private consulting firm who has
5470 expertise in nongame biology; one representative of a statewide
5471 organization of landowner interests; and two members from
5472 conservation organizations. All appointments shall be for 4-year
5473 terms. Members shall be eligible for reappointment.

5474 (2) The council shall recommend to the commission policies,
5475 objectives, and specific actions for nongame wildlife research
5476 and management.

5477 (3) Members of the council shall receive no compensation
5478 but shall be entitled to receive per diem and travel expenses as
5479 provided in s. 112.061, while carrying out official business with
5480 the council, from funds provided under s. 379.209 ~~372.991~~.

5481 Section 110. Part V of chapter 379, Florida Statutes,

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5482 consisting of sections 379.33, 379.3311, 379.3312, 379.3313,
5483 379.332, 379.333, 379.334, 379.335, 379.336, 379.337, 379.338,
5484 379.339, 379.340, 379.341, 379.342, and 379.343, is created to
5485 read:

5486 PART V
5487 LAW ENFORCEMENT
5488

5489 Section 111. Section 370.028, Florida Statutes, is
5490 renumbered as section 379.33, Florida Statutes, and amended to
5491 read:

5492 379.33 ~~370.028~~ Enforcement of commission rules; penalties
5493 for violation of rule.--Rules of the Fish and Wildlife
5494 Conservation Commission shall be enforced by any law enforcement
5495 officer certified pursuant to s. 943.13. Except as provided under
5496 s. 379.401 ~~372.83~~, any person who violates or otherwise fails to
5497 comply with any rule adopted by the commission shall be punished
5498 pursuant to s. 379.407 (1) ~~370.021(1)~~.

5499 Section 112. Section 372.07, Florida Statutes, is
5500 renumbered as section 379.3311, Florida Statutes, to read:

5501 379.3311 ~~372.07~~ Police powers of commission and its
5502 agents.--

5503 (1) The Fish and Wildlife Conservation Commission, the
5504 executive director and the executive director's assistants
5505 designated by her or him, and each wildlife officer are
5506 constituted peace officers with the power to make arrests for
5507 violations of the laws of this state when committed in the
5508 presence of the officer or when committed on lands under the
5509 supervision and management of the commission. The general laws
5510 applicable to arrests by peace officers of this state shall also

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5511 | be applicable to said director, assistants, and wildlife
5512 | officers. Such persons may enter upon any land or waters of the
5513 | state for performance of their lawful duties and may take with
5514 | them any necessary equipment, and such entry shall not constitute
5515 | a trespass.

5516 | (2) Such officers shall have power and authority to enforce
5517 | throughout the state all laws relating to game, nongame birds,
5518 | fish, and fur-bearing animals and all rules and regulations of
5519 | the Fish and Wildlife Conservation Commission relating to wild
5520 | animal life, marine life, and freshwater aquatic life, and in
5521 | connection with said laws, rules, and regulations, in the
5522 | enforcement thereof and in the performance of their duties
5523 | thereunder, to:

5524 | (a) Go upon all premises, posted or otherwise;

5525 | (b) Execute warrants and search warrants for the violation
5526 | of said laws;

5527 | (c) Serve subpoenas issued for the examination,
5528 | investigation, and trial of all offenses against said laws;

5529 | (d) Carry firearms or other weapons, concealed or
5530 | otherwise, in the performance of their duties;

5531 | (e) Arrest upon probable cause without warrant any person
5532 | found in the act of violating any of the provisions of said laws
5533 | or, in pursuit immediately following such violations, to examine
5534 | any person, boat, conveyance, vehicle, game bag, game coat, or
5535 | other receptacle for wild animal life, marine life, or freshwater
5536 | aquatic life, or any camp, tent, cabin, or roster, in the
5537 | presence of any person stopping at or belonging to such camp,
5538 | tent, cabin, or roster, when said officer has reason to believe,
5539 | and has exhibited her or his authority and stated to the

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5540 suspected person in charge the officer's reason for believing,
5541 that any of the aforesaid laws have been violated at such c

5542 (f) Secure and execute search warrants and in pursuance
5543 thereof to enter any building, enclosure, or car and to break
5544 open, when found necessary, any apartment, chest, locker, box,
5545 trunk, crate, basket, bag, package, or container and examine the
5546 contents thereof;

5547 (g) Seize and take possession of all wild animal life,
5548 marine life, or freshwater aquatic life taken or in possession or
5549 under control of, or shipped or about to be shipped by, any
5550 person at any time in any manner contrary to said laws.

5551 (3) It is unlawful for any person to resist an arrest
5552 authorized by this section or in any manner to interfere, either
5553 by abetting, assisting such resistance, or otherwise interfering
5554 with said executive director, assistants, or wildlife officers
5555 while engaged in the performance of the duties imposed upon them
5556 by law or regulation of the Fish and Wildlife Conservation
5557 Commission.

5558 (4) Upon final disposition of any alleged offense for which
5559 a citation for any violation of this chapter or the rules of the
5560 commission has been issued, the court shall, within 10 days after
5561 the final disposition of the action, certify the disposition to
5562 the commission.

5563 Section 113. Section 372.071, Florida Statutes, is
5564 renumbered as section 379.3312, Florida Statutes, and amended to
5565 read:

5566 379.3312 ~~372.071~~ Powers of arrest by agents of Department
5567 of Environmental Protection or Fish and Wildlife Conservation
5568 Commission.--Any certified law enforcement officer of the

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5569 | Department of Environmental Protection or the Fish and Wildlife
5570 | Conservation Commission, upon receiving information, relayed to
5571 | her or him from any law enforcement officer stationed on the
5572 | ground, on the water, or in the air, that a driver, operator, or
5573 | occupant of any vehicle, boat, or airboat has violated any
5574 | section of chapter 327, chapter 328, ~~chapter 370~~, or this
5575 | chapter, or s. 597.010 or s. 597.020, may arrest the driver,
5576 | operator, or occupant for violation of said laws when reasonable
5577 | and proper identification of the vehicle, boat, or airboat and
5578 | reasonable and probable grounds to believe that the driver,
5579 | operator, or occupant has committed or is committing any such
5580 | offense have been communicated to the arresting officer by the
5581 | other officer stationed on the ground, on the water, or in the
5582 | air.

5583 | Section 114. Subsection(8) of section 370.021, Florida
5584 | Statutes, is renumbered as section 379.3313, Florida Statutes,
5585 | and amended to read:

5586 | 379.3313 Powers of commission law enforcement officers.--

5587 | ~~(8) POWERS OF OFFICERS.--~~

5588 | (1)(a) Law enforcement officers of the commission are
5589 | constituted law enforcement officers of this state with full
5590 | power to investigate and arrest for any violation of the laws of
5591 | this state and the rules of the commission under their
5592 | jurisdiction. The general laws applicable to arrests by peace
5593 | officers of this state shall also be applicable to law
5594 | enforcement officers of the commission. Such law enforcement
5595 | officers may enter upon any land or waters of the state for
5596 | performance of their lawful duties and may take with them any
5597 | necessary equipment, and such entry will not constitute a

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5598 trespass. It is lawful for any boat, motor vehicle, or aircraft
5599 owned or chartered by the commission or its agents or employees
5600 to land on and depart from any of the beaches or waters of the
5601 state. Such law enforcement officers have the authority, without
5602 warrant, to board, inspect, and search any boat, fishing
5603 appliance, storage or processing plant, fishhouse, spongehouse,
5604 oysterhouse, or other warehouse, building, or vehicle engaged in
5605 transporting or storing any fish or fishery products. Such
5606 authority to search and inspect without a search warrant is
5607 limited to those cases in which such law enforcement officers
5608 have reason to believe that fish or any saltwater products are
5609 taken or kept for sale, barter, transportation, or other purposes
5610 in violation of laws or rules promulgated under this law. Any
5611 such law enforcement officer may at any time seize or take
5612 possession of any saltwater products or contraband which have
5613 been unlawfully caught, taken, or processed or which are
5614 unlawfully possessed or transported in violation of any of the
5615 laws of this state or any rule of the commission. Such law
5616 enforcement officers may arrest any person in the act of
5617 violating any of the provisions of this law, the rules of the
5618 commission, or any of the laws of this state. It is hereby
5619 declared unlawful for any person to resist such arrest or in any
5620 manner interfere, either by abetting or assisting such resistance
5621 or otherwise interfering, with any such law enforcement officer
5622 while engaged in the performance of the duties imposed upon him
5623 or her by law or rule of the commission.

5624 (2) ~~(b)~~ The Legislature finds that the checking and
5625 inspection of saltwater products aboard vessels is critical to
5626 good fishery management and conservation and that, because almost

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5627 | all saltwater products are either iced or cooled in closed areas
5628 | or containers, the enforcement of seasons, size limits, and bag
5629 | limits can only be effective when inspection of saltwater
5630 | products so stored is immediate and routine. Therefore, in
5631 | addition to the authority granted in subsection (1), a law
5632 | enforcement officer of the commission who has probable cause to
5633 | believe that the vessel has been used for fishing prior to the
5634 | inspection shall have full authority to open and inspect all
5635 | containers or areas where saltwater products are normally kept
5636 | aboard vessels while such vessels are on the water, such as
5637 | refrigerated or iced locations, coolers, fish boxes, and bait
5638 | wells, but specifically excluding such containers that are
5639 | located in sleeping or living areas of the vessel.

5640 | Section 115. Section 372.70, Florida Statutes, is
5641 | renumbered as section 379.332, Florida Statutes, to read:

5642 | 379.332 ~~372.70~~ Prosecutions; state attorney to represent
5643 | state.--

5644 | (1) The prosecuting officers of the several courts of
5645 | criminal jurisdiction of this state shall investigate and
5646 | prosecute all violations of the laws relating to game, freshwater
5647 | fish, nongame birds, and fur-bearing animals which may be brought
5648 | to their attention by the commission or its conservation
5649 | officers, or which may otherwise come to their knowledge.

5650 | (2) The state attorney shall represent the state in any
5651 | forfeiture proceeding under this chapter. The Department of Legal
5652 | Affairs shall represent the state in all appeals from judgments
5653 | of forfeiture to the Supreme Court. The state may appeal any
5654 | judgment denying forfeiture in whole or in part that may be
5655 | otherwise adverse to the state.

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5656 Section 116. Section 372.701, Florida Statutes, is
5657 renumbered as section 379.333, Florida Statutes, to read:

5658 379.333 ~~372.701~~ Arrest by officers of the Fish and Wildlife
5659 Conservation Commission; recognizance; cash bond; citation.--

5660 (1) In all cases of arrest by officers of the Fish and
5661 Wildlife Conservation Commission and the Department of
5662 Environmental Protection, the person arrested shall be delivered
5663 forthwith by said officer to the sheriff of the county, or shall
5664 obtain from such person arrested a recognizance or, if deemed
5665 necessary, a cash bond or other sufficient security conditioned
5666 for her or his appearance before the proper tribunal of such
5667 county to answer the charge for which the person has been
5668 arrested.

5669 (2) All officers of the commission and the department are
5670 hereby directed to deliver all bonds accepted and approved by
5671 them to the sheriff of the county in which the offense is alleged
5672 to have been committed.

5673 (3) Any person so arrested and released on her or his own
5674 recognizance by an officer and who shall fail to appear or
5675 respond to the proper citation to appear, shall, in addition to
5676 the charge relating to wildlife or freshwater fish, be charged
5677 with that offense of failing to respond to such citation and,
5678 upon conviction, be punished as for a misdemeanor. A written
5679 warning to this effect shall be given at the time of arrest of
5680 such person.

5681 Section 117. Section 372.76, Florida Statutes, is
5682 renumbered as section 379.334, Florida Statutes, to read:

5683 379.334 ~~372.76~~ Search and seizure authorized and
5684 limited.--The Fish and Wildlife Conservation Commission and its

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5685 conservation officers shall have authority when they have
5686 reasonable and probable cause to believe that the provisions of
5687 this chapter have been violated, to board any vessel, boat, or
5688 vehicle or to enter any fishhouse or warehouse or other building,
5689 exclusive of residence, in which game, hides, fur-bearing
5690 animals, fish, or fish nets are kept and to search for and seize
5691 any such game, hides, fur-bearing animals, fish, or fish nets had
5692 or held therein in violation of law. Provided, however, that no
5693 search without warrant shall be made under any of the provisions
5694 of this chapter, unless the officer making such search has such
5695 information from a reliable source as would lead a prudent and
5696 cautious person to believe that some provision of this chapter is
5697 being violated.

5698 Section 118. Section 372.761, Florida Statutes, is
5699 renumbered as section 379.335, Florida Statutes, to read:

5700 379.335 ~~372.761~~ Issuance of warrant for search of private
5701 dwelling.--

5702 (1) A search warrant may be issued on application by a
5703 commissioned officer of the Fish and Wildlife Conservation
5704 Commission to search any private dwelling occupied as such when
5705 it is being used for the unlawful sale or purchase of wildlife or
5706 freshwater fish being unlawfully kept therein. The term "private
5707 dwelling" shall be construed to include the room or rooms used
5708 and occupied, not transiently but solely as a residence, in an
5709 apartment house, hotel, boardinghouse, or lodginghouse. No
5710 warrant for the search of any private dwelling shall be issued
5711 except upon probable cause supported by sworn affidavit of some
5712 creditable witness that she or he has reason to believe that the
5713 said conditions exist, which affidavit shall set forth the facts

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5714 | on which such reason for belief is based.

5715 | (2) This section shall not be construed as being in
5716 | conflict with, but is supplemental to, chapter 933.

5717 | Section 119. Section 370.22, Florida Statutes, is
5718 | renumbered as section 379.336, Florida Statutes, to read:

5719 | 379.336 ~~370.22~~ Venue for proceedings against citizens and
5720 | residents charged with violations outside state boundaries.--

5721 | (1) In any proceeding against a resident or citizen of the
5722 | state to enforce the provisions of this chapter with respect to
5723 | alleged violations occurring beyond the territorial waters of the
5724 | state, the proper venue shall be the county within the state
5725 | which is nearest the site of the violation.

5726 | (2) For the purpose of this section, any person having
5727 | embarked from, or having docked his or her vessel in, a port
5728 | within this state who violates any provision of this chapter with
5729 | respect to the unlawful landing of saltwater life, whether or not
5730 | outside the territorial waters of the state, shall be considered
5731 | a citizen of the state for the purpose of subjecting that person
5732 | to the police powers of the state.

5733 | Section 120. Section 370.061, Florida Statutes, is
5734 | renumbered as section 379.337, Florida Statutes, and amended to
5735 | read:

5736 | 379.337 ~~370.061~~ Confiscation, seizure, and forfeiture of
5737 | property and products.--

5738 | (1) SEIZURE, FORFEITURE; PROCEDURE.--Nothing in this
5739 | subsection affects the commission's authority to confiscate in
5740 | any case illegal saltwater products, illegally taken saltwater
5741 | products, or illegal fishing gear in accordance with this
5742 | section.

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5743 (a) Property used in connection with a violation resulting
5744 in a conviction for the illegal taking, or attempted taking,
5745 sale, possession, or transportation of saltwater products is
5746 subject to seizure and forfeiture as part of the commission's
5747 efforts to protect the state's marine life. Saltwater products
5748 and seines, nets, boats, motors, other fishing devices or
5749 equipment, and vehicles or other means of transportation used or
5750 attempted to be used in connection with, as an instrumentality
5751 of, or in aiding and abetting such illegal taking or attempted
5752 taking are hereby declared to be nuisances.

5753 (b) Upon a conviction of a person in whose possession the
5754 property was found, the court having jurisdiction over the
5755 criminal offense, notwithstanding any jurisdictional limitations
5756 on the amount in controversy, may make a finding that the
5757 property was used in connection with a saltwater products
5758 violation and may order such property forfeited to the
5759 commission.

5760 (c) For purposes of this section, a conviction, except with
5761 respect to a first time offender under this chapter for whom
5762 adjudication is withheld, is any disposition other than acquittal
5763 or dismissal.

5764 (2) SEIZURE, FORFEITURE; NOTICE.--The requirement for a
5765 conviction before forfeiture of property establishes to the
5766 exclusion of any reasonable doubt that the property was used in
5767 connection with the violation resulting in conviction. Prior to
5768 the issuance of a forfeiture order for any vessel, vehicle, or
5769 other property under subsection (1), the commission shall seize
5770 the property and notify the registered owner, if any, that the
5771 property has been seized by the commission. Except as provided in

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5772 subsection (6), the procedures of chapter 932 do not apply to any
5773 seizure or forfeiture of property under this section.

5774 (a) Notification of property seized under this section must
5775 be sent by certified mail to a registered owner within 14 days
5776 after seizure. If the commission, after diligent inquiry, cannot
5777 ascertain the registered owner, the notice requirement is
5778 satisfied.

5779 (b) Upon a first conviction for a violation under this
5780 chapter, the property seized under this section shall be returned
5781 to the registered owner if the commission fails to prove by a
5782 preponderance of the evidence before the court having
5783 jurisdiction over the criminal offense that the registered owner
5784 aided in, abetted in, participated in, gave consent to, knew of,
5785 or had reason to know of the violation.

5786 (c) Upon a second or subsequent conviction for a violation
5787 under this chapter, the burden shall be on the registered owner
5788 to prove by a preponderance of the evidence before the court
5789 having jurisdiction over the criminal offense that the registered
5790 owner in no way aided in, abetted in, participated in, knew of,
5791 or had reason to know of the second or subsequent violation which
5792 resulted in seizure of the lawful property.

5793 (d) Any request for a hearing from a registered owner
5794 asserting innocence to recover property seized under these
5795 provisions must be sent to the commission's Division of Law
5796 Enforcement within 21 days after the registered owner's receipt
5797 of the notice of seizure. If a request for a hearing is not
5798 timely received, the court shall forfeit to the commission the
5799 right to, title to, and interest in the property seized, subject
5800 only to the rights and interests of bona fide lienholders.

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5801 (e) If a motor vehicle is seized under this section and is
5802 subject to any existing liens recorded under s. 319.27, all
5803 further proceedings shall be governed by the expressed intent of
5804 the Legislature not to divest any innocent person, firm, or
5805 corporation holding such a recorded lien of any of its
5806 reversionary rights in such motor vehicle or of any of its rights
5807 as prescribed in s. 319.27, and upon any default by the violator
5808 purchaser, the lienholder may foreclose its lien and take
5809 possession of the motor vehicle involved.

5810 (3) COURT ORDER OF FORFEITURE.--When any illegal or
5811 illegally used seine, net, trap, or other fishing device or
5812 equipment, or illegally taken, possessed, or transported
5813 saltwater products, are found and taken into custody, and the
5814 owner thereof is not known to the officer finding the item or
5815 items, such officer shall immediately procure from the county
5816 court judge of the county wherein the item or items were found an
5817 order forfeiting the illegally used or illegally taken saltwater
5818 products, seines, nets, traps, boats, motors, or other fishing
5819 devices to the commission.

5820 (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property
5821 forfeited under this section may be destroyed, used by the
5822 commission, disposed of by gift to charitable or state
5823 institutions, or sold, with the proceeds derived from the sale
5824 deposited into the Marine Resources Conservation Trust Fund to be
5825 used for law enforcement purposes, ~~or into the commission's~~
5826 ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~
5827 ~~applicable.~~

5828 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS;
5829 PROCEDURE.--

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5830 (a) When an arrest is made pursuant to the provisions of
5831 this chapter and illegal, perishable saltwater products or
5832 saltwater products illegally taken or landed are confiscated, the
5833 defendant may post bond or cash deposit in an amount determined
5834 by the judge to be the fair value of such confiscated products.
5835 The defendant shall have 24 hours to transport the products
5836 outside the limits of Florida for sale or other disposition.
5837 Should no bond or cash deposit be given within the time fixed by
5838 the judge, the judge shall order the sale of the confiscated
5839 saltwater products at the highest price obtainable. When
5840 feasible, at least three bids shall be requested.

5841 (b) Moneys received from the sale of confiscated saltwater
5842 products, either by the defendant or by order of the court, shall
5843 be received by the judge and shall be remitted to the commission
5844 to be deposited into a special escrow account in the State
5845 Treasury to be held in trust pending the outcome of the trial of
5846 the defendant. If bond is posted by the defendant, it shall also
5847 be remitted to the commission to be held in escrow pending the
5848 outcome of the trial of the defendant.

5849 (c) In the event of acquittal, the proceeds of a sale or
5850 the bond or cash deposit required by this subsection shall be
5851 returned to the defendant. In the event of a conviction, the
5852 proceeds of a sale or the bond or cash deposit required by this
5853 subsection shall be deposited into the Marine Resources
5854 Conservation Trust Fund to be used for law enforcement purposes
5855 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
5856 ~~provided in s. 372.107, as applicable.~~ Such deposit into the
5857 Marine Resources Conservation Trust Fund ~~or the Federal Law~~
5858 ~~Enforcement Trust Fund~~ shall constitute confiscation.

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5859 (d) For purposes of confiscation under this subsection, the
5860 term "saltwater products" has the meaning set out in s.
5861 379.101(36) ~~370.01(27)~~, except that the term does not include
5862 saltwater products harvested under the authority of a
5863 recreational license unless the amount of such harvested products
5864 exceeds three times the applicable recreational bag limit for
5865 trout, snook, or redfish.

5866 (6) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
5867 FUNDING.--

5868 (a) Any municipal or county law enforcement agency that
5869 enforces or assists the commission in enforcing the provisions of
5870 this chapter, which results in a forfeiture of property as
5871 provided in this section, shall be entitled to receive all or a
5872 share of any property based upon its participation in such
5873 enforcement.

5874 (b) If a municipal or county law enforcement agency has a
5875 marine enforcement unit, any property delivered to any municipal
5876 or county law enforcement agency as provided in paragraph (a) may
5877 be retained or sold by the municipal or county law enforcement
5878 agency, and the property or proceeds shall be used to enforce the
5879 provisions of this chapter and chapters 327 and 328. If a
5880 municipal or county law enforcement agency does not have a marine
5881 enforcement unit, such property or proceeds shall be disposed of
5882 under the provisions of chapter 932.

5883 (c) Any funds received by a municipal or county law
5884 enforcement agency pursuant to this subsection shall be
5885 supplemental funds and may not be used as replacement funds by
5886 the municipality or county.

5887 Section 121. Section 372.73, Florida Statutes, is

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5888 renumbered as section 379.338, Florida Statutes, and amended to
5889 read:

5890 379.338 ~~372.73~~ Confiscation and disposition of illegally
5891 taken game.--All game and freshwater fish seized under the
5892 authority of this chapter shall, upon conviction of the offender
5893 or sooner if the court so orders, be forfeited and given to some
5894 hospital or charitable institution and receipt therefor sent to
5895 the Fish and Wildlife Conservation Commission. All furs or hides
5896 or fur-bearing animals seized under the authority of this chapter
5897 shall, upon conviction of the offender, be forfeited and sent to
5898 the commission, which shall sell the same and deposit the
5899 proceeds of such sale to the credit of the State Game Trust Fund
5900 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
5901 ~~provided in s. 372.107, as applicable.~~ If any such hides or furs
5902 are seized and the offender is unknown, the court shall order
5903 such hides or furs sent to the Fish and Wildlife Conservation
5904 Commission, which shall sell such hides and furs and deposit the
5905 proceeds of such sale to the credit of the State Game Trust Fund
5906 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
5907 ~~provided in s. 372.107, as applicable.~~

5908 Section 122. Section 372.9901, Florida Statutes, is
5909 renumbered as section 379.339, Florida Statutes, and amended to
5910 read:

5911 379.339 ~~372.9901~~ Seizure of illegal hunting devices;
5912 disposition; notice; forfeiture.--In order to protect the state's
5913 wildlife resources, any vehicle, vessel, animal, gun, light, or
5914 other hunting device used or attempted to be used in connection
5915 with, as an instrumentality of, or in aiding and abetting in the
5916 commission of an offense prohibited by s. 379.404 ~~372.99~~ is

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5917 | subject to seizure and forfeiture. The provisions of chapter 932
5918 | do not apply to any seizure or forfeiture under this section. For
5919 | purposes of this section, a conviction is any disposition other
5920 | than acquittal or dismissal.

5921 | (1) (a) Upon a first conviction of the person in whose
5922 | possession the property was found, the court having jurisdiction
5923 | over the criminal offense, notwithstanding any jurisdictional
5924 | limitations on the amount in controversy, may make a finding that
5925 | the property was used in connection with a violation of s.
5926 | 379.404 ~~372.99~~. Upon such finding, the court may order the
5927 | property forfeited to the commission.

5928 | (b) Upon a second or subsequent conviction of a person in
5929 | whose possession the property was found for a violation of s.
5930 | 379.404 ~~372.99~~, the court shall order the forfeiture to the
5931 | commission of any property used in connection with that
5932 | violation.

5933 | (2) The requirement for a conviction before forfeiture
5934 | establishes, to the exclusion of any reasonable doubt, that the
5935 | property was used in connection with that violation. Prior to the
5936 | issuance of a forfeiture order for any vessel, vehicle, or other
5937 | property under subsection (1), the commission shall seize the
5938 | property and notify the registered owner, if any, that the
5939 | property has been seized by the commission.

5940 | (3) Notification of property seized under this section must
5941 | be sent by certified mail to a registered owner within 14 days
5942 | after seizure. If the commission, after diligent inquiry, cannot
5943 | ascertain the registered owner, the notice requirement is
5944 | satisfied.

5945 | (4) (a) For a first conviction of an offense under s.

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5946 379.404 ~~372.99~~, property seized by the commission shall be
5947 returned to the registered owner if the commission fails to prove
5948 by a preponderance of the evidence before the court having
5949 jurisdiction over the criminal offense that the registered owner
5950 aided in, abetted in, participated in, gave consent to, knew of,
5951 or had reason to know of the offense.

5952 (b) Upon a second or subsequent conviction for an offense
5953 under s. 379.404 ~~372.99~~, the burden shall be on the registered
5954 owner to prove by a preponderance of the evidence before the
5955 court having jurisdiction over the criminal offense that the
5956 registered owner in no way aided in, abetted in, participated in,
5957 knew of, or had reason to know of the second offense which
5958 resulted in seizure of the lawful property.

5959 (c) Any request for a hearing from a registered owner
5960 asserting innocence to recover property seized under these
5961 provisions must be sent to the commission's Division of Law
5962 Enforcement within 21 days after the registered owner's receipt
5963 of the notice of seizure. If a request for a hearing is not
5964 timely received, the court shall forfeit to the commission the
5965 right to, title to, and interest in the property seized, subject
5966 only to the rights and interests of bona fide lienholders.

5967 (5) All amounts received from the sale or other disposition
5968 of the property shall be paid into the State Game Trust Fund ~~or~~
5969 ~~into the commission's Federal Law Enforcement Trust Fund as~~
5970 ~~provided in s. 372.107, as applicable.~~ If the property is not
5971 sold or converted, it shall be delivered to the executive
5972 director of the commission.

5973 Section 123. Section 372.9904, Florida Statutes, is
5974 renumbered as section 379.3395, Florida Statutes, and amended to

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5975 | read:

5976 | 379.3395 ~~372.9904~~ Seizure of illegal transportation
 5977 | devices; disposition; appraisal; forfeiture.--

5978 | (1) Any vehicle, vessel, or other transportation device
 5979 | used in the commission of the offense prohibited by s. 379.406
 5980 | ~~372.9903~~, except a vehicle, vessel, or other transportation
 5981 | device duly registered as a common carrier and operated in lawful
 5982 | transaction of business as such carrier, shall be seized by the
 5983 | arresting officer, who shall promptly make return of the seizure
 5984 | and deliver the property to the director of the Fish and Wildlife
 5985 | Conservation Commission. The return shall describe the property
 5986 | seized and recite in detail the facts and circumstances under
 5987 | which it was seized, together with the reason that the property
 5988 | was subject to seizure. The return shall also contain the names
 5989 | of all persons known to the officer to be interested in the
 5990 | property.

5991 | (2) The commission, upon receipt of the property, shall
 5992 | promptly fix its value and make return thereof to the clerk of
 5993 | the circuit court of the county wherein the article was seized;
 5994 | after which, on proper showing of ownership of the property by
 5995 | someone other than the person arrested, the property shall be
 5996 | returned by the court to the said owner.

5997 | (3) Upon conviction of the violator, the property, if owned
 5998 | by the person convicted, shall be forfeited to the state under
 5999 | the procedure set forth in ss. 379.337 and 379.362 ~~370.061~~ and
 6000 | ~~370.07~~, when not inconsistent with this section. All amounts
 6001 | received from the sale or other disposition of the property shall
 6002 | be paid into the State Game Trust Fund ~~or into the commission's~~
 6003 | ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~

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6004 applicable. If the property is not sold or converted, it shall be
6005 delivered to the director of the Fish and Wildlife Conservation
6006 Commission.

6007 Section 124. Section 372.99021, Florida Statutes, is
6008 renumbered as section 379.341, Florida Statutes, to read:

6009 379.341 ~~372.99021~~ Disposition of illegal fishing devices;
6010 exercise of police power.--

6011 (1) In all cases of arrest and conviction for use of
6012 illegal nets or traps or fishing devices, as provided in this
6013 chapter, such illegal net, trap, or fishing device is declared to
6014 be a nuisance and shall be seized and carried before the court
6015 having jurisdiction of such offense and said court shall order
6016 such illegal trap, net, or fishing device forfeited to the
6017 commission immediately after trial and conviction of the person
6018 in whose possession they were found. When any illegal net, trap,
6019 or fishing device is found in the fresh waters of the state, and
6020 the owner of same shall not be known to the officer finding the
6021 same, such officer shall immediately procure from the county
6022 court judge an order forfeiting said illegal net, trap, or
6023 fishing device to the commission. The commission may destroy such
6024 illegal net, trap, or fishing device, if in its judgment said
6025 net, trap, or fishing device is not of value in the work of the
6026 department.

6027 (2) When any nets, traps, or fishing devices are found
6028 being used illegally as provided in this chapter, the same shall
6029 be seized and forfeited to the commission as provided in this
6030 chapter.

6031 (3) This section is necessary for the more efficient and
6032 proper enforcement of the statutes and laws of this state

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6033 prohibiting the illegal use of nets, traps, or fishing devices
6034 and is a lawful exercise of the police power of the state for the
6035 protection of the public welfare, health, and safety of the
6036 people of the state. All the provisions of this section shall be
6037 liberally construed for the accomplishment of these purposes.

6038 Section 125. Section 372.9905, Florida Statutes, is
6039 renumbered as section 379.342, Florida Statutes, and amended to
6040 read:

6041 379.342 ~~372.9905~~ Applicability of ss. 379.339, 379.340,
6042 379.404, and 379.406 ~~372.99, 372.9901, 372.9903, and~~
6043 ~~372.9904.~~--The provisions of ss. 379.339, 379.340, 379.404, and
6044 379.406 ~~372.99, 372.9901, 372.9903, and 372.9904~~ relating to
6045 seizure and forfeiture of animals or of vehicles, vessels, or
6046 other transportation devices do not vitiate any valid lien,
6047 retain title contract, or chattel mortgage on such animals or
6048 vehicles, vessels, or other transportation devices if such lien,
6049 retain title contract, or chattel mortgage is properly of public
6050 record at the time of the seizure.

6051 Section 126. Section 372.0715, Florida Statutes, is
6052 renumbered as section 379.343, Florida Statutes, to read:

6053 379.343 ~~372.0715~~ Rewards.--The Fish and Wildlife
6054 Conservation Commission is authorized to offer rewards in amounts
6055 of up to \$500 to any person furnishing information leading to the
6056 arrest and conviction of any person who has inflicted or
6057 attempted to inflict bodily injury upon any wildlife officer
6058 engaged in the enforcement of the provisions of this chapter or
6059 the rules and regulations of the Fish and Wildlife Conservation
6060 Commission.

6061 Section 127. Part VI of chapter 379, Florida Statutes,

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6062 consisting of sections 379.350, 379.3501, 379.3502, 379.3503,
6063 379.3504, 379.3511, 379.3512, 379.352, 379.353, 379.354, 379.355,
6064 379.356, 379.357, 379.3581, 379.3582, and 379.3582, is created to
6065 read:

6066 PART VI

6067 LICENSES FOR RECREATIONAL ACTIVITIES

6068
6069 Section 128. Section 372.5711, Florida Statutes, is
6070 renumbered as section 379.35, Florida Statutes, to read:

6071 379.35 ~~372.5711~~ Review of fees for licenses and permits;
6072 review of exemptions.--The fees for licenses and permits
6073 established under this chapter, and exemptions thereto, shall be
6074 reviewed by the Legislature during its regular session every 5
6075 years beginning in 2000.

6076 Section 129. Section 372.571, Florida Statutes, is
6077 renumbered as section 379.3501, Florida Statutes, and amended to
6078 read:

6079 379.3501 ~~372.571~~ Expiration of licenses and permits.--Each
6080 license or permit issued under this part ~~chapter~~ must be dated
6081 when issued. Each license or permit issued under this part
6082 ~~chapter~~ remains valid for 12 months after the date of issuance,
6083 except for a lifetime license issued pursuant to s. 379.354
6084 ~~372.57~~ which is valid from the date of issuance until the death
6085 of the individual to whom the license is issued unless otherwise
6086 revoked in accordance with s. 379.401 ~~372.83~~ or s. 379.404
6087 ~~372.99~~, or a 5-year license issued pursuant to s. 379.354 ~~372.57~~
6088 which is valid for 5 consecutive years from the date of purchase
6089 unless otherwise revoked in accordance with s. 379.401 ~~372.83~~ or
6090 s. 379.404 ~~372.99~~, or a license issued pursuant to s.

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6091 379.354(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.
6092 ~~372.57(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.,~~
6093 which is valid for the period specified on the license. A
6094 resident lifetime license or a resident 5-year license that has
6095 been purchased by a resident of this state and who subsequently
6096 resides in another state shall be honored for activities
6097 authorized by that license.

6098 Section 130. Section 372.59, Florida Statutes, is
6099 renumbered as section 379.3502, Florida Statutes, and amended to
6100 read:

6101 379.3502 ~~372.59~~ License and permit not transferable.--A
6102 person may not alter or change in any manner, or loan or transfer
6103 to another, unless otherwise provided, any license or permit
6104 issued pursuant to the provisions of this chapter, nor may any
6105 other person, other than the person to whom it is issued, use the
6106 same.

6107 Section 131. Section 372.58, Florida Statutes, is
6108 renumbered as section 379.3503, Florida Statutes, and amended to
6109 read:

6110 379.3503 ~~372.58~~ False statement in application for license
6111 or permit.--Any person who swears or affirms to any false
6112 statement in any application for license or permit provided by
6113 this chapter, is guilty of violating this chapter, and shall be
6114 subject to the penalty provided in s. 379.401 ~~372.83~~, and any
6115 false statement contained in any application for such license or
6116 permit renders the license or permit void.

6117 Section 132. Section 372.581, Florida Statutes, is
6118 renumbered as section 379.3504, Florida Statutes, and amended to
6119 read:

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6120 379.3504 ~~372.581~~ Entering false information on licenses or
6121 permits.--Whoever knowingly and willfully enters false
6122 information on, or allows or causes false information to be
6123 entered on or shown upon any license or permit issued under the
6124 provisions of this chapter in order to avoid prosecution or to
6125 assist another to avoid prosecution, or for any other wrongful
6126 purpose shall be punished as provided in s. 379.401 ~~372.83~~.

6127 Section 133. Section 372.574, Florida Statutes, is
6128 renumbered as section 379.3511, Florida Statutes, and amended to
6129 read:

6130 379.3511 ~~372.574~~ Appointment of subagents for the sale of
6131 hunting, fishing, and trapping licenses and permits.--

6132 (1) Subagents shall serve at the pleasure of the
6133 commission. The commission may establish, by rule, procedures for
6134 the selection and appointment of subagents. The following are
6135 requirements for subagents so appointed:

6136 (a) The commission may require each subagent to post an
6137 appropriate bond as determined by the commission, using an
6138 insurance company acceptable to the commission. In lieu of the
6139 bond, the commission may purchase blanket bonds covering all or
6140 selected subagents or may allow a subagent to post other security
6141 as required by the commission.

6142 (b) A subagent may sell licenses and permits as authorized
6143 by the commission at specific locations within the county and in
6144 states as will best serve the public interest and convenience in
6145 obtaining licenses and permits. The commission may prohibit
6146 subagents from selling certain licenses or permits.

6147 (c) It is unlawful for any person to handle licenses or
6148 permits for a fee or compensation of any kind unless he or she

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6149 | has been appointed as a subagent.

6150 | (d) Any person who willfully violates any of the provisions
6151 | of this section commits a misdemeanor of the second degree,
6152 | punishable as provided in s. 775.082 or s. 775.083.

6153 | (e) A subagent may charge and receive as his or her
6154 | compensation 50 cents for each license or permit sold. This
6155 | charge is in addition to the sum required by law to be collected
6156 | for the sale and issuance of each license or permit.

6157 | (f) A subagent shall submit payment for and report the sale
6158 | of licenses and permits to the commission as prescribed by the
6159 | commission.

6160 | (2) The Fish and Wildlife Conservation Commission or any
6161 | other law enforcement agency may carry out any investigation
6162 | necessary to secure information required to carry out and enforce
6163 | this section.

6164 | (3) All social security numbers that are provided pursuant
6165 | to ss. 379.352 and 379.354 ~~372.561 and 372.57~~ and are contained
6166 | in records of any subagent appointed under this section are
6167 | confidential as provided in those sections.

6168 | Section 134. Section 372.551, Florida Statutes, is
6169 | renumbered as section 379.3512, Florida Statutes, to read:

6170 | 379.3512 ~~372.551~~ Competitive bidding for certain sale of
6171 | licenses and permits and the issuance of authorization
6172 | numbers.--The commission is authorized to establish the
6173 | following, using competitive bidding procedures:

6174 | (1) A process and a vendor fee for the sale of licenses and
6175 | permits, and the issuance of authorization numbers, over the
6176 | telephone.

6177 | (2) A process and a vendor fee for the electronic sale of

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6178 licenses and permits and for the electronic issuance of
6179 authorization numbers.

6180 Section 135. Section 372.561, Florida Statutes, is
6181 renumbered as section 379.352, Florida Statutes, and amended to
6182 read:

6183 379.352 ~~372.561~~ Recreational licenses, permits, and
6184 authorization numbers to take wild animal life, freshwater
6185 aquatic life, and marine life; issuance; costs; reporting.--

6186 (1) This section applies to all recreational licenses and
6187 permits and to any authorization numbers issued by the commission
6188 for the use of such recreational licenses or permits.

6189 (2) The commission shall establish forms for the issuance
6190 of recreational licenses and permits.

6191 (3) The commission shall issue a license, permit, or
6192 authorization number to take wild animal life, freshwater aquatic
6193 life, or marine life when an applicant provides proof that she or
6194 he is entitled to such license, permit, or authorization number.
6195 Each applicant for a recreational license, permit, or
6196 authorization number shall provide her or his social security
6197 number on the application form. Disclosure of social security
6198 numbers obtained through this requirement shall be limited to the
6199 purposes of administration of the Title IV-D program for child
6200 support enforcement, use by the commission, and as otherwise
6201 provided by law.

6202 (4) Licenses and permits to take wild animal life,
6203 freshwater aquatic life, or marine life may be sold by the
6204 commission, by any tax collector in the state, or by any subagent
6205 authorized under s. 379.3511 ~~372.574~~.

6206 (5) In addition to any license or permit fee, the sum of

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6207 | \$1.50 shall be charged for each license or management area
6208 | permit, except for replacement licenses, to cover the cost of
6209 | issuing such license or permit.

6210 | (6) (a) The fee established pursuant to subsection (5) shall
6211 | be distributed as follows:

6212 | 1. For each hunting license and freshwater fishing license
6213 | sold by a tax collector, including the combination freshwater
6214 | fishing and hunting license, the sportsman's license, and the
6215 | gold sportsman's license, a tax collector may retain \$1.00.

6216 | 2. For each management area permit sold by a tax collector,
6217 | a tax collector may retain \$1.00.

6218 | 3. For each saltwater fishing tag and saltwater fishing
6219 | license sold by a tax collector, including the combination
6220 | saltwater fishing and freshwater fishing license and the
6221 | combination saltwater fishing, freshwater fishing, and hunting
6222 | license, a tax collector may retain \$1.50.

6223 | 4. For licenses and management area permits sold by
6224 | subagents, a tax collector may retain 50 cents for each license
6225 | sold in the tax collector's county.

6226 | 5. Any and all remaining fees shall be deposited in the
6227 | State Game Trust Fund and shall be used to support an automated
6228 | license system and administration of the license program.

6229 | (b) Tax collectors shall remit license and permit revenue
6230 | to the commission weekly.

6231 | (7) (a) The sum of \$10 shall be charged for each replacement
6232 | lifetime license and \$2 for all other replacement licenses and
6233 | permits. A tax collector may retain \$1.00 for each replacement
6234 | license.

6235 | (b) Fees collected from the issuance of replacement

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6236 licenses shall be deposited in the State Game Trust Fund.

6237 (8) At each location where hunting, fishing, or trapping
6238 licenses or permits are sold, voter registration applications
6239 shall be displayed and made available to the public. Subagents
6240 shall ask each person who applies for a hunting, fishing, or
6241 trapping license or permit if he or she would like a voter
6242 registration application and may provide such application to the
6243 license or permit applicant but shall not assist such persons
6244 with voter registration applications or collect complete or
6245 incomplete voter registration applications.

6246 (9) Except as provided in subsections (8) and (12), each
6247 person who applies for a hunting, fishing, or trapping license or
6248 permit shall be asked if he or she would like the appropriate
6249 supervisor of elections to provide a voter registration
6250 application to the applicant at a later date. If at the time a
6251 license is purchased the applicant indicates that he or she would
6252 like to receive a voter registration application, the commission
6253 shall, within 7 days, make the request available to the
6254 appropriate supervisor of elections or voter registration agency
6255 so that an application may be sent to the applicant. Supervisors
6256 of elections shall mail an application to each person requesting
6257 such application within 5 business days after receipt of the
6258 request.

6259 (10) The commission may satisfy the requirements of
6260 subsection (9) by providing access to an Internet site with the
6261 voter registration information included thereon.

6262 (11) When acting in its official capacity pursuant to this
6263 section, neither the commission nor a subagent is deemed a third-
6264 party registration organization, as defined in s. 97.021(36), or

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6265 a voter registration agency, as defined in s. 97.021(40), and is
6266 not authorized to solicit, accept, or collect voter registration
6267 applications or provide voter registration services.

6268 (12) Each person who applies for a hunting, fishing, or
6269 trapping license or permit on the Internet shall be provided a
6270 link to the Department of State's online uniform statewide voter
6271 registration application.

6272 (13) The commission, any tax collector in this state, or
6273 any subagent authorized to sell licenses and permits under s.
6274 379.3511 ~~372.574~~ may request and collect donations when selling a
6275 recreational license or permit authorized under s. 379.354
6276 ~~372.57~~. All donations collected under this subsection shall be
6277 deposited into the State Game Trust Fund to be used solely for
6278 the purpose of enhancing youth hunting and youth freshwater and
6279 saltwater fishing programs. By January 1, the commission shall
6280 provide a complete and detailed annual report on the status of
6281 its youth programs and activities performed under this subsection
6282 to the Governor, the President of the Senate, and the Speaker of
6283 the House of Representatives.

6284 (14) The commission is authorized to adopt rules pursuant
6285 to ss. 120.536(1) and 120.54 to implement the provisions of this
6286 section.

6287 Section 136. Section 372.562, Florida Statutes, is
6288 renumbered as section 379.353, Florida Statutes, and amended to
6289 read:

6290 379.353 ~~372.562~~ Recreational licenses and permits;
6291 exemptions from fees and requirements.--

6292 (1) Hunting, freshwater fishing, and saltwater fishing
6293 licenses and permits shall be issued without fee to any resident

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6294 | who is certified or determined:

6295 | (a) To be totally and permanently disabled for purposes of
6296 | workers' compensation under chapter 440 as verified by an order
6297 | of a judge of compensation claims or written confirmation by the
6298 | carrier providing workers' compensation benefits, or to be
6299 | totally and permanently disabled by the Railroad Retirement
6300 | Board, by the United States Department of Veterans Affairs or its
6301 | predecessor, or by any branch of the United States Armed Forces,
6302 | or who holds a valid identification card issued under the
6303 | provisions of s. 295.17, upon proof of same. Any license issued
6304 | under this paragraph after January 1, 1997, expires after 5 years
6305 | and must be reissued, upon request, every 5 years thereafter.

6306 | (b) To be disabled by the United States Social Security
6307 | Administration, upon proof of same. Any license issued under this
6308 | paragraph after October 1, 1999, expires after 2 years and must
6309 | be reissued, upon proof of certification of disability, every 2
6310 | years thereafter.

6311 |
6312 | A disability license issued after July 1, 1997, and before July
6313 | 1, 2000, retains the rights vested thereunder until the license
6314 | has expired.

6315 | (2) A hunting, freshwater fishing, or saltwater fishing
6316 | license or permit is not required for:

6317 | (a) Any child under 16 years of age, except as otherwise
6318 | provided in this part ~~chapter~~.

6319 | (b) Any person hunting or freshwater fishing on her or his
6320 | homestead property, or on the homestead property of the person's
6321 | spouse or minor child; or any minor child hunting or freshwater
6322 | fishing on the homestead property of her or his parent.

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6323 (c) Any resident who is a member of the United States Armed
6324 Forces and not stationed in this state, when home on leave for 30
6325 days or less, upon submission of orders.

6326 (d) Any resident freshwater fishing for recreational
6327 purposes only, within her or his county of residence with live or
6328 natural bait, using poles or lines not equipped with a fishing
6329 line retrieval mechanism. This exemption does not apply to
6330 residents fishing in a legally established fish management area.

6331 (e) Any person freshwater fishing in a fish pond of 20
6332 acres or less that is located entirely within the private
6333 property of the fish pond owner.

6334 (f) Any person freshwater fishing in a fish pond that is
6335 licensed in accordance with s. 379.356 ~~372.5705~~.

6336 (g) Any person fishing who has been accepted as a client
6337 for developmental disabilities services by the Department of
6338 Children and Family Services, provided the department furnishes
6339 proof thereof.

6340 (h) Any resident saltwater fishing from land or from a
6341 structure fixed to the land.

6342 (i) Any person saltwater fishing from a vessel licensed
6343 pursuant to s. 379.354(7) ~~372.57(7)~~.

6344 (j) Any person saltwater fishing from a vessel the operator
6345 of which is licensed pursuant to s. 379.354(7) ~~372.57(7)~~.

6346 (k) Any person saltwater fishing who holds a valid
6347 saltwater products license issued under s. 379.361(2) ~~370.06(2)~~.

6348 (l) Any person saltwater fishing for recreational purposes
6349 from a pier licensed under s. 379.354 ~~372.57~~.

6350 (m) Any resident fishing for a saltwater species in fresh
6351 water from land or from a structure fixed to land.

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6352 (n) Any resident fishing for mullet in fresh water who has
6353 a valid Florida freshwater fishing license.

6354 (o) Any resident 65 years of age or older who has in her or
6355 his possession proof of age and residency. A no-cost license
6356 under this paragraph may be obtained from any tax collector's
6357 office upon proof of age and residency and must be in the
6358 possession of the resident during hunting, freshwater fishing,
6359 and saltwater fishing activities.

6360 (p) Any employee of the commission who takes freshwater
6361 fish, saltwater fish, or game as part of employment with the
6362 commission, or any other person authorized by commission permit
6363 to take freshwater fish, saltwater fish, or game for scientific
6364 or educational purposes.

6365 (q) Any resident recreationally freshwater fishing who
6366 holds a valid commercial fishing license issued under s.
6367 379.3625(1)(a) ~~372.65(1)(a)~~.

6368 Section 137. Section 372.57, Florida Statutes, is
6369 renumbered as section 379.354, Florida Statutes, and amended to
6370 read:

6371 379.354 ~~372.57~~ Recreational licenses, permits, and
6372 authorization numbers; fees established.--

6373 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
6374 REQUIRED.--Except as provided in s. 379.353 ~~372.562~~, no person
6375 shall take game, freshwater or saltwater fish, or fur-bearing
6376 animals within this state without having first obtained a
6377 license, permit, or authorization number and paid the fees set
6378 forth in this chapter. Such license, permit, or authorization
6379 number shall authorize the person to whom it is issued to take
6380 game, freshwater or saltwater fish, or fur-bearing animals, and

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6381 participate in outdoor recreational activities in accordance with
6382 the laws of the state and rules of the commission.

6383 (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.--

6384 (a) Licenses, permits, and authorization numbers issued
6385 under this part ~~chapter~~ are not transferable. Each license and
6386 permit must bear on its face in indelible ink the name of the
6387 person to whom it is issued and other information as deemed
6388 necessary by the commission. Licenses issued to the owner,
6389 operator, or custodian of a vessel that directly or indirectly
6390 collects fees for taking or attempting to take or possess
6391 saltwater fish for noncommercial purposes must include the vessel
6392 registration number or federal documentation number.

6393 (b) The lifetime licenses and 5-year licenses authorized in
6394 this section shall be embossed with the name, date of birth, date
6395 of issuance, and other pertinent information as deemed necessary
6396 by the commission. A certified copy of the applicant's birth
6397 certificate shall accompany each application for a lifetime
6398 license for a resident 12 years of age or younger.

6399 (c) A positive form of identification is required when
6400 using a free license, a lifetime license, a 5-year license, or an
6401 authorization number issued under this chapter, or when otherwise
6402 required by a license or permit.

6403 (3) PERSONAL POSSESSION REQUIRED.--Each license, permit, or
6404 authorization number must be in the personal possession of the
6405 person to whom it is issued while such person is taking,
6406 attempting to take, or possessing game, freshwater or saltwater
6407 fish, or fur-bearing animals. Any person taking, attempting to
6408 take, or possessing game, freshwater or saltwater fish, or fur-
6409 bearing animals who fails to produce a license, permit, or

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6410 authorization number at the request of a commission law
6411 enforcement officer commits a violation of the law.

6412 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
6413 and fees for residents participating in hunting and fishing
6414 activities in this state are as follows:

6415 (a) Annual freshwater fishing license, \$15.50.
6416 (b) Annual saltwater fishing license, \$15.50.
6417 (c) Annual hunting license to take game, \$15.50.
6418 (d) Annual combination hunting and freshwater fishing
6419 license, \$31.
6420 (e) Annual combination freshwater fishing and saltwater
6421 fishing license, \$31.
6422 (f) Annual combination hunting, freshwater fishing, and
6423 saltwater fishing license, \$46.50.
6424 (g) Annual license to take fur-bearing animals, \$25.
6425 However, a resident with a valid hunting license or a no-cost
6426 license who is taking fur-bearing animals for noncommercial
6427 purposes using guns or dogs only, and not traps or other devices,
6428 is not required to purchase this license. Also, a resident 65
6429 years of age or older is not required to purchase this license.

6430 (h) Annual sportsman's license, \$79, except that an annual
6431 sportsman's license for a resident 64 years of age or older is
6432 \$12. A sportsman's license authorizes the person to whom it is
6433 issued to take game and freshwater fish, subject to the state and
6434 federal laws, rules, and regulations, including rules of the
6435 commission, in effect at the time of the taking. Other authorized
6436 activities include activities authorized by a management area
6437 permit, a muzzle-loading gun season permit, a crossbow season
6438 permit, a turkey permit, a Florida waterfowl permit, and an

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6439 archery season permit.

6440 (i) Annual gold sportsman's license, \$98.50. The gold
6441 sportsman's license authorizes the person to whom it is issued to
6442 take freshwater fish, saltwater fish, and game, subject to the
6443 state and federal laws, rules, and regulations, including rules
6444 of the commission, in effect at the time of taking. Other
6445 authorized activities include activities authorized by a
6446 management area permit, a muzzle-loading gun season permit, a
6447 crossbow season permit, a turkey permit, a Florida waterfowl
6448 permit, an archery season permit, a snook permit, and a spiny
6449 lobster permit.

6450 (j) Annual military gold sportsman's license, \$18.50. The
6451 gold sportsman's license authorizes the person to whom it is
6452 issued to take freshwater fish, saltwater fish, and game, subject
6453 to the state and federal laws, rules, and regulations, including
6454 rules of the commission, in effect at the time of taking. Other
6455 authorized activities include activities authorized by a
6456 management area permit, a muzzle-loading gun season permit, a
6457 crossbow season permit, a turkey permit, a Florida waterfowl
6458 permit, an archery season permit, a snook permit, and a spiny
6459 lobster permit. Any resident who is an active or retired member
6460 of the United States Armed Forces, the United States Armed Forces
6461 Reserve, the National Guard, the United States Coast Guard, or
6462 the United States Coast Guard Reserve is eligible to purchase the
6463 military gold sportsman's license upon submission of a current
6464 military identification card.

6465 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The licenses
6466 and fees for nonresidents participating in hunting and fishing
6467 activities in the state are as follows:

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6468 (a) Freshwater fishing license to take freshwater fish for
6469 3 consecutive days, \$15.50.

6470 (b) Freshwater fishing license to take freshwater fish for
6471 7 consecutive days, \$28.50.

6472 (c) Saltwater fishing license to take saltwater fish for 3
6473 consecutive days, \$15.50.

6474 (d) Saltwater fishing license to take saltwater fish for 7
6475 consecutive days, \$28.50.

6476 (e) Annual freshwater fishing license, \$45.50.

6477 (f) Annual saltwater fishing license, \$45.50.

6478 (g) Hunting license to take game for 10 consecutive days,
6479 \$45.

6480 (h) Annual hunting license to take game, \$150.

6481 (i) Annual license to take fur-bearing animals, \$25.

6482 However, a nonresident with a valid Florida hunting license who
6483 is taking fur-bearing animals for noncommercial purposes using
6484 guns or dogs only, and not traps or other devices, is not
6485 required to purchase this license.

6486 (6) PIER LICENSE.--A pier license for any pier fixed to
6487 land for the purpose of taking or attempting to take saltwater
6488 fish is \$500 per year. The pier license may be purchased at the
6489 option of the owner, operator, or custodian of such pier and must
6490 be available for inspection at all times.

6491 (7) VESSEL LICENSES.--

6492 (a) No person may operate any vessel wherein a fee is paid,
6493 either directly or indirectly, for the purpose of taking,
6494 attempting to take, or possessing any saltwater fish for
6495 noncommercial purposes unless she or he has obtained a license
6496 for each vessel for that purpose, and has paid the license fee

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6497 | pursuant to paragraphs (b) and (c) for such vessel.

6498 | (b) A license for any person who operates any vessel
6499 | licensed to carry more than 10 customers, wherein a fee is paid,
6500 | either directly or indirectly, for the purpose of taking or
6501 | attempting to take saltwater fish, is \$800 per year. The license
6502 | must be kept aboard the vessel at all times.

6503 | (c)1. A license for any person who operates any vessel
6504 | licensed to carry no more than 10 customers, or for any person
6505 | licensed to operate any vessel carrying 6 or fewer customers,
6506 | wherein a fee is paid, either directly or indirectly, for the
6507 | purpose of taking or attempting to take saltwater fish, is \$400
6508 | per year.

6509 | 2. A license for any person licensed to operate any vessel
6510 | carrying 6 or fewer customers but who operates a vessel carrying
6511 | 4 or fewer customers, wherein a fee is paid, either directly or
6512 | indirectly, for the purpose of taking or attempting to take
6513 | saltwater fish, is \$200 per year. The license must be kept aboard
6514 | the vessel at all times.

6515 | 3. A person who operates a vessel required to be licensed
6516 | pursuant to paragraph (b) or this paragraph may obtain a license
6517 | in her or his own name, and such license shall be transferable
6518 | and apply to any vessel operated by the purchaser, provided that
6519 | the purchaser has paid the appropriate license fee.

6520 | (d) A license for a recreational vessel not for hire and
6521 | for which no fee is paid, either directly or indirectly, by
6522 | guests for the purpose of taking or attempting to take saltwater
6523 | fish noncommercially is \$2,000 per year. The license may be
6524 | purchased at the option of the vessel owner and must be kept
6525 | aboard the vessel at all times. A log of species taken and the

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6526 | date the species were taken shall be maintained and a copy of the
6527 | log filed with the commission at the time of renewal of the
6528 | license.

6529 | (e) The owner, operator, or custodian of a vessel the
6530 | operator of which has been licensed pursuant to paragraph (a)
6531 | must maintain and report such statistical data as required by,
6532 | and in a manner set forth in, the rules of the commission.

6533 | (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
6534 | PERMITS.--In addition to any license required under this chapter,
6535 | the following permits and fees for specified hunting, fishing,
6536 | and recreational uses and activities are required:

6537 | (a) An annual Florida waterfowl permit for a resident or
6538 | nonresident to take wild ducks or geese within the state or its
6539 | coastal waters is \$3.

6540 | (b)1. An annual Florida turkey permit for a resident to
6541 | take wild turkeys within the state is \$5.

6542 | 2. An annual Florida turkey permit for a nonresident to
6543 | take wild turkeys within the state is \$100.

6544 | (c) An annual snook permit for a resident or nonresident to
6545 | take or possess any snook from any waters of the state is \$2.
6546 | Revenue generated from the sale of snook permits shall be used
6547 | exclusively for programs to benefit the snook population.

6548 | (d) An annual spiny lobster permit for a resident or
6549 | nonresident to take or possess any spiny lobster for recreational
6550 | purposes from any waters of the state is \$2. Revenue generated
6551 | from the sale of spiny lobster permits shall be used exclusively
6552 | for programs to benefit the spiny lobster population.

6553 | (e) A \$5 fee is imposed for each of the following permits:

6554 | 1. An annual archery season permit for a resident or

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6555 nonresident to hunt within the state during any archery season
6556 authorized by the commission.

6557 2. An annual crossbow season permit for a resident or
6558 nonresident to hunt within the state during any crossbow season
6559 authorized by the commission.

6560 3. An annual muzzle-loading gun season permit for a
6561 resident or nonresident to hunt within the state during any
6562 muzzle-loading gun season authorized by the commission.

6563 (f) A special use permit for a resident or nonresident to
6564 participate in limited entry hunting or fishing activities as
6565 authorized by commission rule shall not exceed \$100 per day or
6566 \$250 per week. Notwithstanding any other provision of this
6567 chapter, there are no exclusions, exceptions, or exemptions from
6568 this permit fee. In addition to the permit fee, the commission
6569 may charge each special use permit applicant a nonrefundable
6570 application fee not to exceed \$10.

6571 (g)1. A management area permit for a resident or
6572 nonresident to hunt on, fish on, or otherwise use for outdoor
6573 recreational purposes land owned, leased, or managed by the
6574 commission, or by the state for the use and benefit of the
6575 commission, shall not exceed \$25 per year.

6576 2. Permit fees for short-term use of land that is owned,
6577 leased, or managed by the commission may be established by rule
6578 of the commission for activities on such lands. Such permits may
6579 be in lieu of, or in addition to, the annual management area
6580 permit authorized in subparagraph 1.

6581 3. Other than for hunting or fishing, the provisions of
6582 this paragraph shall not apply on any lands not owned by the
6583 commission, unless the commission has obtained the written

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6584 consent of the owner or primary custodian of such lands.

6585 (h)1. A recreational user permit is required to hunt on,
6586 fish on, or otherwise use for outdoor recreational purposes land
6587 leased by the commission from private nongovernmental owners,
6588 except for those lands located directly north of the Apalachicola
6589 National Forest, east of the Ochlocknee River until the point the
6590 river meets the dam forming Lake Talquin, and south of the
6591 closest federal highway. The fee for a recreational user permit
6592 shall be based upon the economic compensation desired by the
6593 landowner, game population levels, desired hunter density, and
6594 administrative costs. The permit fee shall be set by commission
6595 rule on a per-acre basis. The recreational user permit fee, less
6596 administrative costs of up to \$25 per permit, shall be remitted
6597 to the landowner as provided in the lease agreement for each
6598 area.

6599 2. One minor dependent under 16 years of age may hunt under
6600 the supervision of the permittee and is exempt from the
6601 recreational user permit requirements. The spouse and dependent
6602 children of a permittee are exempt from the recreational user
6603 permit requirements when engaged in outdoor recreational
6604 activities other than hunting and when accompanied by a
6605 permittee. Notwithstanding any other provision of this chapter,
6606 no other exclusions, exceptions, or exemptions from the
6607 recreational user permit fee are authorized.

6608 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

6609 (a) Five-year licenses are available for residents only, as
6610 follows:

6611 1. A 5-year freshwater fishing or saltwater fishing license
6612 is \$77.50 for each type of license and authorizes the person to

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6613 | whom the license is issued to take or attempt to take or possess
6614 | freshwater fish or saltwater fish consistent with the state and
6615 | federal laws and regulations and rules of the commission in
6616 | effect at the time of taking.

6617 | 2. A 5-year hunting license is \$77.50 and authorizes the
6618 | person to whom it is issued to take or attempt to take or possess
6619 | game consistent with the state and federal laws and regulations
6620 | and rules of the commission in effect at the time of taking.

6621 | 3. The commission is authorized to sell the hunting,
6622 | fishing, and recreational activity permits authorized in
6623 | subsection (8) for a 5-year period to match the purchase of 5-
6624 | year fishing and hunting licenses. The fee for each permit issued
6625 | under this paragraph shall be five times the annual cost
6626 | established in subsection (8).

6627 | (b) Proceeds from the sale of all 5-year licenses and
6628 | permits shall be deposited into the Dedicated License Trust Fund,
6629 | to be distributed in accordance with the provisions of s. 379.203
6630 | ~~372.106~~.

6631 | (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
6632 | LICENSES.--

6633 | (a) Lifetime freshwater fishing licenses or saltwater
6634 | fishing licenses are available for residents only, as follows,
6635 | for:

- 6636 | 1. Persons 4 years of age or younger, for a fee of \$125.
6637 | 2. Persons 5 years of age or older, but under 13 years of
6638 | age, for a fee of \$225.
6639 | 3. Persons 13 years of age or older, for a fee of \$300.

6640 | (b) The following activities are authorized by the purchase
6641 | of a lifetime freshwater fishing license:

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6642 1. Taking, or attempting to take or possess, freshwater
6643 fish consistent with the state and federal laws and regulations
6644 and rules of the commission in effect at the time of the taking.

6645 2. All activities authorized by a management area permit,
6646 excluding hunting.

6647 (c) The following activities are authorized by the purchase
6648 of a lifetime saltwater fishing license:

6649 1. Taking, or attempting to take or possess, saltwater fish
6650 consistent with the state and federal laws and regulations and
6651 rules of the commission in effect at the time of the taking.

6652 2. All activities authorized by a snook permit and a spiny
6653 lobster permit.

6654 3. All activities for which an additional license, permit,
6655 or fee is required to take or attempt to take or possess
6656 saltwater fish, which additional license, permit, or fee was
6657 imposed subsequent to the date of the purchase of the lifetime
6658 saltwater fishing license.

6659 (11) RESIDENT LIFETIME HUNTING LICENSES.--

6660 (a) Lifetime hunting licenses are available to residents
6661 only, as follows, for:

6662 1. Persons 4 years of age or younger, for a fee of \$200.

6663 2. Persons 5 years of age or older, but under 13 years of
6664 age, for a fee of \$350.

6665 3. Persons 13 years of age or older, for a fee of \$500.

6666 (b) The following activities are authorized by the purchase
6667 of a lifetime hunting license:

6668 1. Taking, or attempting to take or possess, game
6669 consistent with the state and federal laws and regulations and
6670 rules of the commission in effect at the time of the taking.

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6671 2. All activities authorized by a muzzle-loading gun season
6672 permit, a crossbow season permit, a turkey permit, an archery
6673 season permit, a Florida waterfowl permit, and a management area
6674 permit, excluding fishing.

6675 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

6676 (a) Lifetime sportsman's licenses are available to
6677 residents only, as follows, for:

6678 1. Persons 4 years of age or younger, for a fee of \$400.

6679 2. Persons 5 years of age or older, but under 13 years of
6680 age, for a fee of \$700.

6681 3. Persons 13 years of age or older, for a fee of \$1,000.

6682 (b) The following activities are authorized by the purchase
6683 of a lifetime sportsman's license:

6684 1. Taking, or attempting to take or possess, freshwater and
6685 saltwater fish, and game, consistent with the state and federal
6686 laws and regulations and rules of the commission in effect at the
6687 time of taking.

6688 2. All activities authorized by a management area permit, a
6689 muzzle-loading gun season permit, a crossbow season permit, a
6690 turkey permit, an archery season permit, a Florida waterfowl
6691 permit, a snook permit, and a spiny lobster permit.

6692 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The
6693 proceeds from the sale of all lifetime licenses authorized in
6694 this section shall be deposited into the Lifetime Fish and
6695 Wildlife Trust Fund, to be distributed as provided in s. 379.207
6696 372.105.

6697 (14) RECIPROCAL FEE AGREEMENTS.--The commission is
6698 authorized to reduce the fees for licenses and permits under this
6699 section for residents of those states with which the commission

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6700 | has entered into reciprocal agreements with respect to such fees.

6701 | (15) FREE FISHING DAYS.--The commission may designate by
6702 | rule no more than 2 consecutive or nonconsecutive days in each
6703 | year as free freshwater fishing days and no more than 2
6704 | consecutive or nonconsecutive days in each year as free saltwater
6705 | fishing days. Notwithstanding any other provision of this
6706 | chapter, any person may take freshwater fish for noncommercial
6707 | purposes on a free freshwater fishing day and may take saltwater
6708 | fish for noncommercial purposes on a free saltwater fishing day,
6709 | without obtaining or possessing a license or permit or paying a
6710 | license or permit fee as prescribed in this section. A person who
6711 | takes freshwater or saltwater fish on a free fishing day must
6712 | comply with all laws, rules, and regulations governing the
6713 | holders of a fishing license or permit and all other conditions
6714 | and limitations regulating the taking of freshwater or saltwater
6715 | fish as are imposed by law or rule.

6716 | (16) PROHIBITED LICENSES OR PERMITS.--A person may not
6717 | make, forge, counterfeit, or reproduce a license or permit
6718 | required under this section, except for those persons authorized
6719 | by the commission to make or reproduce such a license or permit.
6720 | A person may not knowingly possess a forgery, counterfeit, or
6721 | unauthorized reproduction of such a license or permit. A person
6722 | who violates this subsection commits a Level Four violation under
6723 | s. 379.401 ~~372.83~~.

6724 | (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
6725 | game, freshwater fish, saltwater fish, or fur-bearing animals
6726 | within this state if a license issued to such person as required
6727 | under this section or a privilege granted to such person under s.
6728 | 379.353 ~~372.562~~ is suspended or revoked. A person who violates

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6729 | this subsection commits a Level Three violation under s. 379.401
6730 | ~~372.83~~.

6731 | Section 138. Section 370.063, Florida Statutes, is
6732 | renumbered as section 379.355, Florida Statutes, and amended to
6733 | read:

6734 | 379.355 ~~370.063~~ Special recreational spiny lobster
6735 | license.--There is created a special recreational spiny lobster
6736 | license, to be issued to qualified persons as provided by this
6737 | section for the recreational harvest of spiny lobster beginning
6738 | August 5, 1994.

6739 | (1) The special recreational spiny lobster license shall be
6740 | available to any individual spiny lobster trap number holder who
6741 | also possesses a saltwater products license during the 1993-1994
6742 | license year. A person issued a special recreational spiny
6743 | lobster license may not also possess a trap number.

6744 | (2) The special recreational spiny lobster license is
6745 | required in order to harvest spiny lobster from state territorial
6746 | waters in quantities in excess of the regular recreational bag
6747 | limit but not in excess of a special bag limit as established by
6748 | the Marine Fisheries Commission for these harvesters before the
6749 | 1994-1995 license year. Such special bag limit does not apply
6750 | during the 2-day sport season established by the Fish and
6751 | Wildlife Conservation Commission.

6752 | (3) The holder of a special recreational spiny lobster
6753 | license must also possess the recreational spiny lobster permit
6754 | required by s. 379.354(8)(d) ~~372.57(8)(d)~~.

6755 | ~~(4) As a condition precedent to the issuance of a special~~
6756 | ~~recreational spiny lobster license, the applicant must agree to~~
6757 | ~~file quarterly reports with the Fish and Wildlife Conservation~~

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6758 ~~Commission in such form as the commission requires, detailing the~~
6759 ~~amount of the licenseholder's spiny lobster harvest in the~~
6760 ~~previous quarter, including the harvest of other recreational~~
6761 ~~harvesters aboard the licenseholder's vessel.~~

6762 (4)~~(5)~~ The Fish and Wildlife Conservation Commission shall
6763 issue special recreational spiny lobster licenses. The fee for
6764 each such license is \$100 per year. Each license issued in any
6765 license year must be renewed by June 30 of each subsequent year
6766 by the initial individual holder thereof. ~~Noncompliance with the~~
6767 ~~reporting requirement in subsection (4) or with the special~~
6768 ~~recreational bag limit established under subsection (6)~~
6769 ~~constitutes grounds for which the commission may refuse to renew~~
6770 ~~the license for a subsequent license year.~~ The number of such
6771 licenses outstanding in any one license year may not exceed the
6772 number issued for the 1994-1995 license year. A license is not
6773 transferable by any method. Licenses that are not renewed expire
6774 and may be reissued by the commission in the subsequent license
6775 year to new applicants otherwise qualified under this section.

6776 ~~(6)~~ ~~To promote conservation of the spiny lobster resource,~~
6777 ~~consistent with equitable distribution and availability of the~~
6778 ~~resource, the commission shall establish a spiny lobster~~
6779 ~~management plan incorporating the special recreational spiny~~
6780 ~~lobster license, including, but not limited to, the establishment~~
6781 ~~of a special recreational bag limit for the holders of such~~
6782 ~~license as required by subsection (2). Such special recreational~~
6783 ~~bag limit must not be less than twice the higher of the daily~~
6784 ~~recreational bag limits.~~

6785 (5)~~(7)~~ The proceeds of the fees collected under this
6786 section must be deposited in the Marine Resources Conservation

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6787 Trust Fund and used as follows:

6788 (a) Thirty-five percent for research and the development of
6789 reliable recreational catch statistics for the spiny lobster
6790 fishery.

6791 (b) Twenty percent for administration of this section.

6792 (c) Forty-five percent to be used for enforcement of this
6793 section.

6794 ~~(6)-(8)~~ Any person who violates this section commits a Level
6795 One violation under s. 379.401 ~~372.83~~.

6796 Section 139. Section 372.5705, Florida Statutes, is
6797 renumbered as section 379.356, Florida Statutes, to read:

6798 379.356 ~~372.5705~~ Fish pond license.--The owner of a fish
6799 pond of more than 20 acres which is located entirely within her
6800 or his property may obtain a license from the commission for such
6801 pond at a fee of \$3 per surface acre, and no fishing license
6802 shall be required of any person fishing in such licensed pond.

6803 Section 140. Section 372.5704, Florida Statutes, is
6804 renumbered as section 379.357, Florida Statutes, and amended to
6805 read:

6806 379.357 ~~372.5704~~ Fish and Wildlife Conservation Commission
6807 license program for tarpon; fees; penalties.--

6808 (1) The commission shall establish a license program for
6809 the purpose of issuing tags to individuals desiring to harvest
6810 tarpon (*megalops atlantica*) from the waters of the state. The
6811 tags shall be nontransferable, except that the commission may
6812 allow for a limited number of tags to be purchased by
6813 professional fishing guides for transfer to individuals, and
6814 issued by the commission in order of receipt of a properly
6815 completed application for a nonrefundable fee of \$50 per tag. The

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6816 commission and any tax collector may sell the tags and collect
6817 the fees therefor. Tarpon tags are valid from July 1 through June
6818 30. Before August 15 of each year, each tax collector shall
6819 submit to the commission all unissued tags for the previous
6820 fiscal year along with a written audit report, on forms
6821 prescribed or approved by the commission, as to the numbers of
6822 the unissued tags. To defray the cost of issuing any tag, the
6823 issuing tax collector shall collect and retain as his or her
6824 costs, in addition to the tag fee collected, the amount allowed
6825 under s. 379.352(6) ~~372.561(6)~~ for the issuance of licenses.

6826 ~~(2) The number of tags to be issued shall be determined by~~
6827 ~~rule of the commission. The commission shall in no way allow the~~
6828 ~~issuance of tarpon tags to adversely affect the tarpon~~
6829 ~~population.~~

6830 (2)~~(3)~~ Proceeds from the sale of tarpon tags shall be
6831 deposited in the Marine Resources Conservation Trust Fund and
6832 shall be used to gather information directly applicable to tarpon
6833 management.

6834 (3)~~(4)~~ No individual shall take, kill, or possess any fish
6835 of the species megalops atlantica, commonly known as tarpon,
6836 unless such individual has purchased a tarpon tag and securely
6837 attached it through the lower jaw of the fish. Said individual
6838 shall within 5 days after the landing of the fish submit a form
6839 to the commission which indicates the length, weight, and
6840 physical condition of the tarpon when caught; the date and
6841 location of where the fish was caught; and any other pertinent
6842 information which may be required by the commission. The
6843 commission may refuse to issue new tags to individuals or guides
6844 who fail to provide the required information.

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6845 ~~(4)(5)~~ Any individual including a taxidermist who possesses
6846 a tarpon which does not have a tag securely attached as required
6847 by this section commits a Level Two violation under s. 379.401
6848 ~~372.83~~. Provided, however, a taxidermist may remove the tag
6849 during the process of mounting a tarpon. The removed tag shall
6850 remain with the fish during any subsequent storage or shipment.

6851 ~~(5)(6)~~ Purchase of a tarpon tag shall not accord the
6852 purchaser any right to harvest or possess tarpon in contravention
6853 of rules adopted by the commission. No individual may sell, offer
6854 for sale, barter, exchange for merchandise, transport for sale,
6855 either within or without the state, offer to purchase, or
6856 purchase any species of fish known as tarpon.

6857 ~~(6)(7)~~ The commission shall prescribe and provide suitable
6858 forms and tags necessary to carry out the provisions of this
6859 section.

6860 ~~(7)(8)~~ The provisions of this section shall not apply to
6861 anyone who immediately returns a tarpon uninjured to the water at
6862 the place where the fish was caught.

6863 Section 141. Section 372.5717, Florida Statutes, is
6864 renumbered as section 379.3581, Florida Statutes, and amended to
6865 read:

6866 379.3581 ~~372.5717~~ Hunter safety course; requirements;
6867 penalty.--

6868 (1) This section may be cited as the Senator Joe Carlucci
6869 Hunter Safety Act.

6870 (2) (a) Except as provided in paragraph (b), a person born
6871 on or after June 1, 1975, may not be issued a license to take
6872 wild animal life with the use of a firearm, gun, bow, or crossbow
6873 in this state without having first successfully completed a

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6874 | hunter safety course as provided in this section, and without
6875 | having in his or her personal possession a hunter safety
6876 | certification card, as provided in this section.

6877 | (b) A person born on or after June 1, 1975, who has not
6878 | successfully completed a hunter safety course may apply to the
6879 | commission for a special authorization to hunt under supervision.
6880 | The special authorization for supervised hunting shall be
6881 | designated on any license or permit required under this chapter
6882 | for a person to take game or fur-bearing animals and shall be
6883 | valid for not more than 1 year. A special authorization for
6884 | supervised hunting may not be issued more than once to the person
6885 | applying for such authorization. A person issued a license with a
6886 | special authorization to hunt under supervision must hunt under
6887 | the supervision of, and in the presence of, a person 21 years or
6888 | age or older who is licensed to hunt pursuant to s. 379.354
6889 | ~~372.57~~ or who is exempt from licensing requirements or eligible
6890 | for a free license pursuant to s. 379.353 ~~372.562~~.

6891 | (3) The Fish and Wildlife Conservation Commission shall
6892 | institute and coordinate a statewide hunter safety course that
6893 | must be offered in every county and consist of not more than 16
6894 | hours of instruction including, but not limited to, instruction
6895 | in the competent and safe handling of firearms, conservation, and
6896 | hunting ethics.

6897 | (4) The commission shall issue a permanent hunter safety
6898 | certification card to each person who successfully completes the
6899 | hunter safety course. The commission shall maintain records of
6900 | hunter safety certification cards issued and shall establish
6901 | procedures for replacing lost or destroyed cards.

6902 | (5) A hunter safety certification card issued by a wildlife

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6903 | agency of another state, or any Canadian province, which shows
6904 | that the holder of the card has successfully completed a hunter
6905 | safety course approved by the commission is an acceptable
6906 | substitute for the hunter safety certification card issued by the
6907 | commission.

6908 | (6) All persons subject to the requirements of subsection
6909 | (2) must have in their personal possession proof of compliance
6910 | with this section, while taking or attempting to take wildlife
6911 | with the use of a firearm, gun, bow, or crossbow, and must,
6912 | unless the requirement to complete a hunter safety course is
6913 | deferred pursuant to this section, display a valid hunter safety
6914 | certification card in order to purchase a Florida hunting
6915 | license. After the issuance of such a license, the license itself
6916 | shall serve as proof of compliance with this section. A holder of
6917 | a lifetime license whose license does not indicate on the face of
6918 | the license that a hunter safety course has been completed must
6919 | have in his or her personal possession a hunter safety
6920 | certification card, as provided by this section, while attempting
6921 | to take wild animal life with the use of a firearm, gun, bow, or
6922 | crossbow.

6923 | (7) The hunter safety requirements of this section do not
6924 | apply to persons for whom licenses are not required under s.
6925 | 379.353(2) ~~372.562(2)~~.

6926 | (8) A person who violates this section commits a Level One
6927 | violation under s. 379.401 ~~372.83~~.

6928 | Section 142. Section 372.5718, Florida Statutes, is amended
6929 | to read:

6930 | 379.3582 ~~372.5718~~ Hunter safety course for juveniles.--The
6931 | Fish and Wildlife Conservation Commission shall develop a hunter

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6932 safety course for juveniles who are at least 5 years of age but
6933 less than 16 years of age. The course must include, but is not
6934 limited to, instruction in the competent and safe handling of
6935 firearms, conservation, and hunting ethics. The course must be
6936 appropriate for the ages of the students. The course is voluntary
6937 and must be offered in each county in the state at least
6938 annually. The course is in addition to, and not in lieu of, the
6939 hunter safety course prescribed in s. 379.3581 ~~372.5717~~.

6940 Section 143. Part VII of chapter 379, Florida Statutes,
6941 consisting of sections 379.361, 379.362, 379.363, 379.3635,
6942 379.364, 379.365, 379.366, 379.367, 379.3671, 379.368, 379.369,
6943 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751,
6944 379.3752, 379.3761, 379.3762, and 379.377, is created to read:

6945 PART VII

6946 NONRECREATIONAL LICENSES

6947
6948 Section 144. Section 370.06, Florida Statutes, is
6949 renumbered as section 379.361 Florida Statutes, and amended to
6950 read:

6951 379.361 ~~370.06~~ Licenses.--

6952 (1) LICENSE ON PURSE SEINES.--There is levied, in addition
6953 to any other taxes thereon, an annual license tax of \$25 upon
6954 each purse seine used in the waters of this state. This license
6955 fee shall be collected in the manner provided in this section.

6956 (2) SALTWATER PRODUCTS LICENSE.--

6957 (a) Every person, firm, or corporation that sells, offers
6958 for sale, barter, or exchanges for merchandise any saltwater
6959 products, or which harvests saltwater products with certain gear
6960 or equipment as specified by law, must have a valid saltwater

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6961 products license, except that the holder of an aquaculture
6962 certificate under s. 597.004 is not required to purchase and
6963 possess a saltwater products license in order to possess,
6964 transport, or sell marine aquaculture products. Each saltwater
6965 products license allows the holder to engage in any of the
6966 activities for which the license is required. The license must be
6967 in the possession of the licenseholder or aboard the vessel and
6968 is subject to inspection at any time that harvesting activities
6969 for which a saltwater products license is required are being
6970 conducted.

6971 (b)1. A restricted species endorsement on the saltwater
6972 products license is required to sell to a licensed wholesale
6973 dealer those species which the state, by law or rule, has
6974 designated as "restricted species." This endorsement may be
6975 issued only to a person who is at least 16 years of age, or to a
6976 firm certifying that over 25 percent of its income or \$5,000 of
6977 its income, whichever is less, is attributable to the sale of
6978 saltwater products pursuant to a saltwater products license
6979 issued under this paragraph or a similar license from another
6980 state. This endorsement may also be issued to a for-profit
6981 corporation if it certifies that at least \$5,000 of its income is
6982 attributable to the sale of saltwater products pursuant to a
6983 saltwater products license issued under this paragraph or a
6984 similar license from another state. However, if at least 50
6985 percent of the annual income of a person, firm, or for-profit
6986 corporation is derived from charter fishing, the person, firm, or
6987 for-profit corporation must certify that at least \$2,500 of the
6988 income of the person, firm, or corporation is attributable to the
6989 sale of saltwater products pursuant to a saltwater products

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6990 license issued under this paragraph or a similar license from
6991 another state, in order to be issued the endorsement. Such income
6992 attribution must apply to at least 1 of the last 3 years. For the
6993 purpose of this section, "income" means that income that is
6994 attributable to work, employment, entrepreneurship, pensions,
6995 retirement benefits, and social security benefits.

6996 2. To renew an existing restricted species endorsement, a
6997 marine aquaculture producer possessing a valid saltwater products
6998 license with a restricted species endorsement may apply income
6999 from the sale of marine aquaculture products to licensed
7000 wholesale dealers.

7001 3. The commission is authorized to require verification of
7002 such income for all restricted species endorsements issued
7003 pursuant to this paragraph. Acceptable proof of income earned
7004 from the sale of saltwater products shall be:

7005 a. Copies of trip ticket records generated pursuant to this
7006 subsection (marine fisheries information system), documenting
7007 qualifying sale of saltwater products;

7008 b. Copies of sales records from locales other than Florida
7009 documenting qualifying sale of saltwater products;

7010 c. A copy of the applicable federal income tax return,
7011 including Form 1099 attachments, verifying income earned from the
7012 sale of saltwater products;

7013 d. Crew share statements verifying income earned from the
7014 sale of saltwater products; or

7015 e. A certified public accountant's notarized statement
7016 attesting to qualifying source and amount of income.

7017
7018 Notwithstanding any other provision of law, any person who owns a

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7019 | retail seafood market or restaurant at a fixed location for at
7020 | least 3 years, who has had an occupational license for 3 years
7021 | prior to January 1, 1990, who harvests saltwater products to
7022 | supply his or her retail store, and who has had a saltwater
7023 | products license for 1 of the past 3 license years prior to
7024 | January 1, 1990, may provide proof of his or her verification of
7025 | income and sales value at the person's retail seafood market or
7026 | restaurant and in his or her saltwater products enterprise by
7027 | affidavit and shall thereupon be issued a restricted species
7028 | endorsement.

7029 | 4. Exceptions from income requirements shall be as follows:

7030 | a. A permanent restricted species endorsement shall be
7031 | available to those persons age 62 and older who have qualified
7032 | for such endorsement for at least 3 of the last 5 years.

7033 | b. Active military duty time shall be excluded from
7034 | consideration of time necessary to qualify and shall not be
7035 | counted against the applicant for purposes of qualifying.

7036 | c. Upon the sale of a used commercial fishing vessel owned
7037 | by a person, firm, or corporation possessing or eligible for a
7038 | restricted species endorsement, the purchaser of such vessel
7039 | shall be exempted from the qualifying income requirement for the
7040 | purpose of obtaining a restricted species endorsement for a
7041 | period of 1 year after purchase of the vessel.

7042 | d. Upon the death or permanent disablement of a person
7043 | possessing a restricted species endorsement, an immediate family
7044 | member wishing to carry on the fishing operation shall be
7045 | exempted from the qualifying income requirement for the purpose
7046 | of obtaining a restricted species endorsement for a period of 1
7047 | year after the death or disablement.

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7048 e. A restricted species endorsement may be issued on an
7049 individual saltwater products license to a person age 62 or older
7050 who documents that at least \$2,500 of such person's income is
7051 attributable to the sale of saltwater products.

7052 f. A permanent restricted species endorsement may also be
7053 issued on an individual saltwater products license to a person
7054 age 70 or older who has held a saltwater products license for at
7055 least 3 of the last 5 license years.

7056 g. Any resident who is certified to be totally and
7057 permanently disabled by the Railroad Retirement Board, by the
7058 United States Department of Veterans Affairs or its predecessor,
7059 or by any branch of the United States Armed Forces, or who holds
7060 a valid identification card issued by the Department of Veterans'
7061 Affairs pursuant to s. 295.17, upon proof of the same, or any
7062 resident certified to be disabled by the United States Social
7063 Security Administration or a licensed physician, upon proof of
7064 the same, shall be exempted from the income requirements if he or
7065 she also has held a saltwater products license for at least 3 of
7066 the last 5 license years prior to the date of the disability. A
7067 restricted species endorsement issued under this paragraph may be
7068 issued only on an individual saltwater products license.

7069 (c) At least one saltwater products license bearing a
7070 restricted species endorsement shall be aboard any vessel
7071 harvesting restricted species in excess of any bag limit or when
7072 fishing under a commercial quota or in commercial quantities, and
7073 such vessel shall have a commercial vessel registration. This
7074 subsection does not apply to any person, firm, or corporation
7075 licensed under s. 379.362(1)(a)1. or (b) 370.07(1)(a)1. or (b)
7076 for activities pursuant to such licenses.

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7077 (d) A saltwater products license may be issued in the name
7078 of an individual or a valid commercial vessel registration
7079 number. However, a firm or corporation may only receive a license
7080 issued to a valid commercial vessel registration number. A
7081 saltwater products license may not be transferred by the
7082 licenseholder to another individual, firm, or corporation. A
7083 decal shall be issued with each saltwater products license issued
7084 to a valid commercial vessel registration number. The saltwater
7085 products license decal shall be the same color as the vessel
7086 registration decal issued each year pursuant to s. 328.48(5) and
7087 shall indicate the period of time such license is valid. The
7088 saltwater products license decal shall be placed beside the
7089 vessel registration decal and, in the case of an undocumented
7090 vessel, shall be placed so that the vessel registration decal
7091 lies between the commercial vessel registration number and the
7092 saltwater products license decal. Any saltwater products license
7093 decal for a previous year shall be removed from a vessel
7094 operating on the waters of the state.

7095 (e) The annual fee for a saltwater products license is:

7096 1. For a license issued in the name of an individual which
7097 authorizes only that individual to engage in commercial fishing
7098 activities from the shore or a vessel: a resident must pay \$50; a
7099 nonresident must pay \$200; or an alien must pay \$300.

7100 2. For a license issued in the name of an individual which
7101 authorizes that named individual to engage in commercial fishing
7102 activities from the shore or a vessel and also authorizes each
7103 person who is fishing with the named individual aboard a vessel
7104 to engage in such activities: a resident must pay \$150; a
7105 nonresident must pay \$600; or an alien must pay \$900.

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7106 3. For a license issued to a valid commercial vessel
7107 registration number which authorizes each person aboard such
7108 registered vessel to engage in commercial fishing activities: a
7109 resident, or a resident firm or corporation, must pay \$100; a
7110 nonresident, or a nonresident firm or corporation, must pay \$400;
7111 or an alien, or an alien firm or corporation, must pay \$600. For
7112 purposes of this subparagraph, a resident firm or corporation
7113 means a firm or corporation formed under the laws of this state;
7114 a nonresident firm or corporation means a firm or corporation
7115 formed under the laws of any state other than Florida; and an
7116 alien firm or corporation means a firm or corporation organized
7117 under any laws other than laws of the United States, any United
7118 States territory or possession, or any state of the United
7119 States.

7120 (f) Any person who sells saltwater products pursuant to a
7121 saltwater products license may sell only to a licensed wholesale
7122 dealer. A saltwater products license must be presented to the
7123 licensed wholesale dealer each time saltwater products are sold,
7124 and an imprint made thereof. The wholesale dealer shall keep
7125 records of each transaction in such detail as may be required by
7126 rule of the commission not in conflict with s. 379.362(6)
7127 ~~370.07(6)~~, and shall provide the holder of the saltwater products
7128 license with a copy of the record. It is unlawful for any
7129 licensed wholesale dealer to buy saltwater products from any
7130 unlicensed person under the provisions of this section, except
7131 that a licensed wholesale dealer may buy from another licensed
7132 wholesale dealer. It is unlawful for any licensed wholesale
7133 dealer to buy saltwater products designated as "restricted
7134 species" from any person, firm, or corporation not possessing a

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7135 restricted species endorsement on his or her saltwater products
7136 license under the provisions of this section, except that a
7137 licensed wholesale dealer may buy from another licensed wholesale
7138 dealer. For purposes of this subsection, any saltwater products
7139 received by a wholesale dealer are presumed to have been
7140 purchased.

7141 (g) The commission shall be the licensing agency, may
7142 contract with private persons or entities to implement aspects of
7143 the licensing program, and shall establish by rule a marine
7144 fisheries information system in conjunction with the licensing
7145 program to gather fisheries data.

7146 (h) Any person who sells, offers for sale, barter, or
7147 exchanges for merchandise saltwater products must have a method
7148 of catch preservation which meets the requirements and standards
7149 of the seafood quality control code promulgated by the
7150 commission.

7151 (i) A saltwater products license is required to harvest
7152 commercial quantities of saltwater products. Any vessel from
7153 which commercial quantities of saltwater products are harvested
7154 must have a commercial vessel registration. Commercial quantities
7155 of saltwater products shall be defined as:

7156 1. With respect to those species for which no bag limit has
7157 been established, more than 100 pounds per person per day,
7158 provided that the harvesting of two fish or less per person per
7159 day shall not be considered commercial quantities regardless of
7160 aggregate weight; and

7161 2. With respect to those species for which a bag limit has
7162 been established, more than the bag limit allowed by law or rule.

7163 (j)1. In addition to the saltwater products license, a

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7164 marine life fishing endorsement is required for the harvest of
7165 marine life species as defined by rule of the Fish and Wildlife
7166 Conservation Commission. This endorsement may be issued only to a
7167 person who is at least 16 years of age or older or to a
7168 corporation holding a valid restricted species endorsement.

7169 2.a. Effective July 1, 1998, and until July 1, 2002, a
7170 marine life endorsement may not be issued under this paragraph,
7171 except that those endorsements that are active during the 1997-
7172 1998 fiscal year may be renewed.

7173 b. In 1998 persons or corporations holding a marine life
7174 endorsement that was active in the 1997-1998 fiscal year or an
7175 immediate family member of that person must request renewal of
7176 the marine life endorsement before December 31, 1998.

7177 c. In subsequent years and until July 1, 2002, a marine
7178 life endorsement holder or member of his or her immediate family
7179 must request renewal of the marine life endorsement before
7180 September 30 of each year.

7181 d. If a person or corporation holding an active marine life
7182 fishing endorsement or a member of that person's immediate family
7183 does not request renewal of the endorsement before the applicable
7184 dates specified in this paragraph, the commission shall
7185 deactivate that marine life fishing endorsement.

7186 e. In the event of the death or disability of a person
7187 holding an active marine life fishing endorsement, the
7188 endorsement may be transferred by the person to a member of his
7189 or her immediate family or may be renewed by any person so
7190 designated by the executor of the person's estate.

7191 f. Persons or corporations who hold saltwater product
7192 licenses with marine life fishing endorsements issued to their

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7193 vessel registration numbers and who subsequently replace their
7194 existing vessels with new vessels may transfer the existing
7195 marine life fishing endorsement to the new boat registration
7196 numbers.

7197 g. Persons or corporations who hold saltwater product
7198 licenses with marine life fishing endorsements issued to their
7199 name and who subsequently incorporate or unincorporate may
7200 transfer the existing marine life fishing endorsement to the new
7201 corporation or person.

7202 3. The fee for a marine life fishery endorsement on a
7203 saltwater products license shall be \$75. These license fees shall
7204 be collected and deposited in the Marine Resources Conservation
7205 Trust Fund and used for the purchase and installation of vessel
7206 mooring buoys at coral reef sites and for research related to
7207 marine fisheries.

7208 (3) NET LICENSES.--Except for cast nets and bait seines
7209 which are 100 feet in length or less and which have a mesh that
7210 is 3/8 inch or less, all nets used to take finfish, including,
7211 but not limited to, gill nets, trammel nets, and beach seines,
7212 must be licensed or registered. Each net used to take finfish for
7213 commercial purposes, or by a nonresident, must be licensed under
7214 a saltwater products license issued pursuant to subsection (2)
7215 and must bear the number of such license.

7216 (4) SPECIAL ACTIVITY LICENSES.--

7217 (a) A special activity license is required for any person
7218 to use gear or equipment not authorized in this chapter or rule
7219 of the Fish and Wildlife Conservation Commission for harvesting
7220 saltwater species. In accordance with this chapter, s. 16, Art. X
7221 of the State Constitution, and rules of the commission, the

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7222 commission may issue special activity licenses for the use of
7223 nonconforming gear or equipment, including, but not limited to,
7224 trawls, seines and entangling nets, traps, and hook and line
7225 gear, to be used in harvesting saltwater species for scientific
7226 and governmental purposes, and, where allowable, for innovative
7227 fisheries. The commission may prescribe by rule application
7228 requirements and terms, conditions, and restrictions to be
7229 incorporated into each special activity license. This subsection
7230 does not apply to gear or equipment used by certified marine
7231 aquaculturists as provided for in s. 597.004 to harvest marine
7232 aquaculture products.

7233 (b) The Fish and Wildlife Conservation Commission is
7234 authorized to issue special activity licenses in accordance with
7235 this section and s. 379.2524 ~~370.31~~, to permit the importation
7236 and possession of wild anadromous sturgeon. The commission is
7237 also authorized to issue special activity licenses, in accordance
7238 with this section and s. 379.2524 ~~370.31~~, to permit the
7239 importation, possession, and aquaculture of native and nonnative
7240 anadromous sturgeon until best-management practices are
7241 implemented for the cultivation of anadromous sturgeon pursuant
7242 to s. 597.004. The special activity license shall provide for
7243 specific management practices to protect indigenous populations
7244 of saltwater species.

7245 (c) The conditions and specific management practices
7246 established in this section shall be incorporated into permits
7247 and authorizations issued pursuant to chapter 253, ~~chapter 373,~~
7248 chapter 403, or this chapter, when incorporating such provisions
7249 is in accordance with the aquaculture permit consolidation
7250 procedures. No separate issuance of a special activity license is

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7251 required when conditions and specific management practices are
7252 incorporated into permits or authorizations under this paragraph.
7253 Implementation of this section to consolidate permitting actions
7254 does not constitute rules within the meaning of s. 120.52.

7255 (d) The commission is authorized to issue special activity
7256 licenses in accordance with s. 379.2411 ~~370.101~~ and this section;
7257 aquaculture permit consolidation procedures in s. 379.2523(2)
7258 ~~370.26(2)~~; and rules of the commission to permit the capture and
7259 possession of saltwater species protected by law and used as
7260 stock for artificial cultivation and propagation.

7261 (e) The commission is authorized to adopt rules to govern
7262 the administration of special activities licenses as provided in
7263 this chapter and rules of the commission. Such rules may
7264 prescribe application requirements and terms, conditions, and
7265 restrictions for any such special activity license requested
7266 pursuant to this section.

7267 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

7268 (a) For purposes of this section, the following definitions
7269 shall apply:

7270 1. "Person" means an individual.

7271 2. "Resident" means any person who has:

7272 a. Continuously resided in this state for 6 months
7273 immediately preceding the making of his or her application for an
7274 Apalachicola Bay oyster harvesting license; or

7275 b. Established a domicile in this state and evidenced that
7276 domicile as provided in s. 222.17.

7277 (b) No person shall harvest oysters from the Apalachicola
7278 Bay without a valid Apalachicola Bay oyster harvesting license
7279 issued by the Department of Agriculture and Consumer Services.

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7280 This requirement shall not apply to anyone harvesting
7281 noncommercial quantities of oysters in accordance with commission
7282 rules chapter 46-27, Florida Administrative Code, or to any
7283 person less than 18 years old.

7284 (c) Any person wishing to obtain an Apalachicola Bay oyster
7285 harvesting license shall submit an annual fee for the license
7286 during a 45-day period from May 17 to June 30 of each year
7287 preceding the license year for which the license is valid.
7288 Failure to pay the annual fee within the required time period
7289 shall result in a \$500 late fee being imposed before issuance of
7290 the license.

7291 (d) The Department of Agriculture and Consumer Services
7292 shall collect an annual fee of \$100 from residents and \$500 from
7293 nonresidents for the issuance of an Apalachicola Bay oyster
7294 harvesting license. The license year shall begin on July 1 of
7295 each year and end on June 30 of the following year. The license
7296 shall be valid only for the licensee. Only bona fide residents of
7297 Florida may obtain a resident license pursuant to this
7298 subsection.

7299 (e) Each person who applies for an Apalachicola Bay oyster
7300 harvesting license shall, before receiving the license for the
7301 first time, attend an educational seminar of not more than 16
7302 hours length, developed and conducted jointly by the Department
7303 of Environmental Protection's Apalachicola National Estuarine
7304 Research Reserve, the Division of Law Enforcement of the Fish and
7305 Wildlife Conservation Commission, and the Department of
7306 Agriculture and Consumer Services' Apalachicola District
7307 Shellfish Environmental Assessment Laboratory. The seminar shall
7308 address, among other things, oyster biology, conservation of the

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7309 Apalachicola Bay, sanitary care of oysters, small business
7310 management, and water safety. The seminar shall be offered five
7311 times per year, and each person attending shall receive a
7312 certificate of participation to present when obtaining an
7313 Apalachicola Bay oyster harvesting license. The educational
7314 seminar is not required for renewal of an Apalachicola Bay oyster
7315 harvesting license.

7316 (f) Each person, while harvesting oysters in Apalachicola
7317 Bay, shall have in possession a valid Apalachicola Bay oyster
7318 harvesting license, or proof of having applied for a license
7319 within the required time period, and shall produce such license
7320 or proof of application upon request of any law enforcement
7321 officer.

7322 (g) Each person who obtains an Apalachicola Bay oyster
7323 harvesting license shall prominently display the license number
7324 upon any vessel the person owns which is used for the taking of
7325 oysters, in numbers which are at least 10 inches high and 1 inch
7326 wide, so that the permit number is readily identifiable from the
7327 air and water. Only one vessel displaying a given number may be
7328 used at any time. A licensee may harvest oysters from the vessel
7329 of another licensee.

7330 (h) Any person holding an Apalachicola Bay oyster
7331 harvesting license shall receive credit for the license fee
7332 against the saltwater products license fee.

7333 (i) The proceeds from Apalachicola Bay oyster harvesting
7334 license fees shall be deposited in the General Inspection Trust
7335 Fund and, less reasonable administrative costs, shall be used or
7336 distributed by the Department of Agriculture and Consumer
7337 Services for the following purposes in Apalachicola Bay:

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- 7338 1. Relaying and transplanting live oysters.
- 7339 2. Shell planting to construct or rehabilitate oyster bars.
- 7340 3. Education programs for licensed oyster harvesters on
- 7341 oyster biology, aquaculture, boating and water safety,
- 7342 sanitation, resource conservation, small business management,
- 7343 marketing, and other relevant subjects.
- 7344 4. Research directed toward the enhancement of oyster
- 7345 production in the bay and the water management needs of the bay.
- 7346 (j) Any person who violates any of the provisions of
- 7347 paragraphs (b) and (d)-(g) commits a misdemeanor of the second
- 7348 degree, punishable as provided in ss. 775.082 and 775.083.
- 7349 Nothing in this subsection shall limit the application of
- 7350 existing penalties.
- 7351 (k) Any oyster harvesting license issued pursuant to this
- 7352 subsection must be in compliance with the rules of the Fish and
- 7353 Wildlife Conservation Commission regulating gear or equipment,
- 7354 harvest seasons, size and bag limits, and the taking of saltwater
- 7355 species.
- 7356 (6) LICENSE YEAR.--The license year on all licenses
- 7357 relating to saltwater products dealers, seafood dealers, aliens,
- 7358 residents, and nonresidents, unless otherwise provided, shall
- 7359 begin on July 1 of each year and end on June 30 of the next
- 7360 succeeding year. All licenses shall be so dated. However, if the
- 7361 commission determines that it is in the best interest of the
- 7362 state to issue a license required under this chapter to an
- 7363 individual on the birthday of the applicant, the commission may
- 7364 establish by rule a procedure to do so. This section does not
- 7365 apply to licenses and permits when their use is confined to an
- 7366 open season.

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7367 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;
7368 EXCEPTION.--Licenses of every kind and nature granted under the
7369 provisions of the fish and game laws of this state are at all
7370 times subject to inspection by the police officers of this state
7371 and the officers of the Fish and Wildlife Conservation
7372 Commission. Such licenses are not transferable unless otherwise
7373 provided by law.

7374 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
7375 provided by law, all license taxes or fees provided for in this
7376 part chapter shall be collected by the commission or its duly
7377 authorized agents or deputies to be deposited by the Chief
7378 Financial Officer in the Marine Resources Conservation Trust
7379 Fund. The commission may by rule establish a reasonable
7380 processing fee for any free license or permit required under this
7381 part chapter. The commission is authorized to accept payment by
7382 credit card for fees, fines, and civil penalties levied pursuant
7383 to this part chapter.

7384 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The commission
7385 shall deny the renewal or issuance of any saltwater products
7386 license, wholesale dealer license, or retail dealer license to
7387 anyone that has unpaid fees, civil assessments, or fines owed to
7388 the commission.

7389 Section 145. Section 370.07, Florida Statutes, is
7390 renumbered as section 379.362, Florida Statutes, and amended to
7391 read:

7392 379.362 ~~370.07~~ Wholesale and retail saltwater products
7393 dealers; regulation.--

7394 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license or
7395 privilege taxes are hereby levied and imposed upon dealers in the

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7396 state in saltwater products. It is unlawful for any person, firm,
7397 or corporation to deal in any such products without first paying
7398 for and procuring the license required by this section.

7399 Application for all licenses shall be made to the Fish and
7400 Wildlife Conservation Commission on blanks to be furnished by it.
7401 All licenses shall be issued by the commission upon payment to it
7402 of the license tax. The licenses are defined as:

7403 (a)1. "Wholesale county dealer" is any person, firm, or
7404 corporation which sells saltwater products to any person, firm,
7405 or corporation except to the consumer and who may buy saltwater
7406 products in the county designated on the wholesale license from
7407 any person licensed pursuant to s. 379.361(2) ~~370.06(2)~~ or from
7408 any licensed wholesale dealer.

7409 2. "Wholesale state dealer" is a person, firm, or
7410 corporation which sells saltwater products to any person, firm,
7411 or corporation except to the consumer and who may buy saltwater
7412 products in any county of the state from any person licensed
7413 pursuant to s. 379.361(2) ~~370.06(2)~~ or from any licensed
7414 wholesale dealer.

7415 3. "Wholesale dealer" is either a county or a state dealer.

7416 (b) A "retail dealer" is any person, firm, or corporation
7417 which sells saltwater products directly to the consumer, but no
7418 license is required of a dealer in merchandise who deals in or
7419 sells saltwater products consumed on the premises or prepared for
7420 immediate consumption and sold to be taken out of any restaurant
7421 licensed by the Division of Hotels and Restaurants of the
7422 Department of Business and Professional Regulation.

7423
7424 Any person, firm, or corporation which is both a wholesale dealer

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7425 and a retail dealer shall obtain both a wholesale dealer's
7426 license and a retail dealer's license. If a wholesale dealer has
7427 more than one place of business, the annual license tax shall be
7428 effective for all places of business, provided that the wholesale
7429 dealer supplies to the commission a complete list of additional
7430 places of business upon application for the annual license tax.

7431 (2) LICENSES; AMOUNT, TRUST FUND.--

7432 (a) A resident wholesale county seafood dealer is required
7433 to pay an annual license tax of \$300.

7434 (b) A resident wholesale state dealer is required to pay an
7435 annual license tax of \$450.

7436 (c) A nonresident wholesale county dealer is required to
7437 pay an annual license tax of \$500.

7438 (d) A nonresident wholesale state dealer is required to pay
7439 an annual license tax of \$1,000.

7440 (e) An alien wholesale county dealer is required to pay an
7441 annual license tax of \$1,000.

7442 (f) An alien wholesale state dealer is required to pay an
7443 annual license tax of \$1,500.

7444 (g) A resident retail dealer is required to pay an annual
7445 license tax of \$25; however, if such a dealer has more than one
7446 place of business, the dealer shall designate one place of
7447 business as a central place of business, shall pay an annual
7448 license tax of \$25 for such place of business, and shall pay an
7449 annual license tax of \$10 for each other place of business.

7450 (h) A nonresident retail dealer is required to pay an
7451 annual license tax of \$200; however, if such a dealer has more
7452 than one place of business, the dealer shall designate one place
7453 of business as a central place of business, shall pay an annual

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7454 license tax of \$200 for such place of business, and shall pay an
7455 annual license tax of \$25 for each other place of business.

7456 (i) An alien retail dealer is required to pay an annual
7457 license tax of \$250; however, if such a dealer has more than one
7458 place of business, the dealer shall designate one place of
7459 business as a central place of business, shall pay an annual
7460 license tax of \$250 for such place of business, and shall pay an
7461 annual license tax of \$50 for each other place of business.

7462 (j) License or privilege taxes, together with any other
7463 funds derived from the Federal Government or from any other
7464 source, shall be deposited in a Florida Saltwater Products
7465 Promotion Trust Fund to be administered by the Department of
7466 Agriculture and Consumer Services for the sole purpose of
7467 promoting all fish and saltwater products produced in this state,
7468 except that 4 percent of the total wholesale and retail saltwater
7469 products dealer's license fees collected shall be deposited into
7470 the Marine Resources Conservation Trust Fund administered by the
7471 Fish and Wildlife Conservation Commission for the purpose of
7472 processing wholesale and retail saltwater products dealer's
7473 licenses.

7474 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.--The
7475 Department of Agriculture and Consumer Services shall use or
7476 distribute funds paid into the State Treasury to the credit of
7477 the General Inspection Trust Fund pursuant to s. 201.15(11), less
7478 reasonable costs of administration, to fund the following oyster
7479 management and restoration programs in Apalachicola Bay and other
7480 oyster harvest areas in the state:

7481 (a) The relaying and transplanting of live oysters.

7482 (b) Shell planting to construct or rehabilitate oyster

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7483 bars.

7484 (c) Education programs for licensed oyster harvesters on
7485 oyster biology, aquaculture, boating and water safety,
7486 sanitation, resource conservation, small business management, and
7487 other relevant subjects.

7488 (d) Research directed toward the enhancement of oyster
7489 production in the bay and the water management needs of the bay.

7490 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

7491 (a) A person transporting in this state saltwater products
7492 that were produced in this state, regardless of destination,
7493 shall have in his or her possession invoices, bills of lading, or
7494 other similar instruments showing the number of packages, boxes,
7495 or containers and the number of pounds of each species and the
7496 name, physical address, and the Florida wholesale dealer number
7497 of the dealer of origin.

7498 (b) A person transporting in this state saltwater products
7499 that were produced outside this state to be delivered to a
7500 destination in this state shall have in his or her possession
7501 invoices, bills of lading, or other similar instruments showing
7502 the number of packages, boxes, or containers and the number of
7503 pounds of each species, the name and physical address of the
7504 dealer of origin, and the name, physical address, and Florida
7505 wholesale dealer number of the Florida dealer to whom the
7506 shipment is to be delivered.

7507 (c) A person transporting in this state saltwater products
7508 that were produced outside this state which are to be delivered
7509 to a destination outside this state shall have in his or her
7510 possession invoices, bills of lading, or other similar
7511 instruments showing the number of packages, boxes, or containers

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7512 and the number of pounds of each species, the name and physical
7513 address of the dealer of origin, and the name and physical
7514 address of the dealer to whom the shipment is to be delivered.

7515 (d) If the saltwater products in transit come from more
7516 than one dealer, distributor, or producer, each lot from each
7517 dealer shall be covered by invoices, bills of lading, and other
7518 similar instruments showing the number of boxes or containers and
7519 the number of pounds of each species. Each invoice, bill of
7520 lading, and other similar instrument shall display the wholesale
7521 dealer license number and the name and physical address of the
7522 dealer, distributor, or producer of the lot covered by the
7523 instrument.

7524 (e) It is unlawful to sell, deliver, ship, or transport, or
7525 to possess for the purpose of selling, delivering, shipping, or
7526 transporting, any saltwater products without all invoices
7527 concerning the products having thereon the wholesale dealer
7528 license number in the form prescribed under this subsection and
7529 the rules of the commission. Any saltwater products found in the
7530 possession of any person who is in violation of this paragraph
7531 may be seized by the commission and disposed of in the manner
7532 provided by law.

7533 (f) Nothing contained in this subsection may be construed
7534 to apply to the sale and delivery to a consumer of saltwater
7535 products in an ordinary retail transaction by a licensed retail
7536 dealer who has purchased such products from a licensed wholesale
7537 dealer, or to the sale and delivery of the catch or products of a
7538 saltwater products licensee to a Florida-licensed wholesale
7539 dealer.

7540 (g) Wholesale dealers' licenses shall be issued only to

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7541 applicants who furnish to the commission satisfactory evidence of
7542 law-abiding reputation and who pledge themselves to faithfully
7543 observe all of the laws, rules, and regulations of this state
7544 relating to the conservation of, dealing in, or taking, selling,
7545 transporting, or possession of saltwater products, and to
7546 cooperate in the enforcement of all such laws to every reasonable
7547 extent. This pledge may be included in the application for
7548 license.

7549 (h) A wholesale dealer, retail dealer, or restaurant
7550 facility shall not purchase or sell for public consumption any
7551 saltwater products known to be taken illegally, or known to be
7552 taken in violation of s. 16, Art. X of the State Constitution, or
7553 any rule or statute implementing its provisions.

7554 (i) Any person who violates the provisions of this
7555 subsection commits a misdemeanor of the first degree, punishable
7556 as provided in s. 775.082 or s. 775.083.

7557 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7558 (a) A license issued to a wholesale or retail dealer is
7559 good only to the person to whom issued and named therein and is
7560 not transferable. The commission may revoke, suspend, or deny the
7561 renewal of the license of any licensee:

7562 1. Upon the conviction of the licensee of any violation of
7563 the laws or regulations designed for the conservation of
7564 saltwater products;

7565 2. Upon conviction of the licensee of knowingly dealing in,
7566 buying, selling, transporting, possessing, or taking any
7567 saltwater product, at any time and from any waters, in violation
7568 of the laws of this state; or

7569 3. Upon satisfactory evidence of any violation of the laws

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7570 or any regulations of this state designed for the conservation of
7571 saltwater products or of any of the laws of this state relating
7572 to dealing in, buying, selling, transporting, possession, or
7573 taking of saltwater products.

7574 (b) Upon revocation of such license, no other or further
7575 license may be issued to the dealer within 3 years from the date
7576 of revocation except upon special order of the commission. After
7577 revocation, it is unlawful for such dealer to exercise any of the
7578 privileges of a licensed wholesale or retail dealer.

7579 (c) In addition to, or in lieu of, the penalty imposed
7580 pursuant to this subsection, the commission may impose penalties
7581 pursuant to s. 379.407 ~~370.021~~.

7582 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

7583 ~~(a)~~ Wholesale dealers shall be required by the commission
7584 to make and preserve a record of the names and addresses of
7585 persons from whom or to whom saltwater products are purchased or
7586 sold, the quantity so purchased or sold from or to each vendor or
7587 purchaser, and the date of each such transaction. Retail dealers
7588 shall be required to make and preserve a record from whom all
7589 saltwater products are purchased. Such record shall be open to
7590 inspection at all times by the commission. A report covering the
7591 sale of saltwater products shall be made monthly or as often as
7592 required by rule to the commission by each wholesale dealer. All
7593 reports required under this subsection are confidential and shall
7594 be exempt from the provisions of s. 119.07(1) except that,
7595 pursuant to authority related to interstate fishery compacts as
7596 provided by ss. 379.2253(3) and 379.2254(3) ~~370.19(3)~~ and
7597 ~~370.20(3)~~, reports may be shared with another state if that state
7598 is a member of an interstate fisheries compact, and if that state

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7599 | has signed a Memorandum of Agreement or a similar instrument
7600 | agreeing to preserve confidentiality as established by Florida
7601 | law.

7602 | ~~(b) The commission may revoke, suspend, or deny the renewal~~
7603 | ~~of the license of any dealer for failure to make and keep~~
7604 | ~~required records, for failure to make required reports, for~~
7605 | ~~failure or refusal to permit the examination of required records,~~
7606 | ~~or for falsifying any such record. In addition to, or in lieu of,~~
7607 | ~~the penalties imposed pursuant to this paragraph and s. 370.021,~~
7608 | ~~the commission may impose against any person, firm, or~~
7609 | ~~corporation who is determined to have violated any provision of~~
7610 | ~~this paragraph or any provisions of any commission rules adopted~~
7611 | ~~pursuant to s. 370.0607, the following additional penalties:~~

7612 | ~~1. For the first violation, a civil penalty of up to~~
7613 | ~~\$1,000;~~

7614 | ~~2. For a second violation committed within 24 months of any~~
7615 | ~~previous violation, a civil penalty of up to \$2,500; and~~

7616 | ~~3. For a third or subsequent violation committed within 36~~
7617 | ~~months of any previous two violations, a civil penalty of up to~~
7618 | ~~\$5,000.~~

7619 |
7620 | ~~The proceeds of all civil penalties collected pursuant to this~~
7621 | ~~subsection shall be deposited into the Marine Resources~~
7622 | ~~Conservation Trust Fund and shall be used for administration,~~
7623 | ~~auditing, and law enforcement purposes.~~

7624 | (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY
7625 | LOCATION.--Wholesale dealers purchasing saltwater products
7626 | pursuant to s. 379.361(2) ~~370.06(2)~~ at any site other than a site
7627 | located in a county where the dealer has a permanent address must

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7628 | notify the Fish and Wildlife Conservation Commission of the
7629 | location of the temporary site of business for each day business
7630 | is to be conducted at such site.

7631 | (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
7632 | unlawful for any licensed retail dealer or any restaurant
7633 | licensed by the Division of Hotels and Restaurants of the
7634 | Department of Business and Professional Regulation to buy
7635 | saltwater products from any person other than a licensed
7636 | wholesale or retail dealer. For purposes of this subsection, any
7637 | saltwater products received by a retail dealer or a restaurant
7638 | are presumed to have been purchased.

7639 | Section 146. Section 372.65, Florida Statutes, is
7640 | renumbered as section 379.363, Florida Statutes, and amended to
7641 | read:

7642 | 379.363 ~~372.65~~ Freshwater fish dealer's license.--

7643 | (1) No person shall engage in the business of taking for
7644 | sale or selling any frogs or freshwater fish, including live
7645 | bait, of any species or size, or importing any exotic or
7646 | nonindigenous fish, until such person has obtained a license and
7647 | paid the fee therefor as set forth herein. The license issued
7648 | shall be in the possession of the person to whom issued while
7649 | such person is engaging in the business of taking for sale or
7650 | selling freshwater fish or frogs, is not transferable, shall bear
7651 | on its face in indelible ink the name of the person to whom it is
7652 | issued, and shall be affixed to a license identification card
7653 | issued by the commission. Such license is not valid unless it
7654 | bears the name of the person to whom it is issued and is so
7655 | affixed. The failure of such person to exhibit such license to
7656 | the commission or any of its wildlife officers when such person

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7657 | is found engaging in such business is a violation of law. The
7658 | license fees and activities permitted under particular licenses
7659 | are as follows:

7660 | (a) The fee for a resident commercial fishing license,
7661 | which permits a resident to take freshwater fish or frogs by any
7662 | lawful method prescribed by the commission and to sell such fish
7663 | or frogs, shall be \$25. The license provided for in this
7664 | paragraph shall also allow noncommercial fishing as provided by
7665 | law and commission rules, and the license in s. 379.354(4)(a)
7666 | ~~372.57(4)(a)~~ shall not be required.

7667 | (b) The fee for a resident freshwater fish dealer's
7668 | license, which permits a resident to import, export, or sell
7669 | freshwater fish or frogs, including live bait, shall be \$40.

7670 | (c) The fee for a nonresident commercial fishing license,
7671 | which permits a nonresident to take freshwater fish or frogs as
7672 | provided in paragraph (a), shall be \$100.

7673 | (d) The fee for a nonresident retail fish dealer's license,
7674 | which permits a nonresident to sell freshwater fish or frogs to a
7675 | consumer, shall be \$100.

7676 | (e) The fee for a nonresident wholesale fish dealer's
7677 | license, which permits a nonresident to sell freshwater fish or
7678 | frogs within the state, and to buy freshwater fish or frogs for
7679 | resale, shall be \$500.

7680 | (f) The fee for a nonresident wholesale fish buyer's
7681 | license, which permits a nonresident who does not sell freshwater
7682 | fish or frogs in Florida to buy freshwater fish or frogs from
7683 | resident fish dealers for resale outside the state, shall be \$50.

7684 | (g) Any individual or business issued an aquaculture
7685 | certificate, pursuant to s. 597.004, shall be exempt from the

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7686 requirements of this part ~~chapter~~ with respect to aquaculture
7687 products authorized under such certificate.

7688 (h) There is levied, in addition to any other license fee
7689 thereon, an annual gear license fee of \$50 upon each person
7690 fishing with trawl seines used in the fresh waters of the state.

7691 (i) There is levied, in addition to any other license fee
7692 thereon, an annual gear license fee of \$100 upon each person
7693 fishing with haul seines used in the fresh waters of the state.

7694 (2) Each boat engaged in commercial fishing shall have at
7695 least one licensed commercial fisher on board.

7696 (3) It shall be unlawful for any resident freshwater fish
7697 dealer, or any nonresident wholesale or nonresident retail fish
7698 dealer, or any nonresident wholesale fish buyer to buy freshwater
7699 fish or frogs from any unlicensed person.

7700 Section 147. Section 372.651, Florida Statutes, is
7701 renumbered as section 379.3635, Florida Statutes, and amended to
7702 read:

7703 379.3635 ~~372.651~~ Haul seine and trawl permits; Lake
7704 Okeechobee ~~freshwater lakes in excess of 500 square miles;~~
7705 fees.--

7706 (1) The Fish and Wildlife Conservation Commission is
7707 authorized to issue permits for each haul seine or trawl used in
7708 Lake Okeechobee ~~freshwater lakes in the state having an area in~~
7709 ~~excess of 500 square miles.~~

7710 (2) The commission may charge an annual fee for the
7711 issuance of such permits which shall not exceed:

7712 (a) For a resident trawl permit, \$50.

7713 (b) For a resident haul seine permit, \$100.

7714 (c) For a nonresident or alien trawl or haul seine permit,

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7715 | \$500.

7716 | Section 148. Section 372.66, Florida Statutes, is
7717 | renumbered as section 379.364, Florida Statutes, to read:

7718 | 379.364 ~~372.66~~ License required for fur and hide dealers.--

7719 | (1) It is unlawful for any person to engage in the business
7720 | of a dealer or buyer in alligator skins or green or dried furs in
7721 | the state or purchase such skins within the state until such
7722 | person has been licensed as herein provided.

7723 | (2) Any resident dealer or buyer who solicits business
7724 | through the mails, or by advertising, or who travels to buy or
7725 | employs or has other agents or buyers, shall be deemed a resident
7726 | state dealer and must pay a license fee of \$100 per annum.

7727 | (3) A nonresident dealer or buyer must pay a license fee of
7728 | \$500 per annum.

7729 | (4) All dealers and buyers shall forward to the Fish and
7730 | Wildlife Conservation Commission each 2 weeks during open season
7731 | a report showing number and kind of hides bought and name of
7732 | trapper from whom bought and the trapper's license number, or if
7733 | trapper is exempt from license under any of the provisions of
7734 | this chapter, such report shall show the nature of such
7735 | exemption. A common carrier may not knowingly ship or transport
7736 | or receive for transportation any hides or furs unless such
7737 | shipments have marked thereon name of shipper and the number of
7738 | her or his fur-animal license or fur dealer's license.

7739 | Section 149. Section 370.13, Florida Statutes, is
7740 | renumbered as section 379.365, Florida Statutes, and amended to
7741 | read:

7742 | 379.365 ~~370.13~~ Stone crab; regulation.--

7743 | (1) FEES AND EQUITABLE RENT.--

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7744 (a) Endorsement fee.--The fee for a stone crab endorsement
7745 for the taking of stone crabs, as required by rule of the Fish
7746 and Wildlife Conservation Commission, is \$125, \$25 of which must
7747 be used solely for trap retrieval under s. 379.2424 ~~370.143~~.

7748 (b) Certificate fees.--

7749 1. For each trap certificate issued by the commission under
7750 the requirements of the stone crab trap limitation program
7751 established by commission rule, there is an annual fee of 50
7752 cents per certificate. Replacement tags for lost or damaged tags
7753 cost 50 cents each plus the cost of shipping. In the event of a
7754 major natural disaster, such as a hurricane or major storm, that
7755 causes massive trap losses within an area declared by the
7756 Governor to be a disaster emergency area, the commission may
7757 temporarily defer or waive replacement tag fees.

7758 2. The fee for transferring trap certificates is \$1 per
7759 certificate transferred, except that the fee for eligible crew
7760 members is 50 cents per certificate transferred. Eligible crew
7761 members shall be determined according to criteria established by
7762 rule of the commission. Payment must be made by money order or
7763 cashier's check, submitted with the certificate transfer form
7764 developed by the commission.

7765 3. In addition to the transfer fee, a surcharge of \$1 per
7766 certificate transferred, or 25 percent of the actual value of the
7767 transferred certificate, whichever is greater, will be assessed
7768 the first time a certificate is transferred outside the original
7769 holder's immediate family.

7770 4. Transfer fees and surcharges only apply to the actual
7771 number of certificates received by the purchaser. A transfer of a
7772 certificate is not effective until the commission receives a

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7773 | notarized copy of the bill of sale as proof of the actual value
7774 | of the transferred certificate or certificates, which must also
7775 | be submitted with the transfer form and payment.

7776 | 5. A transfer fee will not be assessed or required when the
7777 | transfer is within a family as a result of the death or
7778 | disability of the certificate owner. A surcharge will not be
7779 | assessed for any transfer within an individual's immediate
7780 | family.

7781 | (c) Incidental take endorsement.--The cost of an incidental
7782 | take endorsement, as established by commission rule, is \$25.

7783 | (d) Equitable rent.--The commission may establish by rule
7784 | an amount of equitable rent per trap certificate that may be
7785 | recovered as partial compensation to the state for the enhanced
7786 | access to its natural resources. In determining whether to
7787 | establish such a rent and the amount thereof, the commission may
7788 | consider the amount of revenues annually generated by endorsement
7789 | fees, trap certificate fees, transfer fees, surcharges,
7790 | replacement trap tag fees, trap retrieval fees, incidental take
7791 | endorsement fees, and the continued economic viability of the
7792 | commercial stone crab industry. A rule establishing an amount of
7793 | equitable rent shall become effective only after approval by the
7794 | Legislature.

7795 | (e) Disposition of fees, surcharges, civil penalties and
7796 | fines, and equitable rent.--Endorsement fees, trap certificate
7797 | fees, transfer fees, civil penalties and fines, surcharges,
7798 | replacement trap tag fees, trap retrieval fees, incidental take
7799 | endorsement fees, and equitable rent, if any, must be deposited
7800 | in the Marine Resources Conservation Trust Fund. Up to 50 percent
7801 | of the revenues generated under this section may be used for

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7802 operation and administration of the stone crab trap limitation
7803 program. All remaining revenues so generated must be used for
7804 trap retrieval, management of the stone crab fishery, public
7805 education activities, evaluation of the impact of trap reductions
7806 on the stone crab fishery, and enforcement activities in support
7807 of the stone crab trap limitation program.

7808 (f) Program to be self-supporting.--The stone crab trap
7809 limitation program is intended to be a self-supporting program
7810 funded from proceeds generated under this section.

7811 (g) No vested rights.--The stone crab trap limitation
7812 program does not create any vested rights for endorsement or
7813 certificateholders and may be altered or terminated by the
7814 commission as necessary to protect the stone crab resource, the
7815 participants in the fishery, or the public interest.

7816 (2) PENALTIES.--For purposes of this subsection, conviction
7817 is any disposition other than acquittal or dismissal, regardless
7818 of whether the violation was adjudicated under any state or
7819 federal law.

7820 (a) It is unlawful to violate commission rules regulating
7821 stone crab trap certificates and trap tags. No person may use an
7822 expired tag or a stone crab trap tag not issued by the commission
7823 or possess or use a stone crab trap in or on state waters or
7824 adjacent federal waters without having a trap tag required by the
7825 commission firmly attached thereto.

7826 1. In addition to any other penalties provided in s.
7827 379.407 ~~370.021~~, for any commercial harvester who violates this
7828 paragraph, the following administrative penalties apply.

7829 a. For a first violation, the commission shall assess an
7830 administrative penalty of up to \$1,000.

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7831 b. For a second violation that occurs within 24 months of
7832 any previous such violation, the commission shall assess an
7833 administrative penalty of up to \$2,000 and the stone crab
7834 endorsement under which the violation was committed may be
7835 suspended for 12 calendar months.

7836 c. For a third violation that occurs within 36 months of
7837 any previous two such violations, the commission shall assess an
7838 administrative penalty of up to \$5,000 and the stone crab
7839 endorsement under which the violation was committed may be
7840 suspended for 24 calendar months.

7841 d. A fourth violation that occurs within 48 months of any
7842 three previous such violations, shall result in permanent
7843 revocation of all of the violator's saltwater fishing privileges,
7844 including having the commission proceed against the endorsement
7845 holder's saltwater products license in accordance with s. 379.407
7846 ~~370.021~~.

7847 2. Any other person who violates the provisions of this
7848 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

7849
7850 Any commercial harvester assessed an administrative penalty under
7851 this paragraph shall, within 30 calendar days after notification,
7852 pay the administrative penalty to the commission, or request an
7853 administrative hearing under ss. 120.569 and 120.57. The proceeds
7854 of all administrative penalties collected under this paragraph
7855 shall be deposited in the Marine Resources Conservation Trust
7856 Fund.

7857 (b) It is unlawful for any commercial harvester to remove
7858 the contents of another harvester's stone crab trap or take
7859 possession of such without the express written consent of the

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7860 trap owner available for immediate inspection. Unauthorized
7861 possession of another's trap gear or removal of trap contents
7862 constitutes theft.

7863 1. Any commercial harvester convicted of theft of or from a
7864 trap pursuant to this subsection or s. 379.402 ~~370.1107~~ shall, in
7865 addition to the penalties specified in s. 379.407 ~~370.021~~ and the
7866 provisions of this section, permanently lose all saltwater
7867 fishing privileges, including saltwater products licenses, stone
7868 crab or incidental take endorsements, and all trap certificates
7869 allotted to such commercial harvester by the commission. In such
7870 cases, trap certificates and endorsements are nontransferable.

7871 2. In addition, any commercial harvester convicted of
7872 violating the prohibitions referenced in this paragraph shall
7873 also be assessed an administrative penalty of up to \$5,000.
7874 Immediately upon receiving a citation for a violation involving
7875 theft of or from a trap and until adjudicated for such a
7876 violation, or, upon receipt of a judicial disposition other than
7877 dismissal or acquittal on such a violation, the violator is
7878 prohibited from transferring any stone crab or spiny lobster
7879 certificates.

7880 3. Any other person who violates the provisions of this
7881 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

7882 (c)1. It is unlawful to violate commission rules that
7883 prohibit any of the following:

7884 a. The willful molestation of any stone crab trap, line, or
7885 buoy that is the property of any licenseholder, without the
7886 permission of that licenseholder.

7887 b. The bartering, trading, or sale, or conspiring or aiding
7888 in such barter, trade, or sale, or supplying, agreeing to supply,

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7889 | aiding in supplying, or giving away stone crab trap tags or
7890 | certificates unless the action is duly authorized by the
7891 | commission as provided by commission rules.

7892 | c. The making, altering, forging, counterfeiting, or
7893 | reproducing of stone crab trap tags.

7894 | d. Possession of forged, counterfeit, or imitation stone
7895 | crab trap tags.

7896 | e. Engaging in the commercial harvest of stone crabs during
7897 | the time either of the endorsements is under suspension or
7898 | revocation.

7899 | 2. Any commercial harvester who violates this paragraph
7900 | commits a felony of the third degree, punishable as provided in
7901 | s. 775.082, s. 775.083, or s. 775.084.

7902 | 3. Any other person who violates this paragraph commits a
7903 | Level Four violation under s. 379.401 ~~372.83~~.

7904 |
7905 | In addition, any commercial harvester convicted of violating this
7906 | paragraph shall also be assessed an administrative penalty of up
7907 | to \$5,000, and the incidental take endorsement and/or the stone
7908 | crab endorsement under which the violation was committed may be
7909 | suspended for up to 24 calendar months. Immediately upon
7910 | receiving a citation involving a violation of this paragraph and
7911 | until adjudicated for such a violation, or if convicted of such a
7912 | violation, the person, firm, or corporation committing the
7913 | violation is prohibited from transferring any stone crab
7914 | certificates or endorsements.

7915 | (d) For any commercial harvester convicted of fraudulently
7916 | reporting the actual value of transferred stone crab
7917 | certificates, the commission may automatically suspend or

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7918 permanently revoke the seller's or the purchaser's stone crab
7919 endorsements. If the endorsement is permanently revoked, the
7920 commission shall also permanently deactivate the endorsement
7921 holder's stone crab certificate accounts. Whether an endorsement
7922 is suspended or revoked, the commission may also levy a fine
7923 against the holder of the endorsement of up to twice the
7924 appropriate surcharge to be paid based on the fair market value
7925 of the transferred certificates.

7926 (e) During any period of suspension or revocation of an
7927 endorsement holder's endorsement, he or she shall remove all
7928 traps subject to that endorsement from the water within 15 days
7929 after notice provided by the commission. Failure to do so will
7930 extend the period of suspension or revocation for an additional 6
7931 calendar months.

7932 (f) An endorsement will not be renewed until all fees and
7933 administrative penalties imposed under this section are paid.

7934 (3) DEPREDATION PERMITS.--The Fish and Wildlife
7935 Conservation Commission shall issue a depredation permit upon
7936 request to any marine aquaculture producer, as defined in s.
7937 379.2523 ~~370.26~~, engaged in the culture of shellfish, which shall
7938 entitle the aquaculture producer to possess and use up to 75
7939 stone crab traps and up to 75 blue crab traps for the sole
7940 purpose of taking destructive or nuisance stone crabs or blue
7941 crabs within 1 mile of the producer's aquaculture shellfish beds.
7942 Stone crabs or blue crabs taken under this subsection may not be
7943 sold, bartered, exchanged, or offered for sale, barter, or
7944 exchange.

7945 ~~(4) For the 2006-2007 fiscal year only, the trap tag fees~~
7946 ~~required by this section shall be waived by the commission. This~~

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7947 ~~subsection expires July 1, 2007.~~

7948 Section 150. Section 370.135, Florida Statutes, is
7949 renumbered as section 379.366, Florida Statutes, and amended to
7950 read:

7951 379.366 ~~370.135~~ Blue crab; regulation.--

7952 (1) No commercial harvester shall transport on the water,
7953 fish with or cause to be fished with, set, or place any trap
7954 designed for taking blue crabs unless such commercial harvester
7955 holds a valid saltwater products license and restricted species
7956 endorsement issued under s. 379.361 ~~370.06~~ and a blue crab
7957 endorsement issued under this section. Each trap shall have the
7958 harvester's blue crab endorsement number permanently affixed to
7959 it. Each buoy attached to such a trap shall also have the
7960 harvester's blue crab endorsement number permanently attached to
7961 the buoy. The blue crab endorsement number shall be affixed in
7962 legible figures at least 2 inches high on each buoy used. The
7963 saltwater products license must be on board the boat, and both
7964 the license and the crabs shall be subject to inspection at all
7965 times. This subsection shall not apply to an individual fishing
7966 with no more than five traps.

7967 (2) No person shall harvest blue crabs with more than five
7968 traps, harvest blue crabs in commercial quantities, or sell blue
7969 crabs unless such person holds a valid saltwater products license
7970 with a restricted species endorsement issued under s. 379.361
7971 ~~370.06~~ and a blue crab endorsement issued under this section.

7972 (a) In the event of the death or disability of a person
7973 holding an active blue crab endorsement, the endorsement may be
7974 transferred by the person to a member of his or her immediate
7975 family or may be renewed by any person so designated by the

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7976 executor of the person's estate.

7977 (b) A commercial harvester who holds a saltwater products
7978 license and a blue crab endorsement that is issued to the
7979 commercial harvester's vessel registration number and who
7980 replaces an existing vessel with a new vessel may transfer the
7981 existing blue crab endorsement to the saltwater products license
7982 of the new vessel.

7983 (3) (a) Endorsement fees.--

7984 1. The fee for a hard-shell blue crab endorsement for the
7985 taking of hard-shell blue crabs, as authorized by rule of the
7986 commission, is \$125, \$25 of which must be used solely for the
7987 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
7988 in commission rules.

7989 2. The fee for a soft-shell blue crab endorsement for the
7990 taking of soft-shell blue crabs, as authorized by rule of the
7991 commission, is \$250, \$25 of which must be used solely for the
7992 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
7993 in commission rules.

7994 3. The fee for a nontransferable hard-shell blue crab
7995 endorsement for the taking of hard-shell blue crabs, as
7996 authorized by rule of the commission, is \$125, \$25 of which must
7997 be used solely for the trap retrieval program authorized under s.
7998 379.2424 ~~370.143~~ and in commission rules.

7999 4. The fee for an incidental take blue crab endorsement for
8000 the taking of blue crabs as bycatch in shrimp trawls and stone
8001 crab traps is \$25, as authorized in commission rules.

8002 (b) Trap tag fees.--The annual fee for each trap tag issued
8003 by the commission under the requirements of the blue crab effort
8004 management program established by rule of the commission is 50

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8005 cents per tag. The fee for replacement tags for lost or damaged
8006 tags is 50 cents per tag plus the cost of shipping. In the event
8007 of a major natural disaster, such as a hurricane or major storm,
8008 that causes massive trap losses within an area declared by the
8009 Governor to be a disaster emergency area, the commission may
8010 temporarily defer or waive replacement tag fees.

8011 (c) Equitable rent.--The commission may establish by rule
8012 an amount of equitable rent that may be recovered as partial
8013 compensation to the state for the enhanced access to its natural
8014 resources. In determining whether to establish such a rent and
8015 the amount thereof, the commission may consider the amount of
8016 revenues annually generated by endorsement fees, trap tag fees,
8017 replacement trap tag fees, trap retrieval fees, and the continued
8018 economic viability of the commercial blue crab industry. A rule
8019 establishing an amount of equitable rent shall become effective
8020 only upon approval by act of the Legislature.

8021 (d) Disposition of moneys generated from fees and
8022 administrative penalties.--Moneys generated from the sale of blue
8023 crab endorsements, trap tags, and replacement trap tags or from
8024 the assessment of administrative penalties by the commission
8025 under this section shall be deposited into the Marine Resources
8026 Conservation Trust Fund. Up to 50 percent of the moneys generated
8027 from the sale of endorsements and trap tags and the assessment of
8028 administrative penalties may be used for the operation and
8029 administration of the blue crab effort management program. The
8030 remaining moneys generated from the sale of endorsements and trap
8031 tags and the assessment of administrative penalties may be used
8032 for trap retrieval; management of the blue crab fishery; and
8033 public education activities, research, and enforcement activities

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8034 | in support of the blue crab effort management program.

8035 | (e) Waiver of fees.--For the 2007-2008 license year, the
8036 | commission shall waive all fees under this subsection for all
8037 | persons who qualify by September 30, 2007, to participate in the
8038 | blue crab effort management program established by commission
8039 | rule.

8040 | (4) (a) Untagged trap penalties.--By July 1, 2008, the
8041 | commission shall adopt by rule the administrative penalties
8042 | authorized by this subsection. In addition to any other penalties
8043 | provided in s. 379.407 ~~370.021~~ for any blue crab endorsement
8044 | holder who violates commission rules requiring the placement of
8045 | trap tags for traps used for the directed harvest of blue crabs,
8046 | the following administrative penalties apply:

8047 | 1. For a first violation, the commission shall assess an
8048 | administrative penalty of up to \$1,000.

8049 | 2. For a second violation that occurs within 24 months
8050 | after any previous such violation, the commission shall assess an
8051 | administrative penalty of up to \$2,000, and the blue crab
8052 | endorsement holder's blue crab fishing privileges may be
8053 | suspended for 12 calendar months.

8054 | 3. For a third violation that occurs within 36 months after
8055 | any two previous such violations, the commission shall assess an
8056 | administrative penalty of up to \$5,000, and the blue crab
8057 | endorsement holder's blue crab fishing privileges may be
8058 | suspended for 24 calendar months.

8059 | 4. A fourth violation that occurs within 48 months after
8060 | any three previous such violations shall result in permanent
8061 | revocation of all of the violator's saltwater fishing privileges,
8062 | including having the commission proceed against the endorsement

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8063 holder's saltwater products license in accordance with s. 379.407
8064 ~~370.021~~.

8065

8066 Any blue crab endorsement holder assessed an administrative
8067 penalty under this paragraph shall, within 30 calendar days after
8068 notification, pay the administrative penalty to the commission or
8069 request an administrative hearing under ss. 120.569 and 120.57.

8070 (b) Trap theft; prohibitions and penalties.--It is unlawful
8071 for any person to remove or take possession of the contents of
8072 another harvester's blue crab trap without the express written
8073 consent of the trap owner, which must be available for immediate
8074 inspection. Unauthorized possession of another harvester's blue
8075 crab trap gear or removal of trap contents constitutes theft.

8076 1. Any commercial harvester receiving a judicial
8077 disposition other than dismissal or acquittal on a charge of
8078 theft of or from a trap as prohibited by this paragraph shall, in
8079 addition to the penalties specified in s. 379.407 ~~370.021~~ and
8080 this section, permanently lose all saltwater fishing privileges,
8081 including any saltwater products licenses, blue crab
8082 endorsements, and blue crab trap tags allotted to him or her by
8083 the commission. In such cases, endorsements are nontransferable.

8084 2. In addition, any commercial harvester receiving a
8085 judicial disposition other than dismissal or acquittal for
8086 violating this paragraph shall also be assessed an administrative
8087 penalty of up to \$5,000. Immediately upon receipt of a citation
8088 for a violation involving theft of or from a trap and until
8089 adjudicated for such a violation, or upon receipt of a judicial
8090 disposition other than dismissal or acquittal for such a
8091 violation, the commercial harvester committing the violation is

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8092 prohibited from transferring any blue crab endorsements.

8093 3. A commercial harvester who violates this paragraph shall
8094 be punished under s. 379.407 ~~370.021~~. Any other person who
8095 violates this paragraph commits a Level Two violation under s.
8096 379.401 ~~372.83~~.

8097 (c) Criminal activities prohibited.--

8098 1. It is unlawful for any commercial harvester or any other
8099 person to:

8100 a. Willfully molest any blue crab trap, line, or buoy that
8101 is the property of any licenseholder without the permission of
8102 that licenseholder.

8103 b. Barter, trade, lease, or sell a blue crab trap tag or
8104 conspire or aid in such barter, trade, lease, or sale unless duly
8105 authorized by commission rules.

8106 c. Supply, agree to supply, aid in supplying, or give away
8107 a blue crab trap tag unless duly authorized by commission rules.

8108 d. Make, alter, forge, counterfeit, or reproduce a blue
8109 crab trap tag.

8110 e. Possess an altered, forged, counterfeit, or imitation
8111 blue crab trap tag.

8112 f. Possess a number of original trap tags or replacement
8113 trap tags, the sum of which exceeds by 1 percent the number of
8114 traps allowed by commission rules.

8115 g. Engage in the commercial harvest of blue crabs while the
8116 blue crab endorsements of the licenseholder are under suspension
8117 or revocation.

8118 2. Immediately upon receiving a citation involving a
8119 violation of this paragraph and until adjudicated for such a
8120 violation, a commercial harvester is prohibited from transferring

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8121 | any blue crab endorsement.

8122 | 3. A commercial harvester convicted of violating this
8123 | paragraph commits a felony of the third degree, punishable as
8124 | provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
8125 | assessed an administrative penalty of up to \$5,000, and is
8126 | immediately prohibited from transferring any blue crab
8127 | endorsement. All blue crab endorsements issued to a commercial
8128 | harvester convicted of violating this paragraph may be suspended
8129 | for up to 24 calendar months.

8130 | 4. Any other person convicted of violating this paragraph
8131 | commits a Level Four violation under s. 379.401 ~~372.83~~.

8132 | (d) Endorsement transfers; fraudulent reports;
8133 | penalties.--For a commercial harvester convicted of fraudulently
8134 | reporting the actual value of transferred blue crab endorsements,
8135 | the commission may automatically suspend or permanently revoke
8136 | the seller's or the purchaser's blue crab endorsements. If the
8137 | endorsement is permanently revoked, the commission shall also
8138 | permanently deactivate the endorsement holder's blue crab trap
8139 | tag accounts.

8140 | (e) Prohibitions during endorsement suspension and
8141 | revocation.--During any period of suspension or after revocation
8142 | of a blue crab endorsement holder's endorsements, he or she
8143 | shall, within 15 days after notice provided by the commission,
8144 | remove from the water all traps subject to that endorsement.
8145 | Failure to do so shall extend the period of suspension for an
8146 | additional 6 calendar months.

8147 | (5) For purposes of this section, a conviction is any
8148 | disposition other than acquittal or dismissal.

8149 | (6) A blue crab endorsement may not be renewed until all

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8150 fees and administrative penalties imposed under this section are
8151 paid.

8152 (7) Subsections (3), (4), (5), and (6) shall expire on July
8153 1, 2009, unless reenacted by the Legislature during the 2009
8154 Regular Session.

8155 Section 151. Section 370.14, Florida Statutes, is
8156 renumbered as section 379.367, Florida Statutes, and amended to
8157 read:

8158 379.367 ~~370.14~~ Spiny lobster; regulation.--

8159 (1) It is the intent of the Legislature to maintain the
8160 spiny lobster industry for the economy of the state and to
8161 conserve the stocks supplying this industry. The provisions of
8162 this act regulating the taking of spiny lobster are for the
8163 purposes of ensuring and maintaining the highest possible
8164 production of spiny lobster.

8165 (2) (a) 1. Each commercial harvester taking or attempting to
8166 take spiny lobster with a trap in commercial quantities or for
8167 commercial purposes shall obtain and exhibit a spiny lobster
8168 endorsement number, as required by the Fish and Wildlife
8169 Conservation Commission. The annual fee for a spiny lobster
8170 endorsement is \$125. This endorsement may be issued by the
8171 commission upon the receipt of application by the commercial
8172 harvester when accompanied by the payment of the fee. The design
8173 of the applications and of the trap tag shall be determined by
8174 the commission. Any trap or device used in taking or attempting
8175 to take spiny lobster, other than a trap with the endorsement
8176 number, shall be seized and destroyed by the commission. The
8177 proceeds of the fees imposed by this paragraph shall be deposited
8178 and used as provided in paragraph (b). The commission may adopt

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8179 | rules to carry out the intent of this section.

8180 | 2. Each commercial harvester taking or attempting to take
8181 | spiny lobster in commercial quantities or for commercial purposes
8182 | by any method, other than with a trap having a spiny lobster
8183 | endorsement number issued by the commission, must pay an annual
8184 | fee of \$100.

8185 | (b) Twenty-five dollars of the \$125 fee for a spiny lobster
8186 | endorsement required under subparagraph (a)1. must be used only
8187 | for trap retrieval as provided in s. 379.2424 ~~370.143~~. The
8188 | remainder of the fees collected under paragraph (a) shall be
8189 | deposited as follows:

8190 | 1. Fifty percent of the fees collected shall be deposited
8191 | in the Marine Resources Conservation Trust Fund for use in
8192 | enforcing the provisions of paragraph (a) through aerial and
8193 | other surveillance and trap retrieval.

8194 | 2. Fifty percent of the fees collected shall be deposited
8195 | as provided in s. 379.3671(5) ~~370.142(5)~~.

8196 | (3) The spiny lobster endorsement must be on board the
8197 | boat, and both the endorsement and the harvested spiny lobster
8198 | shall be subject to inspection at all times. Only one endorsement
8199 | shall be issued for each boat. The spiny lobster endorsement
8200 | number must be prominently displayed above the topmost portion of
8201 | the boat so as to be easily and readily identified.

8202 | (4) (a) It is unlawful for any person willfully to molest
8203 | any spiny lobster traps, lines, or buoys belonging to another
8204 | without permission of the licenseholder.

8205 | (b) A commercial harvester who violates this subsection
8206 | commits a felony of the third degree, punishable as provided in
8207 | s. 775.082 or s. 775.083. Any other person who violates this

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8208 subsection commits a Level Four violation under s. 379.401
8209 ~~372.83~~.

8210 (5) Any spiny lobster licenseholder, upon selling licensed
8211 spiny lobster traps, shall furnish the commission notice of such
8212 sale of all or part of his or her interest within 15 days
8213 thereof. Any holder of said license shall also notify the
8214 commission within 15 days if his or her address no longer
8215 conforms to the address appearing on the license and shall, as a
8216 part of such notification, furnish the commission with his or her
8217 new address.

8218 (6) (a) By a special permit granted by the commission, a
8219 Florida-licensed seafood dealer may lawfully import, process, and
8220 package spiny lobster or uncooked tails of the species *Panulirus*
8221 *argus* during the closed season. However, spiny lobster landed
8222 under special permit shall not be sold in the state.

8223 (b) The licensed seafood dealer importing any such spiny
8224 lobster under the permit shall, 12 hours prior to the time the
8225 seagoing vessel or airplane delivering such imported spiny
8226 lobster enters the state, notify the commission as to the
8227 seagoing vessel's name or the airplane's registration number and
8228 its captain, location, and point of destination.

8229 (c) At the time the spiny lobster cargo is delivered to the
8230 permitholder's place of business, the spiny lobster cargo shall
8231 be weighed and shall be available for inspection by the
8232 commission. A signed receipt of such quantity in pounds shall be
8233 forwarded to the commission within 48 hours after shipment weigh-
8234 in completion. If requested by the commission, the weigh-in
8235 process will be delayed up to 4 hours to allow for a commission
8236 representative to be present during the process.

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8237 (d) Within 48 hours after shipment weigh-in completion, the
8238 permit holder shall submit to the commission, on forms provided by
8239 the commission, a sworn report of the quantity in pounds of the
8240 spiny lobster received, which report shall include the location
8241 of said spiny lobster and a sworn statement that said spiny
8242 lobster were taken at least 50 miles from Florida's shoreline.
8243 The landing of spiny lobster or spiny lobster tails from which
8244 the eggs, swimmerettes, or pleopods have been removed; the
8245 falsification of information as to area from which spiny lobster
8246 were obtained; or the failure to file the report called for in
8247 this section shall be grounds to revoke the permit.

8248 (e) Each permit holder shall keep throughout the period of
8249 the closed season copies of the bill of sale or invoices covering
8250 each transaction involving spiny lobster imported under this
8251 permit. Such invoices and bills shall be kept available at all
8252 times for inspection by the commission.

8253 (7) (a) A Florida-licensed seafood dealer may obtain a
8254 special permit to import, process, and package uncooked tails of
8255 spiny lobster upon the payment of the sum of \$100 to the
8256 commission.

8257 (b) A special permit must be obtained by any airplane or
8258 seagoing vessel other than a common carrier used to transport
8259 spiny lobster or spiny lobster tails for purchase by licensed
8260 seafood dealers for purposes as provided herein upon the payment
8261 of \$50.

8262 (c) All special permits issued under this subsection are
8263 nontransferable.

8264 (8) No common carrier or employee of said carrier may
8265 carry, knowingly receive for carriage, or permit the carriage of

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8266 any spiny lobster of the species *Panulirus argus*, regardless of
8267 where taken, during the closed season, except of the species
8268 *Panulirus argus* lawfully imported from a foreign country for
8269 reshipment outside of the territorial limits of the state under
8270 United States Customs bond or in accordance with paragraph
8271 (7) (a).

8272 Section 152. Section 370.142, Florida Statutes, is
8273 renumbered as section 379.3671, Florida Statutes, and amended to
8274 read:

8275 379.3671 ~~370.142~~ Spiny lobster trap certificate program.--

8276 (1) INTENT.--Due to rapid growth, the spiny lobster fishery
8277 is experiencing increased congestion and conflict on the water,
8278 excessive mortality of undersized lobsters, a declining yield per
8279 trap, and public concern over petroleum and debris pollution from
8280 existing traps. In an effort to solve these and related problems,
8281 the Legislature intends to develop pursuant to the provisions of
8282 this section a spiny lobster trap certificate program, the
8283 principal goal of which is to stabilize the fishery by reducing
8284 the total number of traps, which should increase the yield per
8285 trap and therefore maintain or increase overall catch levels. The
8286 Legislature seeks to preserve as much flexibility in the program
8287 as possible for the fishery's various constituents and ensure
8288 that any reduction in total trap numbers will be proportioned
8289 equally on a percentage basis among all users of traps in the
8290 fishery.

8291 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
8292 PENALTIES.--The Fish and Wildlife Conservation Commission shall
8293 establish a trap certificate program for the spiny lobster
8294 fishery of this state and shall be responsible for its

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8295 administration and enforcement as follows:

8296 (a) Transferable trap certificates.--Each holder of a
8297 saltwater products license who uses traps for taking or
8298 attempting to take spiny lobsters shall be required to have a
8299 certificate on record for each trap possessed or used therefor,
8300 except as otherwise provided in this section.

8301 1. Trap certificates are transferable on a market basis and
8302 may be transferred from one licenseholder to another for a fair
8303 market value agreed upon between the transferor and transferee.
8304 Each such transfer shall, within 72 hours thereof, be recorded on
8305 a notarized form provided for that purpose by the Fish and
8306 Wildlife Conservation Commission and hand delivered or sent by
8307 certified mail, return receipt requested, to the commission for
8308 recordkeeping purposes. In order to cover the added
8309 administrative costs of the program and to recover an equitable
8310 natural resource rent for the people of the state, a transfer fee
8311 of \$2 per certificate transferred shall be assessed against the
8312 purchasing licenseholder and sent by money order or cashier's
8313 check with the certificate transfer form. Also, in addition to
8314 the transfer fee, a surcharge of \$5 per certificate transferred
8315 or 25 percent of the actual market value, whichever is greater,
8316 given to the transferor shall be assessed the first time a
8317 certificate is transferred outside the original transferor's
8318 immediate family. No transfer of a certificate shall be effective
8319 until the commission receives the notarized transfer form and the
8320 transfer fee, including any surcharge, is paid. The commission
8321 may establish by rule an amount of equitable rent per trap
8322 certificate that shall be recovered as partial compensation to
8323 the state for the enhanced access to its natural resources. A

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8324 rule establishing an amount of equitable rent shall become
8325 effective only after approval by the Legislature. In determining
8326 whether to establish such a rent and, if so, the amount thereof,
8327 the commission shall consider the amount of revenues annually
8328 generated by certificate fees, transfer fees, surcharges, trap
8329 license fees, and sales taxes, the demonstrated fair market value
8330 of transferred certificates, and the continued economic viability
8331 of the commercial lobster industry. All proceeds of equitable
8332 rent recovered shall be deposited in the Marine Resources
8333 Conservation Trust Fund and used by the commission for research,
8334 management, and protection of the spiny lobster fishery and
8335 habitat. A transfer fee may not be assessed or required when the
8336 transfer is within a family as a result of the death or
8337 disability of the certificate owner. A surcharge will not be
8338 assessed for any transfer within an individual's immediate
8339 family.

8340 2. No person, firm, corporation, or other business entity
8341 may control, directly or indirectly, more than 1.5 percent of the
8342 total available certificates in any license year.

8343 3. The commission shall maintain records of all
8344 certificates and their transfers and shall annually provide each
8345 licenseholder with a statement of certificates held.

8346 4. The number of trap tags issued annually to each
8347 licenseholder shall not exceed the number of certificates held by
8348 the licenseholder at the time of issuance, and such tags and a
8349 statement of certificates held shall be issued simultaneously.

8350 5. It is unlawful for any person to lease spiny lobster
8351 trap tags or certificates.

8352 (b) Trap tags.--Each trap used to take or attempt to take

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8353 spiny lobsters in state waters or adjacent federal waters shall,
8354 in addition to the spiny lobster endorsement number required by
8355 s. 379.367(2) ~~370.14(2)~~, have affixed thereto an annual trap tag
8356 issued by the commission. Each such tag shall be made of durable
8357 plastic or similar material and shall, based on the number of
8358 certificates held, have stamped thereon the owner's license
8359 number. To facilitate enforcement and recordkeeping, such tags
8360 shall be issued each year in a color different from that of each
8361 of the previous 3 years. The annual certificate fee shall be \$1
8362 per certificate. Replacement tags for lost or damaged tags may be
8363 obtained as provided by rule of the commission. In the event of a
8364 major natural disaster, such as a hurricane or major storm, that
8365 causes massive trap losses within an area declared by the
8366 Governor to be a disaster emergency area, the commission may
8367 temporarily defer or waive replacement tag fees.

8368 (c) Prohibitions; penalties.--

8369 1. It is unlawful for a person to possess or use a spiny
8370 lobster trap in or on state waters or adjacent federal waters
8371 without having affixed thereto the trap tag required by this
8372 section. It is unlawful for a person to possess or use any other
8373 gear or device designed to attract and enclose or otherwise aid
8374 in the taking of spiny lobster by trapping that is not a trap as
8375 defined by commission rule.

8376 2. It is unlawful for a person to possess or use spiny
8377 lobster trap tags without having the necessary number of
8378 certificates on record as required by this section.

8379 3. It is unlawful for any person to willfully molest, take
8380 possession of, or remove the contents of another harvester's
8381 spiny lobster trap without the express written consent of the

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8382 trap owner available for immediate inspection. Unauthorized
8383 possession of another's trap gear or removal of trap contents
8384 constitutes theft.

8385 a. A commercial harvester who violates this subparagraph
8386 shall be punished under ss. 379.367 and 379.407 ~~370.021 and~~
8387 ~~370.14~~. Any commercial harvester receiving a judicial disposition
8388 other than dismissal or acquittal on a charge of theft of or from
8389 a trap pursuant to this subparagraph or s. 379.402 ~~370.1107~~
8390 shall, in addition to the penalties specified in ss. 379.367 and
8391 379.407 ~~370.021 and 370.14~~ and the provisions of this section,
8392 permanently lose all his or her saltwater fishing privileges,
8393 including his or her saltwater products license, spiny lobster
8394 endorsement, and all trap certificates allotted to him or her
8395 through this program. In such cases, trap certificates and
8396 endorsements are nontransferable.

8397 b. Any commercial harvester receiving a judicial
8398 disposition other than dismissal or acquittal on a charge of
8399 willful molestation of a trap, in addition to the penalties
8400 specified in ss. 379.367 and 379.407 ~~370.021 and 370.14~~, shall
8401 lose all saltwater fishing privileges for a period of 24 calendar
8402 months.

8403 c. In addition, any commercial harvester charged with
8404 violating this subparagraph and receiving a judicial disposition
8405 other than dismissal or acquittal for violating this subparagraph
8406 or s. 379.402 ~~370.1107~~ shall also be assessed an administrative
8407 penalty of up to \$5,000.

8408
8409 Immediately upon receiving a citation for a violation involving
8410 theft of or from a trap, or molestation of a trap, and until

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8411 adjudicated for such a violation or, upon receipt of a judicial
8412 disposition other than dismissal or acquittal of such a
8413 violation, the commercial harvester committing the violation is
8414 prohibited from transferring any spiny lobster trap certificates
8415 and endorsements.

8416 4. In addition to any other penalties provided in s.
8417 379.407 ~~370.021~~, a commercial harvester who violates the
8418 provisions of this section or commission rules relating to spiny
8419 lobster traps shall be punished as follows:

8420 a. If the first violation is for violation of subparagraph
8421 1. or subparagraph 2., the commission shall assess an additional
8422 administrative penalty of up to \$1,000. For all other first
8423 violations, the commission shall assess an additional
8424 administrative penalty of up to \$500.

8425 b. For a second violation of subparagraph 1. or
8426 subparagraph 2. which occurs within 24 months of any previous
8427 such violation, the commission shall assess an additional
8428 administrative penalty of up to \$2,000 and the spiny lobster
8429 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~
8430 may be suspended for the remainder of the current license year.

8431 c. For a third or subsequent violation of subparagraph 1.,
8432 subparagraph 2., or subparagraph 3. which occurs within 36 months
8433 of any previous two such violations, the commission shall assess
8434 an additional administrative penalty of up to \$5,000 and may
8435 suspend the spiny lobster endorsement issued under s. 379.367(2)
8436 or (6) ~~370.14(2) or (6)~~ for a period of up to 24 months or may
8437 revoke the spiny lobster endorsement and, if revoking the spiny
8438 lobster endorsement, may also proceed against the licenseholder's
8439 saltwater products license in accordance with the provisions of

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8440 s. 379.407(2)(h) ~~370.021(2)(h)~~.

8441 d. Any person assessed an additional administrative penalty
8442 pursuant to this section shall within 30 calendar days after
8443 notification:

8444 (I) Pay the administrative penalty to the commission; or

8445 (II) Request an administrative hearing pursuant to the
8446 provisions of ss. 120.569 and 120.57.

8447 e. The commission shall suspend the spiny lobster
8448 endorsement issued under s. 379.367(2) or ~~(6) 370.14(2) or (6)~~
8449 for any person failing to comply with the provisions of sub-
8450 subparagraph d.

8451 5.a. It is unlawful for any person to make, alter, forge,
8452 counterfeit, or reproduce a spiny lobster trap tag or
8453 certificate.

8454 b. It is unlawful for any person to knowingly have in his
8455 or her possession a forged, counterfeit, or imitation spiny
8456 lobster trap tag or certificate.

8457 c. It is unlawful for any person to barter, trade, sell,
8458 supply, agree to supply, aid in supplying, or give away a spiny
8459 lobster trap tag or certificate or to conspire to barter, trade,
8460 sell, supply, aid in supplying, or give away a spiny lobster trap
8461 tag or certificate unless such action is duly authorized by the
8462 commission as provided in this chapter or in the rules of the
8463 commission.

8464 6.a. Any commercial harvester who violates the provisions
8465 of subparagraph 5., or any commercial harvester who engages in
8466 the commercial harvest, trapping, or possession of spiny lobster
8467 without a spiny lobster endorsement as required by s. 379.367(2)
8468 or (6) ~~370.14(2) or (6)~~ or during any period while such spiny

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8469 lobster endorsement is under suspension or revocation, commits a
8470 felony of the third degree, punishable as provided in s. 775.082,
8471 s. 775.083, or s. 775.084.

8472 b. In addition to any penalty imposed pursuant to sub-
8473 subparagraph a., the commission shall levy a fine of up to twice
8474 the amount of the appropriate surcharge to be paid on the fair
8475 market value of the transferred certificates, as provided in
8476 subparagraph (a)1., on any commercial harvester who violates the
8477 provisions of sub-subparagraph 5.c.

8478 c. In addition to any penalty imposed pursuant to sub-
8479 subparagraph a., any commercial harvester receiving any judicial
8480 disposition other than acquittal or dismissal for a violation of
8481 subparagraph 5. shall be assessed an administrative penalty of up
8482 to \$5,000, and the spiny lobster endorsement under which the
8483 violation was committed may be suspended for up to 24 calendar
8484 months. Immediately upon issuance of a citation involving a
8485 violation of subparagraph 5. and until adjudication of such a
8486 violation, and after receipt of any judicial disposition other
8487 than acquittal or dismissal for such a violation, the commercial
8488 harvester holding the spiny lobster endorsement listed on the
8489 citation is prohibited from transferring any spiny lobster trap
8490 certificates.

8491 d. Any other person who violates the provisions of
8492 subparagraph 5. commits a Level Four violation under s. 379.401
8493 ~~372.83~~.

8494 7. Any certificates for which the annual certificate fee is
8495 not paid for a period of 3 years shall be considered abandoned
8496 and shall revert to the commission. During any period of trap
8497 reduction, any certificates reverting to the commission shall

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8498 | become permanently unavailable and be considered in that amount
8499 | to be reduced during the next license-year period. Otherwise, any
8500 | certificates that revert to the commission are to be reallocated
8501 | in such manner as provided by the commission.

8502 | 8. The proceeds of all administrative penalties collected
8503 | pursuant to subparagraph 4. and all fines collected pursuant to
8504 | sub-subparagraph 6.b. shall be deposited into the Marine
8505 | Resources Conservation Trust Fund.

8506 | 9. All traps shall be removed from the water during any
8507 | period of suspension or revocation.

8508 | 10. Except as otherwise provided, any person who violates
8509 | this paragraph commits a Level Two violation under s. 379.401
8510 | ~~372.83~~.

8511 | (d) No vested rights.--The trap certificate program shall
8512 | not create vested rights in licenseholders whatsoever and may be
8513 | altered or terminated as necessary to protect the spiny lobster
8514 | resource, the participants in the fishery, or the public
8515 | interest.

8516 | (3) TRAP REDUCTION.--The objective of the overall trap
8517 | certificate program is to reduce the number of traps used in the
8518 | spiny lobster fishery to the lowest number that will maintain or
8519 | increase overall catch levels, promote economic efficiency in the
8520 | fishery, and conserve natural resources. Therefore, the Marine
8521 | Fisheries Commission shall set an overall trap reduction goal
8522 | based on maintaining or maximizing a sustained harvest from the
8523 | spiny lobster fishery. To reach that goal, the Marine Fisheries
8524 | Commission shall, by July 1, 1992, set an annual trap reduction
8525 | schedule, not to exceed 10 percent per year, applicable to all
8526 | certificateholders until the overall trap reduction goal is

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8527 | reached. All certificateholders shall have their certificate
8528 | holdings reduced by the same percentage of certificates each year
8529 | according to the trap reduction schedule. Until July 1, 1999, the
8530 | Department of Environmental Protection shall issue the number of
8531 | trap tags authorized by the Marine Fisheries Commission, as
8532 | requested, and a revised statement of certificates held.
8533 | Beginning July 1, 1999, the Fish and Wildlife Conservation
8534 | Commission shall annually issue the number of trap tags
8535 | authorized by the commission's schedule, as requested, and a
8536 | revised statement of certificates held. Certificateholders may
8537 | maintain or increase their total number of certificates held by
8538 | purchasing available certificates from within the authorized
8539 | total. The Fish and Wildlife Conservation Commission shall
8540 | provide for an annual evaluation of the trap reduction process
8541 | and shall suspend the annual percentage reductions for any period
8542 | deemed necessary by the commission in order to assess the impact
8543 | of the trap reduction schedule on the fishery. The Fish and
8544 | Wildlife Conservation Commission may then, by rule, resume,
8545 | terminate, or reverse the schedule as it deems necessary to
8546 | protect the spiny lobster resource and the participants in the
8547 | fishery.

8548 | (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
8549 | BOARD.--There is hereby established the Trap Certificate
8550 | Technical Advisory and Appeals Board. Such board shall consider
8551 | and advise the commission on disputes and other problems arising
8552 | from the implementation of the spiny lobster trap certificate
8553 | program. The board may also provide information to the commission
8554 | on the operation of the trap certificate program.

8555 | (a) The board shall consist of the executive director of

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8556 | the commission or designee and nine other members appointed by
8557 | the executive director, according to the following criteria:

8558 | 1. All appointed members shall be certificateholders, but
8559 | two shall be holders of fewer than 100 certificates, two shall be
8560 | holders of at least 100 but no more than 750 certificates, three
8561 | shall be holders of more than 750 but not more than 2,000
8562 | certificates, and two shall be holders of more than 2,000
8563 | certificates.

8564 | 2. At least one member each shall come from Broward, Dade,
8565 | and Palm Beach Counties; and five members shall come from the
8566 | various regions of the Florida Keys.

8567 | 3. At least one appointed member shall be a person of
8568 | Hispanic origin capable of speaking English and Spanish.

8569 | (b) The term of each appointed member shall be for 4 years,
8570 | and any vacancy shall be filled for the balance of the unexpired
8571 | term with a person of the qualifications necessary to maintain
8572 | the requirements of paragraph (a). There shall be no limitation
8573 | on successive appointments to the board.

8574 | (c) The executive director of the commission or designee
8575 | shall serve as a member and shall call the organizational meeting
8576 | of the board. The board shall annually elect a chair and a vice
8577 | chair. There shall be no limitation on successive terms that may
8578 | be served by a chair or vice chair. The board shall meet at the
8579 | call of its chair, at the request of a majority of its
8580 | membership, at the request of the commission, or at such times as
8581 | may be prescribed by its rules. A majority of the board shall
8582 | constitute a quorum, and official action of the board shall
8583 | require a majority vote of the total membership of the board
8584 | present at the meeting.

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8585 (d) The procedural rules adopted by the board shall conform
8586 to the requirements of chapter 120.

8587 (e) Members of the board shall be reimbursed for per diem
8588 and travel expenses as provided in s. 112.061.

8589 (f) Upon reaching a decision on any dispute or problem
8590 brought before it, including any decision involving the allotment
8591 of certificates under paragraph (g), the board shall submit such
8592 decision to the executive director of the commission for final
8593 approval. The executive director of the commission may alter or
8594 disapprove any decision of the board, with notice thereof given
8595 in writing to the board and to each party in the dispute
8596 explaining the reasons for the disapproval. The action of the
8597 executive director of the commission constitutes final agency
8598 action.

8599 (g) In addition to those certificates allotted pursuant to
8600 the provisions of subparagraph (2)(a)1., up to 125,000
8601 certificates may be allotted by the board to settle disputes or
8602 other problems arising from implementation of the trap
8603 certificate program during the 1992-1993 and 1993-1994 license
8604 years. Any certificates not allotted by March 31, 1994, shall
8605 become permanently unavailable and shall be considered as part of
8606 the 1994-1995 reduction schedule. All appeals for additional
8607 certificates or other disputes must be filed with the board
8608 before October 1, 1993.

8609 (h) Any trap certificates issued by the Department of
8610 Environmental Protection and, effective July 1, 1999, the
8611 commission as a result of the appeals process must be added to
8612 the existing number of trap certificates for the purposes of
8613 determining the total number of certificates from which the

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8614 subsequent season's trap reduction is calculated.

8615 (i) On and after July 1, 1994, the board shall no longer
8616 consider and advise the Fish and Wildlife Conservation Commission
8617 on disputes and other problems arising from implementation of the
8618 trap certificate program nor allot any certificates with respect
8619 thereto.

8620 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees and
8621 surcharges, annual trap certificate fees, and recreational tag
8622 fees collected pursuant to paragraphs (2) (a) and (b) shall be
8623 deposited in the Marine Resources Conservation Trust Fund and
8624 used for administration of the trap certificate program, research
8625 and monitoring of the spiny lobster fishery, and enforcement and
8626 public education activities in support of the purposes of this
8627 section and shall also be for the use of the Fish and Wildlife
8628 Conservation Commission in evaluating the impact of the trap
8629 reduction schedule on the spiny lobster fishery; however, at
8630 least 15 percent of the fees and surcharges collected shall be
8631 provided to the commission for such evaluation.

8632 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife
8633 Conservation Commission may adopt rules to implement the
8634 provisions of this section.

8635 ~~(7) For the 2006-2007 fiscal year only, the trap tag fees~~
8636 ~~required by this section shall be waived by the commission. This~~
8637 ~~subsection expires July 1, 2007.~~

8638 Section 153. Subsections (2), (3), and (4) of section
8639 370.143, Florida Statutes, are renumbered as section 379.368,
8640 Florida Statutes, and amended to read:

8641 379.368 ~~370.143~~ Fees for the retrieval of spiny lobster,
8642 stone crab, blue crab, and black sea bass traps during closed

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8643 season; ~~commission authority; fees.~~--

8644 (1)~~(2)~~ Pursuant to s. 379.2424, the commission shall assess
8645 trap owners, and collect, a retrieval fee of \$10 per trap
8646 retrieved ~~shall be assessed trap owners.~~ However, for each person
8647 holding a spiny lobster endorsement, a stone crab endorsement, or
8648 a blue crab endorsement issued under rule of the commission, the
8649 retrieval fee shall be waived for the first five traps retrieved.
8650 Traps recovered under this program shall become the property of
8651 the commission or its contract agent, as determined by the
8652 commission, and shall be either destroyed or resold to the
8653 original owner. Revenue from retrieval fees shall be deposited in
8654 the Marine Resources Conservation Trust Fund and used solely for
8655 operation of the trap retrieval program.

8656 (2)~~(3)~~ Payment of all assessed retrieval fees shall be
8657 required prior to renewal of the trap owner's saltwater products
8658 license. Retrieval fees assessed under this program shall stand
8659 in lieu of other penalties imposed for such trap violations.

8660 (3)~~(4)~~ In the event of a major natural disaster, such as a
8661 hurricane or major storm, that causes massive trap losses within
8662 an area declared by the Governor to be a disaster emergency area,
8663 the commission shall waive trap retrieval fees.

8664 Section 154. Section 370.1535, Florida Statutes, is
8665 renumbered as section 379.369, Florida Statutes, and amended to
8666 read:

8667 379.369 ~~370.1535~~ Fees for Regulation of shrimp fishing in
8668 Tampa Bay; ~~licensing requirements.~~--

8669 ~~(1) No person shall operate as a dead shrimp producer in~~
8670 ~~any waters of Tampa Bay unless such person has procured from the~~
8671 ~~Fish and Wildlife Conservation Commission a dead shrimp~~

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8672 | ~~production permit.~~

8673 | ~~(2) The Fish and Wildlife Conservation Commission is~~
8674 | ~~authorized to issue a dead shrimp production permit to persons~~
8675 | ~~qualified pursuant to the following criteria:~~

8676 | ~~(a) The person has submitted an application designed by the~~
8677 | ~~commission for such permit.~~

8678 | ~~(b) One permit is required for each vessel used for dead~~
8679 | ~~shrimp production in the waters of Tampa Bay. A permit shall only~~
8680 | ~~be issued to an individual who is the principal owner of the~~
8681 | ~~vessel or of the business entity owning the vessel and utilizing~~
8682 | ~~the permit. No more than three permits shall be issued to any~~
8683 | ~~individual.~~

8684 | ~~(c) Each application for a permit to shrimp fish in the~~
8685 | ~~waters of Tampa Bay shall be accompanied by a fee of \$250 for~~
8686 | ~~each resident of the state and \$1,000 for each nonresident of the~~
8687 | ~~state. The proceeds of the fees collected pursuant to this~~
8688 | ~~paragraph shall be deposited into the Marine Resources~~
8689 | ~~Conservation Trust Fund to be used by the commission for the~~
8690 | ~~purpose of enforcement of marine resource laws.~~

8691 | ~~(d) No person shall be issued a permit or be allowed to~~
8692 | ~~renew a permit if such person is registered for noncommercial~~
8693 | ~~trawling pursuant to s. 370.15(4).~~

8694 | ~~(e) Each applicant shall make application prior to June 30,~~
8695 | ~~1992, and shall hold any other license or registration required~~
8696 | ~~to operate a commercial fishing vessel in Tampa Bay on the date~~
8697 | ~~of application.~~

8698 | ~~(3) Each permit issued in the base year of 1992 shall be~~
8699 | ~~renewable by June 30 in each subsequent year upon application~~
8700 | ~~meeting the requirements for issuance for an initial permit~~

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8701 ~~pursuant to subsection (2). The number of permits outstanding in~~
8702 ~~any one year shall not exceed the number issued for 1992. No~~
8703 ~~permit shall be transferable by any method, including devise or~~
8704 ~~inheritance, and a permit shall be renewable only by the initial~~
8705 ~~holder thereof. All permits not renewed for any reason shall~~
8706 ~~expire and shall not be renewable under any circumstances.~~

8707 ~~(4) No person harvesting dead shrimp from Tampa Bay shall~~
8708 ~~sell such shrimp to any person unless such seller is in~~
8709 ~~possession of a dead shrimp production permit issued pursuant to~~
8710 ~~this section. Except for purchases from other wholesale dealers,~~
8711 ~~no wholesale dealer, as defined in s. 370.07(1)(a)3., shall~~
8712 ~~purchase dead shrimp harvested in Tampa Bay, unless the seller~~
8713 ~~produces his or her dead shrimp production permit prior to the~~
8714 ~~sale of the shrimp.~~

8715 ~~(5) The operator of any vessel used in Tampa Bay for dead~~
8716 ~~shrimp production shall possess while in or on the waters of the~~
8717 ~~bay and produce upon the request of any duly authorized law~~
8718 ~~enforcement officer a current dead shrimp production permit~~
8719 ~~issued for the vessel pursuant to this section.~~

8720 ~~(6) Each person harvesting shrimp in Tampa Bay pursuant to~~
8721 ~~the permit required by this section shall comply with all rules~~
8722 ~~of the Fish and Wildlife Conservation Commission regulating such~~
8723 ~~harvest.~~

8724 ~~(7) For purpose of this section, "Tampa Bay" means all the~~
8725 ~~waters of the bay east and north of the Sunshine Skyway Bridge~~
8726 ~~(U.S. 19 and Interstate 275).~~

8727 Section 155. Section 379.3711, Florida Statutes, is created
8728 to read:

8729 379.3711 License fee for private game preserves and

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8730 farms.--The licensee fee for establishing, maintaining, and
8731 operating a private preserve and farm pursuant to s. 379.302 is
8732 \$50 per year. The fee is payable to the commission and shall be
8733 deposited in the State Game Trust Fund.

8734 Section 156. Section 372.661, Florida Statutes, is
8735 renumbered as section 379.3712, Florida Statutes, and amended to
8736 read:

8737 379.3712 ~~372.661~~ Private hunting preserve license fees;
8738 exception.--

8739 (1) Any person who operates a private hunting preserve
8740 commercially or otherwise shall be required to pay a license fee
8741 of \$70 for each such preserve; provided, however, that during the
8742 open season established for wild game of any species a private
8743 individual may take artificially propagated game of such species
8744 up to the bag limit prescribed for the particular species without
8745 being required to pay the license fee required by this section;
8746 provided further that if any such individual shall charge a fee
8747 for taking such game she or he shall be required to pay the
8748 license fee required by this section and to comply with the rules
8749 of the commission relative to the operation of private hunting
8750 preserves.

8751 (2) A commercial hunting preserve license, which shall
8752 exempt patrons of licensed preserves from the license and permit
8753 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j)
8754 ~~372.57(4)(c), (d), (f), (h), (i), and (j)~~; (5)(g) and (h);
8755 (8)(a), (b), and (e); (9)(a)2.; (11); and (12) while hunting on
8756 the licensed preserve property, shall be \$500. Such commercial
8757 hunting preserve license shall be available only to those private
8758 hunting preserves licensed pursuant to this section which are

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8759 | operated exclusively for commercial purposes, which are open to
8760 | the public, and for which a uniform fee is charged to patrons for
8761 | hunting privileges.

8762 | Section 157. Section 372.86, Florida Statutes, is
8763 | renumbered as section 379.372, Florida Statutes, to read:

8764 | 379.372 ~~372.86~~ Capturing, keeping, possessing,
8765 | transporting, or exhibiting venomous reptiles or reptiles of
8766 | concern; license required.--

8767 | (1) No person, firm, or corporation shall capture, keep,
8768 | possess, or exhibit any poisonous or venomous reptile or reptile
8769 | of concern without first having obtained a special permit or
8770 | license therefor from the Fish and Wildlife Conservation
8771 | Commission as provided in this section.

8772 | (2) By December 31, 2007, the commission shall establish a
8773 | list of reptiles of concern, including venomous, nonvenomous,
8774 | native, nonnative, or other reptiles, which require additional
8775 | regulation for capture, possession, transportation, or exhibition
8776 | due to their nature, habits, status, or potential to negatively
8777 | impact the environment, ecology, or humans.

8778 | (3) It shall be unlawful for any person, firm, or
8779 | corporation, whether licensed hereunder or not, to capture, keep,
8780 | possess, or exhibit any venomous reptile or reptile of concern in
8781 | any manner not approved as safe, secure, and proper by the
8782 | commission. Venomous reptiles or reptiles of concern held in
8783 | captivity are subject to inspection by the commission. The
8784 | commission shall determine whether the reptiles are securely,
8785 | safely, and properly penned. In the event that the reptiles are
8786 | not safely penned, the commission shall report the situation in
8787 | writing to the person, firm, or corporation owning the reptiles.

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8788 Failure of the person, firm, or corporation to correct the
8789 situation within 30 days after such written notice shall be
8790 grounds for revocation of the license or permit of the person,
8791 firm, or corporation.

8792 (4) Venomous reptiles or reptiles of concern shall be
8793 transported in a safe, secure, and proper manner. The commission
8794 shall establish by rule the requirements for the transportation
8795 of venomous reptiles or reptiles of concern.

8796 Section 158. Section 372.87, Florida Statutes, is
8797 renumbered as 379.373, Florida Statutes, to read:

8798 379.373 ~~372.87~~ License fee; renewal, revocation.--

8799 (1) (a) The Fish and Wildlife Conservation Commission is
8800 authorized and empowered to issue a license or permit for the
8801 capturing, keeping, possessing, or exhibiting of venomous
8802 reptiles, upon payment of an annual fee of \$100 and upon
8803 assurance that all of the provisions of ss. 379.372-379.305 and
8804 ss. 379.372-379.374 ~~372.86-372.92~~ and such other reasonable rules
8805 and regulations as the commission may prescribe will be fully
8806 complied with in all respects.

8807 (b) The Fish and Wildlife Conservation Commission is
8808 authorized and empowered to issue a license or permit for the
8809 capturing, keeping, possessing, or exhibiting of reptiles of
8810 concern upon payment of an annual fee not to exceed \$100 and upon
8811 assurance that all of the provisions of ss. 379.305, 379.372,
8812 379.373, and 379.374 ~~372.86-372.92~~ and such other reasonable
8813 rules and regulations as the commission may prescribe will be
8814 fully complied with in all respects. The annual fee for issuance
8815 or renewal of a license or permit under this paragraph for
8816 reptiles of concern is initially set at \$100. However, the

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8817 | commission may reduce that annual fee by rule if the commission
8818 | determines that there is general compliance with ss. 379.305,
8819 | 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and that such
8820 | compliance allows for a reduction in fees to cover the costs of
8821 | administering and enforcing the reptiles of concern program. The
8822 | commission may issue a license or permit to an applicant who
8823 | holds a current and valid license or permit for venomous reptiles
8824 | under paragraph (a) and meets all requirements for the capturing,
8825 | keeping, possessing, or exhibiting of reptiles of concern, but
8826 | shall not require payment of an additional annual fee.

8827 | (2) Such permits or licenses may be revoked by the
8828 | commission upon violation of any of the provisions of ss.
8829 | 379.305, 379.372, 379.373, and 379.374 ~~372.86-372.92~~ or upon
8830 | violation of any of the rules and regulations prescribed by the
8831 | commission relating to the capturing, keeping, possessing, and
8832 | exhibiting of any venomous reptiles or reptiles of concern. Such
8833 | permits or licenses shall be for an annual period to be
8834 | prescribed by the commission and shall be renewable upon the
8835 | payment of said fee and shall be subject to the same conditions,
8836 | limitations, and restrictions as set forth in this section. All
8837 | moneys received pursuant to this section shall be deposited into
8838 | the State Game Trust Fund to be used to implement, administer,
8839 | enforce, and educate the public regarding ss. 379.305, 379.372,
8840 | 379.373, and 379.374 ~~372.86-372.92~~.

8841 | Section 159. Section 372.88, Florida Statutes, is
8842 | renumbered as section 379.374, Florida Statutes, to read:

8843 | 379.374 ~~372.88~~ Bond required, amount.--

8844 | (1) No person, party, firm, or corporation shall exhibit to
8845 | the public either with or without charge or admission fee any

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8846 venomous reptile without having first posted a good and
8847 sufficient bond in writing in the penal sum of \$10,000 payable to
8848 the commission, conditioned that such exhibitor will indemnify
8849 and save harmless all persons from injury or damage from such
8850 venomous reptiles so exhibited and shall fully comply with all
8851 laws of the state and all rules and regulations of the commission
8852 governing the capturing, keeping, possessing, or exhibiting of
8853 venomous reptiles; provided, however, that the aggregate
8854 liability of the surety for all such injuries or damages shall,
8855 in no event, exceed the penal sum of the bond. The surety for the
8856 bond must be a surety company authorized to do business under the
8857 laws of the state or in lieu of such a surety, cash in the sum of
8858 \$10,000 may be posted with the commission to ensure compliance
8859 with the conditions of the bond.

8860 (2) No person, party, firm, or corporation shall exhibit to
8861 the public either with or without charge or admission fee, any
8862 Class I wildlife, as defined in s. 379.303 ~~372.922~~ and commission
8863 rule ~~chapter 68A-6, Florida Administrative Code~~, without having
8864 first guaranteed financial responsibility, in the sum of \$10,000,
8865 for any liability which may be incurred in the exhibition to the
8866 public of Class I wildlife. The commission shall adopt, by rule,
8867 the methods of payment that satisfy the financial responsibility,
8868 which may include cash, the establishment of a trust fund, an
8869 irrevocable letter of credit, casualty insurance, a corporate
8870 guarantee, or any combination thereof, in the sum of \$10,000
8871 which shall be posted with the commission. In lieu of the \$10,000
8872 financial responsibility guarantee required in this subsection,
8873 the exhibiter has the option to maintain comprehensive general
8874 liability insurance, with minimum limits of \$2 million per

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8875 | occurrence and \$2 million annual aggregate, as shall protect the
8876 | exhibiter from claims for damage for personal injury, including
8877 | accidental death, as well as claims for property damage which may
8878 | arise. Proof of such insurance shall be submitted to the
8879 | commission.

8880 | Section 160. Section 372.6673, Florida Statutes, is
8881 | renumbered as section 379.3751, Florida Statutes, to read:

8882 | 379.3751 ~~372.6673~~ Taking and possession of alligators;
8883 | trapping licenses; fees.--

8884 | (1) (a) No person shall take or possess any alligator or the
8885 | eggs thereof without having first obtained from the commission a
8886 | trapping license and paid the fee provided in this section. Such
8887 | license shall be dated when issued and remain valid for 12 months
8888 | after the date of issuance and shall authorize the person to whom
8889 | it is issued to take or possess alligators and their eggs, and to
8890 | sell, possess, and process alligators and their hides and meat,
8891 | in accordance with law and commission rules. Such license shall
8892 | not be transferable and shall not be valid unless it bears on its
8893 | face in indelible ink the name of the person to whom it is
8894 | issued. Such license shall be in the personal possession of the
8895 | licensee while such person is taking alligators or their eggs or
8896 | is selling, possessing, or processing alligators or their eggs,
8897 | hides, or meat. The failure of the licensee to exhibit such
8898 | license to the commission or its wildlife officers, when such
8899 | person is found taking alligators or their eggs or is found
8900 | selling, possessing, or processing alligators or their eggs,
8901 | hides, or meat, shall be a violation of law.

8902 | (b) In order to assure the optimal utilization of the
8903 | estimated available alligator resource and to ensure adequate

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8904 control of the alligator management and harvest program, the
8905 commission may by rule limit the number of participants engaged
8906 in the taking of alligators or their eggs from the wild.

8907 (c) No person who has been convicted of any violation of s.
8908 s. 379.3015 or s.379.409 ~~372.663 or s. 372.664~~ or the rules of
8909 the commission relating to the illegal taking of crocodilian
8910 species shall be eligible for issuance of a license for a period
8911 of 5 years subsequent to such conviction. In the event such
8912 violation involves the unauthorized taking of an endangered
8913 crocodilian species, no license shall be issued for 10 years
8914 subsequent to the conviction.

8915 (2) The license and issuance fee, and the activity
8916 authorized thereby, shall be as follows:

8917 (a) The annual fee for issuance of a resident alligator
8918 trapping license, which permits a resident of the state to take
8919 alligators occurring in the wild other than alligator hatchlings,
8920 to possess and process alligators taken under authority of such
8921 alligator trapping license or otherwise legally acquired, and to
8922 possess, process, and sell their hides and meat, shall be \$250.

8923 (b) The annual fee for issuance of a nonresident alligator
8924 trapping license, which permits a person other than a resident of
8925 the state to take alligators occurring in the wild other than
8926 alligator hatchlings, to possess and process alligators taken
8927 under authority of such alligator trapping license, and to
8928 possess, process, and sell their hides and meat, shall be \$1,000.

8929 (c) The annual fee for issuance of an alligator trapping
8930 agent's license, which permits a person to act as an agent of any
8931 person who has been issued a resident or nonresident alligator
8932 trapping license as provided in paragraph (a) or paragraph (b)

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8933 and to take alligators occurring in the wild other than alligator
8934 hatchlings, and to possess and process alligators taken under
8935 authority of such agency relationship, shall be \$50. Such
8936 alligator trapping agent's license shall be issued only in
8937 conjunction with an alligator trapping license and shall bear on
8938 its face in indelible ink the name and license number of the
8939 alligator trapping licenseholder for whom the holder of this
8940 license is acting as an agent.

8941 (d) The annual fee for issuance of an alligator farming
8942 license, which permits a person to operate a facility for captive
8943 propagation of alligators, to possess alligators for captive
8944 propagation, to take alligator hatchlings and alligator eggs
8945 occurring in the wild, to rear such alligators, alligator
8946 hatchlings, and alligator eggs in captivity, to process
8947 alligators taken or possessed under authority of such alligator
8948 farming license or otherwise legally acquired, and to sell their
8949 hides and meat, shall be \$250.

8950 (e) The annual fee for issuance of an alligator farming
8951 agent's license, which permits a person to act as an agent of any
8952 person who has been issued an alligator farming license as
8953 provided in paragraph (d) and to take alligator hatchlings and
8954 alligator eggs occurring in the wild, and to possess and process
8955 alligators taken under authority of such agency relationship,
8956 shall be \$50. Such license shall be issued only in conjunction
8957 with an alligator farming license, and shall bear on its face in
8958 indelible ink the name and license number of the alligator
8959 farming licenseholder for whom the holder of this license is
8960 acting as an agent.

8961 (f) The annual fee for issuance of an alligator processor's

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8962 license, which permits a person to buy and process alligators
8963 lawfully taken by alligator trapping licenseholders and taken or
8964 possessed by alligator farming licenseholders and to sell
8965 alligator meat, hides, and other parts, shall be \$250.

8966 (3) For the purpose of this section, "process" shall mean
8967 the possession and skinning or butchering of an alligator by
8968 someone other than the holder of the alligator trapping license,
8969 alligator trapping agent's license, alligator farming license, or
8970 alligator farming agent's license who has authorized the taking
8971 and possession of such alligator.

8972 (4) No person shall take any alligator egg occurring in the
8973 wild or possess any such egg unless such person has obtained, or
8974 is a licensed agent of another person who has obtained, an
8975 alligator egg collection permit. The alligator egg collection
8976 permit shall be required in addition to the alligator farming
8977 license provided in paragraph (2) (d). The commission is
8978 authorized to assess a fee for issuance of the alligator egg
8979 collection permit of up to \$5 per egg authorized to be taken or
8980 possessed pursuant to such permit. Irrespective of whether a fee
8981 is assessed, \$1 per egg collected and retained, excluding eggs
8982 collected on private wetland management areas, shall be
8983 transferred from the alligator management program to the General
8984 Inspection Trust Fund, to be administered by the Department of
8985 Agriculture and Consumer Services for the purpose of providing
8986 marketing and education services with respect to alligator
8987 products produced in this state, notwithstanding other provisions
8988 in this chapter.

8989 (5) The commission shall adopt criteria by rule to
8990 establish appropriate qualifications for alligator collectors who

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8991 | may receive permits pursuant to this section.

8992 | Section 161. Section 372.6674, Florida Statutes, is
8993 | renumbered as section 379.3752, Florida Statutes, and amended to
8994 | read:

8995 | 379.3752 ~~372.6674~~ Required tagging of alligators and hides;
8996 | fees; revenues.--The tags provided in this section shall be
8997 | required in addition to any license required under s. 379.3751
8998 | ~~372.6673~~.

8999 | (1) No person shall take any alligator occurring in the
9000 | wild or possess any such alligator unless such alligator is
9001 | subsequently tagged in the manner required by commission rule.
9002 | For the tag required for an alligator hatchling, the commission
9003 | is authorized to assess a fee of not more than \$15 for each
9004 | alligator hatchling tag issued. The commission shall expend one-
9005 | third of the revenue generated from the issuance of the alligator
9006 | hatchling tag for alligator husbandry research.

9007 | (2) The commission may require that an alligator hide
9008 | validation tag (CITES tag) be affixed to the hide of any
9009 | alligator taken from the wild and that such hide be possessed,
9010 | purchased, sold, offered for sale, or transported in accordance
9011 | with commission rule. The commission is authorized to assess a
9012 | fee of up to \$30 for each alligator hide validation tag issued.
9013 | Irrespective of whether a fee is assessed, \$5 per validated hide,
9014 | excluding those validated from public hunt programs and alligator
9015 | farms, shall be transferred from the alligator management program
9016 | to the General Inspection Trust Fund, to be administered by the
9017 | Department of Agriculture and Consumer Services for the purpose
9018 | of providing marketing and education services with respect to
9019 | alligator products produced in this state, notwithstanding other

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9020 provisions in this chapter.

9021 (3) The number of tags available for alligators taken
9022 pursuant to a collection permit shall be limited to the number of
9023 tags determined by the commission to equal the safe yield of
9024 alligators as determined pursuant to s. 379.3013 ~~372.6678~~.

9025 Section 162. Subsections (1), (2), (3), (7) and (8) of
9026 section 372.921, Florida Statutes, are renumbered as section
9027 379.3761, Florida Statutes, and amended to read:

9028 379.3761 Exhibition or sale of wildlife; fees;
9029 classifications.--

9030 (1) In order to provide humane treatment and sanitary
9031 surroundings for wild animals kept in captivity, no person, firm,
9032 corporation, or association shall have, or be in possession of,
9033 in captivity for the purpose of public display with or without
9034 charge or for public sale any wildlife, specifically birds,
9035 mammals, amphibians, and reptiles, whether indigenous to Florida
9036 or not, without having first secured a permit from the commission
9037 authorizing such person, firm, or corporation to have in its
9038 possession in captivity the species and number of wildlife
9039 specified within such permit; however, this section does not
9040 apply to any wildlife not protected by law and the rules of the
9041 commission.

9042 (2) The fees to be paid for the issuance of permits
9043 required by subsection (1) shall be as follows:

9044 (a) For not more than 25 Class I or Class II individual
9045 specimens in the aggregate of all species, the sum of \$150 per
9046 annum.

9047 (b) For over 25 Class I or Class II individual specimens in
9048 the aggregate of all species, the sum of \$250 per annum.

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9049 (c) For any number of Class III individual specimens in the
9050 aggregate of all species, the sum of \$50 per annum.

9051
9052 The fees prescribed by this subsection shall be submitted to the
9053 commission with the application for permit required by subsection
9054 (1) and shall be deposited in the State Game Trust Fund.

9055 (3) An applicant for a permit shall be required to include
9056 in her or his application a statement showing the place, number,
9057 and species of wildlife to be held in captivity by the applicant
9058 and shall be required upon request by the Fish and Wildlife
9059 Conservation Commission to show when, where, and in what manner
9060 she or he came into possession of any wildlife acquired
9061 subsequent to the effective date of this act. The source of
9062 acquisition of such wildlife shall not be divulged by the
9063 commission except in connection with a violation of this section
9064 or a regulation of the commission in which information as to
9065 source of wildlife is required as evidence in the prosecution of
9066 such violation.

9067 (4) ~~(7)~~ The provisions of this section relative to
9068 licensing do not apply to any municipal, county, state, or other
9069 publicly owned wildlife exhibit. The provisions of this section
9070 do not apply to any traveling zoo, circus, or exhibit licensed as
9071 provided by chapter 205.

9072 (5) ~~(8)~~ This section shall not apply to the possession,
9073 control, care, and maintenance of ostriches, emus, rheas, and
9074 bison domesticated and confined for commercial farming purposes,
9075 except those kept and maintained on hunting preserves or game
9076 farms or primarily for exhibition purposes in zoos, carnivals,
9077 circuses, and other such establishments where such species are

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9078 kept primarily for display to the public.

9079 Section 163. Subsections (1), (2), (5), (6), and (7) of
9080 section 372.922, Florida Statutes, are renumbered as section
9081 379.3762, Florida Statutes, and amended to read:

9082 379.3762 ~~372.922~~ Personal possession of wildlife.--

9083 (1) It is unlawful for any person or persons to possess any
9084 wildlife as defined in this act, whether indigenous to Florida or
9085 not, until she or he has obtained a permit as provided by this
9086 section from the Fish and Wildlife Conservation Commission.

9087 (2) The classifications of types of wildlife and fees to be
9088 paid for permits for the personal possession of wildlife shall be
9089 as follows:

9090 (a) Class I--Wildlife which, because of its nature, habits,
9091 or status, shall not be possessed as a personal pet.

9092 (b) Class II--Wildlife considered to present a real or
9093 potential threat to human safety, the sum of \$140 per annum.

9094 (c) Class III--All other wildlife not included in Class I
9095 or Class II, for which a no-cost permit must be obtained from the
9096 commission.

9097 (3) ~~(5)~~ Any person, firm, corporation, or association
9098 exhibiting or selling wildlife and being duly permitted as
9099 provided by s. 379.304 ~~372.921~~ shall be exempt from the fee
9100 requirement to receive a permit under this section.

9101 (4) ~~(6)~~ This section shall not apply to the possession,
9102 control, care, and maintenance of ostriches, emus, rheas, and
9103 bison domesticated and confined for commercial farming purposes,
9104 except those kept and maintained on hunting preserves or game
9105 farms or primarily for exhibition purposes in zoos, carnivals,
9106 circuses, and other such establishments where such species are

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9107 | kept primarily for display to the public.

9108 | ~~(5)(7)~~ Persons in violation of this section shall be
9109 | punishable as provided in s. ~~379.401~~ ~~372.83~~.

9110 | Section 164. Section 372.653, Florida Statutes, is
9111 | renumbered as section 379.377, Florida Statutes, and amended to
9112 | read:

9113 | ~~379.377~~ ~~372.653~~ Tag fees for sale of Lake Okeechobee game
9114 | fish Required tagging of fish; lakes in excess of 500 square
9115 | miles; tag fee; game fish taken in lakes of 500 square miles or
9116 | less.--The commission is authorized to assess a fee of not more
9117 | than 5 cents per tag, payable at the time of delivery of the tag,
9118 | for the purpose of allowing the sale of game fish taken
9119 | commercially from Lake Okeechobee, as may be allowed by the
9120 | commission.

9121 | ~~(1)(a) No game fish taken from, or caught in, a lake in~~
9122 | ~~this state the area of which is in excess of 500 square miles~~
9123 | ~~shall be sold for consumption in this state unless it is tagged~~
9124 | ~~in the manner required by the Fish and Wildlife Conservation~~
9125 | ~~Commission. Bass or pickerel taken by any method other than hook~~
9126 | ~~and line shall be returned immediately to the water. Trawls and~~
9127 | ~~haul seines shall not be operated within 1 mile of rooted aquatic~~
9128 | ~~vegetation.~~

9129 | ~~(b) In order that such program of tagging be self-~~
9130 | ~~sufficient, the Fish and Wildlife Conservation Commission is~~
9131 | ~~authorized to assess a fee of not more than 5 cents per tag,~~
9132 | ~~payable at the time of delivery of the tag.~~

9133 | ~~(2) No freshwater game fish shall be taken from a lake in~~
9134 | ~~this state the area of which is 500 square miles or less other~~
9135 | ~~than with pole and line; rod and reel; or plug, bob, spinner,~~

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9136 ~~spoon, or other artificial bait or lure.~~

9137 ~~(3) No freshwater game fish taken from a lake in this state~~
9138 ~~the area of which is 500 square miles or less shall be offered~~
9139 ~~for sale or sold.~~

9140 Section 165. Part VIII of chapter 379, Florida Statutes,
9141 consisting of sections 379.401, 379.4015, 379.402, 379.403,
9142 379.404, 379.405, 379.406, 379.407, 379.408, 379.409, 379.411,
9143 379.4115, 379.412, 379.413, and 379.414, is created to read:

9144 PART VIII

9145 PENALTIES

9146

9147 Section 166. Section 372.83, Florida Statutes, is
9148 renumbered as section 379.401, Florida Statutes, and amended to
9149 read:

9150 379.401 ~~372.83~~ Penalties and violations; civil penalties
9151 for noncriminal infractions; criminal penalties; suspension and
9152 forfeiture of licenses and permits.--

9153 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One
9154 violation if he or she violates any of the following provisions:

9155 1. Rules or orders of the commission relating to the filing
9156 of reports or other documents required to be filed by persons who
9157 hold recreational licenses and permits issued by the commission.

9158 2. Rules or orders of the commission relating to quota hunt
9159 permits, daily use permits, hunting zone assignments, camping,
9160 alcoholic beverages, vehicles, and check stations within wildlife
9161 management areas or other areas managed by the commission.

9162 3. Rules or orders of the commission relating to daily use
9163 permits, alcoholic beverages, swimming, possession of firearms,
9164 operation of vehicles, and watercraft speed within fish

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9165 management areas managed by the commission.

9166 4. Rules or orders of the commission relating to vessel
9167 size or specifying motor restrictions on specified water bodies.

9168 5. Section 379.355 ~~370.063~~, providing for special
9169 recreational spiny lobster licenses.

9170 6. Section 379.354(1)-(15) ~~372.57(1)-(15)~~, providing for
9171 recreational licenses to hunt, fish, and trap.

9172 7. Section 379.3581 ~~372.5717~~, providing hunter safety
9173 course requirements.

9174 8. Section 379.3003 ~~372.988~~, prohibiting deer hunting
9175 unless required clothing is worn.

9176 (b) A person who commits a Level One violation commits a
9177 noncriminal infraction and shall be cited to appear before the
9178 county court.

9179 (c)1. The civil penalty for committing a Level One
9180 violation involving the license and permit requirements of s.
9181 379.354 ~~372.57~~ is \$50 plus the cost of the license or permit,
9182 unless subparagraph 2. applies.

9183 2. The civil penalty for committing a Level One violation
9184 involving the license and permit requirements of s. 379.354
9185 ~~372.57~~ is \$100 plus the cost of the license or permit if the
9186 person cited has previously committed the same Level One
9187 violation within the preceding 36 months.

9188 (d)1. The civil penalty for any other Level One violation
9189 is \$50 unless subparagraph 2. applies.

9190 2. The civil penalty for any other Level One violation is
9191 \$100 if the person cited has previously committed the same Level
9192 One violation within the preceding 36 months.

9193 (e) A person cited for a Level One violation shall sign and

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9194 | accept a citation to appear before the county court. The issuing
9195 | officer may indicate on the citation the time and location of the
9196 | scheduled hearing and shall indicate the applicable civil
9197 | penalty.

9198 | (f) A person cited for a Level One violation may pay the
9199 | civil penalty by mail or in person within 30 days after receipt
9200 | of the citation. If the civil penalty is paid, the person shall
9201 | be deemed to have admitted committing the Level One violation and
9202 | to have waived his or her right to a hearing before the county
9203 | court. Such admission may not be used as evidence in any other
9204 | proceedings except to determine the appropriate fine for any
9205 | subsequent violations.

9206 | (g) A person who refuses to accept a citation, who fails to
9207 | pay the civil penalty for a Level One violation, or who fails to
9208 | appear before a county court as required commits a misdemeanor of
9209 | the second degree, punishable as provided in s. 775.082 or s.
9210 | 775.083.

9211 | (h) A person who elects to appear before the county court
9212 | or who is required to appear before the county court shall be
9213 | deemed to have waived the limitations on civil penalties provided
9214 | under paragraphs (c) and (d). After a hearing, the county court
9215 | shall determine if a Level One violation has been committed, and
9216 | if so, may impose a civil penalty of not less than \$50 for a
9217 | first-time violation, and not more than \$500 for subsequent
9218 | violations. A person found guilty of committing a Level One
9219 | violation may appeal that finding to the circuit court. The
9220 | commission of a violation must be proved beyond a reasonable
9221 | doubt.

9222 | (i) A person cited for violating the requirements of s.

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9223 379.354 ~~372.57~~ relating to personal possession of a license or
9224 permit may not be convicted if, prior to or at the time of a
9225 county court hearing, the person produces the required license or
9226 permit for verification by the hearing officer or the court
9227 clerk. The license or permit must have been valid at the time the
9228 person was cited. The clerk or hearing officer may assess a \$5
9229 fee for costs under this paragraph.

9230 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
9231 violation if he or she violates any of the following provisions:

9232 1. Rules or orders of the commission relating to seasons or
9233 time periods for the taking of wildlife, freshwater fish, or
9234 saltwater fish.

9235 2. Rules or orders of the commission establishing bag,
9236 possession, or size limits or restricting methods of taking
9237 wildlife, freshwater fish, or saltwater fish.

9238 3. Rules or orders of the commission prohibiting access or
9239 otherwise relating to access to wildlife management areas or
9240 other areas managed by the commission.

9241 4. Rules or orders of the commission relating to the
9242 feeding of wildlife, freshwater fish, or saltwater fish.

9243 5. Rules or orders of the commission relating to landing
9244 requirements for freshwater fish or saltwater fish.

9245 6. Rules or orders of the commission relating to restricted
9246 hunting areas, critical wildlife areas, or bird sanctuaries.

9247 7. Rules or orders of the commission relating to tagging
9248 requirements for game and fur-bearing animals.

9249 8. Rules or orders of the commission relating to the use of
9250 dogs for the taking of game.

9251 9. Rules or orders of the commission which are not

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- 9252 otherwise classified.
- 9253 10. Rules or orders of the commission prohibiting the
9254 unlawful use of finfish traps.
- 9255 11. ~~10.~~ All prohibitions in chapter 370 which are not
9256 otherwise classified.
- 9257 12. ~~11.~~ Section 379.33 ~~370.028~~, prohibiting the violation
9258 of or noncompliance with commission rules.
- 9259 13. ~~12.~~ Section 379.407(6) ~~370.021(6)~~ prohibiting the sale,
9260 purchase, harvest, or attempted harvest of any saltwater product
9261 with intent to sell.
- 9262 14. ~~13.~~ Section 379.2421 ~~370.08~~, prohibiting the
9263 obstruction of waterways with net gear.
- 9264 ~~14. Section 370.1105, prohibiting the unlawful use of~~
9265 ~~finfish traps.~~
- 9266 15. Section 379.413 ~~370.1121~~, prohibiting the unlawful
9267 taking of bonefish.
- 9268 16. Section 379.365(2) (a) and (b) ~~370.13(2) (a) and (b)~~,
9269 prohibiting the possession or use of stone crab traps without
9270 trap tags and theft of trap contents or gear.
- 9271 17. Section 379.366 (4) (b) ~~370.135(4) (b)~~, prohibiting the
9272 theft of blue crab trap contents or trap gear.
- 9273 18. Section 379.3671(2) (c) ~~370.142(2) (e)~~, prohibiting the
9274 possession or use of spiny lobster traps without trap tags or
9275 certificates and theft of trap contents or trap gear.
- 9276 19. Section 379.357 ~~372.5704~~, prohibiting the possession of
9277 tarpon without purchasing a tarpon tag.
- 9278 20. Section 379.409 ~~372.667~~, prohibiting the feeding or
9279 enticement of alligators or crocodiles.
- 9280 21. Section 379.105 ~~372.705~~, prohibiting the intentional

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9281 harassment of hunters, fishers, or trappers.

9282 (b)1. A person who commits a Level Two violation but who
9283 has not been convicted of a Level Two or higher violation within
9284 the past 3 years commits a misdemeanor of the second degree,
9285 punishable as provided in s. 775.082 or s. 775.083.

9286 2. Unless the stricter penalties in subparagraph 3. or
9287 subparagraph 4. apply, a person who commits a Level Two violation
9288 within 3 years after a previous conviction for a Level Two or
9289 higher violation commits a misdemeanor of the first degree,
9290 punishable as provided in s. 775.082 or s. 775.083, with a
9291 minimum mandatory fine of \$250.

9292 3. Unless the stricter penalties in subparagraph 4. apply,
9293 a person who commits a Level Two violation within 5 years after
9294 two previous convictions for a Level Two or higher violation,
9295 commits a misdemeanor of the first degree, punishable as provided
9296 in s. 775.082 or s. 775.083, with a minimum mandatory fine of
9297 \$500 and a suspension of any recreational license or permit
9298 issued under s. 379.354 ~~372.57~~ for 1 year. Such suspension shall
9299 include the suspension of the privilege to obtain such license or
9300 permit and the suspension of the ability to exercise any
9301 privilege granted under any exemption in s. 379.353 ~~372.562~~.

9302 4. A person who commits a Level Two violation within 10
9303 years after three previous convictions for a Level Two or higher
9304 violation commits a misdemeanor of the first degree, punishable
9305 as provided in s. 775.082 or s. 775.083, with a minimum mandatory
9306 fine of \$750 and a suspension of any recreational license or
9307 permit issued under s. 379.354 ~~372.57~~ for 3 years. Such
9308 suspension shall include the suspension of the privilege to
9309 obtain such license or permit and the suspension of the ability

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9310 to exercise any privilege granted under s. 379.353 ~~372.562~~. If
9311 the recreational license or permit being suspended was an annual
9312 license or permit, any privileges under ss. 379.353 and 379.354
9313 ~~372.562~~ and ~~372.57~~ may not be acquired for a 3-year period
9314 following the date of the violation.

9315 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
9316 Three violation if he or she violates any of the following
9317 provisions:

9318 1. Rules or orders of the commission prohibiting the sale
9319 of saltwater fish.

9320 2. Rules or orders of the commission prohibiting the
9321 illegal importation or possession of exotic marine plants or
9322 animals.

9323 3. ~~2.~~ Section 379.407(2) ~~370.021(2)~~, establishing major
9324 violations.

9325 4. ~~3.~~ Section 379.407(4) ~~370.021(4)~~, prohibiting the
9326 possession of certain finfish in excess of recreational daily bag
9327 limits.

9328 4. ~~Section 370.081, prohibiting the illegal importation or~~
9329 ~~possession of exotic marine plants or animals.~~

9330 5. Section 379.28 ~~372.26~~, prohibiting the importation of
9331 freshwater fish.

9332 6. Section 379.231 ~~372.265~~, prohibiting the importation of
9333 nonindigenous species of the animal kingdom without a permit
9334 issued by the commission.

9335 7. Section 379.354(17) ~~372.57(17)~~, prohibiting the taking
9336 of game, freshwater fish, or saltwater fish while a required
9337 license is suspended or revoked.

9338 8. Section 379.3014 ~~372.662~~, prohibiting the illegal sale

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9339 or possession of alligators.

9340 9. Section 379.404(1), (3), and (6) ~~372.99(1), (3), and~~
9341 ~~(6)~~, prohibiting the illegal taking and possession of deer and
9342 wild turkey.

9343 10. Section 379.406 ~~372.9903~~, prohibiting the possession
9344 and transportation of commercial quantities of freshwater game
9345 fish.

9346 (b)1. A person who commits a Level Three violation but who
9347 has not been convicted of a Level Three or higher violation
9348 within the past 10 years commits a misdemeanor of the first
9349 degree, punishable as provided in s. 775.082 or s. 775.083.

9350 2. A person who commits a Level Three violation within 10
9351 years after a previous conviction for a Level Three or higher
9352 violation commits a misdemeanor of the first degree, punishable
9353 as provided in s. 775.082 or s. 775.083, with a minimum mandatory
9354 fine of \$750 and a suspension of any recreational license or
9355 permit issued under s. 379.354 ~~372.57~~ for the remainder of the
9356 period for which the license or permit was issued up to 3 years.
9357 Such suspension shall include the suspension of the privilege to
9358 obtain such license or permit and the ability to exercise any
9359 privilege granted under s. 379.353 ~~372.562~~. If the recreational
9360 license or permit being suspended was an annual license or
9361 permit, any privileges under ss. 379.353 and 379.354 ~~372.562 and~~
9362 ~~372.57~~ may not be acquired for a 3-year period following the date
9363 of the violation.

9364 3. A person who commits a violation of s. 379.354(17)
9365 ~~372.57(17)~~ shall receive a mandatory fine of \$1,000. Any
9366 privileges under ss. 379.353 and 379.354 ~~372.562 and 372.57~~ may
9367 not be acquired for a 5-year period following the date of the

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9368 violation.

9369 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
9370 Four violation if he or she violates any of the following
9371 provisions:

9372 1. Section 379.365(2)(c) ~~370.13(2)(e)~~, prohibiting criminal
9373 activities relating to the taking of stone crabs.

9374 2. Section 379.366(4)(c) ~~370.135(4)(e)~~, prohibiting
9375 criminal activities relating to the taking and harvesting of blue
9376 crabs.

9377 3. Section 379.367(4) ~~370.14(4)~~, prohibiting the willful
9378 molestation of spiny lobster gear.

9379 4. Section 379.3671(2)(c)5. ~~370.142(2)(e)5.~~, prohibiting
9380 the unlawful reproduction, possession, sale, trade, or barter of
9381 spiny lobster trap tags or certificates.

9382 5. Section 379.354(16) ~~372.57(16)~~, prohibiting the making,
9383 forging, counterfeiting, or reproduction of a recreational
9384 license or possession of same without authorization from the
9385 commission.

9386 6. Section 379.404(5) ~~372.99(5)~~, prohibiting the sale of
9387 illegally-taken deer or wild turkey.

9388 7. Section 379.405 ~~372.99022~~, prohibiting the molestation
9389 or theft of freshwater fishing gear.

9390 (b) A person who commits a Level Four violation commits a
9391 felony of the third degree, punishable as provided in s. 775.082
9392 or s. 775.083.

9393 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
9394 chapter:

9395 (a) A person who commits a violation of any provision of
9396 this chapter commits, for the first offense, a misdemeanor of the

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9397 | second degree, punishable as provided in s. 775.082 or s.
9398 | 775.083.

9399 | (b) A person who is convicted of a second or subsequent
9400 | violation of any provision of this chapter commits a misdemeanor
9401 | of the first degree, punishable as provided in s. 775.082 or s.
9402 | 775.083.

9403 | (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
9404 | order the suspension or forfeiture of any license or permit
9405 | issued under this chapter to a person who is found guilty of
9406 | committing a violation of this chapter.

9407 | (7) CONVICTION DEFINED.--As used in this section, the term
9408 | "conviction" means any judicial disposition other than acquittal
9409 | or dismissal.

9410 | Section 167. Section 372.935, Florida Statutes, is
9411 | renumbered as section 379.4015, Florida Statutes, and amended to
9412 | read:

9413 | 379.4015 ~~372.935~~ Captive wildlife penalties.--

9414 | (1) LEVEL ONE.--Unless otherwise provided by law, the
9415 | following classifications and penalties apply:

9416 | (a) A person commits a Level One violation if he or she
9417 | violates any of the following provisions:

9418 | 1. Rules or orders of the commission requiring free permits
9419 | or other authorizations to possess captive wildlife.

9420 | 2. Rules or orders of the commission relating to the filing
9421 | of reports or other documents required of persons who are
9422 | licensed to possess captive wildlife.

9423 | 3. Rules or orders of the commission requiring permits to
9424 | possess captive wildlife for which a fee is charged, when the
9425 | person being charged was issued the permit and the permit has

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9426 expired less than 1 year prior to the violation.

9427 (b) Any person cited for committing any offense classified
9428 as a Level One violation commits a noncriminal infraction,
9429 punishable as provided in this section.

9430 (c) Any person cited for committing a noncriminal
9431 infraction specified in paragraph (a) shall be cited to appear
9432 before the county court. The civil penalty for any noncriminal
9433 infraction is \$50 if the person cited has not previously been
9434 found guilty of a Level One violation and \$250 if the person
9435 cited has previously been found guilty of a Level One violation,
9436 except as otherwise provided in this subsection. Any person cited
9437 for failing to have a required permit or license shall pay an
9438 additional civil penalty in the amount of the license fee
9439 required.

9440 (d) Any person cited for an infraction under this
9441 subsection may:

9442 1. Post a bond, which shall be equal in amount to the
9443 applicable civil penalty; or

9444 2. Sign and accept a citation indicating a promise to
9445 appear before the county court. The officer may indicate on the
9446 citation the time and location of the scheduled hearing and shall
9447 indicate the applicable civil penalty.

9448 (e) Any person charged with a noncriminal infraction under
9449 this subsection may:

9450 1. Pay the civil penalty, either by mail or in person,
9451 within 30 days after the date of receiving the citation; or

9452 2. If the person has posted bond, forfeit bond by not
9453 appearing at the designated time and location.

9454 (f) If the person cited follows either of the procedures in

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9455 | subparagraph (e)1. or subparagraph (e)2., he or she shall be
9456 | deemed to have admitted the infraction and to have waived his or
9457 | her right to a hearing on the issue of commission of the
9458 | infraction. Such admission shall not be used as evidence in any
9459 | other proceedings except to determine the appropriate fine for
9460 | any subsequent violations.

9461 | (g) Any person who willfully refuses to post bond or accept
9462 | and sign a summons commits a misdemeanor of the second degree,
9463 | punishable as provided in s. 775.082 or s. 775.083. Any person
9464 | who fails to pay the civil penalty specified in this subsection
9465 | within 30 days after being cited for a noncriminal infraction or
9466 | to appear before the court pursuant to this subsection commits a
9467 | misdemeanor of the second degree, punishable as provided in s.
9468 | 775.082 or s. 775.083.

9469 | (h) Any person electing to appear before the county court
9470 | or who is required to appear shall be deemed to have waived the
9471 | limitations on the civil penalty specified in paragraph (c). The
9472 | court, after a hearing, shall make a determination as to whether
9473 | an infraction has been committed. If the commission of an
9474 | infraction has been proven, the court may impose a civil penalty
9475 | not less than those amounts in paragraph (c) and not to exceed
9476 | \$500.

9477 | (i) At a hearing under this chapter, the commission of a
9478 | charged infraction must be proved beyond a reasonable doubt.

9479 | (j) If a person is found by the hearing official to have
9480 | committed an infraction, she or he may appeal that finding to the
9481 | circuit court.

9482 | (2) LEVEL TWO.--Unless otherwise provided by law, the
9483 | following classifications and penalties apply:

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9484 (a) A person commits a Level Two violation if he or she
9485 violates any of the following provisions:

9486 1. Unless otherwise stated in subsection (1), rules or
9487 orders of the commission that require a person to pay a fee to
9488 obtain a permit to possess captive wildlife or that require the
9489 maintenance of records relating to captive wildlife.

9490 2. Rules or orders of the commission relating to captive
9491 wildlife not specified in subsection (1) or subsection (3).

9492 3. Rules or orders of the commission that require housing
9493 of wildlife in a safe manner when a violation results in an
9494 escape of wildlife other than Class I wildlife.

9495 4. Section 379.372 ~~372.86~~, relating to capturing, keeping,
9496 possessing, transporting, or exhibiting venomous reptiles or
9497 reptiles of concern.

9498 5. Section 379.373 ~~372.87~~, relating to requiring a license
9499 or permit for the capturing, keeping, possessing, or exhibiting
9500 of venomous reptiles or reptiles of concern.

9501 6. Section 379.374 ~~372.88~~, relating to bonding requirements
9502 for public exhibits of venomous reptiles.

9503 7. Section 379.305 ~~372.92~~, relating to commission rules and
9504 regulations to prevent the escape of venomous reptiles or
9505 reptiles of concern.

9506 8. Section 379.304 ~~372.921~~, relating to exhibition or sale
9507 of wildlife.

9508 9. Section 379.3762 ~~372.922~~, relating to personal
9509 possession of wildlife.

9510 (b) A person who commits any offense classified as a Level
9511 Two violation and who has not been convicted of a Level Two or
9512 higher violation within the past 3 years commits a misdemeanor of

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9513 | the second degree, punishable as provided in s. 775.082 or s.
9514 | 775.083.

9515 | (c) Unless otherwise stated in this subsection, a person
9516 | who commits any offense classified as a Level Two violation
9517 | within a 3-year period of any previous conviction of a Level Two
9518 | or higher violation commits a misdemeanor of the first degree,
9519 | punishable as provided in s. 775.082 or s. 775.083 with a minimum
9520 | mandatory fine of \$250.

9521 | (d) Unless otherwise stated in this subsection, a person
9522 | who commits any offense classified as a Level Two violation
9523 | within a 5-year period of any two previous convictions of Level
9524 | Two or higher violations commits a misdemeanor of the first
9525 | degree, punishable as provided in s. 775.082 or s. 775.083, with
9526 | a minimum mandatory fine of \$500 and a suspension of all licenses
9527 | issued under this chapter related to captive wildlife for 1 year.

9528 | (e) A person who commits any offense classified as a Level
9529 | Two violation within a 10-year period of any three previous
9530 | convictions of Level Two or higher violations commits a
9531 | misdemeanor of the first degree, punishable as provided in s.
9532 | 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
9533 | a suspension of all licenses issued under this chapter related to
9534 | captive wildlife for 3 years.

9535 | (3) LEVEL THREE.--Unless otherwise provided by law, the
9536 | following classifications and penalties apply:

9537 | (a) A person commits a Level Three violation if he or she
9538 | violates any of the following provisions:

9539 | 1. Rules or orders of the commission that require housing
9540 | of wildlife in a safe manner when a violation results in an
9541 | escape of Class I wildlife.

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9542 2. Rules or orders of the commission related to captive
9543 wildlife when the violation results in serious bodily injury to
9544 another person by captive wildlife that consists of a physical
9545 condition that creates a substantial risk of death, serious
9546 personal disfigurement, or protracted loss or impairment of the
9547 function of any bodily member or organ.

9548 3. Rules or orders of the commission relating to the use of
9549 gasoline or other chemical or gaseous substances on wildlife.

9550 4. Rules or orders of the commission prohibiting the
9551 release of wildlife for which only conditional possession is
9552 allowed.

9553 5. Rules or orders of the commission prohibiting knowingly
9554 entering false information on an application for a license or
9555 permit when the license or permit is to possess wildlife in
9556 captivity.

9557 6. Rules or orders of the commission, relating to the
9558 illegal importation and possession of nonindigenous marine plants
9559 and animals.

9560 7. Rules or orders of the commission relating to the
9561 importation, possession, or release of fish and wildlife for
9562 which possession is prohibited.

9563 8. ~~6.~~ Section 379.231 ~~372.265~~, relating to illegal
9564 importation or introduction of foreign wildlife.

9565 ~~7. Section 370.081, relating to the illegal importation and~~
9566 ~~possession of nonindigenous marine plants and animals.~~

9567 9. ~~8.~~ Section 379.305 ~~372.92~~, relating to release or escape
9568 of nonnative venomous reptiles or reptiles of concern.

9569 ~~9. Rules or orders of the commission relating to the~~
9570 ~~importation, possession, or release of fish and wildlife for~~

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9571 | ~~which possession is prohibited.~~

9572 | (b)1. A person who commits any offense classified as a
9573 | Level Three violation and who has not been convicted of a Level
9574 | Three or higher violation within the past 10 years commits a
9575 | misdemeanor of the first degree, punishable as provided in s.
9576 | 775.082 or s. 775.083.

9577 | 2. A person who commits any offense classified as a Level
9578 | Three violation within a 10-year period of any previous
9579 | conviction of a Level Three or higher violation commits a
9580 | misdemeanor of the first degree, punishable as provided in s.
9581 | 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
9582 | permanent revocation of all licenses or permits to possess
9583 | captive wildlife issued under this chapter.

9584 | (4) LEVEL FOUR.--Unless otherwise provided by law, the
9585 | following classifications and penalties apply:

9586 | (a) A person commits a Level Four violation if he or she
9587 | violates any Level Three provision after the permanent revocation
9588 | of a license or permit.

9589 | (b) A person who commits any offense classified as a Level
9590 | Four violation commits a felony of the third degree, punishable
9591 | as provided in s. 775.082 or s. 775.083.

9592 | (5) SUSPENSION OR REVOCATION OF LICENSE.--The court may
9593 | order the suspension or revocation of any license or permit
9594 | issued to a person to possess captive wildlife pursuant to this
9595 | chapter if that person commits a criminal offense or a
9596 | noncriminal infraction as specified under this section.

9597 | (6) CONVICTION DEFINED.--For purposes of this section, the
9598 | term "conviction" means any judicial disposition other than
9599 | acquittal or dismissal.

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9600 (7) COMMISSION LIMITATIONS.--Nothing in this section shall
9601 limit the commission from suspending or revoking any license to
9602 possess wildlife in captivity by administrative action in
9603 accordance with chapter 120. For purposes of administrative
9604 action, a conviction of a criminal offense shall mean any
9605 judicial disposition other than acquittal or dismissal.

9606 Section 168. Section 370.1107, Florida Statutes, is
9607 renumbered as section 379.402, Florida Statutes, to read:

9608 379.402 ~~370.1107~~ Definition; possession of certain licensed
9609 traps prohibited; penalties; exceptions; consent.--

9610 (1) As used in this section, the term "licensed saltwater
9611 fisheries trap" means any trap required to be licensed by the
9612 Fish and Wildlife Conservation Commission and authorized by the
9613 commission for the taking of saltwater products.

9614 (2) It is unlawful for any person, firm, corporation, or
9615 association to be in actual or constructive possession of a
9616 licensed saltwater fisheries trap registered with the Fish and
9617 Wildlife Conservation Commission in another person's, firm's,
9618 corporation's, or association's name.

9619 (a) Unlawful possession of less than three licensed
9620 saltwater fisheries traps is a misdemeanor of the first degree,
9621 punishable as provided in s. 775.082 or s. 775.083.

9622 (b) Unlawful possession of three or more licensed saltwater
9623 fisheries traps is a felony of the third degree, punishable as
9624 provided in s. 775.082 or s. 775.083.

9625 (c) Upon receipt of any judicial disposition other than
9626 dismissal or acquittal on a charge of violating this section or
9627 any provision of law or rule making unlawful the possession of
9628 another's saltwater fishing trap, a person shall permanently lose

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9629 | all saltwater fishing privileges, including licenses, trap
9630 | certificates, and the ability to transfer trap certificates.

9631 | (3) It is unlawful for any person, firm, corporation, or
9632 | association to possess, attempt to possess, interfere with,
9633 | attempt to interfere with, or remove live bait from a live bait
9634 | trap or cage of another person, firm, corporation, or
9635 | association. Unlawful possession of one or more live bait traps
9636 | or cages is a misdemeanor of the first degree, punishable as
9637 | provided in s. 775.082 or s. 775.083.

9638 | (4) This section shall not apply to the agents or employees
9639 | of the registered owner of the licensed saltwater fisheries trap
9640 | or to a person, firm, corporation, or association who has the
9641 | written consent from the owner of the licensed saltwater
9642 | fisheries trap, to possess such licensed saltwater fisheries
9643 | trap, or to agents or employees of the Fish and Wildlife
9644 | Conservation Commission who are engaged in the removal of traps
9645 | during the closed season.

9646 | (5) The registered owner of the licensed saltwater
9647 | fisheries trap shall provide the Fish and Wildlife Conservation
9648 | Commission with the names of any agents, employees, or any other
9649 | person, firm, company, or association to whom the registered
9650 | owner has given consent to possess said licensed saltwater
9651 | fisheries trap.

9652 | Section 169. Section 372.7015, Florida Statutes, is
9653 | renumbered as section 379.403, Florida Statutes, and amended to
9654 | read:

9655 | 379.403 ~~372.7015~~ Illegal killing, taking, possessing, or
9656 | selling wildlife or game; fines; disposition of fines.--In
9657 | addition to any other penalty provided by law, any person who

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9658 | violates the criminal provisions of this chapter and rules
9659 | adopted pursuant to this chapter by illegally killing, taking,
9660 | possessing, or selling game or fur-bearing animals as defined in
9661 | s. 379.101 (19) or (20) ~~372.001(10) or (11)~~ in or out of season
9662 | while violating chapter 810 shall pay a fine of \$250 for each
9663 | such violation, plus court costs and any restitution ordered by
9664 | the court. All fines collected under this section shall be
9665 | remitted by the clerk of the court to the Department of Revenue
9666 | to be deposited into the Fish and Wildlife Conservation
9667 | Commission's State Game Trust Fund.

9668 | Section 170. Section 372.99, Florida Statutes, is
9669 | renumbered as section 379.404, Florida Statutes, and amended to
9670 | read:

9671 | 379.404 ~~372.99~~ Illegal taking and possession of deer and
9672 | wild turkey; evidence; penalty.--

9673 | (1) Whoever takes or kills any deer or wild turkey, or
9674 | possesses a freshly killed deer or wild turkey, during the closed
9675 | season prescribed by law or by the rules and regulations of the
9676 | Fish and Wildlife Conservation Commission, or whoever takes or
9677 | attempts to take any deer or wild turkey by the use of gun and
9678 | light in or out of closed season, commits a Level Three violation
9679 | under s. 379.401 ~~372.83~~ and shall forfeit any license or permit
9680 | issued to her or him under the provisions of this chapter. No
9681 | license shall be issued to such person for a period of 3 years
9682 | following any such violation on the first offense. Any person
9683 | guilty of a second or subsequent violation shall be permanently
9684 | ineligible for issuance of a license or permit thereafter.

9685 | (2) The display or use of a light in a place where deer
9686 | might be found and in a manner capable of disclosing the presence

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9687 of deer, together with the possession of firearms or other
9688 weapons customarily used for the taking of deer, between 1 hour
9689 after sunset and 1 hour before sunrise, shall be prima facie
9690 evidence of an intent to violate the provisions of subsection
9691 (1). This subsection does not apply to an owner or her or his
9692 employee when patrolling or inspecting the land of the owner,
9693 provided the employee has satisfactory proof of employment on her
9694 or his person.

9695 (3) Whoever takes or kills any doe deer; fawn or baby deer;
9696 or deer, whether male or female, which does not have one or more
9697 antlers at least 5 inches in length, except as provided by law or
9698 the rules of the Fish and Wildlife Conservation Commission,
9699 during the open season prescribed by the rules of the commission,
9700 commits a Level Three violation under s. 379.401 ~~372.83~~ and may
9701 be required to forfeit any license or permit issued to such
9702 person for a period of 3 years following any such violation on
9703 the first offense. Any person guilty of a second or subsequent
9704 violation shall be permanently ineligible for issuance of a
9705 license or permit thereafter.

9706 (4) Any person who cultivates agricultural crops may apply
9707 to the Fish and Wildlife Conservation Commission for a permit to
9708 take or kill deer on land which that person is currently
9709 cultivating. When said person can show, to the satisfaction of
9710 the Fish and Wildlife Conservation Commission, that such taking
9711 or killing of deer is justified because of damage to the person's
9712 crops caused by deer, the Fish and Wildlife Conservation
9713 Commission may issue a limited permit to the applicant to take or
9714 kill deer without being in violation of subsection (1) or
9715 subsection (3).

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9716 (5) Whoever possesses for sale or sells deer or wild turkey
9717 taken in violation of this chapter or the rules and regulations
9718 of the commission commits a Level Four violation under s. 379.401
9719 ~~372.83~~.

9720 (6) Any person who enters upon private property and shines
9721 lights upon such property, without the express permission of the
9722 owner of the property and with the intent to take deer by
9723 utilizing such shining lights, commits a Level Three violation
9724 under s. 379.401 ~~372.83~~.

9725 Section 171. Section ~~372.99022~~, Florida Statutes, is
9726 renumbered as section 379.405, Florida Statutes, and amended to
9727 read:

9728 379.405 ~~372.99022~~ Illegal molestation of or theft from
9729 freshwater fishing gear.--

9730 (1)(a) Any person, firm, or corporation that willfully
9731 molests any authorized and lawfully permitted freshwater fishing
9732 gear belonging to another without the express written consent of
9733 the owner commits a Level Four violation under s. 379.401 ~~372.83~~.
9734 Any written consent must be available for immediate inspection.

9735 (b) Any person, firm, or corporation that willfully removes
9736 the contents of any authorized and lawfully permitted freshwater
9737 fishing gear belonging to another without the express written
9738 consent of the owner commits a Level Four violation under s.
9739 379.401 ~~372.83~~. Any written consent must be available for
9740 immediate inspection.

9741
9742 A person, firm, or corporation that receives a citation for a
9743 violation of this subsection is prohibited, immediately upon
9744 receipt of such citation and until adjudicated or convicted of a

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9745 felony under this subsection, from transferring any endorsements.

9746 (2) Any person, firm, or corporation convicted pursuant to
9747 subsection (1) of removing the contents of freshwater fishing
9748 gear without the express written consent of the owner shall
9749 permanently lose all of his or her freshwater and saltwater
9750 fishing privileges, including his or her recreational and
9751 commercial licenses and endorsements, and shall be assessed an
9752 administrative penalty of not more than \$5,000. The endorsements
9753 of such person, firm, or corporation are not transferable.

9754 (3) For purposes of this section, the term "freshwater
9755 fishing gear" means haul seines, slat baskets, wire traps, hoop
9756 nets, or pound nets, and includes the lines or buoys attached
9757 thereto.

9758 Section 172. Section 372.9903, Florida Statutes, is
9759 renumbered as section 379.406, Florida Statutes, and amended to
9760 read:

9761 379.406 ~~372.9903~~ Illegal possession or transportation of
9762 freshwater game fish in commercial quantities; penalty.--

9763 (1) Whoever possesses, moves, or transports any black bass,
9764 bream, speckled perch, or other freshwater game fish in
9765 commercial quantities in violation of law or the rules of the
9766 Fish and Wildlife Conservation Commission commits a Level Three
9767 violation under s. 379.401 ~~372.83~~.

9768 (2) For the purposes of this section "commercial
9769 quantities" shall be deemed to be a quantity of freshwater game
9770 fish of 150 or more pounds, and the possession, movement, or
9771 transportation of freshwater game fish in excess of such weight
9772 shall constitute prima facie evidence of possession or
9773 transportation for commercial purposes.

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9774 Section 173. Subsections (1), (2), (3), (4), (5), (6),
9775 (11), and (12) of section 370.021, Florida Statutes, are
9776 renumbered as section 379.407, Florida Statutes, and amended to
9777 read:

9778 379.407 ~~370.021~~ Administration; rules, publications,
9779 records; penalties; injunctions.--

9780 (1) BASE PENALTIES.--Unless otherwise provided by law, any
9781 person, firm, or corporation who violates any provision of this
9782 chapter, or any rule of the Fish and Wildlife Conservation
9783 Commission relating to the conservation of marine resources,
9784 shall be punished:

9785 (a) Upon a first conviction, by imprisonment for a period
9786 of not more than 60 days or by a fine of not less than \$100 nor
9787 more than \$500, or by both such fine and imprisonment.

9788 (b) On a second or subsequent conviction within 12 months,
9789 by imprisonment for not more than 6 months or by a fine of not
9790 less than \$250 nor more than \$1,000, or by both such fine and
9791 imprisonment.

9792

9793 Upon final disposition of any alleged offense for which a
9794 citation for any violation of this chapter or the rules of the
9795 commission has been issued, the court shall, within 10 days,
9796 certify the disposition to the commission.

9797 (2) MAJOR VIOLATIONS.--In addition to the penalties
9798 provided in paragraphs (1)(a) and (b), the court shall assess
9799 additional penalties against any commercial harvester convicted
9800 of major violations as follows:

9801 (a) For a violation involving more than 100 illegal blue
9802 crabs, spiny lobster, or stone crabs, an additional penalty of

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9803 \$10 for each illegal blue crab, spiny lobster, stone crab, or
9804 part thereof.

9805 (b)1. For a violation involving the taking or harvesting of
9806 shrimp from a nursery or other prohibited area, or any two
9807 violations within a 12-month period involving shrimping gear,
9808 minimum size (count), or season, an additional penalty of \$10 for
9809 each pound of illegal shrimp or part thereof.

9810 2. For violations involving the taking of shrimp in certain
9811 closed areas:

9812 a. Any person convicted of taking shrimp in Santa Rosa
9813 Sound in violation of commission rule designating a closed area
9814 shall have his or her saltwater products license and the
9815 saltwater products license of the boat involved in the violation
9816 revoked. If the person holds such a license, he or she shall be
9817 ineligible to make application for such a license for a period of
9818 2 years from the date of such conviction. If a person not having
9819 a license is convicted hereunder, that person and the boat
9820 involved in the violation shall not be eligible for such a
9821 license for 5 years.

9822 b. A third or subsequent violation by any person of the
9823 designated closure to shrimping in Santa Rosa Sound within a 3-
9824 year period is a felony of the third degree, punishable as
9825 provided in s. 775.082, s. 775.083, or s. 775.084.

9826 c. A second or any subsequent violation by any person for
9827 taking shrimp in a food shrimp production closed area in a
9828 portion of Monroe County designated by the commission is a felony
9829 of the third degree, punishable as provided in s. 775.082 or s.
9830 775.083.

9831 d. A third or any subsequent violation by the owner or

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9832 master of any vessel engaged in food shrimp production in the
9833 Tortugas Shrimp Beds closed area designated by the commission
9834 within a 3-year period shall be a felony of the third degree,
9835 punishable as provided in ss. 775.082 and 775.083.

9836 (c) For a violation involving the taking or harvesting of
9837 oysters from nonapproved areas or the taking or possession of
9838 unculled oysters, an additional penalty of \$10 for each bushel of
9839 illegal oysters.

9840 (d) For a violation involving the taking or harvesting of
9841 clams from nonapproved areas, an additional penalty of \$100 for
9842 each 500 count bag of illegal clams.

9843 (e) For a violation involving the taking, harvesting, or
9844 possession of any of the following species, which are endangered,
9845 threatened, or of special concern:

- 9846 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 9847 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 9848 3. Common snook (*Centropomus undecimalis*);
- 9849 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 9850 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 9851 6. Leatherback turtle (*Dermochelys coriacea*);
- 9852 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
9853 *imbracata*);
- 9854 8. Atlantic ridley turtle (*Lepidochelys kemp*); or
- 9855 9. West Indian manatee (*Trichechus manatus latirostris*),

9856
9857 an additional penalty of \$100 for each unit of marine life or
9858 part thereof.

9859 (f) For a second or subsequent conviction within 24 months
9860 for any violation of the same law or rule involving the taking or

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9861 harvesting of more than 100 pounds of any finfish, an additional
9862 penalty of \$5 for each pound of illegal finfish.

9863 (g) For any violation involving the taking, harvesting, or
9864 possession of more than 1,000 pounds of any illegal finfish, an
9865 additional penalty equivalent to the wholesale value of the
9866 illegal finfish.

9867 (h) Permits issued to any commercial harvester by the
9868 commission to take or harvest saltwater products, or any license
9869 issued pursuant to s. 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~ may be
9870 suspended or revoked by the commission, pursuant to the
9871 provisions and procedures of s. 120.60, for any major violation
9872 prescribed in this subsection:

9873 1. Upon a first conviction, for up to 30 calendar days.

9874 2. Upon a second conviction which occurs within 12 months
9875 after a prior violation, for up to 90 calendar days.

9876 3. Upon a third conviction which occurs within 24 months
9877 after a prior conviction, for up to 180 calendar days.

9878 4. Upon a fourth conviction which occurs within 36 months
9879 after a prior conviction, for a period of 6 months to 3 years.

9880 (i) Upon the arrest and conviction for a major violation
9881 involving stone crabs, the licenseholder must show just cause why
9882 his or her license should not be suspended or revoked. For the
9883 purposes of this paragraph, a "major violation" means a major
9884 violation as prescribed for illegal stone crabs; any single
9885 violation involving possession of more than 25 stone crabs during
9886 the closed season or possession of 25 or more whole-bodied or
9887 egg-bearing stone crabs; any violation for trap molestation, trap
9888 robbing, or pulling traps at night; or any combination of
9889 violations in any 3-consecutive-year period wherein more than 75

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9890 | illegal stone crabs in the aggregate are involved.

9891 | (j) Upon the arrest and conviction for a major violation
9892 | involving spiny lobster, the licenseholder must show just cause
9893 | why his or her license should not be suspended or revoked. For
9894 | the purposes of this paragraph, a "major violation" means a major
9895 | violation as prescribed for illegal spiny lobster; any single
9896 | violation involving possession of more than 25 spiny lobster
9897 | during the closed season or possession of more than 25 wrung
9898 | spiny lobster tails or more than 25 egg-bearing or stripped spiny
9899 | lobster; any violation for trap molestation, trap robbing, or
9900 | pulling traps at night; or any combination of violations in any
9901 | 3-consecutive-year period wherein more than 75 illegal spiny
9902 | lobster in the aggregate are involved.

9903 | (k) Upon the arrest and conviction for a major violation
9904 | involving blue crabs, the licenseholder shall show just cause why
9905 | his or her saltwater products license should not be suspended or
9906 | revoked. This paragraph shall not apply to an individual fishing
9907 | with no more than five traps. For the purposes of this paragraph,
9908 | a "major violation" means a major violation as prescribed for
9909 | illegal blue crabs, any single violation wherein 50 or more
9910 | illegal blue crabs are involved; any violation for trap
9911 | molestation, trap robbing, or pulling traps at night; or any
9912 | combination of violations in any 3-consecutive-year period
9913 | wherein more than 100 illegal blue crabs in the aggregate are
9914 | involved.

9915 | (l) Upon the conviction for a major violation involving
9916 | finfish, the licenseholder must show just cause why his or her
9917 | saltwater products license should not be suspended or revoked.
9918 | For the purposes of this paragraph, a major violation is

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9919 | prescribed for the taking and harvesting of illegal finfish, any
9920 | single violation involving the possession of more than 100 pounds
9921 | of illegal finfish, or any combination of violations in any 3-
9922 | consecutive-year period wherein more than 200 pounds of illegal
9923 | finfish in the aggregate are involved.

9924 | (m) For a violation involving the taking or harvesting of
9925 | any marine life species, as those species are defined by rule of
9926 | the commission, the harvest of which is prohibited, or the taking
9927 | or harvesting of such a species out of season, or with an illegal
9928 | gear or chemical, or any violation involving the possession of 25
9929 | or more individual specimens of marine life species, or any
9930 | combination of violations in any 3-year period involving more
9931 | than 70 such specimens in the aggregate, the suspension or
9932 | revocation of the licenseholder's marine life endorsement as
9933 | provided in paragraph (h).

9934 |
9935 | The penalty provisions of this subsection apply to commercial
9936 | harvesters and wholesale and retail dealers as defined in s.
9937 | 379.362 ~~370.07~~. Any other person who commits a major violation
9938 | under this subsection commits a Level Three violation under s.
9939 | 379.401 ~~372.83~~. Notwithstanding the provisions of s. 948.01, no
9940 | court may suspend, defer, or withhold adjudication of guilt or
9941 | imposition of sentence for any major violation prescribed in this
9942 | subsection. The proceeds from the penalties assessed pursuant to
9943 | this subsection shall be deposited into the Marine Resources
9944 | Conservation Trust Fund to be used for marine fisheries research
9945 | ~~or into the commission's Federal Law Enforcement Trust Fund as~~
9946 | ~~provided in s. 372.107, as applicable.~~

9947 | (3) PENALTIES FOR USE OF ILLEGAL NETS.--

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9948 (a) It is a major violation pursuant to this section,
9949 punishable as provided in paragraph (b) for any person, firm, or
9950 corporation to be simultaneously in possession of any species of
9951 mullet in excess of the recreational daily bag limit and any gill
9952 or other entangling net as defined in s. 16(c), Art. X of the
9953 State Constitution. Simultaneous possession under this provision
9954 shall include possession of mullet and gill or other entangling
9955 nets on separate vessels or vehicles where such vessels or
9956 vehicles are operated in coordination with one another including
9957 vessels towed behind a main vessel. This subsection does not
9958 prohibit a resident of this state from transporting on land, from
9959 Alabama to this state, a commercial quantity of mullet together
9960 with a gill net if:

9961 1. The person possesses a valid commercial fishing license
9962 that is issued by the State of Alabama and that allows the person
9963 to use a gill net to legally harvest mullet in commercial
9964 quantities from Alabama waters.

9965 2. The person possesses a trip ticket issued in Alabama and
9966 filled out to match the quantity of mullet being transported, and
9967 the person is able to present such trip ticket immediately upon
9968 entering this state.

9969 3. The mullet are to be sold to a wholesale saltwater
9970 products dealer located in Escambia County or Santa Rosa County,
9971 which dealer also possesses a valid seafood dealer's license
9972 issued by the State of Alabama. The dealer's name must be clearly
9973 indicated on the trip ticket.

9974 4. The mullet being transported are totally removed from
9975 any net also being transported.

9976 (b)1. A flagrant violation of any rule or statute which

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9977 implements s. 16(b), Art. X of the State Constitution shall be
9978 considered a felony of the third degree, punishable as provided
9979 in s. 775.082 or s. 775.083. For purposes of this paragraph, a
9980 flagrant violation shall be the illegal possession or use of a
9981 monofilament net or a net with a mesh area larger than 2,000
9982 square feet. A violation means any judicial disposition other
9983 than acquittal or dismissal.

9984 2. In addition to being subject to the other penalties
9985 provided in this chapter, any violation of s. 16(b), Art. X of
9986 the State Constitution, or any statute or rule of the commission
9987 which implements the gear prohibitions and restrictions specified
9988 therein shall be considered a major violation; and any person,
9989 firm, or corporation receiving any judicial disposition other
9990 than acquittal or dismissal of such violation shall be subject to
9991 the following additional penalties:

9992 a. For a first major violation within a 7-year period, a
9993 civil penalty of \$2,500 and suspension of all saltwater products
9994 license privileges for 90 calendar days following final
9995 disposition shall be imposed.

9996 b. For a second major violation under this subparagraph
9997 charged within 7 years of a previous judicial disposition, which
9998 results in a second judicial disposition other than acquittal or
9999 dismissal, a civil penalty of \$5,000 and suspension of all
10000 saltwater products license privileges for 12 months shall be
10001 imposed.

10002 c. For a third or subsequent major violation under this
10003 subparagraph, charged within a 7-year period, resulting in a
10004 third or subsequent judicial disposition other than acquittal or
10005 dismissal, a civil penalty of \$5,000, lifetime revocation of the

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10006 saltwater products license, and forfeiture of all gear and
10007 equipment used in the violation shall be imposed.

10008 d. For a first flagrant violation under this subparagraph,
10009 a civil penalty of \$5,000 and a suspension of all saltwater
10010 license privileges for 12 months shall be imposed. For a second
10011 or subsequent flagrant violation under this subparagraph, a civil
10012 penalty of \$5,000, a lifetime revocation of the saltwater
10013 products license, and the forfeiture of all gear and equipment
10014 used in the violation shall be imposed.

10015
10016 A court may suspend, defer, or withhold adjudication of guilt or
10017 imposition of sentence only for any first violation of s. 16,
10018 Art. X of the State Constitution, or any rule or statute
10019 implementing its restrictions, determined by a court only after
10020 consideration of competent evidence of mitigating circumstances
10021 to be a nonflagrant or minor violation of those restrictions upon
10022 the use of nets. Any violation of s. 16, Art. X of the State
10023 Constitution, or any rule or statute implementing its
10024 restrictions, occurring within a 7-year period commencing upon
10025 the conclusion of any judicial proceeding resulting in any
10026 outcome other than acquittal shall be punished as a second,
10027 third, or subsequent violation accordingly.

10028 (c) During the period of suspension or revocation of
10029 saltwater license privileges under this subsection, the licensee
10030 shall not participate in the taking or harvesting, or attempt the
10031 taking or harvesting, of saltwater products from any vessel
10032 within the waters of the state; be aboard any vessel on which a
10033 commercial quantity of saltwater products is possessed through an
10034 activity requiring a license pursuant to this section; or engage

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10035 | in any other activity requiring a license, permit, or certificate
10036 | issued pursuant to this chapter. Any person who is convicted of
10037 | violating this paragraph:

10038 | 1. Upon a first or second conviction, is guilty of a
10039 | misdemeanor of the first degree, punishable as provided in s.
10040 | 775.082 or s. 775.083.

10041 | 2. Upon a third or subsequent conviction, is guilty of a
10042 | felony of the third degree, punishable as provided in s. 775.082,
10043 | s. 775.083, or s. 775.084.

10044 | (d) Upon reinstatement of saltwater license privileges
10045 | suspended pursuant to a violation of this subsection, a licensee
10046 | owning or operating a vessel containing or otherwise transporting
10047 | in or on Florida waters any gill net or other entangling net, or
10048 | containing or otherwise transporting in nearshore and inshore
10049 | Florida waters any net containing more than 500 square feet of
10050 | mesh area shall remain restricted for a period of 12 months
10051 | following reinstatement, to operating under the following
10052 | conditions:

10053 | 1. Vessels subject to this reinstatement period shall be
10054 | restricted to the corridors established by commission rule.

10055 | 2. A violation of the reinstatement period provisions shall
10056 | be punishable pursuant to paragraphs (1)(a) and (b).

10057 | (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
10058 | CERTAIN FINFISH.--

10059 | (a) It is a major violation under this section for any
10060 | person to be in possession of any species of trout, snook, or
10061 | redfish which is three fish in excess of the recreational or
10062 | commercial daily bag limit.

10063 | (b) A commercial harvester who violates this subsection

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10064 shall be punished as provided under paragraph (3)(b). Any other
10065 person who violates this subsection commits a Level Three
10066 violation under s. 379.401 ~~372.83~~.

10067 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
10068 HARVESTED PRODUCTS.--In addition to other penalties authorized in
10069 this chapter, any violation of s. 379.361 ~~370.06~~ or s. 379.362
10070 ~~370.07~~, or rules of the commission implementing s. 379.361 ~~370.06~~
10071 or s. 379.362 ~~370.07~~, involving the purchase of saltwater
10072 products by a commercial wholesale dealer, retail dealer, or
10073 restaurant facility for public consumption from an unlicensed
10074 person, firm, or corporation, or the purchase or sale of any
10075 saltwater product known to be taken in violation of s. 16, Art. X
10076 of the State Constitution, or rule or statute implementing the
10077 provisions thereof, by a commercial wholesale dealer, retail
10078 dealer, or restaurant facility, for public consumption, is a
10079 major violation, and the commission may assess the following
10080 penalties:

10081 (a) For a first violation, the commission may assess a
10082 civil penalty of up to \$2,500 and may suspend the wholesale or
10083 retail dealer's license privileges for up to 90 calendar days.

10084 (b) For a second violation occurring within 12 months of a
10085 prior violation, the commission may assess a civil penalty of up
10086 to \$5,000 and may suspend the wholesale or retail dealer's
10087 license privileges for up to 180 calendar days.

10088 (c) For a third or subsequent violation occurring within a
10089 24-month period, the commission shall assess a civil penalty of
10090 \$5,000 and shall suspend the wholesale or retail dealer's license
10091 privileges for up to 24 months.

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10093 Any proceeds from the civil penalties assessed pursuant to this
10094 subsection shall be deposited into the Marine Resources
10095 Conservation Trust Fund and shall be used as follows: 40 percent
10096 for administration and processing purposes and 60 percent for law
10097 enforcement purposes.

10098 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
10099 HARVEST.--It is a major violation and punishable as provided in
10100 this subsection for any unlicensed person, firm, or corporation
10101 who is required to be licensed under this chapter as a commercial
10102 harvester or a wholesale or retail dealer to sell or purchase any
10103 saltwater product or to harvest or attempt to harvest any
10104 saltwater product with intent to sell the saltwater product.

10105 (a) Any person, firm, or corporation who sells or purchases
10106 any saltwater product without having purchased the licenses
10107 required by this chapter for such sale is subject to penalties as
10108 follows:

10109 1. A first violation is a misdemeanor of the second degree,
10110 punishable as provided in s. 775.082 or s. 775.083.

10111 2. A second violation is a misdemeanor of the first degree,
10112 punishable as provided in s. 775.082 or s. 775.083, and such
10113 person may also be assessed a civil penalty of up to \$2,500 and
10114 is subject to a suspension of all license privileges under this
10115 chapter ~~and chapter 372~~ for a period not exceeding 90 days.

10116 3. A third violation is a misdemeanor of the first degree,
10117 punishable as provided in s. 775.082 or s. 775.083, with a
10118 mandatory minimum term of imprisonment of 6 months, and such
10119 person may also be assessed a civil penalty of up to \$5,000 and
10120 is subject to a suspension of all license privileges under this
10121 chapter ~~and chapter 372~~ for a period not exceeding 6 months.

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10122 4. A third violation within 1 year after a second violation
10123 is a felony of the third degree, punishable as provided in s.
10124 775.082 or s. 775.083, with a mandatory minimum term of
10125 imprisonment of 1 year, and such person shall be assessed a civil
10126 penalty of \$5,000 and all license privileges under this chapter
10127 ~~and chapter 372~~ shall be permanently revoked.

10128 5. A fourth or subsequent violation is a felony of the
10129 third degree, punishable as provided in s. 775.082 or s. 775.083,
10130 with a mandatory minimum term of imprisonment of 1 year, and such
10131 person shall be assessed a civil penalty of \$5,000 and all
10132 license privileges under this chapter ~~and chapter 372~~ shall be
10133 permanently revoked.

10134 (b) Any person whose license privileges under this chapter
10135 have been permanently revoked and who thereafter sells or
10136 purchases or who attempts to sell or purchase any saltwater
10137 product commits a felony of the third degree, punishable as
10138 provided in s. 775.082 or s. 775.083, with a mandatory minimum
10139 term of imprisonment of 1 year, and such person shall also be
10140 assessed a civil penalty of \$5,000. All property involved in such
10141 offense shall be forfeited pursuant to s. 379.337 ~~370.061~~.

10142 (c) Any commercial harvester or wholesale or retail dealer
10143 whose license privileges under this chapter are under suspension
10144 and who during such period of suspension sells or purchases or
10145 attempts to sell or purchase any saltwater product shall be
10146 assessed the following penalties:

10147 1. A first violation, or a second violation occurring more
10148 than 12 months after a first violation, is a first degree
10149 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
10150 and such commercial harvester or wholesale or retail dealer may

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10151 | be assessed a civil penalty of up to \$2,500 and an additional
10152 | suspension of all license privileges under this chapter ~~and~~
10153 | ~~chapter 372~~ for a period not exceeding 90 days.

10154 | 2. A second violation occurring within 12 months of a first
10155 | violation is a third degree felony, punishable as provided in ss.
10156 | 775.082 and 775.083, with a mandatory minimum term of
10157 | imprisonment of 1 year, and such commercial harvester or
10158 | wholesale or retail dealer may be assessed a civil penalty of up
10159 | to \$5,000 and an additional suspension of all license privileges
10160 | under this chapter ~~and chapter 372~~ for a period not exceeding 180
10161 | days. All property involved in such offense shall be forfeited
10162 | pursuant to s. 379.337 ~~370.061~~.

10163 | 3. A third violation within 24 months of the second
10164 | violation or subsequent violation is a third degree felony,
10165 | punishable as provided in ss. 775.082 and 775.083, with a
10166 | mandatory minimum term of imprisonment of 1 year, and such
10167 | commercial harvester or wholesale or retail dealer shall be
10168 | assessed a mandatory civil penalty of up to \$5,000 and an
10169 | additional suspension of all license privileges under this
10170 | chapter ~~and chapter 372~~ for a period not exceeding 24 months. All
10171 | property involved in such offense shall be forfeited pursuant to
10172 | s. 379.337 ~~370.061~~.

10173 | (d) Any commercial harvester who harvests or attempts to
10174 | harvest any saltwater product with intent to sell the saltwater
10175 | product without having purchased a saltwater products license
10176 | with the requisite endorsements is subject to penalties as
10177 | follows:

10178 | 1. A first violation is a misdemeanor of the second degree,
10179 | punishable as provided in s. 775.082 or s. 775.083.

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10180 2. A second violation is a misdemeanor of the first degree,
10181 punishable as provided in s. 775.082 or s. 775.083, and such
10182 commercial harvester may also be assessed a civil penalty of up
10183 to \$2,500 and is subject to a suspension of all license
10184 privileges under this chapter ~~and chapter 372~~ for a period not
10185 exceeding 90 days.

10186 3. A third violation is a misdemeanor of the first degree,
10187 punishable as provided in s. 775.082 or s. 775.083, with a
10188 mandatory minimum term of imprisonment of 6 months, and such
10189 commercial harvester may also be assessed a civil penalty of up
10190 to \$5,000 and is subject to a suspension of all license
10191 privileges under this chapter ~~and chapter 372~~ for a period not
10192 exceeding 6 months.

10193 4. A third violation within 1 year after a second violation
10194 is a felony of the third degree, punishable as provided in s.
10195 775.082 or s. 775.083, with a mandatory minimum term of
10196 imprisonment of 1 year, and such commercial harvester shall also
10197 be assessed a civil penalty of \$5,000 and all license privileges
10198 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10199 5. A fourth or subsequent violation is a felony of the
10200 third degree, punishable as provided in s. 775.082 or s. 775.083,
10201 with a mandatory minimum term of imprisonment of 1 year, and such
10202 commercial harvester shall also be assessed a mandatory civil
10203 penalty of \$5,000 and all license privileges under this chapter
10204 ~~and chapter 372~~ shall be permanently revoked.

10205
10206 For purposes of this subsection, a violation means any judicial
10207 disposition other than acquittal or dismissal.

10208 (7)-(11) REVOCATION OF LICENSES.--Any person licensed under

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10209 | this chapter who has been convicted of taking aquaculture species
10210 | raised at a certified facility shall have his or her license
10211 | revoked for 5 years by the commission pursuant to the provisions
10212 | and procedures of s. 120.60.

10213 | ~~(8)-(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
10214 | purposes of imposing license or permit suspensions or revocations
10215 | authorized by this chapter, the license or permit under which the
10216 | violation was committed is subject to suspension or revocation by
10217 | the commission. For purposes of assessing monetary civil or
10218 | administrative penalties authorized by this chapter, the
10219 | commercial harvester cited and subsequently receiving a judicial
10220 | disposition of other than dismissal or acquittal in a court of
10221 | law is subject to the monetary penalty assessment by the
10222 | commission. However, if the license or permit holder of record is
10223 | not the commercial harvester receiving the citation and judicial
10224 | disposition, the license or permit may be suspended or revoked
10225 | only after the license or permit holder has been notified by the
10226 | commission that the license or permit has been cited in a major
10227 | violation and is now subject to suspension or revocation should
10228 | the license or permit be cited for subsequent major violations.

10229 | Section 174. Section 372.84, Florida Statutes, is
10230 | renumbered as section 379.408, Florida Statutes, to read:

10231 | 379.408 ~~372.84~~ Forfeiture or denial of licenses and
10232 | permits.--Any person convicted as aforesaid shall forfeit to the
10233 | state any license or permit that may have been issued to her or
10234 | him under the provisions of this law, or other law of this state
10235 | relating to game shall forthwith surrender the same to the court.
10236 | If such violation occurs in the open season, relating to game, no
10237 | license or permit shall be issued under the provisions of this

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10238 law to such person at any time during the remainder of such open
10239 season, or if such violation occurs during the closed season no
10240 license shall be issued to such person for the open season on
10241 game next following.

10242 Section 175. Section 372.663, Florida Statutes, is
10243 renumbered as section 379.409, Florida Statutes, to read:

10244 379.409 ~~372.663~~ Illegal killing, possessing, or capturing
10245 of alligators or other crocodilia or eggs; confiscation of
10246 equipment.--

10247 (1) It is unlawful to intentionally kill, injure, possess,
10248 or capture, or attempt to kill, injure, possess, or capture, an
10249 alligator or other crocodilian, or the eggs of an alligator or
10250 other crocodilian, unless authorized by the rules of the Fish and
10251 Wildlife Conservation Commission. Any person who violates this
10252 section is guilty of a felony of the third degree, punishable as
10253 provided in s. 775.082, s. 775.083, or s. 775.084, in addition to
10254 such other punishment as may be provided by law. Any equipment,
10255 including but not limited to weapons, vehicles, boats, and lines,
10256 used by a person in the commission of a violation of any law,
10257 rule, regulation, or order relating to alligators or other
10258 crocodilia or the eggs of alligators or other crocodilia shall,
10259 upon conviction of such person, be confiscated by the Fish and
10260 Wildlife Conservation Commission and disposed of according to
10261 rules and regulations of the commission. The arresting officer
10262 shall promptly make a return of the seizure, describing in detail
10263 the property seized and the facts and circumstances under which
10264 it was seized, including the names of all persons known to the
10265 officer who have an interest in the property.

10266 (2) The commission shall promptly fix the value of the

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10267 | property and make return to the clerk of the circuit court of the
10268 | county wherein same was seized. Upon proper showing that any such
10269 | property is owned by, or titled in the name of, any innocent
10270 | party, such property shall be promptly returned to such owner.

10271 | (3) The provisions of this section shall not vitiate any
10272 | valid lien, retain title contract, or chattel mortgage on such
10273 | property in effect as of the time of such seizure.

10274 | Section 176. Section 372.0725, Florida Statutes, is
10275 | renumbered as section 379.411, Florida Statutes, to read:

10276 | 379.411 ~~372.0725~~ Killing or wounding of any species
10277 | designated as endangered, threatened, or of special concern;
10278 | criminal penalties.--It is unlawful for a person to intentionally
10279 | kill or wound any fish or wildlife of a species designated by the
10280 | Fish and Wildlife Conservation Commission as endangered,
10281 | threatened, or of special concern, or to intentionally destroy
10282 | the eggs or nest of any such fish or wildlife, except as provided
10283 | for in the rules of the commission. Any person who violates this
10284 | provision with regard to an endangered or threatened species is
10285 | guilty of a felony of the third degree, punishable as provided in
10286 | s. 775.082, s. 775.083, or s. 775.084.

10287 | Section 177. Section 372.671, Florida Statutes, is
10288 | renumbered as section 379.4115, Florida Statutes, and amended to
10289 | read:

10290 | 379.4115 ~~372.671~~ Florida or wild panther; killing
10291 | prohibited; penalty.--

10292 | (1) It is unlawful for a person to kill a member of the
10293 | Florida "endangered species," as defined in s. 379.2291(3)
10294 | ~~372.072(3)~~, known as the Florida panther (*Felis concolor coryi*).

10295 | (2) It is unlawful for a person to kill any member of the

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10296 species of panther (*Felis concolor*) occurring in the wild.

10297 (3) A person convicted of unlawfully killing a Florida
10298 panther, or unlawfully killing any member of the species of
10299 panther occurring in the wild, is guilty of a felony of the third
10300 degree, punishable as provided in s. 775.082, s. 775.083, or s.
10301 775.084.

10302 Section 178. Section 370.1121, Florida Statutes, is
10303 renumbered as section 379.413, Florida Statutes, and amended to
10304 read:

10305 379.413 ~~370.1121~~ Bonefish; penalties regulation.--

10306 ~~(1) It is unlawful to take or attempt to take any bonefish~~
10307 ~~(*Albula vulpes*) from any of the waters of the state for the~~
10308 ~~purpose of sale or exchange while fishing with any net, seine, or~~
10309 ~~similar device.~~

10310 ~~(2) It is unlawful for any wholesale or retail fish dealer~~
10311 ~~to possess, buy, sell, or store any bonefish or permit any~~
10312 ~~bonefish to be possessed, sold, or stored on, in, or about the~~
10313 ~~premises where such wholesale or retail fish business is carried~~
10314 ~~on or conducted. It shall be unlawful for any person, firm, or~~
10315 ~~corporation to buy or sell bonefish in any form.~~

10316 ~~(3)~~ A commercial harvester or wholesale or retail saltwater
10317 products dealer who violates commission rules pertaining to
10318 bonefish s.370.1121 ~~this section~~ shall be punished under s.
10319 379.407 ~~370.021~~. Any other person who violates this section
10320 commits a Level Two violation under s. 379.401 ~~372.83~~.

10321 Section 179. Section 379.414, Florida Statutes, is created
10322 to read:

10323 379.414 Additional penalties for saltwater products dealers
10324 violating records requirements.--

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10325 (1) The commission may revoke, suspend, or deny the renewal
10326 of the license of any saltwater products dealer for failure to
10327 make and keep records as required by s. 379.362, for failure to
10328 make required reports, for failure or refusal to permit the
10329 examination of required records, or for falsifying any such
10330 record. In addition to other applicable penalties, the commission
10331 may impose against any person, firm, or corporation who is
10332 determined to have violated any provision of s. 379.362 or any
10333 provisions of any commission rules adopted pursuant to s.
10334 379.407, the following additional penalties:

10335 (a) For the first violation, a civil penalty of up to
10336 \$1,000;

10337 (b) For a second violation committed within 24 months of
10338 any previous violation, a civil penalty of up to \$2,500; and

10339 (c) For a third or subsequent violation committed within 36
10340 months of any previous two violations, a civil penalty of up to
10341 \$5,000.

10342 (2) The proceeds of all civil penalties collected pursuant
10343 to this section shall be deposited into the Marine Resources
10344 Conservation Trust Fund and shall be used for administration,
10345 auditing, and law enforcement purposes.

10346 Section 180. Paragraph (a) of subsection (1) of section
10347 72.011, Florida Statutes, is amended to read:

10348 72.011 Jurisdiction of circuit courts in specific tax
10349 matters; administrative hearings and appeals; time for commencing
10350 action; parties; deposits.--

10351 (1) (a) A taxpayer may contest the legality of any
10352 assessment or denial of refund of tax, fee, surcharge, permit,
10353 interest, or penalty provided for under s. 125.0104, s. 125.0108,

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10354 chapter 198, chapter 199, chapter 201, chapter 202, chapter 203,
10355 chapter 206, chapter 207, chapter 210, chapter 211, chapter 212,
10356 chapter 213, chapter 220, chapter 221, s. 379.362(3) ~~370.07(3)~~,
10357 chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s.
10358 538.25, chapter 550, chapter 561, chapter 562, chapter 563,
10359 chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an
10360 action in circuit court; or, alternatively, the taxpayer may file
10361 a petition under the applicable provisions of chapter 120.
10362 However, once an action has been initiated under s. 120.56, s.
10363 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b), no action
10364 relating to the same subject matter may be filed by the taxpayer
10365 in circuit court, and judicial review shall be exclusively
10366 limited to appellate review pursuant to s. 120.68; and once an
10367 action has been initiated in circuit court, no action may be
10368 brought under chapter 120.

10369 Section 181. Section 97.05831, Florida Statutes, is amended
10370 to read:

10371 97.05831 Voter registration applications made available to
10372 the Fish and Wildlife Conservation Commission.--As required in s.
10373 379.352 ~~372.561~~, each supervisor of elections shall supply voter
10374 registration applications to the Fish and Wildlife Conservation
10375 Commission and its subagents, as needed.

10376 Section 182. Subsection (4) of section 125.01, Florida
10377 Statutes, is amended to read:

10378 125.01 Powers and duties.--

10379 (4) The legislative and governing body of a county shall
10380 not have the power to regulate the taking or possession of
10381 saltwater fish, as defined in s. 379.101 ~~370.01~~, with respect to
10382 the method of taking, size, number, season, or species. However,

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10383 | this subsection does not prohibit a county from prohibiting, for
10384 | reasons of protecting the public health, safety, or welfare,
10385 | saltwater fishing from real property owned by that county, nor
10386 | does it prohibit the imposition of excise taxes by county
10387 | ordinance.

10388 | Section 183. Subsections (1) and (4) of section 142.01,
10389 | Florida Statutes, are amended to read:

10390 | 142.01 Fine and forfeiture fund; clerk of the circuit
10391 | court.--There shall be established by the clerk of the circuit
10392 | court in each county of this state a separate fund to be known as
10393 | the fine and forfeiture fund for use by the clerk of the circuit
10394 | court in performing court-related functions. The fund shall
10395 | consist of the following:

10396 | (1) Fines and penalties pursuant to ss. 28.2402(2),
10397 | 34.045(2), 316.193, 327.35, 327.72, 379.2203(1) ~~372.72(1)~~, and
10398 | 775.083(1).

10399 | (4) Proceeds from forfeited bail bonds, unclaimed bonds,
10400 | unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
10401 | 379.2203(1) ~~372.72(1)~~, and 903.26(3)(a).

10402 |
10403 | Notwithstanding the provisions of this section, all fines and
10404 | forfeitures arising from operation of the provisions of s.
10405 | 318.1215 shall be disbursed in accordance with that section.

10406 | Section 184. Paragraph (c) of subsection (5) of section
10407 | 161.053, Florida Statutes, is amended to read:

10408 | 161.053 Coastal construction and excavation; regulation on
10409 | county basis.--

10410 | (5) Except in those areas where local zoning and building
10411 | codes have been established pursuant to subsection (4), a permit

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10412 to alter, excavate, or construct on property seaward of
10413 established coastal construction control lines may be granted by
10414 the department as follows:

10415 (c) The department may condition the nature, timing, and
10416 sequence of construction of permitted activities to provide
10417 protection to nesting sea turtles and hatchlings and their
10418 habitat, pursuant to s. 379.2431 ~~370.12~~, and to native salt-
10419 resistant vegetation and endangered plant communities.

10420 Section 185. Subsection (11) of section 201.15, Florida
10421 Statutes, is amended to read:

10422 201.15 Distribution of taxes collected.--All taxes
10423 collected under this chapter shall be distributed as follows and
10424 shall be subject to the service charge imposed in s. 215.20(1),
10425 except that such service charge shall not be levied against any
10426 portion of taxes pledged to debt service on bonds to the extent
10427 that the amount of the service charge is required to pay any
10428 amounts relating to the bonds:

10429 (11) From the moneys specified in paragraphs (1)(e) and
10430 (2)(a) and prior to deposit of any moneys into the General
10431 Revenue Fund, \$30 million shall be paid into the State Treasury
10432 to the credit of the Ecosystem Management and Restoration Trust
10433 Fund in fiscal year 2000-2001 and each fiscal year thereafter, to
10434 be used for the preservation and repair of the state's beaches as
10435 provided in ss. 161.091-161.212, \$2 million shall be paid into
10436 the State Treasury to the credit of the Marine Resources
10437 Conservation Trust Fund to be used for marine mammal care as
10438 provided in s. 379.208(3) ~~370.0603(3)~~, and \$300,000 shall be paid
10439 into the State Treasury to the credit of the General Inspection
10440 Trust Fund in fiscal year 2006-2007 and each fiscal year

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10441 thereafter, to be used to fund oyster management and restoration
10442 programs as provided in s. 379.362(3) ~~370.07(3)~~.

10443 Section 186. Paragraph (b) of subsection (8) of section
10444 212.06, Florida Statutes, is amended to read:

10445 212.06 Sales, storage, use tax; collectible from dealers;
10446 "dealer" defined; dealers to collect from purchasers; legislative
10447 intent as to scope of tax.--

10448 (8)

10449 (b) The presumption that tangible personal property used in
10450 another state, territory of the United States, or the District of
10451 Columbia for 6 months or longer before being imported into this
10452 state was not purchased for use in this state does not apply to
10453 any boat for which a saltwater fishing license fee is required to
10454 be paid pursuant to s. 379.354(7) ~~372.57(7)~~, either directly or
10455 indirectly, for the purpose of taking, attempting to take, or
10456 possessing any saltwater fish for noncommercial purposes. Use tax
10457 shall apply and be due on such a boat as provided in this
10458 paragraph, and proof of payment of such tax must be presented
10459 prior to the first such licensure of the boat, registration of
10460 the boat pursuant to chapter 328, and titling of the boat
10461 pursuant to chapter 328. A boat that is first licensed within 1
10462 year after purchase shall be subject to use tax on the full
10463 amount of the purchase price; a boat that is first licensed in
10464 the second year after purchase shall be subject to use tax on 90
10465 percent of the purchase price; a boat that is first licensed in
10466 the third year after purchase shall be subject to use tax on 80
10467 percent of the purchase price; a boat that is first licensed in
10468 the fourth year after purchase shall be subject to use tax on 70
10469 percent of the purchase price; a boat that is first licensed in

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10470 the fifth year after purchase shall be subject to use tax on 60
10471 percent of the purchase price; and a boat that is first licensed
10472 in the sixth year after purchase, or later, shall be subject to
10473 use tax on 50 percent of the purchase price. If the purchaser
10474 fails to provide the purchase invoice on such boat, the fair
10475 market value of the boat at the time of importation into this
10476 state shall be used to compute the tax.

10477 Section 187. Paragraph (h) of subsection (5) of section
10478 212.08, Florida Statutes, is amended to read:

10479 212.08 Sales, rental, use, consumption, distribution, and
10480 storage tax; specified exemptions.--The sale at retail, the
10481 rental, the use, the consumption, the distribution, and the
10482 storage to be used or consumed in this state of the following are
10483 hereby specifically exempt from the tax imposed by this chapter.

10484 (5) EXEMPTIONS; ACCOUNT OF USE.--

10485 (h) Business property used in an enterprise zone.--

10486 1. Business property purchased for use by businesses
10487 located in an enterprise zone which is subsequently used in an
10488 enterprise zone shall be exempt from the tax imposed by this
10489 chapter. This exemption inures to the business only through a
10490 refund of previously paid taxes. A refund shall be authorized
10491 upon an affirmative showing by the taxpayer to the satisfaction
10492 of the department that the requirements of this paragraph have
10493 been met.

10494 2. To receive a refund, the business must file under oath
10495 with the governing body or enterprise zone development agency
10496 having jurisdiction over the enterprise zone where the business
10497 is located, as applicable, an application which includes:

10498 a. The name and address of the business claiming the

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10499 refund.

10500 b. The identifying number assigned pursuant to s. 290.0065

10501 to the enterprise zone in which the business is located.

10502 c. A specific description of the property for which a

10503 refund is sought, including its serial number or other permanent

10504 identification number.

10505 d. The location of the property.

10506 e. The sales invoice or other proof of purchase of the

10507 property, showing the amount of sales tax paid, the date of

10508 purchase, and the name and address of the sales tax dealer from

10509 whom the property was purchased.

10510 f. Whether the business is a small business as defined by

10511 s. 288.703(1).

10512 g. If applicable, the name and address of each permanent

10513 employee of the business, including, for each employee who is a

10514 resident of an enterprise zone, the identifying number assigned

10515 pursuant to s. 290.0065 to the enterprise zone in which the

10516 employee resides.

10517 3. Within 10 working days after receipt of an application,

10518 the governing body or enterprise zone development agency shall

10519 review the application to determine if it contains all the

10520 information required pursuant to subparagraph 2. and meets the

10521 criteria set out in this paragraph. The governing body or agency

10522 shall certify all applications that contain the information

10523 required pursuant to subparagraph 2. and meet the criteria set

10524 out in this paragraph as eligible to receive a refund. If

10525 applicable, the governing body or agency shall also certify if 20

10526 percent of the employees of the business are residents of an

10527 enterprise zone, excluding temporary and part-time employees. The

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10528 certification shall be in writing, and a copy of the
10529 certification shall be transmitted to the executive director of
10530 the Department of Revenue. The business shall be responsible for
10531 forwarding a certified application to the department within the
10532 time specified in subparagraph 4.

10533 4. An application for a refund pursuant to this paragraph
10534 must be submitted to the department within 6 months after the tax
10535 is due on the business property that is purchased.

10536 5. The amount refunded on purchases of business property
10537 under this paragraph shall be the lesser of 97 percent of the
10538 sales tax paid on such business property or \$5,000, or, if no
10539 less than 20 percent of the employees of the business are
10540 residents of an enterprise zone, excluding temporary and part-
10541 time employees, the amount refunded on purchases of business
10542 property under this paragraph shall be the lesser of 97 percent
10543 of the sales tax paid on such business property or \$10,000. A
10544 refund approved pursuant to this paragraph shall be made within
10545 30 days of formal approval by the department of the application
10546 for the refund. No refund shall be granted under this paragraph
10547 unless the amount to be refunded exceeds \$100 in sales tax paid
10548 on purchases made within a 60-day time period.

10549 6. The department shall adopt rules governing the manner
10550 and form of refund applications and may establish guidelines as
10551 to the requisites for an affirmative showing of qualification for
10552 exemption under this paragraph.

10553 7. If the department determines that the business property
10554 is used outside an enterprise zone within 3 years from the date
10555 of purchase, the amount of taxes refunded to the business
10556 purchasing such business property shall immediately be due and

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10557 payable to the department by the business, together with the
10558 appropriate interest and penalty, computed from the date of
10559 purchase, in the manner provided by this chapter. Notwithstanding
10560 this subparagraph, business property used exclusively in:

- 10561 a. Licensed commercial fishing vessels,
- 10562 b. Fishing guide boats, or
- 10563 c. Ecotourism guide boats

10564
10565 that leave and return to a fixed location within an area
10566 designated under s. 379.2353 ~~370.28~~ are eligible for the
10567 exemption provided under this paragraph if all requirements of
10568 this paragraph are met. Such vessels and boats must be owned by a
10569 business that is eligible to receive the exemption provided under
10570 this paragraph. This exemption does not apply to the purchase of
10571 a vessel or boat.

10572 8. The department shall deduct an amount equal to 10
10573 percent of each refund granted under the provisions of this
10574 paragraph from the amount transferred into the Local Government
10575 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for
10576 the county area in which the business property is located and
10577 shall transfer that amount to the General Revenue Fund.

10578 9. For the purposes of this exemption, "business property"
10579 means new or used property defined as "recovery property" in s.
10580 168(c) of the Internal Revenue Code of 1954, as amended, except:

- 10581 a. Property classified as 3-year property under s.
10582 168(c) (2) (A) of the Internal Revenue Code of 1954, as amended;
- 10583 b. Industrial machinery and equipment as defined in sub-
10584 subparagraph (b)6.a. and eligible for exemption under paragraph
10585 (b);

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10586 c. Building materials as defined in sub-subparagraph
10587 (g)8.a.; and
10588 d. Business property having a sales price of under \$5,000
10589 per unit.

10590 10. This paragraph expires on the date specified in s.
10591 290.016 for the expiration of the Florida Enterprise Zone Act.

10592 Section 188. Paragraph (o) of subsection (1) of section
10593 213.053, Florida Statutes, is amended to read:

10594 213.053 Confidentiality and information sharing.--
10595 (1) This section applies to:
10596 (o) Section 379.362(3) ~~370.07(3)~~, Apalachicola Bay oyster
10597 surcharge;

10598 Section 189. Paragraph (u) of subsection (4) of section
10599 215.20, Florida Statutes, is amended to read:

10600 215.20 Certain income and certain trust funds to contribute
10601 to the General Revenue Fund.--
10602 (4) The income of a revenue nature deposited in the
10603 following described trust funds, by whatever name designated, is
10604 that from which the appropriations authorized by subsection (3)
10605 shall be made:

10606 (u) Within the Fish and Wildlife Conservation Commission:
10607 1. The Conservation and Recreation Lands Program Trust
10608 Fund.
10609 2. The Florida Panther Research and Management Trust Fund.
10610 3. The Land Acquisition Trust Fund.
10611 4. The Marine Resources Conservation Trust Fund, with the
10612 exception of those fees collected for recreational saltwater
10613 fishing licenses as provided in s. 379.354 ~~372.57~~.
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10615 The enumeration of the foregoing moneys or trust funds shall not
10616 prohibit the applicability thereto of s. 215.24 should the
10617 Governor determine that for the reasons mentioned in s. 215.24
10618 the money or trust funds should be exempt herefrom, as it is the
10619 purpose of this law to exempt income from its force and effect
10620 when, by the operation of this law, federal matching funds or
10621 contributions or private grants to any trust fund would be lost
10622 to the state.

10623 Section 190. Subsection (6) of section 290.004, Florida
10624 Statutes, is amended to read:

10625 290.004 Definitions relating to Florida Enterprise Zone
10626 Act.--As used in ss. 290.001-290.016:

10627 (6) "Rural enterprise zone" means an enterprise zone that
10628 is nominated by a county having a population of 75,000 or fewer,
10629 or a county having a population of 100,000 or fewer which is
10630 contiguous to a county having a population of 75,000 or fewer, or
10631 by a municipality in such a county, or by such a county and one
10632 or more municipalities. An enterprise zone designated in
10633 accordance with s. 290.0065(5)(b) or s. 379.2353 ~~370.28~~ is
10634 considered to be a rural enterprise zone.

10635 Section 191. Paragraph (b) of subsection (1) and paragraph
10636 (b) of subsection (24) and of section 320.08058, Florida
10637 Statutes, are amended to read:

10638 320.08058 Specialty license plates.--

10639 (1) MANATEE LICENSE PLATES.--

10640 (b) The manatee license plate annual use fee must be
10641 deposited into the Save the Manatee Trust Fund, created within
10642 the Fish and Wildlife Conservation Commission, and shall be used
10643 only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

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10644 (24) CONSERVE WILDLIFE LICENSE PLATES.--

10645 (b) The proceeds of the Conserve Wildlife license plate
10646 annual use fee shall be forwarded to the Wildlife Foundation of
10647 Florida, Inc., a citizen support organization created pursuant to
10648 s. 379.223 ~~372.0215~~.

10649 1. Notwithstanding s. 320.08062, up to 10 percent of the
10650 proceeds from the annual use fee may be used for marketing the
10651 Conserve Wildlife license plate and administrative costs directly
10652 related to the management and distribution of the proceeds.

10653 2. The remaining proceeds from the annual use fee shall be
10654 used for programs and activities of the Fish and Wildlife
10655 Conservation Commission that contribute to the health and well-
10656 being of Florida black bears and other wildlife diversity.

10657 Section 192. Paragraph (a) of subsection (5) of section
10658 327.02, Florida Statutes, is amended to read:

10659 327.02 Definitions of terms used in this chapter and in
10660 chapter 328.--As used in this chapter and in chapter 328, unless
10661 the context clearly requires a different meaning, the term:

10662 (5) "Commercial vessel" means:

10663 (a) Any vessel primarily engaged in the taking or landing
10664 of saltwater fish or saltwater products or freshwater fish or
10665 freshwater products, or any vessel licensed pursuant to s.
10666 379.361 ~~370.06~~ from which commercial quantities of saltwater
10667 products are harvested, from within and without the waters of
10668 this state for sale either to the consumer, retail dealer, or
10669 wholesale dealer.

10670 Section 193. Subsection (2) of section 327.41, Florida
10671 Statutes, is amended to read:

10672 327.41 Uniform waterway regulatory markers.--

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10673 (2) Any county or municipality which has been granted a
10674 restricted area designation, pursuant to s. 327.46, for a portion
10675 of the Florida Intracoastal Waterway within its jurisdiction or
10676 which has adopted a restricted area by ordinance pursuant to s.
10677 327.22, s. 327.60, or s. 379.2431(2)(p) ~~370.12(2)(p)~~, or any
10678 other governmental entity which has legally established a
10679 restricted area, may apply to the commission for permission to
10680 place regulatory markers within the restricted area.

10681 Section 194. Paragraph (k) of subsection (1) of section
10682 327.73, Florida Statutes, is amended to read:

10683 327.73 Noncriminal infractions.--

10684 (1) Violations of the following provisions of the vessel
10685 laws of this state are noncriminal infractions:

10686 (k) Violations relating to restricted areas and speed
10687 limits:

10688 1. Established by the commission pursuant to s. 327.46.

10689 2. Established by local governmental authorities pursuant
10690 to s. 327.22 or s. 327.60.

10691 3. Speed limits established pursuant to s. 379.2431(2)
10692 ~~370.12(2)~~.

10693
10694 Any person cited for a violation of any such provision shall be
10695 deemed to be charged with a noncriminal infraction, shall be
10696 cited for such an infraction, and shall be cited to appear before
10697 the county court. The civil penalty for any such infraction is
10698 \$50, except as otherwise provided in this section. Any person who
10699 fails to appear or otherwise properly respond to a uniform
10700 boating citation shall, in addition to the charge relating to the
10701 violation of the boating laws of this state, be charged with the

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10702 | offense of failing to respond to such citation and, upon
10703 | conviction, be guilty of a misdemeanor of the second degree,
10704 | punishable as provided in s. 775.082 or s. 775.083. A written
10705 | warning to this effect shall be provided at the time such uniform
10706 | boating citation is issued.

10707 | Section 195. Subsection (1) of section 328.66, Florida
10708 | Statutes, is amended to read:

10709 | 328.66 County and municipality optional registration fee.--

10710 | (1) Any county may impose an annual registration fee on
10711 | vessels registered, operated, or stored in the water within its
10712 | jurisdiction. This fee shall be 50 percent of the applicable
10713 | state registration fee. However, the first \$1 of every
10714 | registration imposed under this subsection shall be remitted to
10715 | the state for deposit in the Save the Manatee Trust Fund created
10716 | within the Fish and Wildlife Conservation Commission, and shall
10717 | be used only for the purposes specified in s. 379.2431(4)
10718 | ~~370.12(4)~~. All other moneys received from such fee shall be
10719 | expended for the patrol, regulation, and maintenance of the
10720 | lakes, rivers, and waters and for other boating-related
10721 | activities of such municipality or county. A municipality that
10722 | was imposing a registration fee before April 1, 1984, may
10723 | continue to levy such fee, notwithstanding the provisions of this
10724 | section.

10725 | Section 196. Subsections (11) and (16) of section 328.72,
10726 | Florida Statutes, are amended to read:

10727 | 328.72 Classification; registration; fees and charges;
10728 | surcharge; disposition of fees; fines; marine turtle stickers.--

10729 | (11) VOLUNTARY CONTRIBUTIONS.--The application form for
10730 | boat registration shall include a provision to allow each

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10731 applicant to indicate a desire to pay an additional voluntary
10732 contribution to the Save the Manatee Trust Fund to be used for
10733 the purposes specified in s. 379.2431(4) ~~370.12(4)~~. This
10734 contribution shall be in addition to all other fees and charges.
10735 The amount of the request for a voluntary contribution solicited
10736 shall be \$2 or \$5 per registrant. A registrant who provides a
10737 voluntary contribution of \$5 or more shall be given a sticker or
10738 emblem by the tax collector to display, which signifies support
10739 for the Save the Manatee Trust Fund. All voluntary contributions
10740 shall be deposited in the Save the Manatee Trust Fund and shall
10741 be used for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.
10742 The form shall also include language permitting a voluntary
10743 contribution of \$5 per applicant, which contribution shall be
10744 transferred into the Election Campaign Financing Trust Fund. A
10745 statement providing an explanation of the purpose of the trust
10746 fund shall also be included.

10747 (16) MARINE TURTLE STICKER.--The Department of Highway
10748 Safety and Motor Vehicles shall offer for sale with vessel
10749 registrations a waterproof sticker in the shape of a marine
10750 turtle at an additional cost of \$5, the proceeds of which shall
10751 be deposited in the Marine Resources Conservation Trust Fund to
10752 be used for marine turtle protection, research, and recovery
10753 efforts pursuant to the provisions of s. 379.2431(1) ~~370.12(1)~~.

10754 Section 197. Paragraph (a) of subsection (1) and subsection
10755 (2) of section 328.76, Florida Statutes, are amended to read:

10756 328.76 Marine Resources Conservation Trust Fund; vessel
10757 registration funds; appropriation and distribution.--

10758 (1) Except as otherwise specified in this subsection and
10759 less \$1.4 million for any administrative costs which shall be

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10760 deposited in the Highway Safety Operating Trust Fund, in each
10761 fiscal year beginning on or after July 1, 2001, all funds
10762 collected from the registration of vessels through the Department
10763 of Highway Safety and Motor Vehicles and the tax collectors of
10764 the state, except for those funds designated as the county
10765 portion pursuant to s. 328.72(1), shall be deposited in the
10766 Marine Resources Conservation Trust Fund for recreational channel
10767 marking; public launching facilities; law enforcement and quality
10768 control programs; aquatic weed control; manatee protection,
10769 recovery, rescue, rehabilitation, and release; and marine mammal
10770 protection and recovery. The funds collected pursuant to s.
10771 328.72(1) shall be transferred as follows:

10772 (a) In each fiscal year, an amount equal to \$1.50 for each
10773 commercial and recreational vessel registered in this state shall
10774 be transferred by the Department of Highway Safety and Motor
10775 Vehicles to the Save the Manatee Trust Fund and shall be used
10776 only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

10777 (2) All funds collected pursuant to s. 379.361(2) ~~370.06(2)~~
10778 shall be deposited in the Marine Resources Conservation Trust
10779 Fund. Such funds shall be used to pay the cost of implementing
10780 the saltwater products license program. Additional proceeds from
10781 the licensing revenue shall be distributed among the following
10782 program functions:

10783 (a) No more than 15 percent shall go to marine law
10784 enforcement;

10785 (b) Twenty-five percent shall go to the Florida Saltwater
10786 Products Promotion Trust Fund within the Department of
10787 Agriculture and Consumer Services, on a monthly basis, for the
10788 purpose of providing marketing and extension services including

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10789 industry information and education; and

10790 (c) The remainder shall go to the Fish and Wildlife
10791 Conservation Commission, for use in marine research and
10792 statistics development, including quota management.

10793 Section 198. Subsection (5) of section 373.046, Florida
10794 Statutes, is amended to read:

10795 373.046 Interagency agreements.--

10796 (5) Notwithstanding the provisions of s. 403.927, when any
10797 operating agreement is developed pursuant to subsection (4), the
10798 department shall have regulatory responsibility under part IV of
10799 this chapter for aquaculture activities that meet or exceed the
10800 thresholds for aquaculture general permits authorized pursuant to
10801 ss. 379.2523 ~~370.26~~ and 403.814.

10802 Section 199. Paragraph (h) of subsection (2) of section
10803 403.41315, Florida Statutes, is amended to read:

10804 403.41315 Comprehensive illegal dumping, litter, and marine
10805 debris control and prevention.--

10806 (2) The comprehensive illegal dumping, litter, and marine
10807 debris control and prevention program at a minimum must include
10808 the following:

10809 (h) The prohibition of balloon releases as authorized under
10810 s. 379.233 ~~372.995~~.

10811 Section 200. Paragraph (f) of subsection (2) of section
10812 403.813, Florida Statutes, is amended to read:

10813 403.813 Permits issued at district centers; exceptions.--

10814 (2) A permit is not required under this chapter, chapter
10815 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter
10816 25270, 1949, Laws of Florida, for activities associated with the
10817 following types of projects; however, except as otherwise

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10818 | provided in this subsection, nothing in this subsection relieves
10819 | an applicant from any requirement to obtain permission to use or
10820 | occupy lands owned by the Board of Trustees of the Internal
10821 | Improvement Trust Fund or any water management district in its
10822 | governmental or proprietary capacity or from complying with
10823 | applicable local pollution control programs authorized under this
10824 | chapter or other requirements of county and municipal
10825 | governments:

10826 | (f) The performance of maintenance dredging of existing
10827 | manmade canals, channels, intake and discharge structures, and
10828 | previously dredged portions of natural water bodies within
10829 | drainage rights-of-way or drainage easements which have been
10830 | recorded in the public records of the county, where the spoil
10831 | material is to be removed and deposited on a self-contained,
10832 | upland spoil site which will prevent the escape of the spoil
10833 | material into the waters of the state, provided that no more
10834 | dredging is to be performed than is necessary to restore the
10835 | canals, channels, and intake and discharge structures, and
10836 | previously dredged portions of natural water bodies, to original
10837 | design specifications or configurations, provided that the work
10838 | is conducted in compliance with s. 379.2431(2)(d) ~~370.12(2)(d)~~,
10839 | provided that no significant impacts occur to previously
10840 | undisturbed natural areas, and provided that control devices for
10841 | return flow and best management practices for erosion and
10842 | sediment control are utilized to prevent bank erosion and
10843 | scouring and to prevent turbidity, dredged material, and toxic or
10844 | deleterious substances from discharging into adjacent waters
10845 | during maintenance dredging. Further, for maintenance dredging of
10846 | previously dredged portions of natural water bodies within

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10847 | recorded drainage rights-of-way or drainage easements, an entity
10848 | that seeks an exemption must notify the department or water
10849 | management district, as applicable, at least 30 days prior to
10850 | dredging and provide documentation of original design
10851 | specifications or configurations where such exist. This exemption
10852 | applies to all canals and previously dredged portions of natural
10853 | water bodies within recorded drainage rights-of-way or drainage
10854 | easements constructed prior to April 3, 1970, and to those canals
10855 | and previously dredged portions of natural water bodies
10856 | constructed on or after April 3, 1970, pursuant to all necessary
10857 | state permits. This exemption does not apply to the removal of a
10858 | natural or manmade barrier separating a canal or canal system
10859 | from adjacent waters. When no previous permit has been issued by
10860 | the Board of Trustees of the Internal Improvement Trust Fund or
10861 | the United States Army Corps of Engineers for construction or
10862 | maintenance dredging of the existing manmade canal or intake or
10863 | discharge structure, such maintenance dredging shall be limited
10864 | to a depth of no more than 5 feet below mean low water. The Board
10865 | of Trustees of the Internal Improvement Trust Fund may fix and
10866 | recover from the permittee an amount equal to the difference
10867 | between the fair market value and the actual cost of the
10868 | maintenance dredging for material removed during such maintenance
10869 | dredging. However, no charge shall be exacted by the state for
10870 | material removed during such maintenance dredging by a public
10871 | port authority. The removing party may subsequently sell such
10872 | material; however, proceeds from such sale that exceed the costs
10873 | of maintenance dredging shall be remitted to the state and
10874 | deposited in the Internal Improvement Trust Fund.

10875 | Section 201. Paragraph (a) of subsection (5) and paragraph

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10876 (a) of subsection (18) of section 597.010, Florida Statutes, are
10877 amended to read:

10878 597.010 Shellfish regulation; leases.--

10879 (5) LEASES IN PERPETUITY; RENT.--

10880 (a) All leases issued previously under the provisions of s.
10881 379.2525 ~~370.16~~ shall be enforced under the authority of this
10882 chapter, notwithstanding any other law to the contrary, and shall
10883 continue in perpetuity under such restrictions as stated in the
10884 lease agreement. The annual rental fee charged for all leases
10885 shall consist of the minimum rate of \$15 per acre, or any
10886 fraction of an acre, per year and shall be adjusted on January 1,
10887 1995, and every 5 years thereafter, based on the 5-year average
10888 change in the Consumer Price Index. Rent shall be paid in advance
10889 of January 1 of each year or in the case of a new lease at the
10890 time of signing, regardless of who holds the lease.

10891 (18) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
10892 REEFS; LICENSES, ETC.; PENALTY.--

10893 (a) It is unlawful to use a dredge or any means or
10894 implement other than hand tongs in removing oysters from the
10895 natural or artificial state reefs or beds. This restriction shall
10896 apply to all areas of Apalachicola Bay for all shellfish
10897 harvesting, excluding private grounds leased or granted by the
10898 state prior to July 1, 1989, if the lease or grant specifically
10899 authorizes the use of implements other than hand tongs for
10900 harvesting. Except in Apalachicola Bay, upon the payment of \$25
10901 annually, for each vessel or boat using a dredge or machinery in
10902 the gathering of clams or mussels, a special activity license may
10903 be issued by the Fish and Wildlife Conservation Commission
10904 pursuant to subsection (15) or s. 379.361 ~~370.06~~ for such use to

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10905 | such person.

10906 | Section 202. Paragraphs (a), (d), and (e) of subsection (4)
10907 | of section 777.04, Florida Statutes, are amended to read:

10908 | 777.04 Attempts, solicitation, and conspiracy.--

10909 | (4) (a) Except as otherwise provided in ss. 104.091(2),
10910 | 379.2431(1) ~~370.12(1)~~, 828.125(2), 849.25(4), 893.135(5), and
10911 | 921.0022, the offense of criminal attempt, criminal solicitation,
10912 | or criminal conspiracy is ranked for purposes of sentencing under
10913 | chapter 921 and determining incentive gain-time eligibility under
10914 | chapter 944 one level below the ranking under s. 921.0022 or s.
10915 | 921.0023 of the offense attempted, solicited, or conspired to. If
10916 | the criminal attempt, criminal solicitation, or criminal
10917 | conspiracy is of an offense ranked in level 1 or level 2 under s.
10918 | 921.0022 or s. 921.0023, such offense is a misdemeanor of the
10919 | first degree, punishable as provided in s. 775.082 or s. 775.083.

10920 | (d) Except as otherwise provided in s. 104.091(2), s.
10921 | 379.2431(1) ~~370.12(1)~~, s. 828.125(2), or s. 849.25(4), if the
10922 | offense attempted, solicited, or conspired to is a:

- 10923 | 1. Felony of the second degree;
10924 | 2. Burglary that is a felony of the third degree; or
10925 | 3. Felony of the third degree ranked in level 3, 4, 5, 6,
10926 | 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

10927 |
10928 | the offense of criminal attempt, criminal solicitation, or
10929 | criminal conspiracy is a felony of the third degree, punishable
10930 | as provided in s. 775.082, s. 775.083, or s. 775.084.

10931 | (e) Except as otherwise provided in s. 104.091(2), s.
10932 | 379.2431(1) ~~370.12(1)~~, s. 849.25(4), or paragraph (d), if the
10933 | offense attempted, solicited, or conspired to is a felony of the

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10934 | third degree, the offense of criminal attempt, criminal
 10935 | solicitation, or criminal conspiracy is a misdemeanor of the
 10936 | first degree, punishable as provided in s. 775.082 or s. 775.083.

10937 | Section 203. Paragraph (h) of subsection (2) of section
 10938 | 810.09, Florida Statutes, is amended to read:

10939 | 810.09 Trespass on property other than structure or
 10940 | conveyance.--

10941 | (2)

10942 | (h) Any person who in taking or attempting to take any
 10943 | animal described in s. 379.101(19) or (20) ~~372.001(10) or (11)~~,
 10944 | or in killing, attempting to kill, or endangering any animal
 10945 | described in s. 585.01(13) knowingly propels or causes to be
 10946 | propelled any potentially lethal projectile over or across
 10947 | private land without authorization commits trespass, a felony of
 10948 | the third degree, punishable as provided in s. 775.082, s.
 10949 | 775.083, or s. 775.084. For purposes of this paragraph, the term
 10950 | "potentially lethal projectile" includes any projectile launched
 10951 | from any firearm, bow, crossbow, or similar tensile device. This
 10952 | section does not apply to any governmental agent or employee
 10953 | acting within the scope of his or her official duties.

10954 | Section 204. Paragraphs (b) and (c) of subsection (3) of
 10955 | section 921.0022, Florida Statutes, are amended to read:

10956 | 921.0022 Criminal Punishment Code; offense severity ranking
 10957 | chart.--

10958 | (3) OFFENSE SEVERITY RANKING CHART

10959 | (b) LEVEL 2

10960 |

Florida	Felony	Description
Statute	Degree	

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10961	<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.
10962	<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.
10963	403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
10964	517.07	3rd	Registration of securities and furnishing of prospectus required.
10965	590.28(1)	3rd	Willful, malicious, or intentional burning.
10966	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
10967	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
10968	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or

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			more to public communication or any other public service.
10969	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
10970	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
10971	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
10972	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
10973	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
10974	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
10975	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
10976	817.52 (3)	3rd	Failure to redeliver hired vehicle.

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10977	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
10978	817.60 (5)	3rd	Dealing in credit cards of another.
10979	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
10980	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
10981	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
10982	831.01	3rd	Forgery.
10983	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
10984	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
10985	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
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10987	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
10988	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
10989	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
10990	843.08	3rd	Falsely impersonating an officer.
10991	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., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
10992	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
10993	(c) LEVEL 3		
10994	Florida Statute	Felony Degree	Description
10995	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
10996	316.066 (6) (b) -	3rd	Unlawfully obtaining or using

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10997	(d)		confidential crash reports.
10998	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
10999	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
11000	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
11001	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
11002	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
11003	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
11004	327.35 (2) (b)	3rd	Felony BUI.
11005	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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11006	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
11007	<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.
11008	<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.
11009	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
11010	400.903 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.
11011	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
	501.001 (2) (b)	2nd	Tampers with a consumer product or the

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			container using materially false/misleading information.
11012	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
11013	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
11014	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
11015	697.08	3rd	Equity skimming.
11016	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
11017	796.05 (1)	3rd	Live on earnings of a prostitute.
11018	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
11019	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
11020	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with

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			firearm or dangerous weapon.
11021	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
11022	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
11023	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
11024	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
11025	817.233	3rd	Burning to defraud insurer.
11026	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
11027	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
11028	817.236	3rd	Filing a false motor vehicle insurance application.
11029	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

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			insurance card.
11030			
	817.413 (2)	3rd	Sale of used goods as new.
11031			
	817.505 (4)	3rd	Patient brokering.
11032			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
11033			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
11034			
	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
11035			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
11036			
	843.19	3rd	Injure, disable, or kill police dog or horse.
11037			
	860.15 (3)	3rd	Overcharging for repairs and parts.
11038			
	870.01 (2)	3rd	Riot; inciting or encouraging.
11039			
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis

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			(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).
11040	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.
11041	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.
11042	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
11043	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
11044	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled

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			substance by fraud, forgery, misrepresentation, etc.
11045	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
11046	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
11047	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.
11048	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 animal in obtaining a controlled substance.
11049	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
11050	893.13(8)(a)4.	3rd	Write a prescription for a controlled

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11051			substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
11052	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
11053	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
11054	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
11055	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
11056	Section 205. Paragraph (e) of subsection (6) of section		
11057	932.7055, Florida Statutes, is amended to read:		
11058	932.7055 Disposition of liens and forfeited property.--		
11059	(6) If the seizing agency is a state agency, all remaining		
11060	proceeds shall be deposited into the General Revenue Fund.		
11061	However, if the seizing agency is:		
11062	(e) The Fish and Wildlife Conservation Commission, the		
11063	proceeds accrued pursuant to the provisions of the Florida		
11064	Contraband Forfeiture Act shall be deposited into the State Game		
11065	Trust Fund as provided in ss. <u>379.338, 379.339, and 379.3395</u>		
11066	372.73, 372.9901, and 372.9904 , into the Marine Resources		

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11067 Conservation Trust Fund as provided in s. 379.337 ~~370.061~~, or
11068 ~~into the commission's Federal Law Enforcement Trust Fund as~~
11069 ~~provided in s. 372.107, as applicable.~~

11070 Section 206. Sections 370.081, 370.0821, 370.09, 370.1105,
11071 370.15, 370.154, 370.155, 372.001, 372.0225, 372.107, 372.27,
11072 372.667, 372.85, 372.98, 372.981, and 372.993, Florida Statutes,
11073 are repealed.

11074 Section 207. This act shall take effect July 1, 2008.