

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,
 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,
 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
 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,
 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,
 124 379.2351, 379.2352, 379.2353, 379.236, and 379.237, is created
 125 to read:

126 PART I

127 GENERAL PROVISIONS

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

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

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

138 (2) "Beaches" and "shores" shall mean the coastal and
 139 intracoastal shoreline of this state bordering upon the waters

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140 of the Atlantic Ocean, the Gulf of Mexico, the Straits of
141 Florida, and any part thereof, and any other bodies of water
142 under the jurisdiction of the State of Florida, between the mean
143 high-water line and as far seaward as may be necessary to
144 effectively carry out the purposes of this act.

145 (3) "Closed season" shall be that portion of the year
146 wherein the laws or rules of Florida forbid the taking of
147 particular species of game or varieties of fish.

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

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

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

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

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

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

172 (10) "Erosion control," "beach preservation," and
 173 "hurricane protection" shall include any activity, work,
 174 program, project, or other thing deemed necessary by the
 175 Department of Environmental Protection to effectively preserve,
 176 protect, restore, rehabilitate, stabilize, and improve the
 177 beaches and shores of this state, as defined above.

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

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

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

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

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

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

199 (17) "Fresh water," except where otherwise provided by
 200 law, means all lakes, rivers, canals, and other waterways of
 201 Florida, to such point or points where the fresh and salt waters
 202 commingle to such an extent as to become unpalatable and unfit
 203 for human consumption because of the saline content, or to such
 204 point or points as may be fixed by order of the commission by
 205 and with the consent of the board of county commissioners of the
 206 county or counties to be affected by such order. The
 207 Steinhatchee River shall be considered fresh water from its
 208 source to mouth.

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

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

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

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

220 ~~(22)~~~~(15)~~ "Marine fish" means any saltwater species of
 221 finfish of the classes Agnatha, Chondrichthyes, and
 222 Osteichthyes, and marine invertebrates in the classes

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223 Gastropoda, Bivalvia, and Crustacea, or the phylum
 224 Echinodermata, but does not include nonliving shells or
 225 Echinoderms.

226 (23)~~(16)~~ "Molest," in connection with any fishing trap or
 227 its buoy or buoy line, means to touch, bother, disturb, or
 228 interfere or tamper with, in any manner.

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

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

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

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

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

249 ~~(29)-(20)~~ "Reef bunch oysters" are oysters found growing on
 250 the bars or reefs in the open bay and exposed to the air between
 251 high and low tide.

252 ~~(30)-(21)~~ "Resident" or "resident of Florida" means
 253 includes :

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

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

262 ~~(31)-(22)~~ "Resident alien" shall mean those persons who
 263 have continuously resided in this state for at least 1 year and
 264 6 months in the county and can provide documentation from the
 265 Bureau of Citizenship and Immigration Services evidencing
 266 permanent residency status in the United States. For the
 267 purposes of this chapter, a "resident alien" shall be considered
 268 a "resident."

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

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276 authority to sell a species pursuant to s. 379.361 ~~370.06~~ if the
 277 law or rule prohibits the sale of the species.

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

288 ~~(34)-(25)~~ "Saltwater fish" means:

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

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

296 ~~(35)-(26)~~ "Saltwater license privileges," except where
 297 otherwise provided by law, means any license, endorsement,
 298 certificate, or permit issued pursuant to this chapter.

299 ~~(36)-(27)~~ "Saltwater products" means any species of
 300 saltwater fish, marine plant, or echinoderm, except shells, and
 301 salted, cured, canned, or smoked seafood.

302 ~~(37)-(28)~~ "Shellfish" shall include oysters, clams, and
 303 whelks.

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

310 ~~(39)-(29)~~ "Transport" shall include shipping, transporting,
 311 carrying, importing, exporting, receiving or delivering for
 312 shipment, transportation or carriage or export.

313 Section 4. Section 372.01, Florida Statutes, is renumbered
 314 as section 379.102, Florida Statutes, to read:

315 379.102 ~~372.01~~ Fish and Wildlife Conservation
 316 Commission.--

317 (1) The Fish and Wildlife Conservation Commission shall
 318 consist of seven members who shall be appointed by the Governor,
 319 subject to confirmation by the Senate, for staggered terms of 5
 320 years.

321 (2) Members so appointed shall annually select one of
 322 their members as chair. Such chair may be removed at any time
 323 for sufficient cause, by the affirmative vote of the majority of
 324 the members of the commission. In case the said office of chair
 325 becomes vacant by removal or otherwise, the same may be filled
 326 for the unexpired term at any time by the commission from its
 327 members.

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

331 Section 5. Section 372.021, Florida Statutes, is
 332 renumbered as section 379.1025, Florida Statutes, to read:
 333 379.1025 ~~372.021~~ Powers, duties, and authority of
 334 commission; rules, regulations, and orders.--The Fish and
 335 Wildlife Conservation Commission may exercise the powers,
 336 duties, and authority granted by s. 9, Art. IV of the
 337 Constitution of Florida, and as otherwise authorized by the
 338 Legislature by the adoption of rules, regulations, and orders in
 339 accordance with chapter 120.

340 Section 6. Section 372.03, Florida Statutes, is renumbered
 341 as section 379.104, Florida Statutes, to read:

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

353 Section 7. Section 372.05, Florida Statutes, is renumbered
 354 as section 379.103, Florida Statutes, to read:

355 379.103 ~~372.05~~ Duties of executive director.--The
 356 executive director of the Fish and Wildlife Conservation
 357 Commission shall:

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

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

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

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

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

374 Section 8. Section 372.002, Florida Statutes, is
 375 renumbered as section 379.104, Florida Statutes, to read:

376 379.104 ~~372.002~~ Right to hunt and fish.--The Legislature
 377 recognizes that hunting, fishing, and the taking of game are a
 378 valued part of the cultural heritage of Florida and should be
 379 forever preserved for Floridians. The Legislature further
 380 recognizes that these activities play an important part in the
 381 state's economy and in the conservation, preservation, and
 382 management of the state's natural areas and resources.
 383 Therefore, the Legislature intends that the citizens of Florida
 384 have a right to hunt, fish, and take game, subject to the

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385 regulations and restrictions prescribed by general law and by s.
386 9, Art. IV of the State Constitution.

387 Section 9. Section 372.705, Florida Statutes, is
388 renumbered as section 379.105, Florida Statutes, and amended to
389 read:

390 379.105 ~~372.705~~ Harassment of hunters, trappers, or
391 fishers.--

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

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

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

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

402 Section 10. Section 370.023, Florida Statutes, is
403 renumbered as section 379.106, Florida Statutes, to read:

404 379.106 ~~370.023~~ Administration of commission grant
405 programs.--

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

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

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

436 Section 11. Section 372.101, Florida Statutes, is
 437 renumbered as section 379.201, Florida Statutes, to read:

438 379.201 ~~372.101~~ Administrative Trust Fund.--

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

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441 (2) The fund is established for use as a depository for
442 funds to be used for management activities that are
443 commissionwide in nature and funded by indirect cost earnings or
444 assessments against trust funds. Moneys to be credited to the
445 trust fund include indirect cost reimbursements from grantors,
446 administrative assessments against trust funds, interest
447 earnings, and other appropriate administrative fees.

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

453 Section 12. Section 372.127, Florida Statutes, is
454 renumbered as section 379.202, Florida Statutes, to read:

455 379.202 ~~372.127~~ Conservation and Recreation Lands Program
456 Trust Fund of the Fish and Wildlife Conservation Commission.--

457 (1) There is created a Conservation and Recreation Lands
458 Program Trust Fund within the Fish and Wildlife Conservation
459 Commission. The purpose of the trust fund is to provide for the
460 management of conservation and recreation lands by the
461 commission. Funds may be appropriated to the trust fund from the
462 Conservation and Recreation Lands Trust Fund in the Department
463 of Environmental Protection, as created by s. 259.032(2), or
464 from such other sources as the Legislature may determine.

465 (2) Notwithstanding the provisions of s. 216.301 and
466 pursuant to s. 216.351, any balance in the trust fund at the end
467 of any fiscal year shall remain in the trust fund at the end of

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468 the year and shall be available for carrying out the purposes of
 469 the trust fund.

470 Section 13. Section 372.106, Florida Statutes, is
 471 renumbered as section 379.203, Florida Statutes, and amended to
 472 read:

473 379.203 ~~372.106~~ Dedicated License Trust Fund.--

474 (1) There is established within the Fish and Wildlife
 475 Conservation Commission the Dedicated License Trust Fund. The
 476 fund shall be credited with moneys collected pursuant to s.
 477 379.354 ~~372.57~~ for 5-year licenses and permits and replacement
 478 5-year licenses.

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

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

488 (3) The fund shall be exempt from the provisions of s.
 489 215.20.

490 Section 14. Section 372.102, Florida Statutes, is
 491 renumbered as section 379.204, Florida Statutes, to read:

492 379.204 ~~372.102~~ Federal Grants Trust Fund.--

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

495 (2) The fund is established for use as a depository for
 496 funds to be used for allowable grant activities funded by
 497 restricted program revenues. Moneys to be credited to the trust
 498 fund shall consist of grants and funding from the Federal
 499 Government, interest earnings, and cash advances from other
 500 trust funds.

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

506 Section 15. Section 372.672, Florida Statutes, is
 507 renumbered as section 379.205, Florida Statutes, to read:

508 379.205 ~~372.672~~ Florida Panther Research and Management
 509 Trust Fund.--

510 (1) There is established within the Fish and Wildlife
 511 Conservation Commission the Florida Panther Research and
 512 Management Trust Fund to be used exclusively for the purposes of
 513 this section.

514 (2) Money from the fund shall be spent only for the
 515 following purposes:

516 (a) To manage and protect existing Florida panther
 517 populations by increasing panther food sources where food is a
 518 limiting factor, determining conflicts between public use and
 519 panther survival, maintaining sufficient genetic variability in
 520 existing populations, and undertaking management and enforcement
 521 activities that protect panther habitat.

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

524 (c) To reestablish Florida panthers into areas of suitable
 525 habitat, where feasible, by assessing the necessity of a captive
 526 breeding program for purposes of reintroduction of the panthers
 527 into the suitable habitat; selecting potential sites for
 528 reintroduction and investigating associated human sociological
 529 aspects; and assessing the potential for panther habitat
 530 acquisition.

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

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

536 Section 16. Section 372.103, Florida Statutes, is
 537 renumbered as section 379.206, Florida Statutes, to read:

538 379.206 ~~372.103~~ Grants and Donations Trust Fund.--

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

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

547 (3) In accordance with s. 19(f)(2), Art. III of the State
 548 Constitution, the Grants and Donations Trust Fund shall, unless
 549 terminated sooner, be terminated on July 1, 2009. Before its

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550 scheduled termination, the trust fund shall be reviewed as
551 provided in s. 215.3206(1) and (2).

552 Section 17. Section 372.105, Florida Statutes, is
553 renumbered as section 379.207, Florida Statutes, and amended to
554 read:

555 379.207 ~~372.105~~ Lifetime Fish and Wildlife Trust Fund.--

556 (1) There is established within the Fish and Wildlife
557 Conservation Commission the Lifetime Fish and Wildlife Trust
558 Fund to be used for the purpose of supporting fish and wildlife
559 conservation programs of the state in accordance with this
560 section.

561 (2) The principal of the fund shall be derived from the
562 following:

563 (a) Proceeds of any gifts, grants, and contributions to
564 the state which are specifically designated for inclusion in the
565 fund.

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

568 (3) The fund is declared to constitute a special trust
569 derived from a contractual relationship between the state and
570 the members of the public whose investments contribute to the
571 fund. In recognition of such special trust, the following
572 limitations and restrictions are placed on expenditures from the
573 funds:

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

576 (b) The interest income received and accruing from the
577 investments of proceeds from the sale of lifetime freshwater

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578 fishing licenses and lifetime hunting licenses shall be spent in
579 furtherance of the commission's management, protection, and
580 conservation of wild animal life and freshwater aquatic life as
581 set forth in s. 9, Art. IV of the State Constitution and this
582 chapter and as otherwise authorized by the Legislature.

583 (c) The interest income received and accruing from the
584 investments of proceeds from the sale of lifetime saltwater
585 fishing licenses shall be expended for marine law enforcement,
586 marine research, and marine fishery enhancement.

587 (d) No expenditures or disbursements from the interest
588 income derived from the sale of lifetime licenses shall be made
589 for any purpose until the respective holders of such licenses
590 attain the age of 16 years. The Fish and Wildlife Conservation
591 Commission as administrator of the fund shall determine
592 actuarially on an annual basis the amounts of interest income
593 within the fund which may be disbursed pursuant to this
594 paragraph. The director shall cause deposits of proceeds from
595 the sale of lifetime licenses to be identifiable by the ages of
596 the license recipients.

597 (e) Any limitations or restrictions specified by the
598 donors on the uses of the interest income derived from gifts,
599 grants, and voluntary contributions shall be respected but shall
600 not be binding.

601 (f) The fund shall be exempt from the provisions of s.
602 215.20.

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

606 constitutional or statutory responsibilities shall, through its
 607 agency head acting ex officio, assume the trusteeship of the
 608 fund and shall be bound by all the limitations and restrictions
 609 placed by this section on expenditures from the fund. No repeal
 610 or modification of this chapter or s. 9, Art. IV of the State
 611 Constitution shall alter the fundamental purposes to which the
 612 fund may be applied. No dissolution or reorganization of the
 613 Fish and Wildlife Conservation Commission shall invalidate any
 614 lifetime license issued in accordance with this section.

615 Section 18. Section 370.0603, Florida Statutes, is
 616 renumbered as section 379.208, Florida Statutes, and amended to
 617 read:

618 379.208 ~~370.0603~~ Marine Resources Conservation Trust Fund;
 619 purposes.--

620 (1) The Marine Resources Conservation Trust Fund within
 621 the Fish and Wildlife Conservation Commission shall serve as a
 622 broad-based depository for funds from various marine-related and
 623 boating-related activities and shall be administered by the
 624 commission for the purposes of:

625 (a) Funding for marine research.

626 (b) Funding for fishery enhancement, including, but not
 627 limited to, fishery statistics development, artificial reefs,
 628 and fish hatcheries.

629 (c) Funding for marine law enforcement.

630 (d) Funding for administration of licensing programs for
 631 recreational fishing, saltwater products sales, and related
 632 information and education activities.

- 633 (e) Funding for the operations of the Fish and Wildlife
 634 Conservation Commission.
- 635 (f) Funding for titling and registration of vessels.
- 636 (g) Funding for marine turtle protection, research, and
 637 recovery activities from revenues that are specifically credited
 638 to the trust fund for these purposes.
- 639 (h) Funding activities for rehabilitation of oyster
 640 harvesting areas from which special oyster surcharge fees are
 641 collected, including relaying and transplanting live oysters.
- 642 (i) Funding for boating research, boating-related programs
 643 and activities, and for law enforcement on state waters.
- 644 (j) Funding for the stone crab trap reduction program
 645 under s. 379.365 ~~370.13~~, the blue crab effort management program
 646 under s. 379.366 ~~370.135~~, the spiny lobster trap certificate
 647 program under s. 379.3671 ~~370.142~~, and the trap retrieval
 648 program under s. 379.2424 ~~370.143~~.
- 649 (2) The Marine Resources Conservation Trust Fund shall
 650 receive the proceeds from:
- 651 (a) All license fees collected pursuant to ss. 379.361 and
 652 379.362 ~~370.06 and 370.07~~.
- 653 (b) All funds collected from the registration of vessels
 654 and other fees pursuant to s. 328.72.
- 655 (c) All fees collected under ss. 379.2424, 379.355,
 656 379.357, 379.365, 379.3671, and 379.366 ~~370.063, 370.13,
 657 ~~370.135, 370.142, 370.143, and 372.5704~~.~~
- 658 (d) All fines and penalties under ss. 379.365, 379.366
 659 379.3671, and 379.407 ~~370.021, 370.13, 370.135, and 370.142~~.
- 660 (e) Other revenues as provided by law.

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

664 (a) To reimburse the cost of activities authorized
 665 pursuant to the Fish and Wildlife Service of the United States
 666 Department of the Interior. Such facilities must be involved in
 667 the actual rescue and full-time acute care veterinarian-based
 668 rehabilitation of manatees. The cost of activities includes, but
 669 is not limited to, costs associated with expansion, capital
 670 outlay, repair, maintenance, and operation related to the
 671 rescue, treatment, stabilization, maintenance, release, and
 672 monitoring of manatees. Moneys distributed through the
 673 contractual agreement to each facility for manatee
 674 rehabilitation must be proportionate to the number of manatees
 675 under acute care rehabilitation; the number of maintenance days
 676 medically necessary in the facility; and the number released
 677 during the previous fiscal year. The commission may set a cap on
 678 the total amount reimbursed per manatee per year.

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

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

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

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

688 (a) To provide additional water-related law enforcement
 689 positions within the Fish and Wildlife Conservation Commission
 690 primarily for the purpose of enforcing laws designed to protect
 691 manatee populations. Law enforcement positions funded under this
 692 provision shall be assigned to counties having the highest
 693 incidence of manatee deaths and injuries.

694 (b) For the placement of uniform waterway markers on state
 695 waters.

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

699 (d) To implement and administer programs related to
 700 boating safety and education, manatee technical avoidance
 701 technology, and economic development initiatives to promote
 702 boating in the state, including competitive grants programs as
 703 provided in s. 327.47.

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

707
 708 Funds not used in one fiscal year must be carried over for use
 709 in subsequent years.

710 Section 19. Section 372.991, Florida Statutes, is
 711 renumbered as section 379.209, Florida Statutes, to read:

712 379.209 ~~372.991~~ Nongame Wildlife Trust Fund.--

713 (1) The Legislature recognizes the value of maintaining
 714 ecologically healthy and stable populations of a wide diversity
 715 of fish and wildlife species and recognizes the need for

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716 monitoring, research, management, and public awareness of all
717 wildlife species in order to guarantee that self-sustaining
718 populations be conserved. The Legislature further recognizes
719 that research and management for game species traditionally have
720 been supported by licenses and fees collected by the Fish and
721 Wildlife Conservation Commission for consumptive uses of
722 wildlife and that no such support mechanism is available for
723 species not commonly pursued for sport or profit. It is the
724 intent of the Legislature that the funds provided herein be
725 spent to identify and meet the needs of nongame wildlife as a
726 first priority with the ultimate goal of establishing an
727 integrated approach to the management and conservation of all
728 native fish, wildlife, and plants.

729 (2) (a) There is established within the Fish and Wildlife
730 Conservation Commission the Nongame Wildlife Trust Fund. The
731 fund shall be credited with moneys collected pursuant to ss.
732 319.32(3) and 320.02(8). Additional funds may be provided from
733 legislative appropriations and by donations from interested
734 individuals and organizations. The commission shall designate an
735 identifiable unit to administer the trust fund.

736 (b) Proceeds from the trust fund shall be used for the
737 following purposes:

738 1. Documentation of population trends of nongame wildlife
739 and assessment of wildlife habitat, in coordination with the
740 database of Florida natural areas inventory.

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

743 3. Public education programs.

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744 (3) The commission may enter into cooperative agreements
745 or memoranda of understanding with related agencies to
746 coordinate nongame programs.

747 Section 20. Section 372.09, Florida Statutes, is
748 renumbered as section 379.211, Florida Statutes, to read:

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

762 Section 21. Section 372.074, Florida Statutes, is
763 renumbered as section 379.212, Florida Statutes, to read:

764 379.212 ~~372.074~~ Fish and Wildlife Habitat Program.--

765 (1)(a) There is established within the Fish and Wildlife
766 Conservation Commission the Fish and Wildlife Habitat Program
767 for the purpose of acquiring, assisting other agencies or local
768 governments in acquiring, or managing lands important to the
769 conservation of fish and wildlife.

770 (b) The Fish and Wildlife Conservation Commission or its
771 designee shall manage such lands for the primary purpose of

772 maintaining and enhancing their habitat value for fish and
 773 wildlife. Other uses may be allowed that are not contrary to
 774 this purpose.

775 (c) Where acquisition pursuant to this section will result
 776 in state ownership of land, title shall be vested in the Board
 777 of Trustees of the Internal Improvement Trust Fund as required
 778 in chapter 253. Land acquisition pursuant to this section shall
 779 be voluntary, negotiated acquisition and, where title is to be
 780 vested in the Board of Trustees of the Internal Improvement
 781 Trust Fund, is subject to the acquisition procedures of s.
 782 253.025.

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

786 (2) Moneys which may be deposited into the Land
 787 Acquisition Trust Fund for the purposes of this section may
 788 include, but not be limited to, donations, grants, development-
 789 of-regional-impact wildlife mitigation contributions, or
 790 legislative appropriations. Preservation 2000 acquisition moneys
 791 and Conservation and Recreation Lands management moneys shall
 792 not be deposited into this fund.

793 Section 22. Section 372.5701, Florida Statutes, is
 794 renumbered as section 379.2201, Florida Statutes, and amended to
 795 read:

796 379.2201 ~~372.5701~~ Deposit of license fees; allocation of
 797 federal funds.--

798 (1) Except as provided in ss. 379.203 and 379.207 ~~372.105~~
 799 and ~~372.106~~, all saltwater license and permit fees collected

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800 pursuant to s. 379.354 ~~372.57~~ shall be deposited into the Marine
 801 Resources Conservation Trust Fund, to be used as follows:

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

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

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

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

812 (2) The proceeds from recreational saltwater fishing
 813 license fees paid by fishers shall only be appropriated to the
 814 commission.

815 (3) Funds available from the Wallop-Breaux Aquatic
 816 Resources Trust Fund shall be distributed by the commission
 817 between freshwater fisheries management and research and marine
 818 fisheries management and research in proportion to the numbers
 819 of resident fresh and saltwater anglers as determined by the
 820 most current data on license sales. Unless otherwise provided by
 821 federal law, the commission, at a minimum, shall provide the
 822 following:

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

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

829 Section 23. Section 372.5702, Florida Statutes, is
 830 renumbered as section 379.2202, Florida Statutes, and amended to
 831 read:

832 379.2202 ~~372.5702~~ Expenditure of funds.--Any moneys
 833 available pursuant to s. 379.2201(1)(c) ~~372.5701(1)(e)~~ may be
 834 expended by the commission within Florida through grants and
 835 contracts for research with research institutions including but
 836 not limited to: Florida Sea Grant; Florida Marine Resources
 837 Council; Harbour Branch Oceanographic Institute; Technological
 838 Research and Development Authority; Fish and Wildlife Research
 839 Institute of the Fish and Wildlife Conservation Commission; Mote
 840 Marine Laboratory; Marine Resources Development Foundation;
 841 Florida Institute of Oceanography; Rosentiel School of Marine
 842 and Atmospheric Science; and Smithsonian Marine Station at Ft.
 843 Pierce.

844 Section 24. Section 372.72, Florida Statutes, is
 845 renumbered as section 379.2203, Florida Statutes, and amended to
 846 read:

847 379.2203 ~~372.72~~ Disposition of fines, penalties, and
 848 forfeitures.--

849 (1) All moneys collected from fines, penalties, proceeds
 850 from unclaimed bonds, or forfeitures of bail of persons
 851 convicted under this chapter shall be deposited in the fine and
 852 forfeiture fund established pursuant to s. 142.01 where such

853 convictions are had, except for the disposition of moneys as
 854 provided in subsection (2).

855 (2) All moneys collected from fines, penalties, or
 856 forfeitures of bail of persons convicted of violations of rules,
 857 regulations, or orders of the Fish and Wildlife Conservation
 858 Commission concerning endangered or threatened species or of
 859 violation of s. 379.3014, s. 379.409, or s. 379.4115 ~~s. 372.662,~~
 860 ~~s. 372.663, s. 372.667, or s. 372.671~~ shall be remitted by the
 861 clerk of the court to the Department of Revenue to be deposited
 862 in the Nongame Wildlife Trust Fund.

863 Section 25. Section 372.5712, Florida Statutes, is
 864 renumbered as section 379.2211, Florida Statutes, and amended to
 865 read:

866 379.2211 ~~372.5712~~ Florida waterfowl permit revenues.--

867 (1) The commission shall expend the revenues generated
 868 from the sale of the Florida waterfowl permit as provided in s.
 869 379.354(8)(a) ~~372.57(8)(a)~~ or that pro rata portion of any
 870 license that includes waterfowl hunting privileges, as provided
 871 in s. 379.354(4)(h), (i), and (j) and (9)(a)3. ~~372.57(4)(h),~~
 872 ~~(i), and (j) and (9)(a)3.~~ as follows: A maximum of 5 percent of
 873 the gross revenues shall be expended for administrative costs; a
 874 maximum of 25 percent of the gross revenues shall be expended
 875 for waterfowl research approved by the commission; and a maximum
 876 of 70 percent of the gross revenues shall be expended for
 877 projects approved by the commission, in consultation with the
 878 Waterfowl Advisory Council, for the purpose of protecting and
 879 propagating migratory waterfowl and for the development,

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880 restoration, maintenance, and preservation of wetlands within
881 the state.

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

890 Section 26. Section 372.5715, Florida Statutes, is
891 renumbered as section 379.2212, Florida Statutes, and amended to
892 read:

893 379.2212 ~~372.5715~~ Florida wild turkey permit revenues.--

894 (1) The commission shall expend the revenues generated
895 from the sale of the turkey permit as provided for in s.
896 379.354(8)(b) ~~372.57(8)(b)~~ or that pro rata portion of any
897 license that includes turkey hunting privileges as provided for
898 in s. 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for
899 research and management of wild turkeys.

900 (2) The intent of this section is to expand wild turkey
901 research and management and to increase wild turkey populations
902 in the state without detracting from other programs. The
903 commission shall prepare an annual report documenting the use of
904 funds generated under the provisions of this section, to be
905 submitted to the Governor, the Speaker of the House of
906 Representatives, and the President of the Senate on or before
907 September 1 of each year.

908 Section 27. Section 372.573, Florida Statutes, is
 909 renumbered as section 379.2213, Florida Statutes, and amended to
 910 read:

911 379.2213 ~~372.573~~ Management area permit revenues.--The
 912 commission shall expend the revenue generated from the sale of
 913 the management area permit as provided for in s. 379.354(8)(g)
 914 ~~372.57(8)(g)~~ or that pro rata portion of any license that
 915 includes management area privileges as provided for in s.
 916 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for the
 917 lease, management, and protection of lands for public hunting,
 918 fishing, and other outdoor recreation.

919 Section 28. Section 372.12, Florida Statutes, is
 920 renumbered as section 379.2222, Florida Statutes, to read:

921 379.2222 ~~372.12~~ Acquisition of state game lands.--The Fish
 922 and Wildlife Conservation Commission, with the approval of the
 923 Governor, may acquire, in the name of the state, lands and
 924 waters suitable for the protection and propagation of game,
 925 fish, nongame birds, or fur-bearing animals, or for hunting
 926 purposes, game farms, by purchase, lease, gift or otherwise to
 927 be known as state game lands. The said commission may erect such
 928 buildings and fences as may be deemed necessary to properly
 929 maintain and protect such lands, or for propagation of game,
 930 nongame birds, freshwater fish, or fur-bearing animals. The
 931 title of land acquired by purchase, lease, gift or otherwise,
 932 shall be approved by the Department of Legal Affairs. The deed
 933 to such lands shall be deposited as are deeds to other state
 934 lands. No property acquired under this section shall be exempt
 935 from state, county, or district taxation.

936 Section 29. Section 372.121, Florida Statutes, is
 937 renumbered as section 379.2223, Florida Statutes, to read:
 938 379.2223 ~~372.121~~ Control and management of state game
 939 lands.--

940 (1) The Fish and Wildlife Conservation Commission is
 941 authorized to make, adopt, promulgate, amend, repeal, and
 942 enforce all reasonable rules and regulations necessary for the
 943 protection, control, operation, management, or development of
 944 lands or waters owned by, leased by, or otherwise assigned to,
 945 the commission for fish or wildlife management purposes,
 946 including but not being limited to the right of ingress and
 947 egress. Before any such rule or regulation is adopted, other
 948 than one relating to wild animal life, marine life, or
 949 freshwater aquatic life, the commission shall obtain the consent
 950 and agreement, in writing, of the owner, in the case of
 951 privately owned lands or waters, or the owner or primary
 952 custodian, in the case of public lands or waters.

953 (2) Any person violating or otherwise failing to comply
 954 with any rule or regulation so adopted commits a misdemeanor of
 955 the second degree, punishable as provided in s. 775.082 or s.
 956 775.083.

957 Section 30. Section 372.19, Florida Statutes, is
 958 renumbered as section 379.2224, Florida Statutes, to read:
 959 379.2224 ~~372.19~~ Preserves, refuges, etc., not tax-
 960 exempt.--No property acquired by purchase, lease, gift, contract
 961 to purchase or lease, or otherwise, under the provisions of this
 962 chapter, as state game lands, or any private lands used as game
 963 refuges, shooting grounds, privileges, hatcheries or breeding

964 grounds for fish, game, birds or fur-bearing animals, except
 965 state-owned lands being used for the protection of game, fish or
 966 fur-bearing animals under the provisions of this chapter, shall
 967 be exempt from state, county or district taxation. Any contract,
 968 lease, gift or purchase of land for such purposes which attempts
 969 to exempt or partially exempt such property from taxation shall
 970 be null and void and of no effect.

971 Section 31. Section 372.025, Florida Statutes, is
 972 renumbered as section 379.2225, Florida Statutes, to read:

973 379.2225 ~~372.025~~ Everglades recreational sites;
 974 definitions.--

975 (1) PURPOSE.--It is the intent of the Legislature to
 976 provide for the development and management of recreational sites
 977 in the water conservation areas of the Florida Everglades when
 978 such development:

979 (a) Can be accomplished without endangering the water
 980 quality and quantity of supply and where environmental impact
 981 will be minimal.

982 (b) Is located on the exterior fringes of the Everglades
 983 to discourage extensive uncontrolled use of the interior
 984 regions.

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

987 (d) Offers recreational potential for nature trails, bird
 988 study, picnic areas, boating, fishing, hunting, and target
 989 shooting.

990 (e) Is located where proper management and law enforcement
 991 can be provided.

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

993 (a) "Commission" means the Fish and Wildlife Conservation
994 Commission.

995 (b) "Indian reservations" means lands as designated by
996 chapter 285.

997 (c) "Development of recreational sites" means any
998 improvements to existing facilities or sites and also such new
999 selection and improvements as are needed for the various
1000 recreational activities as herein provided.

1001 (3) RECREATIONAL SITES.--The Fish and Wildlife
1002 Conservation Commission is directed to develop, manage, and
1003 enforce laws on certain recreational sites in the water
1004 conservation areas of the Everglades from funds to be
1005 appropriated by the Legislature.

1006 (4) No recreational site will be developed on any Indian
1007 reservations as created by chapter 285 without first obtaining
1008 written approval for such development from the Indians of the
1009 particular reservation lands affected.

1010 Section 32. Section 372.0215, Florida Statutes, is
1011 renumbered as section 379.223, Florida Statutes, to read:

1012 379.223 ~~372.0215~~ Citizen support organizations; use of
1013 state property; audit.--

1014 (1) The Fish and Wildlife Conservation Commission may
1015 authorize the establishment of citizen support organizations to
1016 provide assistance, funding, and promotional support for the
1017 programs of the commission. For purposes of this section, the
1018 term "citizen support organization" means an organization which:

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1019 (a) Is a corporation not for profit incorporated pursuant
 1020 to the provisions of chapter 617 and approved by the Department
 1021 of State.

1022 (b) Is organized and operated to conduct programs and
 1023 activities; raise funds; request and receive grants, gifts, and
 1024 bequests of money; acquire, receive, hold, invest, and
 1025 administer in its own name securities, funds, or real or
 1026 personal property; and make expenditures for the benefit of the
 1027 commission or an individual program unit of the commission;
 1028 except that such organization may not receive funds from the
 1029 commission or the Fish and Wildlife Research Institute by grant,
 1030 gift, or contract unless specifically authorized by the
 1031 Legislature.

1032 (c) The commission has determined acts in a manner that is
 1033 consistent with the goals of the commission and the best
 1034 interests of the state.

1035 (d) Is approved in writing by the commission to operate
 1036 for the benefit of the commission. Such approval must be stated
 1037 in a letter of agreement from the executive director of the
 1038 commission.

1039 (2) (a) The Fish and Wildlife Conservation Commission may
 1040 permit a citizen support organization to use commission
 1041 property, facilities, and personnel free of charge. A citizen
 1042 support organization may use commission property, facilities,
 1043 and personnel if such use is consistent with the approved
 1044 purpose of that citizen support organization and if such use
 1045 does not unreasonably interfere with the general public's use of

1046 commission property, facilities, and personnel for established
 1047 purposes.

1048 (b) The commission may prescribe conditions upon the use
 1049 by a citizen support organization of commission property,
 1050 facilities, or personnel.

1051 (c) The commission may not permit the use of any property,
 1052 facilities, or personnel of the state by a citizen support
 1053 organization that does not provide equal membership and
 1054 employment opportunities to all persons regardless of race,
 1055 color, national origin, religion, sex, or age.

1056 (3) Each citizen support organization shall provide for an
 1057 annual financial audit in accordance with s. 215.981. The
 1058 identity of a donor or prospective donor to a citizen support
 1059 organization who desires to remain anonymous and all information
 1060 identifying such donor or prospective donor are confidential and
 1061 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 1062 of the State Constitution. Such anonymity shall be maintained in
 1063 the auditor's report.

1064 Section 33. Section 370.06091, Florida Statutes, is
 1065 renumbered as section 379.224, Florida Statutes, to read:

1066 379.224 ~~370.06091~~ Memorandum of agreement relating to Fish
 1067 and Wildlife Research Institute.--A memorandum of agreement will
 1068 be developed between the Department of Environmental Protection
 1069 and the Fish and Wildlife Conservation Commission which will
 1070 detail the responsibilities of the Fish and Wildlife Research
 1071 Institute to the department, to include, at a minimum, the
 1072 following services:

1073 (1) Environmental monitoring and assessment.

1074 (2) Restoration research and development of restoration
 1075 technology.

1076 (3) Technical support and response for oil spills, ship
 1077 groundings, major marine species die-offs, hazardous spills, and
 1078 natural disasters.

1079 Section 34. Section 370.103, Florida Statutes, is
 1080 renumbered as section 379.2251, Florida Statutes, to read:

1081 379.2251 ~~370.103~~ Agreements with Federal Government for
 1082 the preservation of saltwater fisheries; authority of
 1083 commission.--The Fish and Wildlife Conservation Commission is
 1084 authorized and empowered to enter into cooperative agreements
 1085 with the Federal Government or agencies thereof for the purpose
 1086 of preserving saltwater fisheries within and without state
 1087 waters and for the purpose of protecting against overfishing,
 1088 waste, depletion, or any abuse whatsoever. Such authority
 1089 includes the authority to enter into cooperative agreements
 1090 whereby officers of the Fish and Wildlife Conservation
 1091 Commission are empowered to enforce federal statutes and rules
 1092 pertaining to fisheries management. When differences between
 1093 state and federal laws occur, state laws shall take precedence.

1094 Section 35. Section 370.18, Florida Statutes, is
 1095 renumbered as section 379.2252, Florida Statutes, to read:

1096 379.2252 ~~370.18~~ Compacts and agreements; generally.--The
 1097 Fish and Wildlife Conservation Commission may enter into
 1098 agreements of reciprocity with the fish commissioners or other
 1099 departments or other proper officials of other states, whereby
 1100 the citizens of the state may be permitted to take or catch
 1101 shrimp or prawn from the waters under the jurisdiction of such

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1102 other states, upon similar agreements to allow such nonresidents
 1103 or aliens to fish for or catch seafood products within the
 1104 jurisdiction of the state regardless of residence.

1105 Section 36. Section 370.19, Florida Statutes, is
 1106 renumbered as section 379.2253, Florida Statutes, to read:

1107 379.2253 ~~370.19~~ Atlantic States Marine Fisheries Compact;
 1108 implementing legislation.--

1109 (1) FORM.--The Governor of this state is hereby authorized
 1110 and directed to execute a compact on behalf of the State of
 1111 Florida with any one or more of the States of Maine, New
 1112 Hampshire, Massachusetts, Rhode Island, Connecticut, New York,
 1113 New Jersey, Delaware, Maryland, Virginia, North Carolina, South
 1114 Carolina, and Georgia, and with such other states as may enter
 1115 into the compact, legally joining therein in the form
 1116 substantially as follows:

1117
 1118 ATLANTIC STATES MARINE FISHERIES
 1119 COMPACT

1120
 1121 The contracting states solemnly agree:

1122
 1123 ARTICLE I

1124
 1125 The purpose of this compact is to promote the better
 1126 utilization of the fisheries, marine, shell, and anadromous, of
 1127 the Atlantic seaboard by the development of a joint program for
 1128 the promotion and protection of such fisheries, and by the
 1129 prevention of the physical waste of the fisheries from any

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1130 | cause. It is not the purpose of this compact to authorize the
1131 | states joining herein to limit the production of fish or fish
1132 | products for the purpose of establishing or fixing the price
1133 | thereof, or creating and perpetuating a monopoly.

1134

1135 | ARTICLE II

1136

1137 | This agreement shall become operative immediately as to
1138 | those states executing it whenever any two or more of the States
1139 | of Maine, New Hampshire, Massachusetts, Rhode Island,
1140 | Connecticut, New York, New Jersey, Delaware, Maryland, Virginia,
1141 | North Carolina, South Carolina, Georgia and Florida have
1142 | executed it in the form that is in accordance with the laws of
1143 | the executing state and the Congress has given its consent. Any
1144 | state contiguous with any of the aforementioned states and
1145 | riparian upon waters frequented by anadromous fish, flowing into
1146 | waters under the jurisdiction of any of the aforementioned
1147 | states, may become a party hereto as hereinafter provided.

1148

1149 | ARTICLE III

1150

1151 | Each state joining herein shall appoint three
1152 | representatives to a commission hereby constituted and
1153 | designated as the Atlantic States Marine Fisheries Commission.
1154 | One shall be the executive officer of the administrative agency
1155 | of such state charged with the conservation of the fisheries
1156 | resources to which this compact pertains or, if there be more
1157 | than one officer or agency, the official of that state named by

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1158 the governor thereof. The second shall be a member of the
1159 legislature of such state designated by such legislature or, in
1160 the absence of such designation, such legislator shall be
1161 designated by the governor thereof, provided that if it is
1162 constitutionally impossible to appoint a legislator as a
1163 commissioner from such state, the second member shall be
1164 appointed in such manner as is established by law. The third
1165 shall be a citizen who shall have a knowledge of and interest in
1166 the marine fisheries problem to be appointed by the governor.
1167 This commission shall be a body corporate with the powers and
1168 duties set forth herein.

1169

1170 ARTICLE IV

1171

1172 The duty of the said commission shall be to make inquiry
1173 and ascertain from time to time such methods, practices,
1174 circumstances and conditions as may be disclosed for bringing
1175 about the conservation and the prevention of the depletion and
1176 physical waste of the fisheries, marine, shell and anadromous,
1177 of the Atlantic seaboard. The commission shall have power to
1178 recommend the coordination of the exercise of the police powers
1179 of the several states within their respective jurisdictions to
1180 promote the preservation of those fisheries and their protection
1181 against overfishing, waste, depletion or any abuse whatsoever
1182 and to assure a continuing yield from the fisheries resources of
1183 the aforementioned states.

1184 To that end the commission shall draft and, after
1185 consultation with the advisory committee hereinafter authorized,

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1186 recommend to the governors and legislatures of the various
1187 signatory states legislation dealing with the conservation of
1188 the marine, shell and anadromous fisheries of the Atlantic
1189 seaboard. The commission shall, more than one month prior to any
1190 regular meeting of the legislature in any signatory state,
1191 present to the governor of the state its recommendations
1192 relating to enactments to be made by the legislature of that
1193 state in furthering the intents and purposes of this compact.

1194 The commission shall consult with and advise the pertinent
1195 administrative agencies in the states party hereto with regard
1196 to problems connected with the fisheries and recommend the
1197 adoption of such regulations as it deems advisable.

1198 The commission shall have power to recommend to the states
1199 party hereto the stocking of the waters of such states with fish
1200 and fish eggs or joint stocking by some or all of the states
1201 party hereto and when two or more of the states shall jointly
1202 stock waters the commission shall act as the coordinating agency
1203 for such stocking.

1204

1205 ARTICLE V

1206

1207 The commission shall elect from its number a chair and a
1208 vice chair and shall appoint and at its pleasure remove or
1209 discharge such officers and employees as may be required to
1210 carry the provisions of this compact into effect and shall fix
1211 and determine their duties, qualifications and compensation.
1212 Said commission shall adopt rules and regulations for the
1213 conduct of its business. It may establish and maintain one or

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1214 more offices for the transaction of its business and may meet at
 1215 any time or place but must meet at least once a year.

1216

1217 ARTICLE VI

1218

1219 No action shall be taken by the commission in regard to its
 1220 general affairs except by the affirmative vote of a majority of
 1221 the whole number of compacting states present at any meeting. No
 1222 recommendation shall be made by the commission in regard to any
 1223 species of fish except by the affirmative vote of a majority of
 1224 the compacting states which have an interest in such species.
 1225 The commission shall define what shall be an interest.

1226

1227 ARTICLE VII

1228

1229 The Fish and Wildlife Service of the Department of the
 1230 Interior of the Government of the United States shall act as the
 1231 primary research agency of the Atlantic States Marine Fisheries
 1232 Commission cooperating with the research agencies in each state
 1233 for that purpose. Representatives of the said Fish and Wildlife
 1234 Service shall attend the meetings of the commission.

1235 An advisory committee to be representative of the
 1236 commercial fishers and the saltwater anglers and such other
 1237 interests of each state as the commission deems advisable shall
 1238 be established by the commission as soon as practicable for the
 1239 purpose of advising the commission upon such recommendations as
 1240 it may desire to make.

1241

ARTICLE VIII

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

ARTICLE IX

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

ARTICLE X

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

ARTICLE XI

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of

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1270 cod and haddock, as recorded in the most recent published
 1271 reports of the Fish and Wildlife Service of the United States
 1272 Department of the Interior, provided no state shall contribute
 1273 less than \$200 per annum and the annual contribution of each
 1274 state above the minimum shall be figured to the nearest \$100.

1275 The compacting states agree to appropriate initially the
 1276 annual amounts scheduled below, which amounts are calculated in
 1277 the manner set forth herein, on the basis of the catch record of
 1278 1938. Subsequent budgets shall be recommended by a majority of
 1279 the commission and the cost thereof allocated equitably among
 1280 the states in accordance with their respective interests and
 1281 submitted to the compacting states.

1282
 1283 Schedule of Initial Annual
 1284 State Contributions

1285	Maine.....	\$700
1286	New Hampshire.....	200
1287	Massachusetts.....	2,300
1288	Rhode Island.....	300
1289	Connecticut.....	400
1290	New York.....	1,300
1291	New Jersey.....	800
1292	Delaware.....	200
1293	Maryland.....	700
1294	Virginia.....	1,300
1295	North Carolina.....	600
1296	South Carolina.....	200
1297	Georgia.....	200

1298 Florida.....1,500

1299

1300 ARTICLE XII

1301

1302 This compact shall continue in force and remain binding
 1303 upon each compacting state until renounced by it. Renunciation
 1304 of this compact must be preceded by sending 6 months' notice in
 1305 writing of intention to withdraw from the compact to the other
 1306 states party hereto.

1307 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In pursuance
 1308 of Article III of said compact there shall be three members
 1309 (hereinafter called commissioners) of the Atlantic States Marine
 1310 Fisheries Commission (hereinafter called commission) from this
 1311 state. The first commissioner from this state shall be the
 1312 Executive Director of the Fish and Wildlife Conservation
 1313 Commission, ex officio, and the term of any such ex officio
 1314 commissioner shall terminate at the time he or she ceases to
 1315 hold said office of Executive Director of the Fish and Wildlife
 1316 Conservation Commission, and his or her successor as
 1317 commissioner shall be his or her successor as executive
 1318 director. The second commissioner from this state shall be a
 1319 legislator appointed on a rotating basis by the President of the
 1320 Senate or the Speaker of the House of Representatives, beginning
 1321 with the appointment of a member of the Senate, and the term of
 1322 any such commissioner shall terminate at the time he or she
 1323 ceases to hold said legislative office. The Governor (subject to
 1324 confirmation by the Senate), shall appoint a citizen as a third
 1325 commissioner who shall have a knowledge of, and interest in, the

1326 marine fisheries problem. The term of said commissioner shall be
 1327 3 years and the commissioner shall hold office until a successor
 1328 shall be appointed and qualified. Vacancies occurring in the
 1329 office of such commissioner from any reason or cause shall be
 1330 filled by appointment by the Governor (subject to confirmation
 1331 by the Senate), for the unexpired term. The Executive Director
 1332 of the Fish and Wildlife Conservation Commission as ex officio
 1333 commissioner may delegate, from time to time, to any deputy or
 1334 other subordinate in his or her department or office, the power
 1335 to be present and participate, including voting, as his or her
 1336 representative or substitute at any meeting of or hearing by or
 1337 other proceeding of the commission. The terms of each of the
 1338 initial three members shall begin at the date of the appointment
 1339 of the appointive commissioner, provided the said compact shall
 1340 then have gone into effect in accordance with Article II of the
 1341 compact; otherwise, they shall begin upon the date upon which
 1342 said compact shall become effective in accordance with said
 1343 Article II. Any commissioner may be removed from office by the
 1344 Governor upon charges and after a hearing.

1345 (3) POWERS OF COMMISSION AND COMMISSIONERS.--There is
 1346 hereby granted to the commission and the commissioners thereof
 1347 all the powers provided for in the said compact and all the
 1348 powers necessary or incidental to the carrying out of said
 1349 compact in every particular. All officers of the State of
 1350 Florida are hereby authorized and directed to do all things
 1351 falling within their respective provinces and jurisdiction
 1352 necessary or incidental to the carrying out of said compact in
 1353 every particular; it being hereby declared to be the policy of

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1354 the State of Florida to perform and carry out the said compact
1355 and to accomplish the purposes thereof. All officers, bureaus,
1356 departments and persons of and in the state government or
1357 administration of the State of Florida are hereby authorized and
1358 directed at convenient times and upon request of the said
1359 commission to furnish the said commission with information and
1360 data possessed by them or any of them and to aid said commission
1361 by loan of personnel or other means lying within their legal
1362 rights respectively.

1363 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
1364 granted to the commission shall be regarded as in aid of and
1365 supplemental to and in no case a limitation upon any of the
1366 powers vested in said commission by other laws of the State of
1367 Florida or by the laws of the States of Maine, New Hampshire,
1368 Massachusetts, Connecticut, Rhode Island, New York, New Jersey,
1369 Delaware, Maryland, Virginia, North Carolina, South Carolina,
1370 Georgia and Florida or by the Congress or the terms of said
1371 compact.

1372 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--

1373 (a) The commission shall keep accurate accounts of all
1374 receipts and disbursements and shall report to the Governor and
1375 the Legislature of the State of Florida on or before the 10th
1376 day of December in each year, setting forth in detail the
1377 transactions conducted by it during the 12 months preceding
1378 December 1 of that year and shall make recommendations for any
1379 legislative action deemed by it advisable, including amendments
1380 to the statutes of the State of Florida which may be necessary

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1381 to carry out the intent and purposes of the compact between the
 1382 signatory states.

1383 (b) The Department of Financial Services is authorized and
 1384 empowered from time to time to examine the accounts and books of
 1385 the commission, including its receipts, disbursements and such
 1386 other items referring to its financial standing as such
 1387 department deems proper and to report the results of such
 1388 examination to the governor of such state.

1389 (6) APPROPRIATION FOR EXPENSES OF COMMISSION.--The sum of
 1390 \$600, annually, or so much thereof as may be necessary, is
 1391 hereby appropriated out of any moneys in the State Treasury not
 1392 otherwise appropriated, for the expenses of the commission
 1393 created by the compact authorized by this law. The moneys hereby
 1394 appropriated shall be paid out of the State Treasury on the
 1395 audit and warrant of the Chief Financial Officer upon vouchers
 1396 certified by the chair of the commission in the manner
 1397 prescribed by law.

1398 Section 37. Section 370.20, Florida Statutes, is
 1399 renumbered as section 379.2254, Florida Statutes, to read:

1400 379.2254 ~~370.20~~ Gulf States Marine Fisheries Compact;
 1401 implementing legislation.--

1402 (1) FORM.--The Governor of this state is hereby authorized
 1403 and directed to execute the compact on behalf of the State of
 1404 Florida with any one or more of the States of Alabama,
 1405 Mississippi, Louisiana and Texas, and with such other state as
 1406 may enter into a compact, legal joining therein in the form
 1407 substantially as follows:

1408

GULF STATES MARINE FISHERIES
 COMPACT

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.

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ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Gulf States Marine Fisheries Commission. One shall be the head of the administrative agency of such state charged with the conservation of the fishery 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 may be established by law. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries, 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,

1465 of the gulf coast. The commission shall have power to recommend
 1466 the coordination of the exercise of the police powers of the
 1467 several states within their respective jurisdiction to promote
 1468 the preservation of these fisheries and their protection against
 1469 overfishing, waste, depletion or any abuse whatsoever and to
 1470 assure a continuing yield from the fishery resources of the
 1471 aforementioned states.

1472 To that end the commission shall draft and recommend to the
 1473 governors and the legislatures of the various signatory states,
 1474 legislation dealing with the conservation of the marine, shell
 1475 and anadromous fisheries of the gulf seaboard. The commission
 1476 shall from time to time present to the governor of each
 1477 compacting state its recommendations relating to enactments to
 1478 be presented to the legislature of the state in furthering the
 1479 interest and purposes of this compact.

1480 The commission shall consult with and advise the pertinent
 1481 administrative agencies in the states party hereto with regard
 1482 to problems connected with the fisheries and recommend the
 1483 adoption of such regulations as it deems advisable.

1484 The commission shall have power to recommend to the states
 1485 party hereto the stocking of the waters of such states with fish
 1486 and fish eggs or joint stocking by some or all of the states
 1487 party hereto and when two or more states shall jointly stock
 1488 waters the commission shall act as the coordinating agency for
 1489 such stocking.

1490

1491 ARTICLE V

1492

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1493 The commission shall elect from its number a chair and vice
 1494 chair and shall appoint and at its pleasure remove or discharge
 1495 such officers and employees as may be required to carry the
 1496 provisions of this compact into effect and shall fix and
 1497 determine their duties, qualifications and compensation. Said
 1498 commission shall adopt rules and regulations for the conduct of
 1499 its business. It may establish and maintain one or more offices
 1500 for the transaction of its business and may meet at any time or
 1501 place but must meet at least once a year.

1502
 1503 ARTICLE VI
 1504

1505 No action shall be taken by the commission in regard to its
 1506 general affairs except by the affirmative vote of a majority of
 1507 the whole number of compacting states. No recommendation shall
 1508 be made by the commission in regard to any species of fish
 1509 except by the affirmative vote of a majority of the compacting
 1510 states which have an interest in such species. The commission
 1511 shall define which shall be an interest.

1512
 1513 ARTICLE VII
 1514

1515 The Fish and Wildlife Service of the Department of the
 1516 Interior of the Government of the United States shall act as the
 1517 primary research agency of the Gulf States Marine Fisheries
 1518 Commission cooperating with the research agencies in each state
 1519 for that purpose. Representatives of the said fish and wildlife
 1520 service shall attend the meetings of the commission. An advisory

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1521 committee to be representative of the commercial salt water
1522 fishers and the salt water anglers and such other interests of
1523 each state as the commissioners deem advisable may be
1524 established by the commissioners from each state for the purpose
1525 of advising those commissioners upon such recommendations as it
1526 may desire to make.

1527

1528 ARTICLE VIII

1529

1530 When any state other than those named specifically in
1531 article II of this compact shall become a party hereto for the
1532 purpose of conserving its anadromous fish or marine species in
1533 accordance with the provisions of article II, the participation
1534 of such state in the action of the commission shall be limited
1535 to such species of fish.

1536

1537 ARTICLE IX

1538

1539 Nothing in this compact shall be construed to limit the
1540 powers or the proprietary interest of any signatory state or to
1541 repeal or prevent the enactment of any legislation or the
1542 enforcement of any requirement by a signatory state imposing
1543 additional conditions and restrictions to conserve its
1544 fisheries.

1545

1546 ARTICLE X

1547

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1548 It is agreed that any two or more states party hereto may
 1549 further amend this compact by acts of their respective
 1550 legislatures subject to approval of Congress as provided in
 1551 article I, s. 10, of the Constitution of the United States, to
 1552 designate the Gulf States Marine Fisheries Commission as a joint
 1553 regulating authority for the joint regulation of specific
 1554 fisheries affecting only such states as shall be compact, and at
 1555 their joint expense. The representatives of such states shall
 1556 constitute a separate section of the Gulf States Marine
 1557 Fisheries Commission for the exercise of the additional powers
 1558 so granted but the creation of such section shall not be deemed
 1559 to deprive the states so compacting of any of their privileges
 1560 or powers in the Gulf States Marine Fisheries Commission as
 1561 constituted under the other articles of this compact.

1562
1563 ARTICLE XI
1564

1565 Continued absence of representation or of any
 1566 representative on the commission from any state party hereto
 1567 shall be brought to the attention of the governor thereof.
 1568

1569 ARTICLE XII
1570

1571 The operating expenses of the Gulf States Marine Fisheries
 1572 Commission shall be borne by the states party hereto. Such
 1573 initial appropriations as are set forth below shall be made
 1574 available yearly until modified as hereinafter provided:

1575 Florida.....\$3,500

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1576	Alabama.....	1,000
1577	Mississippi.....	1,000
1578	Louisiana.....	5,000
1579	Texas.....	2,500
1580	Total.....	\$13,000

1581

1582 The proration and total cost per annum of \$13,000, above-

1583 mentioned, is estimated only, for initial operations, and may be

1584 changed when found necessary by the commission and approved by

1585 the legislatures of the respective states. Each state party

1586 hereto agrees to provide in the manner most acceptable to it,

1587 the travel costs and necessary expenses of its commissioners and

1588 other representatives to and from meetings of the commission or

1589 its duly constituted sections or committees.

1590

1591 **ARTICLE XIII**

1592

1593 This compact shall continue in force and remain binding

1594 upon each compacting state until renounced by act of the

1595 legislature of such state, in such form as it may choose;

1596 provided that such renunciation shall not become effective until

1597 6 months after the effective date of the action taken by the

1598 legislature. Notice of such renunciation shall be given to the

1599 other states party hereto by the secretary of state of the

1600 compacting state so renouncing upon passage of the act.

1601 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In pursuance

1602 of article III of said compact, there shall be three members

1603 (hereinafter called commissioners) of the Gulf States Marine

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1604 Fisheries Commission (hereafter called commission) from the
1605 State of Florida. The first commissioner from the State of
1606 Florida shall be the Executive Director of the Fish and Wildlife
1607 Conservation Commission, ex officio, and the term of any such ex
1608 officio commissioner shall terminate at the time he or she
1609 ceases to hold said office of Executive Director of the Fish and
1610 Wildlife Conservation Commission, and his or her successor as
1611 commissioner shall be his or her successor as executive
1612 director. The second commissioner from the State of Florida
1613 shall be a legislator appointed on a rotating basis by the
1614 President of the Senate or the Speaker of the House of
1615 Representatives, beginning with the appointment of a member of
1616 the House of Representatives, and the term of any such
1617 commissioner shall terminate at the time he or she ceases to
1618 hold said legislative office. The Governor (subject to
1619 confirmation by the Senate) shall appoint a citizen as a third
1620 commissioner who shall have a knowledge of and interest in the
1621 marine fisheries problem. The term of said commissioner shall be
1622 3 years and the commissioner shall hold office until a successor
1623 shall be appointed and qualified. Vacancies occurring in the
1624 office of such commissioner from any reason or cause shall be
1625 filled by appointment by the Governor (subject to confirmation
1626 by the Senate) for the unexpired term. The Executive Director of
1627 the Fish and Wildlife Conservation Commission, as ex officio
1628 commissioner, may delegate, from time to time, to any deputy or
1629 other subordinate in his or her department or office, the power
1630 to be present and participate, including voting, as his or her
1631 representative or substitute at any meeting of or hearing by or

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1632 other proceeding of the commission. The terms of each of the
1633 initial three members shall begin at the date of the appointment
1634 of the appointive commissioner, provided the said compact shall
1635 then have gone into effect in accordance with article II of the
1636 compact; otherwise they shall begin upon the date upon which
1637 said compact shall become effective in accordance with said
1638 article II.

1639 Any commissioner may be removed from office by the Governor
1640 upon charges and after a hearing.

1641 (3) COMMISSION; POWERS.--There is hereby granted to the
1642 commission and the commissioners thereof all the powers provided
1643 for in the said compact and all the powers necessary or
1644 incidental to the carrying out of said compact in every
1645 particular. All officers of the State of Florida are hereby
1646 authorized and directed to do all things falling within their
1647 respective provinces and jurisdiction necessary or incidental to
1648 the carrying out of said compact in every particular; it being
1649 hereby declared to be the policy of the State of Florida to
1650 perform and carry out the said compact and to accomplish the
1651 purposes thereof. All officers, bureaus, departments and persons
1652 of and in the state government or administration of the State of
1653 Florida are hereby authorized and directed at convenient times
1654 and upon request of the said commission to furnish the said
1655 commission with information and data possessed by them or any of
1656 them and to aid said commission by loan of personnel or other
1657 means lying within their legal rights respectively.

1658 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
1659 granted to the commissioner shall be regarded as in aid of and

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1660 supplemental to and in no case a limitation upon any of the
 1661 powers vested in said commission by other laws of the State of
 1662 Florida or by the laws of the States of Alabama, Mississippi,
 1663 Louisiana, Texas and Florida or by the Congress or the terms of
 1664 said compact.

1665 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--The
 1666 commission shall keep accurate accounts of all receipts and
 1667 disbursements and shall report to the Governor and the
 1668 Legislature of the State of Florida on or before the 10th day of
 1669 December in each year, setting forth in detail the transactions
 1670 conducted by it during the 12 months preceding December 1 of
 1671 that year and shall make recommendations for any legislative
 1672 action deemed by it advisable, including amendments to the
 1673 statutes of the State of Florida which may be necessary to carry
 1674 out the intent and purposes of the compact between the signatory
 1675 states.

1676 The Department of Financial Services is authorized and
 1677 empowered from time to time to examine the accounts and books of
 1678 the commission, including its receipts, disbursements and such
 1679 other items referring to its financial standing as such
 1680 department deems proper and to report the results of such
 1681 examination to the governor of such state.

1682 Section 38. Section 372.831, Florida Statutes, is
 1683 renumbered as section 379.2255, Florida Statutes, and amended to
 1684 read:

1685 379.2255 ~~372.831~~ Wildlife Violator Compact Act.--The
 1686 Wildlife Violator Compact is created and entered into with all

1687 other jurisdictions legally joining therein in the form
 1688 substantially as follows:

1690 ARTICLE I
 1691 Findings and Purpose

1693 (1) The participating states find that:

1694 (a) Wildlife resources are managed in trust by the
 1695 respective states for the benefit of all residents and visitors.

1696 (b) The protection of the wildlife resources of a state is
 1697 materially affected by the degree of compliance with state
 1698 statutes, laws, regulations, ordinances, and administrative
 1699 rules relating to the management of such resources.

1700 (c) The preservation, protection, management, and
 1701 restoration of wildlife contributes immeasurably to the
 1702 aesthetic, recreational, and economic aspects of such natural
 1703 resources.

1704 (d) Wildlife resources are valuable without regard to
 1705 political boundaries; therefore, every person should be required
 1706 to comply with wildlife preservation, protection, management,
 1707 and restoration laws, ordinances, and administrative rules and
 1708 regulations of the participating states as a condition precedent
 1709 to the continuance or issuance of any license to hunt, fish,
 1710 trap, or possess wildlife.

1711 (e) Violation of wildlife laws interferes with the
 1712 management of wildlife resources and may endanger the safety of
 1713 persons and property.

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1714 (f) The mobility of many wildlife law violators
1715 necessitates the maintenance of channels of communication among
1716 the various states.

1717 (g) In most instances, a person who is cited for a
1718 wildlife violation in a state other than his or her home state
1719 is:

1720 1. Required to post collateral or a bond to secure
1721 appearance for a trial at a later date;

1722 2. Taken into custody until the collateral or bond is
1723 posted; or

1724 3. Taken directly to court for an immediate appearance.

1725 (h) The purpose of the enforcement practices set forth in
1726 paragraph (g) is to ensure compliance with the terms of a
1727 wildlife citation by the cited person who, if permitted to
1728 continue on his or her way after receiving the citation, could
1729 return to his or her home state and disregard his or her duty
1730 under the terms of the citation.

1731 (i) In most instances, a person receiving a wildlife
1732 citation in his or her home state is permitted to accept the
1733 citation from the officer at the scene of the violation and
1734 immediately continue on his or her way after agreeing or being
1735 instructed to comply with the terms of the citation.

1736 (j) The practices described in paragraph (g) cause
1737 unnecessary inconvenience and, at times, a hardship for the
1738 person who is unable at the time to post collateral, furnish a
1739 bond, stand trial, or pay a fine, and thus is compelled to
1740 remain in custody until some alternative arrangement is made.

1741 (k) The enforcement practices described in paragraph (g)
 1742 consume an undue amount of time of law enforcement agencies.

1743 (2) It is the policy of the participating states to:

1744 (a) Promote compliance with the statutes, laws,
 1745 ordinances, regulations, and administrative rules relating to
 1746 the management of wildlife resources in their respective states.

1747 (b) Recognize a suspension of the wildlife license
 1748 privileges of any person whose license privileges have been
 1749 suspended by a participating state and treat such suspension as
 1750 if it had occurred in each respective state.

1751 (c) Allow a violator, except as provided in subsection (2)
 1752 of Article III, to accept a wildlife citation and, without
 1753 delay, proceed on his or her way, whether or not the violator is
 1754 a resident of the state in which the citation was issued, if the
 1755 violator's home state is party to this compact.

1756 (d) Report to the appropriate participating state, as
 1757 provided in the compact manual, any conviction recorded against
 1758 any person whose home state was not the issuing state.

1759 (e) Allow the home state to recognize and treat
 1760 convictions recorded against its residents, which convictions
 1761 occurred in a participating state, as though they had occurred
 1762 in the home state.

1763 (f) Extend cooperation to its fullest extent among the
 1764 participating states for enforcing compliance with the terms of
 1765 a wildlife citation issued in one participating state to a
 1766 resident of another participating state.

1767 (g) Maximize the effective use of law enforcement
 1768 personnel and information.

1769 (h) Assist court systems in the efficient disposition of
 1770 wildlife violations.

1771 (3) The purpose of this compact is to:

1772 (a) Provide a means through which participating states may
 1773 join in a reciprocal program to effectuate the policies
 1774 enumerated in subsection (2) in a uniform and orderly manner.

1775 (b) Provide for the fair and impartial treatment of
 1776 wildlife violators operating within participating states in
 1777 recognition of the violator's right to due process and the
 1778 sovereign status of a participating state.

1779

1780 ARTICLE II
 1781 Definitions

1782

1783 As used in this compact, the term:

1784 (1) "Citation" means any summons, complaint, summons and
 1785 complaint, ticket, penalty assessment, or other official
 1786 document issued to a person by a wildlife officer or other peace
 1787 officer for a wildlife violation which contains an order
 1788 requiring the person to respond.

1789 (2) "Collateral" means any cash or other security
 1790 deposited to secure an appearance for trial in connection with
 1791 the issuance by a wildlife officer or other peace officer of a
 1792 citation for a wildlife violation.

1793 (3) "Compliance" with respect to a citation means the act
 1794 of answering a citation through an appearance in a court or
 1795 tribunal, or through the payment of fines, costs, and
 1796 surcharges, if any.

1797 (4) "Conviction" means a conviction that results in
 1798 suspension or revocation of a license, including any court
 1799 conviction, for any offense related to the preservation,
 1800 protection, management, or restoration of wildlife which is
 1801 prohibited by state statute, law, regulation, ordinance, or
 1802 administrative rule. The term also includes the forfeiture of
 1803 any bail, bond, or other security deposited to secure appearance
 1804 by a person charged with having committed any such offense, the
 1805 payment of a penalty assessment, a plea of nolo contendere, or
 1806 the imposition of a deferred or suspended sentence by the court.

1807 (5) "Court" means a court of law, including magistrate's
 1808 court and the justice of the peace court.

1809 (6) "Home state" means the state of primary residence of a
 1810 person.

1811 (7) "Issuing state" means the participating state that
 1812 issues a wildlife citation to the violator.

1813 (8) "License" means any license, permit, or other public
 1814 document that conveys to the person to whom it was issued the
 1815 privilege of pursuing, possessing, or taking any wildlife
 1816 regulated by statute, law, regulation, ordinance, or
 1817 administrative rule of a participating state; any privilege to
 1818 obtain such license, permit, or other public document; or any
 1819 statutory exemption from the requirement to obtain such license,
 1820 permit, or other public document. However, when applied to a
 1821 license, permit, or privilege issued or granted by the State of
 1822 Florida, only a license or permit issued under s. 379.354
 1823 ~~372.57~~, or a privilege granted under s. 379.353 ~~372.562~~, shall
 1824 be considered a license.

1825 (9) "Licensing authority" means the department or division
 1826 within each participating state which is authorized by law to
 1827 issue or approve licenses or permits to hunt, fish, trap, or
 1828 possess wildlife.

1829 (10) "Participating state" means any state that enacts
 1830 legislation to become a member of this wildlife compact.

1831 (11) "Personal recognizance" means an agreement by a
 1832 person made at the time of issuance of the wildlife citation
 1833 that such person will comply with the terms of the citation.

1834 (12) "State" means any state, territory, or possession of
 1835 the United States, the District of Columbia, the Commonwealth of
 1836 Puerto Rico, the Provinces of Canada, and other countries.

1837 (13) "Suspension" means any revocation, denial, or
 1838 withdrawal of any or all license privileges, including the
 1839 privilege to apply for, purchase, or exercise the benefits
 1840 conferred by any license.

1841 (14) "Terms of the citation" means those conditions and
 1842 options expressly stated upon the citation.

1843 (15) "Wildlife" means all species of animals, including,
 1844 but not limited to, mammals, birds, fish, reptiles, amphibians,
 1845 mollusks, and crustaceans, which are defined as "wildlife" and
 1846 are protected or otherwise regulated by statute, law,
 1847 regulation, ordinance, or administrative rule in a participating
 1848 state. Species included in the definition of "wildlife" vary
 1849 from state to state and the determination of whether a species
 1850 is "wildlife" for the purposes of this compact shall be based on
 1851 local law.

1852 (16) "Wildlife law" means any statute, law, regulation,
 1853 ordinance, or administrative rule developed and enacted for the
 1854 management of wildlife resources and the uses thereof.

1855 (17) "Wildlife officer" means any individual authorized by
 1856 a participating state to issue a citation for a wildlife
 1857 violation.

1858 (18) "Wildlife violation" means any cited violation of a
 1859 statute, law, regulation, ordinance, or administrative rule
 1860 developed and enacted for the management of wildlife resources
 1861 and the uses thereof.

1863 ARTICLE III

1864 Procedures for Issuing State

1865
 1866 (1) When issuing a citation for a wildlife violation, a
 1867 wildlife officer shall issue a citation to any person whose
 1868 primary residence is in a participating state in the same manner
 1869 as though the person were a resident of the issuing state and
 1870 shall not require such person to post collateral to secure
 1871 appearance, subject to the exceptions noted in subsection (2),
 1872 if the officer receives the recognizance of such person that he
 1873 will comply with the terms of the citation.

1874 (2) Personal recognizance is acceptable if not prohibited
 1875 by local law; by policy, procedure, or regulation of the issuing
 1876 agency; or by the compact manual and if the violator provides
 1877 adequate proof of identification to the wildlife officer.

1878 (3) Upon conviction or failure of a person to comply with
 1879 the terms of a wildlife citation, the appropriate official shall

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1880 report the conviction or failure to comply to the licensing
 1881 authority of the participating state in which the wildlife
 1882 citation was issued. The report shall be made in accordance with
 1883 procedures specified by the issuing state and must contain
 1884 information as specified in the compact manual as minimum
 1885 requirements for effective processing by the home state.

1886 (4) Upon receipt of the report of conviction or
 1887 noncompliance pursuant to subsection (3), the licensing
 1888 authority of the issuing state shall transmit to the licensing
 1889 authority of the home state of the violator the information in
 1890 the form and content prescribed in the compact manual.

1892 ARTICLE IV

1893 Procedure for Home State

1894
 1895 (1) Upon receipt of a report from the licensing authority
 1896 of the issuing state reporting the failure of a violator to
 1897 comply with the terms of a citation, the licensing authority of
 1898 the home state shall notify the violator and shall initiate a
 1899 suspension action in accordance with the home state's suspension
 1900 procedures and shall suspend the violator's license privileges
 1901 until satisfactory evidence of compliance with the terms of the
 1902 wildlife citation has been furnished by the issuing state to the
 1903 home state licensing authority. Due-process safeguards shall be
 1904 accorded.

1905 (2) Upon receipt of a report of conviction from the
 1906 licensing authority of the issuing state, the licensing
 1907 authority of the home state shall enter such conviction in its

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1908 records and shall treat such conviction as though it occurred in
 1909 the home state for purposes of the suspension of license
 1910 privileges.

1911 (3) The licensing authority of the home state shall
 1912 maintain a record of actions taken and shall make reports to
 1913 issuing states as provided in the compact manual.

1914

ARTICLE V

Reciprocal Recognition of Suspension

1917

1918 (1) Each participating state may recognize the suspension
 1919 of license privileges of any person by any other participating
 1920 state as though the violation resulting in the suspension had
 1921 occurred in that state and would have been the basis for
 1922 suspension of license privileges in that state.

1923 (2) Each participating state shall communicate suspension
 1924 information to other participating states in the form and
 1925 content contained in the compact manual.

1926

ARTICLE VI

Applicability of Other Laws

1929

1930 Except as expressly required by provisions of this compact, this
 1931 compact does not affect the right of any participating state to
 1932 apply any of its laws relating to license privileges to any
 1933 person or circumstance or to invalidate or prevent any agreement
 1934 or other cooperative arrangement between a participating state

1935 and a nonparticipating state concerning the enforcement of
 1936 wildlife laws.

1937

1938 ARTICLE VII

1939 Compact Administrator Procedures

1940

1941 (1) For the purpose of administering the provisions of
 1942 this compact and to serve as a governing body for the resolution
 1943 of all matters relating to the operation of this compact, a
 1944 board of compact administrators is established. The board shall
 1945 be composed of one representative from each of the participating
 1946 states to be known as the compact administrator. The compact
 1947 administrator shall be appointed by the head of the licensing
 1948 authority of each participating state and shall serve and be
 1949 subject to removal in accordance with the laws of the state he
 1950 or she represents. A compact administrator may provide for the
 1951 discharge of his or her duties and the performance of his or her
 1952 functions as a board member by an alternate. An alternate is not
 1953 entitled to serve unless written notification of his or her
 1954 identity has been given to the board.

1955 (2) Each member of the board of compact administrators
 1956 shall be entitled to one vote. No action of the board shall be
 1957 binding unless taken at a meeting at which a majority of the
 1958 total number of the board's votes are cast in favor thereof.
 1959 Action by the board shall be only at a meeting at which a
 1960 majority of the participating states are represented.

1961 (3) The board shall elect annually from its membership a
 1962 chairman and vice chairman.

1963 (4) The board shall adopt bylaws not inconsistent with the
 1964 provisions of this compact or the laws of a participating state
 1965 for the conduct of its business and shall have the power to
 1966 amend and rescind its bylaws.

1967 (5) The board may accept for any of its purposes and
 1968 functions under this compact any and all donations and grants of
 1969 moneys, equipment, supplies, materials, and services,
 1970 conditional or otherwise, from any state, the United States, or
 1971 any governmental agency, and may receive, use, and dispose of
 1972 the same.

1973 (6) The board may contract with, or accept services or
 1974 personnel from, any governmental or intergovernmental agency,
 1975 individual, firm, corporation, or private nonprofit organization
 1976 or institution.

1977 (7) The board shall formulate all necessary procedures and
 1978 develop uniform forms and documents for administering the
 1979 provisions of this compact. All procedures and forms adopted
 1980 pursuant to board action shall be contained in a compact manual.

1981

1982 ARTICLE VIII

1983 Entry into Compact and Withdrawal

1984

1985 (1) This compact shall become effective at such time as it
 1986 is adopted in substantially similar form by two or more states.

1987 (2)

1988 (a) Entry into the compact shall be made by resolution of
 1989 ratification executed by the authorized officials of the
 1990 applying state and submitted to the chairman of the board.

1991 (b) The resolution shall substantially be in the form and
 1992 content as provided in the compact manual and must include the
 1993 following:

1994 1. A citation of the authority from which the state is
 1995 empowered to become a party to this compact;

1996 2. An agreement of compliance with the terms and
 1997 provisions of this compact; and

1998 3. An agreement that compact entry is with all states
 1999 participating in the compact and with all additional states
 2000 legally becoming a party to the compact.

2001 (c) The effective date of entry shall be specified by the
 2002 applying state, but may not be less than 60 days after notice
 2003 has been given by the chairman of the board of the compact
 2004 administrators or by the secretariat of the board to each
 2005 participating state that the resolution from the applying state
 2006 has been received.

2007 (3) A participating state may withdraw from participation
 2008 in this compact by official written notice to each participating
 2009 state, but withdrawal shall not become effective until 90 days
 2010 after the notice of withdrawal is given. The notice must be
 2011 directed to the compact administrator of each member state. The
 2012 withdrawal of any state does not affect the validity of this
 2013 compact as to the remaining participating states.

2014
 2015 ARTICLE IX

2016 Amendments to the Compact

2017

2018 (1) This compact may be amended from time to time.
 2019 Amendments shall be presented in resolution form to the chairman
 2020 of the board of compact administrators and shall be initiated by
 2021 one or more participating states.

2022 (2) Adoption of an amendment shall require endorsement by
 2023 all participating states and shall become effective 30 days
 2024 after the date of the last endorsement.

2025
 2026 ARTICLE X

2027 Construction and Severability

2028
 2029 This compact shall be liberally construed so as to effectuate
 2030 the purposes stated herein. The provisions of this compact are
 2031 severable and if any phrase, clause, sentence, or provision of
 2032 this compact is declared to be contrary to the constitution of
 2033 any participating state or of the United States, or if the
 2034 applicability thereof to any government, agency, individual, or
 2035 circumstance is held invalid, the validity of the remainder of
 2036 this compact shall not be affected thereby. If this compact is
 2037 held contrary to the constitution of any participating state,
 2038 the compact shall remain in full force and effect as to the
 2039 remaining states and in full force and effect as to the
 2040 participating state affected as to all severable matters.

2041
 2042 ARTICLE XI

2043 Title

2044

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2045 This compact shall be known as the "Wildlife Violator
2046 Compact."

2047 Section 39. Section 372.8311, Florida Statutes, is
2048 renumbered as section 379.2256, Florida Statutes, and amended to
2049 read:

2050 379.2256 ~~372.8311~~ Compact licensing and enforcement
2051 authority; administrative review.--

2052 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of
2053 this act and the interstate Wildlife Violator Compact, the Fish
2054 and Wildlife Conservation Commission is the licensing authority
2055 for the State of Florida and shall enforce the interstate
2056 Wildlife Violator Compact and shall do all things within the
2057 commission's jurisdiction which are necessary to effectuate the
2058 purposes and the intent of the compact. The commission may
2059 execute a resolution of ratification to formalize the State of
2060 Florida's entry into the compact. Upon adoption of the Wildlife
2061 Violator Compact, the commission may adopt rules to administer
2062 the provisions of the compact.

2063 (2) ADMINISTRATIVE REVIEW.--Any action committed or
2064 omitted by the Fish and Wildlife Conservation Commission under
2065 or in the enforcement of the Wildlife Violator Compact created
2066 in s. 379.2255 ~~372.831~~ is subject to review under chapter 120.

2067 Section 40. Section 372.74, Florida Statutes, is
2068 renumbered as section 379.2257, Florida Statutes, to read:

2069 379.2257 ~~372.74~~ Cooperative agreements with U. S. Forest
2070 Service; penalty.--The Fish and Wildlife Conservation Commission
2071 is authorized and empowered:

2072 (1) To enter into cooperative agreements with the United
 2073 States Forest Service for the development of game, bird, fish,
 2074 reptile, or fur-bearing animal management and demonstration
 2075 projects on and in the Osceola National Forest in Columbia and
 2076 Baker Counties, and in the Ocala National Forest in Marion,
 2077 Lake, and Putnam Counties and in the Apalachicola National
 2078 Forest in Liberty County. Provided, however, that no such
 2079 cooperative agreements shall become effective in any county
 2080 concerned until confirmed by the board of county commissioners
 2081 of such county expressed through appropriate resolution.

2082 (2) In cooperation with the United States Forest Service,
 2083 to make, adopt, promulgate, amend, and repeal rules and
 2084 regulations, consistent with law, for the further or better
 2085 control of hunting, fishing, and control of wildlife in the
 2086 above National Forests or parts thereof; to shorten seasons and
 2087 reduce bag limits, or shorten or close seasons on any species of
 2088 game, bird, fish, reptile, or fur-bearing animal within the
 2089 limits prescribed by the Florida law, in the above enumerated
 2090 National Forests or parts thereof, when it shall find after
 2091 investigation that such action is necessary to assure the
 2092 maintenance of an adequate supply of wildlife.

2093 (3) To fix a charge not to exceed \$5, for persons 18 years
 2094 of age and over, and not to exceed \$2 for persons under the age
 2095 of 18 years, over and above the license fee for hunting now
 2096 required by law. This additional fee is to apply only on areas
 2097 covered by above cooperative agreements. The proceeds from this
 2098 additional license fee shall be used in the development,
 2099 propagation of wildlife, and protection of the areas covered by

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2100 the cooperative agreements as the commission and the United
2101 States Forest Service may deem proper. Nothing in this section
2102 shall be construed as authorizing the commission to change any
2103 penalty prescribed by law or to change the amount of general
2104 license fees or the general authority conferred by licenses
2105 prescribed by law.

2106 (4) In addition to the requirements of chapter 120, notice
2107 of the making, adoption, and promulgation of the above rules and
2108 regulations shall be given by posting said notices, or copies of
2109 the rules and regulations, in the offices of the county judges
2110 and in the post offices within the area to be affected and
2111 within 10 miles thereof. In addition to the posting of said
2112 notices, as aforesaid, copies of said notices or of said rules
2113 and regulations shall also be published in newspapers published
2114 at the county seats of Baker, Columbia, Marion, Lake, Putnam,
2115 and Liberty Counties, or so many thereof as have newspapers,
2116 once not more than 35 nor less than 28 days and once not more
2117 than 21 nor less than 14 days prior to the opening of the state
2118 hunting season in said areas. Any person violating any rules or
2119 regulations promulgated by the commission to cover these areas
2120 under cooperative agreements between the Fish and Wildlife
2121 Conservation Commission and the United States Forest Service,
2122 none of which shall be in conflict with the laws of Florida,
2123 shall be guilty of a misdemeanor of the second degree,
2124 punishable as provided in s. 775.082 or s. 775.083.

2125 Section 41. Section 372.77, Florida Statutes, is
2126 renumbered as section 379.2258, Florida Statutes, to read:

2127 379.2258 ~~372.77~~ Assent to provisions of Act of Congress of
 2128 September 2, 1937.--

2129 (1) The state hereby assents to the provisions of the Act
 2130 of Congress entitled "An Act to provide that the United States
 2131 shall aid the States in Wildlife Restoration Projects, and for
 2132 other purposes," approved September 2, 1937 (Pub. L. No. 415,
 2133 75th Congress), and the Fish and Wildlife Conservation
 2134 Commission is hereby authorized, empowered, and directed to
 2135 perform such acts as may be necessary to the conduct and
 2136 establishment of cooperative wildlife restoration projects, as
 2137 defined in said Act of Congress, in compliance with said act and
 2138 rules and regulations promulgated by the Secretary of
 2139 Agriculture thereunder.

2140 (2) From and after the passage of this section it shall be
 2141 unlawful to divert any funds accruing to the state from license
 2142 fees paid by hunters for any purpose other than the
 2143 administration of the Fish and Wildlife Conservation Commission
 2144 of the state.

2145 Section 42. Section 372.7701, Florida Statutes, is
 2146 renumbered as section 379.2259, Florida Statutes, and amended to
 2147 read:

2148 379.2259 ~~372.7701~~ Assent to federal acts.--

2149 (1) The state hereby assents to the provisions of the
 2150 Federal Aid in Fish Restoration Act of August 9, 1950, as
 2151 amended. The Fish and Wildlife Conservation Commission shall
 2152 perform such activities as are necessary to conduct wildlife and
 2153 sportfish restoration projects, as defined in such Act of
 2154 Congress and in compliance with the act and rules adopted

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2155 | thereunder by the United States Department of the Interior.
 2156 | Furthermore, the commission shall develop and implement programs
 2157 | to manage, protect, restore, and conserve marine mammals and the
 2158 | marine fishery and shall develop and implement similar programs
 2159 | for wild animal life and freshwater aquatic life.

2160 | (2) Revenues from fees paid by hunters and sport fishers
 2161 | may not be diverted to purposes other than the administration of
 2162 | fish and wildlife programs by the Fish and Wildlife Conservation
 2163 | Commission. Administration of the state fish and wildlife
 2164 | programs includes only those functions of fish and wildlife
 2165 | management as are the responsibility of and under the authority
 2166 | of the Fish and Wildlife Conservation Commission.

2167 | (3) This section shall be construed in harmony with s.
 2168 | 379.2258 ~~372.77~~.

2169 | Section 43. Section 370.21, Florida Statutes, is
 2170 | renumbered as section 379.226, Florida Statutes, and amended to
 2171 | read:

2172 | 379.226 ~~370.21~~ Florida Territorial Waters Act; alien-owned
 2173 | commercial fishing vessels; prohibited acts; enforcement.--

2174 | (1) This act may be known and cited as the "Florida
 2175 | Territorial Waters Act."

2176 | (2) It is the purpose of this act to exercise and exert
 2177 | full sovereignty and control of the territorial waters of the
 2178 | state.

2179 | (3) No license shall be issued by the Fish and Wildlife
 2180 | Conservation Commission under s. 379.361 ~~370.06~~, to any vessel
 2181 | owned in whole or in part by any alien power, which subscribes
 2182 | to the doctrine of international communism, or any subject or

2183 national thereof, who subscribes to the doctrine of
 2184 international communism, or any individual who subscribes to the
 2185 doctrine of international communism, or who shall have signed a
 2186 treaty of trade, friendship and alliance or a nonaggression pact
 2187 with any communist power. The commission shall grant or withhold
 2188 said licenses where other alien vessels are involved on the
 2189 basis of reciprocity and retorsion, unless the nation concerned
 2190 shall be designated as a friendly ally or neutral by a formal
 2191 suggestion transmitted to the Governor of Florida by the
 2192 Secretary of State of the United States. Upon the receipt of
 2193 such suggestion licenses shall be granted under s. 379.361
 2194 ~~370.06~~, without regard to reciprocity and retorsion, to vessels
 2195 of such nations.

2196 (4) It is unlawful for any unlicensed alien vessel to take
 2197 by any means whatsoever, attempt to take, or having so taken to
 2198 possess, any natural resource of the state's territorial waters,
 2199 as such waters are described by Art. II of the State
 2200 Constitution.

2201 (5) It is the duty of all harbormasters of the state to
 2202 prevent the use of any port facility in a manner which they
 2203 reasonably suspect may assist in the violation of this act.
 2204 Harbormasters shall endeavor by all reasonable means, which may
 2205 include the inspection of nautical logs, to ascertain from
 2206 masters of newly arrived vessels of all types other than
 2207 warships of the United States, the presence of alien commercial
 2208 fishing vessels within the territorial waters of the state, and
 2209 shall transmit such information promptly to the Fish and
 2210 Wildlife Conservation Commission and such law enforcement

2211 agencies of the state as the situation may indicate.
 2212 Harbormasters shall request assistance from the United States
 2213 Coast Guard in appropriate cases to prevent unauthorized
 2214 departure from any port facility.

2215 (6) All licensed harbor pilots are required to promptly
 2216 transmit any knowledge coming to their attention regarding
 2217 possible violations of this act to the harbormaster of the port
 2218 or the appropriate law enforcement officials.

2219 (7) All law enforcement agencies of the state, including
 2220 but not limited to sheriffs and officers of the Fish and
 2221 Wildlife Conservation Commission, are empowered and directed to
 2222 arrest the masters and crews of vessels who are reasonably
 2223 believed to be in violation of this law, and to seize and detain
 2224 such vessels, their equipment and catch. Such arresting officers
 2225 shall take the offending crews or property before the court
 2226 having jurisdiction of such offenses. All such agencies are
 2227 directed to request assistance from the United States Coast
 2228 Guard in the enforcement of this act when having knowledge of
 2229 vessels operating in violation or probable violation of this act
 2230 within their jurisdictions when such agencies are without means
 2231 to effectuate arrest and restraint of vessels and their crews.

2232 (8) The fine or imprisonment of persons and confiscation
 2233 proceedings against vessels, gear and catch prescribed for
 2234 violations of this chapter, shall be imposed for violation of
 2235 this act; provided that nothing herein shall authorize the
 2236 repurchase of property for a nominal sum by the owner upon proof
 2237 of lack of complicity in the violation or undertaking.

2238 (9) No crew member or master seeking bona fide political
2239 asylum shall be fined or imprisoned hereunder.

2240 (10) Harbormasters and law enforcement agencies are
2241 authorized to request assistance from the Civil Air Patrol in
2242 the surveillance of suspect vessels. Aircraft of the Division of
2243 Forestry of the Department of Agriculture and Consumer Services
2244 or other state or county agencies which are conveniently located
2245 and not otherwise occupied may be similarly utilized.

2246 Section 44. Section 370.06092, Florida Statutes, is
2247 renumbered as section 379.2271, Florida Statutes, to read:

2248 379.2271 ~~370.06092~~ Harmful-Algal-Bloom Task Force.--

2249 (1) There is established a Harmful-Algal-Bloom Task Force
2250 for the purpose of determining research, monitoring, control,
2251 and mitigation strategies for red tide and other harmful algal
2252 blooms in Florida waters. The Fish and Wildlife Research
2253 Institute shall appoint to the task force scientists, engineers,
2254 economists, members of citizen groups, and members of
2255 government. The task force shall determine research and
2256 monitoring priorities and control and mitigation strategies and
2257 make recommendations to the Fish and Wildlife Research Institute
2258 for using funds as provided in this act.

2259 (2) The Harmful-Algal-Bloom Task Force shall:

2260 (a) Review the status and adequacy of information for
2261 monitoring physical, chemical, biological, economic, and public
2262 health factors affecting harmful algal blooms in Florida;

2263 (b) Develop research and monitoring priorities for harmful
2264 algal blooms in Florida, including detection, prediction,
2265 mitigation, and control;

2266 (c) Develop recommendations that can be implemented by
 2267 state and local governments to develop a response plan and to
 2268 predict, mitigate, and control the effects of harmful algal
 2269 blooms; and

2270 (d) Make recommendations to the Fish and Wildlife Research
 2271 Institute for research, detection, monitoring, prediction,
 2272 mitigation, and control of harmful algal blooms in Florida.

2273 Section 45. Section 370.06093, Florida Statutes, is
 2274 renumbered as section 379.2272, Florida Statutes, to read:

2275 379.2272 ~~370.06093~~ Harmful-algal-bloom program;
 2276 implementation; goals; funding.--

2277 (1)(a) The Fish and Wildlife Research Institute shall
 2278 implement a program designed to increase the knowledge of
 2279 factors that control harmful algal blooms, including red tide,
 2280 and to gain knowledge to be used for the early detection of
 2281 factors precipitating harmful algal blooms for accurate
 2282 prediction of the extent and seriousness of harmful algal blooms
 2283 and for undertaking successful efforts to control and mitigate
 2284 the effects of harmful algal blooms.

2285 (b) The Legislature intends that this program enhance and
 2286 address areas that are not adequately covered in the cooperative
 2287 federal-state program known as Ecology and Oceanography of
 2288 Harmful Algal Blooms (ECOHAB-Florida), which includes the
 2289 University of South Florida, the Mote Marine Laboratory, and the
 2290 Fish and Wildlife Research Institute.

2291 (c) The goal of this program is to enable resource
 2292 managers to assess the potential for public health damage and
 2293 economic damage from a given bloom and to undertake control and

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2294 mitigation efforts through the development and application of an
 2295 integrated detection and prediction network for monitoring and
 2296 responding to the development and movement of harmful algal
 2297 blooms in Florida marine and estuarine waters.

2298 (2) A financial disbursement program is created within the
 2299 Fish and Wildlife Research Institute to implement the provisions
 2300 of this act. Under the program, the institute shall provide
 2301 funding and technical assistance to government agencies,
 2302 research universities, coastal local governments, and
 2303 organizations with scientific and technical expertise for the
 2304 purposes of harmful-algal-bloom research, economic impact study,
 2305 monitoring, detection, control, and mitigation. The program may
 2306 be funded from state, federal, and private contributions.

2307 Section 46. Section 372.97, Florida Statutes, is
 2308 renumbered as section 379.2281, Florida Statutes, to read:

2309 379.2281 ~~372.97~~ Jim Woodruff Dam; reciprocity
 2310 agreements.--The Fish and Wildlife Conservation Commission of
 2311 the state is hereby authorized to enter into an agreement of the
 2312 reciprocity with the game and fish commissioners or the
 2313 appropriate officials or departments of the State of Georgia and
 2314 the State of Alabama relative to the taking of game and
 2315 freshwater fish from the waters of the lake created by the Jim
 2316 Woodruff Dam by permitting reciprocal license privileges.

2317 Section 47. Section 372.971, Florida Statutes, is
 2318 renumbered as section 379.2282, Florida Statutes, to read:

2319 379.2282 ~~372.971~~ St. Marys River; reciprocity
 2320 agreements.--The Fish and Wildlife Conservation Commission of
 2321 the state is hereby authorized to enter into an agreement of

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2322 reciprocity with the game and fish commissioner or the
 2323 appropriate officials or departments of the State of Georgia
 2324 relative to the taking of game and freshwater fish from the
 2325 waters of the St. Marys River by permitting reciprocal agreement
 2326 license privileges.

2327 Section 48. Section 372.072, Florida Statutes, is
 2328 renumbered as 379.2291, Florida Statutes, to read:

2329 379.2291 ~~372.072~~ Endangered and Threatened Species Act.--

2330 (1) SHORT TITLE.--This section may be cited as the
 2331 "Florida Endangered and Threatened Species Act."

2332 (2) DECLARATION OF POLICY.--The Legislature recognizes
 2333 that the State of Florida harbors a wide diversity of fish and
 2334 wildlife and that it is the policy of this state to conserve and
 2335 wisely manage these resources, with particular attention to
 2336 those species defined by the Fish and Wildlife Conservation
 2337 Commission, the Department of Environmental Protection, or the
 2338 United States Department of Interior, or successor agencies, as
 2339 being endangered or threatened. As Florida has more endangered
 2340 and threatened species than any other continental state, it is
 2341 the intent of the Legislature to provide for research and
 2342 management to conserve and protect these species as a natural
 2343 resource.

2344 (3) DEFINITIONS.--As used in this section:

2345 (a) "Fish and wildlife" means any member of the animal
 2346 kingdom, including, but not limited to, any mammal, fish, bird,
 2347 amphibian, reptile, mollusk, crustacean, arthropod, or other
 2348 invertebrate.

2349 (b) "Endangered species" means any species of fish and
 2350 wildlife naturally occurring in Florida, whose prospects of
 2351 survival are in jeopardy due to modification or loss of habitat;
 2352 overutilization for commercial, sporting, scientific, or
 2353 educational purposes; disease; predation; inadequacy of
 2354 regulatory mechanisms; or other natural or manmade factors
 2355 affecting its continued existence.

2356 (c) "Threatened species" means any species of fish and
 2357 wildlife naturally occurring in Florida which may not be in
 2358 immediate danger of extinction, but which exists in such small
 2359 populations as to become endangered if it is subjected to
 2360 increased stress as a result of further modification of its
 2361 environment.

2362 (4) INTERAGENCY COORDINATION.--

2363 (a) The commission shall be responsible for research and
 2364 management of freshwater and upland species and for research and
 2365 management of marine species.

2366 (b) Recognizing that citizen awareness is a key element in
 2367 the success of this plan, the commission and the Department of
 2368 Education are encouraged to work together to develop a public
 2369 education program with emphasis on, but not limited to, both
 2370 public and private schools.

2371 (c) The commission, in consultation with the Department of
 2372 Agriculture and Consumer Services, the Department of Community
 2373 Affairs, or the Department of Transportation, may establish
 2374 reduced speed zones along roads, streets, and highways to
 2375 protect endangered species or threatened species.

2376 (5) ANNUAL REPORT.--The director of the commission shall,
 2377 at least 30 days prior to each annual session of the
 2378 Legislature, transmit to the Governor and Cabinet, the President
 2379 of the Senate, the Speaker of the House of Representatives, and
 2380 the chairs of the appropriate Senate and House committees, a
 2381 revised and updated plan for management and conservation of
 2382 endangered and threatened species, including criteria for
 2383 research and management priorities; a description of the
 2384 educational program; statewide policies pertaining to protection
 2385 of endangered and threatened species; additional legislation
 2386 which may be required; and the recommended level of funding for
 2387 the following year, along with a progress report and budget
 2388 request.

2389 (6) MEASURABLE BIOLOGICAL GOALS.--Measurable biological
 2390 goals that define manatee recovery developed by the commission,
 2391 working in conjunction with the United States Fish and Wildlife
 2392 Service, shall be used by the commission in its development of
 2393 management plans or work plans. In addition to other criteria,
 2394 these measurable biological goals shall be used by the
 2395 commission when evaluating existing and proposed protection
 2396 rules, and in determining progress in achieving manatee
 2397 recovery. Not later than July 1, 2005, the commission shall
 2398 develop rules to define how measurable biological goals will be
 2399 used by the commission when evaluating the need for additional
 2400 manatee protection rules.

2401 Section 49. Section 372.073, Florida Statutes, is
 2402 renumbered as section 379.2292, Florida Statutes, and amended to
 2403 read:

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2404 379.2292 ~~372.073~~ Endangered and Threatened Species Reward
 2405 Program.--

2406 (1) There is established within the Fish and Wildlife
 2407 Conservation Commission the Endangered and Threatened Species
 2408 Reward Program, to be funded from the Nongame Wildlife Trust
 2409 Fund. The commission may post rewards to persons responsible for
 2410 providing information leading to the arrest and conviction of
 2411 persons illegally killing or wounding or wrongfully possessing
 2412 any of the endangered and threatened species listed on the
 2413 official Florida list of such species maintained by the
 2414 commission or the arrest and conviction of persons who violate
 2415 s. 379.4115 ~~s. 372.667~~ or ~~s. 372.671~~. Additional funds may be
 2416 provided by donations from interested individuals and
 2417 organizations. The reward program is to be administered by the
 2418 commission. The commission shall establish a schedule of
 2419 rewards.

2420 (2) The commission may expend funds only for the following
 2421 purposes:

2422 (a) The payment of rewards to persons, other than law
 2423 enforcement officers, commission personnel, and members of their
 2424 immediate families, for information as specified in subsection
 2425 (1); or

2426 (b) The promotion of public recognition and awareness of
 2427 the Endangered and Threatened Species Reward Program.

2428 Section 50. Section 372.771, Florida Statutes, is
 2429 renumbered as section 379.23, Florida Statutes, to read:

2430 379.23 ~~372.771~~ Federal conservation of fish and wildlife;
 2431 limited jurisdiction.--

2432 (1) Consent of the State of Florida is hereby given, to
 2433 the United States for acquisition of lands, waters, or lands and
 2434 waters or interests therein, for the purpose of managing,
 2435 protecting and propagating fish and wildlife and for other
 2436 conservation uses in the state, providing prior notice has been
 2437 given by the Federal Government to the Board of Trustees of the
 2438 Internal Improvement Trust Fund, the board of county
 2439 commissioners of the county where the lands proposed for
 2440 purchase are located, of such proposed action stating the
 2441 specific use to be made of and the specific location and
 2442 description of such lands desired by the Federal Government for
 2443 any such conservation use, and that such plans for acquisition
 2444 and use of said lands be approved by the Board of Trustees of
 2445 the Internal Improvement Trust Fund, the board of county
 2446 commissioners of the county where the lands proposed for
 2447 purchase are located; provided further that nothing herein
 2448 contained shall be construed to give the consent of the State of
 2449 Florida to the acquisition by the United States of lands,
 2450 waters, or lands and waters, or interests therein, through
 2451 exercise of the power of eminent domain; provided further that
 2452 the provisions of this act shall not apply to lands owned by the
 2453 several counties or by public corporations.

2454 (2) The United States may exercise concurrent jurisdiction
 2455 over lands so acquired and carry out the intent and purpose of
 2456 the authority except that the existing laws of Florida relating
 2457 to the Department of Environmental Protection or the Fish and
 2458 Wildlife Conservation Commission shall prevail relating to any
 2459 area under their supervision.

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2460 Section 51. Section 372.265, Florida Statutes, is
 2461 renumbered as section 379.231, Florida Statutes, and amended to
 2462 read:

2463 379.231 ~~372.265~~ Regulation of foreign animals.--

2464 (1) It is unlawful to import for sale or use, or to
 2465 release within this state, any species of the animal kingdom not
 2466 indigenous to Florida without having obtained a permit to do so
 2467 from the Fish and Wildlife Conservation Commission.

2468 (2) The Fish and Wildlife Conservation Commission is
 2469 authorized to issue or deny such a permit upon the completion of
 2470 studies of the species made by it to determine any detrimental
 2471 effect the species might have on the ecology of the state.

2472 (3) A person in violation of this section commits a Level
 2473 Three violation under s. 379.401 ~~372.83~~.

2474 Section 52. Section 370.03, Florida Statutes, is
 2475 renumbered as section 379.232, Florida Statutes, to read:

2476 379.232 ~~370.03~~ Water bottoms.--

2477 (1) OWNERSHIP.--All beds and bottoms of navigable rivers,
 2478 bayous, lagoons, lakes, bays, sounds, inlets, oceans, gulfs and
 2479 other bodies of water within the jurisdiction of Florida shall
 2480 be the property of the state except such as may be held under
 2481 some grant or alienation heretofore made. No grant, sale or
 2482 conveyance of any water bottom, except conditional leases and
 2483 dispositions hereinafter provided for, shall hereafter be made
 2484 by the state, the Board of Trustees of the Internal Improvement
 2485 Trust Fund, the Department of Agriculture and Consumer Services,
 2486 or any other official or political corporation. Persons who have
 2487 received, or may hereafter receive permits to do business in

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2488 | this state, with their factories, shucking plants and shipping
2489 | depots located in this state, may enjoy the right of fishing for
2490 | oysters and clams from the natural reefs and bedding oysters and
2491 | clams on leased bedding grounds, and shall have the right to
2492 | employ such boats, vessels, or labor and assistants as they may
2493 | need. Provided that no oysters shall be transported unshucked
2494 | and in the shells, out of the state, except for use in what is
2495 | commonly known as the "half-shell trade." When the oyster meats
2496 | have been separated from the shells it shall be permissible to
2497 | ship the meats out of the state for further processing and for
2498 | canning or packing. It shall be unlawful to transport oysters
2499 | out of the state, unshucked and in the shells, for processing or
2500 | packing.

2501 | (2) CONTROL.--The Department of Environmental Protection
2502 | has exclusive power and control over all water bottoms, not held
2503 | under some grant or alienation heretofore made, including such
2504 | as may revert to the state by cancellation or otherwise, and may
2505 | lease the same to any person irrespective of residence or
2506 | citizenship, upon such terms, conditions and restrictions as
2507 | said division may elect to impose, without limitation as to area
2508 | to any one person, for the purpose of granting exclusive right
2509 | to plant oysters or clams thereon and for the purpose of
2510 | fishing, taking, catching, bedding and raising oysters, clams
2511 | and other shellfish. No such lessee shall re-lease, sublease,
2512 | sell or transfer any such water bottom or property; provided,
2513 | that nothing herein contained shall be construed as giving said
2514 | department authority to lease sponge beds.

2515 (3) FEES FOR BOTTOM LEASES, ETC.--The department shall
 2516 charge and receive a fee of \$2 for each lease granted, and in
 2517 all other cases, not specifically provided by this chapter, the
 2518 same fees as are allowed clerks of the circuit court for like
 2519 services. All fees shall be paid by the party served.

2520 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All grants
 2521 prior to June 1, 1913, made in pursuance of heretofore existing
 2522 laws, where the person receiving such grant, the person's heirs
 2523 or assigns, have bona fide complied with the requirements of
 2524 said law, are hereby confirmed; provided, that if any material
 2525 or natural oyster or clam reefs or beds on such granted premises
 2526 are 100 square yards in area and contained natural oysters and
 2527 clams (coon oysters not included) in sufficient quantity to have
 2528 been resorted to by the general public for the purpose of
 2529 gathering oysters or clams to sell for a livelihood, at the time
 2530 they were planted by such grantee, his or her heirs or assigns,
 2531 such reefs or beds are declared to be the property of the state;
 2532 and when such beds or reefs exist within the territory
 2533 heretofore granted as above set forth, or that may hereafter be
 2534 leased, such grantee or lessee shall mark the boundaries of such
 2535 oyster and clam reefs or beds as may be designated by the
 2536 department as natural oyster or clam reefs or beds, clearly
 2537 defining the boundaries of the same, and shall post notice or
 2538 other device, as shall be required by the department, giving
 2539 notice to the public that such oyster or clam beds or reefs are
 2540 the property of the state, which said notice shall be maintained
 2541 from September 1 to June 1 of each and every year, on each
 2542 oyster bed or reef and on each clam bed for such period of each

2543 | year as the board may direct, at the expense of the grantee or
 2544 | lessee. The department shall investigate all grants heretofore
 2545 | made, and where, in its opinion, the lessee or grantee has not
 2546 | bona fide complied with the law under which he or she received
 2547 | his or her grant or lease, and the department is authorized and
 2548 | required to institute legal proceedings to vacate the same, in
 2549 | order to use such lands for the benefit of the public, subject
 2550 | to the same dispositions as other bottoms.

2551 | Section 53. Section 372.995, Florida Statutes, is
 2552 | renumbered as section 379.233, Florida Statutes, to read:

2553 | 379.233 ~~372.995~~ Release of balloons.--

2554 | (1) The Legislature finds that the release into the
 2555 | atmosphere of large numbers of balloons inflated with lighter-
 2556 | than-air gases poses a danger and nuisance to the environment,
 2557 | particularly to wildlife and marine animals.

2558 | (2) It is unlawful for any person, firm, or corporation to
 2559 | intentionally release, organize the release, or intentionally
 2560 | cause to be released within a 24-hour period 10 or more balloons
 2561 | inflated with a gas that is lighter than air except for:

2562 | (a) Balloons released by a person on behalf of a
 2563 | governmental agency or pursuant to a governmental contract for
 2564 | scientific or meteorological purposes;

2565 | (b) Hot air balloons that are recovered after launching;

2566 | (c) Balloons released indoors; or

2567 | (d) Balloons that are either biodegradable or
 2568 | photodegradable, as determined by rule of the Fish and Wildlife
 2569 | Conservation Commission, and which are closed by a hand-tied
 2570 | knot in the stem of the balloon without string, ribbon, or other

2571 | attachments. In the event that any balloons are released
 2572 | pursuant to the exemption established in this paragraph, the
 2573 | party responsible for the release shall make available to any
 2574 | law enforcement officer evidence of the biodegradability or
 2575 | photodegradability of said balloons in the form of a certificate
 2576 | executed by the manufacturer. Failure to provide said evidence
 2577 | shall be prima facie evidence of a violation of this act.

2578 | (3) Any person who violates subsection (2) is guilty of a
 2579 | noncriminal infraction, punishable by a fine of \$250.

2580 | (4) Any person may petition the circuit court to enjoin
 2581 | the release of 10 or more balloons if that person is a citizen
 2582 | of the county in which the balloons are to be released.

2583 | Section 54. Subsection (7) of section 370.021, Florida
 2584 | Statutes, is renumbered as section 379.2341, Florida Statutes,
 2585 | and amended to read:

2586 | 379.2341 Publications by the commission.--

2587 | ~~(7)~~ The commission is given authority, from time to time
 2588 | in its discretion, to cause the statutory laws under its
 2589 | jurisdiction, together with any rules promulgated by it, to be
 2590 | published in pamphlet form for free distribution in this state.
 2591 | The commission is authorized to make charges for technical and
 2592 | educational publications and mimeographed material of use for
 2593 | educational or reference purposes. Such charges shall be made at
 2594 | the discretion of the commission. Such charges may be sufficient
 2595 | to cover cost of preparation, printing, publishing, and
 2596 | distribution. All moneys received for publications shall be
 2597 | deposited into the fund from which the cost of the publication
 2598 | was paid. The commission is further authorized to enter into

2599 | agreements with persons, firms, corporations, governmental
 2600 | agencies, and other institutions whereby publications may be
 2601 | exchanged reciprocally in lieu of payments for said
 2602 | publications.

2603 | Section 55. Section 372.0222, Florida Statutes, is
 2604 | renumbered as section 379.2342, Florida Statutes, to read:

2605 | 379.2342 ~~372.0222~~ Private publication agreements;
 2606 | advertising; costs of production.--

2607 | (1) The Fish and Wildlife Conservation Commission may
 2608 | enter into agreements to secure the private publication of
 2609 | public information brochures, pamphlets, audiotapes, videotapes,
 2610 | and related materials for distribution without charge to the
 2611 | public and, in furtherance thereof, is authorized to:

2612 | (a) Enter into agreements with private vendors for the
 2613 | publication or production of such public information materials,
 2614 | whereby the costs of publication or production will be borne in
 2615 | whole or in part by the vendor or the vendor shall provide
 2616 | additional compensation in return for the right of the vendor to
 2617 | select, sell, and place advertising which publicizes products or
 2618 | services related to and harmonious with the subject matter of
 2619 | the publication.

2620 | (b) Retain the right, by agreement, to approve all
 2621 | elements of any advertising placed in such public information
 2622 | materials, including the form and content thereof.

2623 | (2) (a) Beginning January 1, 2005, the commission, with the
 2624 | advice and assistance of the Florida Wildlife Magazine Advisory
 2625 | Council, shall publish the Florida Wildlife Magazine. The
 2626 | magazine shall be published at least on a quarterly basis in

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2627 hard-copy format and shall be available to the public by
2628 subscription and retail distribution. The primary focus of the
2629 magazine shall be to promote the heritage of hunting and fishing
2630 in Florida. The magazine shall also disseminate information
2631 regarding other outdoor recreational opportunities available to
2632 Floridians and visitors.

2633 (b) In order to offset the cost of publication and
2634 distribution of the magazine, the commission, with the advice
2635 and assistance of the Florida Wildlife Magazine Advisory
2636 Council, is authorized to sell advertising for placement in the
2637 magazine. The commission shall have the right to approve all
2638 elements of any advertising placed in the magazine, including
2639 the form and content thereof. The magazine shall include a
2640 statement providing that the inclusion of advertising in the
2641 magazine does not constitute an endorsement by the state or the
2642 commission of the products or services so advertised. The
2643 commission may charge an annual magazine subscription fee of up
2644 to \$25, a 2-year magazine subscription fee of up to \$45, and a
2645 3-year magazine subscription fee of up to \$60. The commission
2646 may charge a retail per copy fee of up to \$7. The provisions of
2647 chapter 287 do not apply to the sale of advertising for
2648 placement in the magazine. All revenues generated by the
2649 magazine shall be credited to the State Game Trust Fund.

2650 (c) The Florida Wildlife Magazine Advisory Council is
2651 created within the commission to advise and make recommendations
2652 to the commission regarding development, publication, and sale
2653 of the Florida Wildlife Magazine. In order to accomplish this

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2654 purpose, the council shall provide recommendations to the
2655 commission regarding:

2656 1. The content of articles included in each edition of the
2657 magazine.

2658 2. Advertising proposed for each edition of the magazine.

2659 3. Strategies to improve distribution and circulation of
2660 the magazine.

2661 4. Cost-reduction measures regarding publication of the
2662 magazine.

2663 (d) The Florida Wildlife Magazine Advisory Council shall
2664 consist of seven members appointed by the commission, and
2665 initial appointments shall be made no later than August 1, 2004.
2666 When making initial appointments to the council and filling
2667 vacancies, the commission shall appoint members to represent the
2668 following interests: hunting; saltwater fishing; freshwater
2669 fishing; recreational boating; recreational use of off-road
2670 vehicles; hiking, biking, bird watching, or similar passive
2671 activities; general business interests; and magazine publishing.

2672 (e) Two of the initial appointees shall serve 2-year
2673 terms, two of the initial appointees shall serve 3-year terms,
2674 and three of the initial appointees shall serve 4-year terms.
2675 Subsequent to the expiration of the initial terms, advisory
2676 council appointees shall serve 4-year terms.

2677 (f) The members of the advisory council shall elect a
2678 chair annually.

2679 (g) The council shall meet at least quarterly at the call
2680 of its chair, at the request of a majority of its membership, or

2681 at the request of the commission. A majority of the council
 2682 shall constitute a quorum for the transaction of business.

2683 (h) The commission shall provide the council with
 2684 clerical, expert, technical, or other services. All expenses of
 2685 the council shall be paid from appropriations made by the
 2686 Legislature to the commission. All vouchers shall be approved by
 2687 the executive director before submission to the Chief Financial
 2688 Officer for payment.

2689 (i) Members of the council shall serve without
 2690 compensation but shall receive per diem and reimbursement for
 2691 travel expenses as provided in s. 112.061.

2692 (j) Advisory council members may be reappointed. Advisory
 2693 council members shall serve at the pleasure of the commission.

2694 (3) Any public information materials produced pursuant to
 2695 this section and containing advertising of any kind shall
 2696 include a statement providing that the inclusion of advertising
 2697 in such material does not constitute an endorsement by the state
 2698 or commission of the products or services so advertised.

2699 (4) The Fish and Wildlife Conservation Commission may
 2700 enter into agreements with private vendors for vendor
 2701 advertisement for the purpose of offsetting expenses relating to
 2702 license issuance, and, in furtherance thereof, is authorized to:

2703 (a) Retain the right, by agreement, to approve all
 2704 elements of such advertising, including the form or content.

2705 (b) Require that any advertising of any kind contracted
 2706 pursuant to this section shall include a statement providing
 2707 that the advertising does not constitute an endorsement by the

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2708 state or commission of the products or services to be so
2709 advertised.

2710 (5) The commission shall collect, edit, publish, and print
2711 pamphlets, papers, manuscripts, documents, books, monographs,
2712 and other materials relating to fish and wildlife conservation
2713 and may establish and impose a reasonable charge for such
2714 materials to cover costs of production and distribution in whole
2715 or part and may contract for the marketing, sale, and
2716 distribution of such publications and materials; except that no
2717 charge shall be imposed for materials designed to provide the
2718 public with essential information concerning fish and wildlife
2719 regulations and matters of public safety.

2720 (6) The commission shall provide services and information
2721 designed to inform Floridians and visitors about Florida's
2722 unique and diverse fish, game, and wildlife, and make it
2723 available by means of commonly used media. For the
2724 accomplishment of those purposes, the commission may make
2725 expenditures to:

2726 (a) Encourage and cooperate with public and private
2727 organizations or groups to publicize to residents and visitors
2728 the diversity of fish, game, and wildlife, and related
2729 recreation opportunities of the state, including the
2730 establishment of and expenditure for a program of cooperative
2731 advertising or sponsorships, or partnerships with the public and
2732 private organizations and groups in accordance with rules
2733 adopted by the commission under chapter 120.

2734 (b) Charge and collect a reasonable fee for researching or
2735 compiling information or other services which, in its judgment,

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2736 should not be free to those requesting the information,
2737 research, handling, material, publication, or other services.
2738 Any amounts of money received by the commission from such
2739 sources shall be restored to the appropriations of the
2740 commission, and any unexpended funds shall be deposited into the
2741 State Game Trust Fund and made available to the commission for
2742 use in performing its duties, powers, and purposes.

2743 (c) Charge and collect registration fees at conferences,
2744 seminars, and other meetings conducted in furtherance of the
2745 duties, powers, and purposes of the commission. Any funds
2746 collected under this paragraph which remain unexpended after the
2747 expenses of the conference, seminar, or meeting have been paid
2748 shall be deposited into the State Game Trust Fund and made
2749 available to the commission for use in performing its duties,
2750 powers, and purposes.

2751 (d) Purchase and distribute promotional items to increase
2752 public awareness regarding boating safety and other programs
2753 that promote public safety or resource conservation.

2754 (7) Notwithstanding the provisions of part I of chapter
2755 287, the commission may adopt rules for the purpose of entering
2756 into contracts that are primarily for promotional and
2757 advertising services and promotional events which may include
2758 the authority to negotiate costs with offerors of such services
2759 and commodities who have been determined to be qualified on the
2760 basis of technical merit, creative ability, and professional
2761 competency.

2762 Section 56. Section 370.1103, Florida Statutes, is
2763 renumbered as section 379.2351, Florida Statutes, to read:

2764 379.2351 ~~370.1103~~ Land-based commercial and recreational
 2765 fishing activities; legislative findings and purpose;
 2766 definitions; legal protection; local ordinances; prohibited
 2767 activity.--

2768 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
 2769 finds that commercial and recreational fishing constitute
 2770 activities of statewide importance and that the continuation of
 2771 commercial and recreational fishing will benefit the health and
 2772 welfare of the people of this state. The Legislature further
 2773 finds that commercial and recreational fishing operations
 2774 conducted in developing and urbanizing areas are potentially
 2775 subject to curtailment as a result of local government zoning
 2776 and nuisance ordinances which may unreasonably force the closure
 2777 of productive commercial and recreational fishing operations. It
 2778 is the purpose of this act to prevent the curtailment or
 2779 abolishment of commercial and recreational fishing operations
 2780 solely because the area in which they are located has changed in
 2781 character or the operations are displeasing to neighboring
 2782 residents.

2783 (2) DEFINITIONS.--As used in this act, "commercial fishing
 2784 operation" means any type of activity conducted on land,
 2785 requiring the location or storage of commercial fishing
 2786 equipment such as fishing vessels, fishing gear, docks, piers,
 2787 loading areas, landing areas, and cold storage facilities,
 2788 including any activity necessary to prepare finfish or shellfish
 2789 for refrigeration. This definition does not include operations
 2790 with the sole or primary function of processing seafood.

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2791 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL
 2792 FISHING OPERATIONS.--No commercial or recreational fishing
 2793 operation shall be declared a public or private nuisance solely
 2794 because of a change in ownership or a change in the character of
 2795 the property in or around the locality of the operation.

2796 (4) LOCAL ORDINANCE.--No local governing authority shall
 2797 adopt any ordinance that declares any commercial or recreational
 2798 fishing operation to be a nuisance solely because it is a
 2799 commercial or recreational fishing operation, or any zoning
 2800 ordinance that unreasonably forces the closure of any commercial
 2801 or recreational fishing operation. Nothing in this act shall
 2802 prevent a local government from regulating commercial and
 2803 recreational fishing operations, including by requiring the use
 2804 of methods, structures, or appliances where such use will
 2805 prevent, ameliorate, or remove conditions which create or may
 2806 create a nuisance or, pursuant to the applicable local zoning
 2807 code, by declaring a commercial or recreational fishing
 2808 operation to be a nonconforming use.

2809 (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This act
 2810 shall not be construed to permit an existing commercial or
 2811 recreational fishing operation to change to a larger operation
 2812 with regard to emitting more noise or odor, where such change
 2813 violates local ordinances or regulations or creates a nuisance.

2814 Section 57. Section 370.27, Florida Statutes, is
 2815 renumbered as section 379.2352, Florida Statutes, to read:

2816 379.2352 ~~370.27~~ State employment; priority consideration
 2817 for qualified displaced employees of the saltwater fishing
 2818 industry.--All state agencies must give priority consideration

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2819 to any job applicant who is able to document the loss of full-
 2820 time employment in the commercial saltwater fishing industry as
 2821 a result of the adoption of the constitutional amendment
 2822 limiting the use of nets to harvest marine species, provided the
 2823 applicant meets the minimum requirements for the position
 2824 sought.

2825 Section 58. Section 370.28, Florida Statutes, is
 2826 renumbered as section 379.2353, Florida Statutes, to read:

2827 379.2353 ~~370.28~~ Enterprise zone designation; communities
 2828 adversely impacted by net limitations.--

2829 (1) The Office of Tourism, Trade, and Economic Development
 2830 is directed to identify communities suffering adverse impacts
 2831 from the adoption of the constitutional amendment limiting the
 2832 use of nets to harvest marine species.

2833 (2) (a) Such communities having a population of fewer than
 2834 7,500 persons and such communities in rural and coastal counties
 2835 with a county population of fewer than 25,000 may apply to the
 2836 Office of Tourism, Trade, and Economic Development by August 15,
 2837 1996, for the designation of an area as an enterprise zone. The
 2838 community must comply with the requirements of s. 290.0055,
 2839 except that, for a community having a total population of 7,500
 2840 persons or more but fewer than 20,000 persons, the selected area
 2841 may not exceed 5 square miles. Notwithstanding the provisions of
 2842 s. 290.0065, limiting the total number of enterprise zones
 2843 designated and the number of enterprise zones within a
 2844 population category, the Office of Tourism, Trade, and Economic
 2845 Development may designate an enterprise zone in eight of the
 2846 identified communities. The governing body having jurisdiction

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2847 over such area shall create an enterprise zone development
2848 agency pursuant to s. 290.0056 and submit a strategic plan
2849 pursuant to s. 290.0057. Enterprise zones designated pursuant to
2850 this section shall be effective January 1, 1997. Any enterprise
2851 zone designated under this paragraph having an effective date on
2852 or before January 1, 2005, shall continue to exist until
2853 December 31, 2005, but shall cease to exist on December 31,
2854 2005. Any enterprise zone redesignated on or after January 1,
2855 2006, must do so in accordance with the Florida Enterprise Zone
2856 Act.

2857 (b) Notwithstanding any provisions of this section to the
2858 contrary, communities in coastal counties with a county
2859 population greater than 20,000, which can demonstrate that the
2860 community has historically been a fishing community and has
2861 therefore had a direct adverse impact from the adoption of the
2862 constitutional amendment limiting the use of nets, shall also be
2863 eligible to apply for designation of an area as an enterprise
2864 zone. The community must comply with the requirements of s.
2865 290.0055, except s. 290.0055(3). Such communities shall apply to
2866 the Office of Tourism, Trade, and Economic Development by August
2867 15, 1996. The office may designate one enterprise zone under
2868 this paragraph, which shall be effective January 1, 1997, and
2869 which shall be in addition to the eight zones authorized under
2870 paragraph (a). Any enterprise zone designated under this
2871 paragraph having an effective date on or before January 1, 2005,
2872 shall continue to exist until December 31, 2005, but shall cease
2873 to exist on that date. Any enterprise zone redesignated on or
2874 after January 1, 2006, must do so in accordance with the Florida

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2875 Enterprise Zone Act. The governing body having jurisdiction over
 2876 such area shall create an enterprise zone development agency
 2877 pursuant to s. 290.0056 and submit a strategic plan pursuant to
 2878 s. 290.0057.

2879 (3) For the purpose of nominating and designating areas
 2880 pursuant to subsection (2), the requirements set out in s.
 2881 290.0058(2) shall not apply.

2882 (4) Notwithstanding the time limitations contained in
 2883 chapters 212 and 220, a business eligible to receive tax credits
 2884 under this section from January 1, 1997, to June 1, 1998, must
 2885 submit an application for the tax credits by December 1, 1998.
 2886 All other requirements of the enterprise zone program apply to
 2887 such a business.

2888 Section 59. Subsection (9) of section 370.021, Florida
 2889 Statutes, is renumbered as section 379.236, Florida Statutes,
 2890 and amended to read:

2891 379.236 Retention, destruction, and reproduction of
 2892 commission records.--

2893 ~~(9)~~ Records and documents of the commission created in
 2894 compliance with and in the implementation of this chapter or
 2895 former chapter 371 shall be retained by the commission as
 2896 specified in record retention schedules established under the
 2897 general provisions of chapters 119 and 257. Such records
 2898 retained by the Department of Environmental Protection on July
 2899 1, 1999, shall be transferred to the commission. Further, the
 2900 commission is authorized to:

2901 (1)~~(a)~~ Destroy, or otherwise dispose of, those records and
 2902 documents in conformity with the approved retention schedules.

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2903 (2)~~(b)~~ Photograph, microphotograph, or reproduce such
 2904 records and documents on film, as authorized and directed by the
 2905 approved retention schedules, whereby each page will be exposed
 2906 in exact conformity with the original records and documents
 2907 retained in compliance with the provisions of this section.
 2908 Photographs or microphotographs in the form of film or print of
 2909 any records, made in compliance with the provisions of this
 2910 section, shall have the same force and effect as the originals
 2911 thereof would have and shall be treated as originals for the
 2912 purpose of their admissibility in evidence. Duly certified or
 2913 authenticated reproductions of such photographs or
 2914 microphotographs shall be admitted in evidence equally with the
 2915 original photographs or microphotographs. The impression of the
 2916 seal of the commission on a certificate made pursuant to the
 2917 provisions hereof and signed by the executive director of the
 2918 commission shall entitle the same to be received in evidence in
 2919 all courts and in all proceedings in this state and shall be
 2920 prima facie evidence of all factual matters set forth in the
 2921 certificate. A certificate may relate to one or more records, as
 2922 set forth in the certificate, or in a schedule continued on an
 2923 attachment to the certificate.

2924 (3)~~(e)~~ Furnish certified copies of such records for a fee
 2925 of \$1 which shall be deposited in the Marine Resources
 2926 Conservation Trust Fund.

2927 Section 60. Subsection (10) of section 370.021, Florida
 2928 Statutes, renumbered as section 379.237, Florida Statutes, and
 2929 amended to read:

2930 379.237 Courts of equity may enjoin.--

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2931 ~~(10) COURTS OF EQUITY MAY ENJOIN.~~ Courts of equity in
 2932 this state have jurisdiction to enforce the conservation laws of
 2933 this state by injunction.

2934 Section 61. Part II of chapter 379, Florida Statutes,
 2935 consisting of sections 379.2401, 379.2402, 379.2411, 379.2412,
 2936 379.2413, 379.2421, 379.2422, 379.2423, 379.2424, 379.2425,
 2937 379.2431, 379.2432, 379.2433, 379.244, 379.245, 379.246,
 2938 379.247, 379.248, 379.249, 379.25, 379.2511, 379.2512, 379.2521,
 2939 379.2522, 379.2523, 379.2524, and 379.2525, is created to read:

2940 PART II

2941 MARINE LIFE

2942
 2943 Section 62. Section 370.025, Florida Statutes, is
 2944 renumbered as section 379.2401, Florida Statutes, to read:

2945 379.2401 ~~370.025~~ Marine fisheries; policy and standards.--

2946 (1) The Legislature hereby declares the policy of the
 2947 state to be management and preservation of its renewable marine
 2948 fishery resources, based upon the best available information,
 2949 emphasizing protection and enhancement of the marine and
 2950 estuarine environment in such a manner as to provide for optimum
 2951 sustained benefits and use to all the people of this state for
 2952 present and future generations.

2953 (2) The commission is instructed to make recommendations
 2954 annually to the Governor and the Legislature regarding marine
 2955 fisheries research priorities and funding. All administrative
 2956 and enforcement responsibilities which are unaffected by the
 2957 specific provisions of this act are the responsibility of the
 2958 commission.

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2959 (3) All rules relating to saltwater fisheries adopted by
2960 the commission shall be consistent with the following standards:

2961 (a) The paramount concern of conservation and management
2962 measures shall be the continuing health and abundance of the
2963 marine fisheries resources of this state.

2964 (b) Conservation and management measures shall be based
2965 upon the best information available, including biological,
2966 sociological, economic, and other information deemed relevant by
2967 the commission.

2968 (c) Conservation and management measures shall permit
2969 reasonable means and quantities of annual harvest, consistent
2970 with maximum practicable sustainable stock abundance on a
2971 continuing basis.

2972 (d) When possible and practicable, stocks of fish shall be
2973 managed as a biological unit.

2974 (e) Conservation and management measures shall assure
2975 proper quality control of marine resources that enter commerce.

2976 (f) State marine fishery management plans shall be
2977 developed to implement management of important marine fishery
2978 resources.

2979 (g) Conservation and management decisions shall be fair
2980 and equitable to all the people of this state and carried out in
2981 such a manner that no individual, corporation, or entity
2982 acquires an excessive share of such privileges.

2983 (h) Federal fishery management plans and fishery
2984 management plans of other states or interstate commissions
2985 should be considered when developing state marine fishery
2986 management plans. Inconsistencies should be avoided unless it is

2987 | determined that it is in the best interest of the fisheries or
 2988 | residents of this state to be inconsistent.

2989 | Section 63. Section 370.0607, Florida Statutes, is
 2990 | renumbered as section 379.2402, Florida Statutes, to read:

2991 | 379.2402 ~~370.0607~~ Marine information system.--The Fish and
 2992 | Wildlife Conservation Commission shall establish by rule a
 2993 | marine information system in conjunction with the licensing
 2994 | program to gather marine fisheries data.

2995 | Section 64. Section 370.101, Florida Statutes, is
 2996 | renumbered as section 379.2411, Florida Statutes, and amended to
 2997 | read:

2998 | 379.2411 ~~370.101~~ Saltwater fish; regulations.--

2999 | (1) The Fish and Wildlife Conservation Commission is
 3000 | authorized to establish weight equivalencies when minimum
 3001 | lengths of saltwater fish are established by law, in those cases
 3002 | where the fish are artificially cultivated.

3003 | (2) A special activity license may be issued by the
 3004 | commission pursuant to s. 379.361 ~~370.06~~ for catching and
 3005 | possession of fish protected by law after it has first
 3006 | established that such protected specimens are to be used as
 3007 | stock for artificial cultivation.

3008 | (3) A permit may not be issued pursuant to subsection (2)
 3009 | until the commission determines that the artificial cultivation
 3010 | activity complies with the provisions of ss. 253.67-253.75 and
 3011 | any other specific provisions contained within this chapter
 3012 | regarding leases, licenses, or permits for maricultural
 3013 | activities of each saltwater fish, so that the public interest
 3014 | in such fish stocks is fully protected.

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3015 Section 65. Section 370.102, Florida Statutes, is
 3016 renumbered as section 379.2412, Florida Statutes, and amended to
 3017 read:

3018 379.2412 ~~370.102~~ State preemption of power to
 3019 regulate.--The power to regulate the taking or possession of
 3020 saltwater fish, as defined in s. 379.101 ~~370.01~~, is expressly
 3021 reserved to the state. This section does not prohibit a local
 3022 government from prohibiting, for reasons of protecting the
 3023 public health, safety, or welfare, saltwater fishing from real
 3024 property owned by that local government.

3025 Section 66. Section 370.11, Florida Statutes, is
 3026 renumbered as section 379.2413, Florida Statutes, and amended to
 3027 read:

3028 379.2413 Catching food fish for the purposes of making oil
 3029 ~~370.11~~ ~~Fish; regulation.--~~

3030 ~~(1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL~~
 3031 ~~PROHIBITED.~~—No person shall take any food fish from the waters
 3032 under the jurisdiction of the state, for the purpose of making
 3033 oil, fertilizer or compost therefrom. Purse seines may be used,
 3034 for the taking of nonfood fish for the purpose of making oil,
 3035 fertilizer or compost.

3036 ~~(2) REGULATION; FISH; TARPON, ETC.~~ No person may sell,
 3037 offer for sale, barter, exchange for merchandise, transport for
 3038 sale, either within or without the state, offer to purchase or
 3039 purchase any species of fish known as tarpon (*Tarpon atlanticus*)
 3040 provided, however, any one person may carry out of the state as
 3041 personal baggage or transport within or out of the state not
 3042 more than two tarpon if they are not being transported for sale.

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3043 ~~The possession of more than two tarpon by any one person is~~
 3044 ~~unlawful; provided, however, any person may catch an unlimited~~
 3045 ~~number of tarpon if they are immediately returned uninjured to~~
 3046 ~~the water and released where the same are caught. No common~~
 3047 ~~carrier in the state shall knowingly receive for transportation~~
 3048 ~~or transport, within or without the state, from any one person~~
 3049 ~~for shipment more than two tarpon, except as hereinafter~~
 3050 ~~provided. It is expressly provided that any lawful established~~
 3051 ~~taxidermist, in the conduct of taxidermy, may be permitted to~~
 3052 ~~move or transport any reasonable number of tarpon at any time~~
 3053 ~~and in any manner he or she may desire, as specimens for~~
 3054 ~~mounting; provided, however, satisfactory individual ownership~~
 3055 ~~of the fish so moved or transported can be established by such~~
 3056 ~~taxidermist at any time upon demand. Common carriers shall~~
 3057 ~~accept for shipment tarpon from a taxidermist when statement of~~
 3058 ~~individual ownership involved accompanies bill of lading or~~
 3059 ~~other papers controlling the shipment. The Fish and Wildlife~~
 3060 ~~Conservation Commission may, in its discretion, upon application~~
 3061 ~~issue permits for the taking and transporting of tarpon for~~
 3062 ~~scientific purposes.~~

3063 Section 67. Section 370.08, Florida Statutes, is
 3064 renumbered as section 379.2421, Florida Statutes, and amended to
 3065 read:

3066 379.2421 ~~370.08~~ Fishers and equipment; regulation.--

3067 (1) ILLEGAL POSSESSION OF SEINES AND NETS.--No person may
 3068 have in his or her custody or possession in any county of this
 3069 state any fishing seine or net, the use of which for fishing
 3070 purposes in such county is prohibited by law. Such possession

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3071 shall be evidence of a violation of this subsection by both the
 3072 owner thereof and the person using or possessing said net. The
 3073 provisions of this subsection shall not apply to shrimp nets, to
 3074 pound nets or purse nets when used in taking menhaden fish, to
 3075 seines used exclusively for taking herring, or to legal beach
 3076 seines used in the open gulf or Atlantic Ocean if the possession
 3077 of such nets is not prohibited in the county where found.

3078 (2) STOP NETTING DEFINED; PROHIBITION.--

3079 (a) It is unlawful for any person to obstruct any river,
 3080 creek, canal, pass, bayou or other waterway in this state by
 3081 placing or setting therein any screen, net, seine, rack, wire or
 3082 other device, or to use, set, or place any net or seine or
 3083 similar device of any kind, either singularly or in rotation or
 3084 one behind another in any manner whatsoever so as to prevent the
 3085 free passage of fish.

3086 (b) It is unlawful for any person, while fishing or
 3087 attempting to fish for shrimp or saltwater fish, to attach or
 3088 otherwise secure a frame net, trawl net, trap net, or similar
 3089 device to any state road bridge or associated structure situated
 3090 over any saltwater body or to use more than one such net or
 3091 device while fishing from such bridge or structure. For the
 3092 purposes of this paragraph, a "frame net" is any net similar to
 3093 a hoop net, the mouth of which is held open by a frame, with a
 3094 trailing mesh net, of any size. Cast nets, dip nets, and similar
 3095 devices are specifically excluded from the operation of this
 3096 paragraph.

3097 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS, ETC.--No
 3098 person may take food fish within or without the waters of this

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3099 state with a purse seine, purse gill net, or other net using
 3100 rings or other devices on the lead line thereof, through which a
 3101 purse line is drawn, or pound net, or have any food fish so
 3102 taken in his or her possession for sale or shipment. The
 3103 provisions of this section shall not apply to shrimp nets or to
 3104 pound nets or purse seines when used for the taking of tuna or
 3105 menhaden fish only.

3106 (4) RETURN OF FISH TO WATER.--All persons taking food fish
 3107 from any of the waters of this state by use of seines, nets, or
 3108 other fishing devices and not using any of such fish because of
 3109 size or other reasons shall immediately release and return such
 3110 fish alive to the water from which taken and no such fish may be
 3111 placed or deposited on any bank, shore, beach or other place out
 3112 of the water.

3113 ~~(5) THROWING EXPLOSIVES OR USE OF FIREARMS IN WATER FOR~~
 3114 ~~PURPOSE OF KILLING FOOD FISH PROHIBITED. No person may throw or~~
 3115 ~~cause to be thrown, into any of the waters of this state, any~~
 3116 ~~dynamite, lime, other explosives or discharge any firearms~~
 3117 ~~whatsoever for the purpose of killing food fish therein. The~~
 3118 ~~landing ashore or possession on the water by any person of any~~
 3119 ~~food fish that has been damaged by explosives or the landing of~~
 3120 ~~headless jewfish or grouper, if the grouper is taken for~~
 3121 ~~commercial use, is prima facie evidence of violation of this~~
 3122 ~~section.~~

3123 (5)~~(6)~~ SEINES, POCKET BUNTS.--In any counties where seines
 3124 are not prohibited on the open gulf or Atlantic Ocean, such
 3125 seines may have a pocket bunt on the middle of the seine of a
 3126 mesh size less than that provided by law.

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3127 (6)~~(7)~~ ~~ILLEGAL~~ USE OF POISONS, DRUGS, OR CHEMICALS.--

3128 ~~(a) It is unlawful for any person to place poisons, drugs,~~
 3129 ~~or other chemicals in the marine waters of this state unless~~
 3130 ~~that person has first obtained a special activity license for~~
 3131 ~~such use pursuant to s. 370.06 from the Fish and Wildlife~~
 3132 ~~Conservation Commission.~~

3133 ~~(b)~~ Upon application on forms furnished by the commission,
 3134 the commission may issue a license to use poisons, drugs, or
 3135 other chemicals in the marine waters of this state for the
 3136 purpose of capturing live marine species. The application and
 3137 license shall specify the area in which collecting will be done;
 3138 the drugs, chemicals, or poisons to be used; and the maximum
 3139 amounts and concentrations at each sampling.

3140 (7)~~(8)~~ PENALTIES.--A commercial harvester who violates
 3141 this section shall be punished under s. 379.407 ~~370.021~~. Any
 3142 other person who violates this section commits a Level Two
 3143 violation under s. 379.401 ~~372.83~~.

3144 Section 68. Section 370.093, Florida Statutes, is
 3145 renumbered as section 379.2422, Florida Statutes, and amended to
 3146 read:

3147 379.2422 ~~370.093~~ Illegal use of nets.--

3148 (1) It is unlawful to take or harvest, or to attempt to
 3149 take or harvest, any marine life in Florida waters with any net
 3150 that is not consistent with the provisions of s. 16, Art. X of
 3151 the State Constitution.

3152 (2) (a) Beginning July 1, 1998, it is also unlawful to take
 3153 or harvest, or to attempt to take or harvest, any marine life in
 3154 Florida waters with any net, as defined in subsection (3) and

3155 any attachments to such net, that combined are larger than 500
 3156 square feet and have not been expressly authorized for such use
 3157 by rule of the Fish and Wildlife Conservation Commission. The
 3158 use of currently legal shrimp trawls and purse seines outside
 3159 nearshore and inshore Florida waters shall continue to be legal
 3160 until the commission implements rules regulating those types of
 3161 gear.

3162 (b) The use of gill or entangling nets of any size is
 3163 prohibited, as such nets are defined in s. 16, Art. X of the
 3164 State Constitution. Any net constructed wholly or partially of
 3165 monofilament or multistrand monofilament material, other than a
 3166 hand thrown cast net, or a handheld landing or dip net, shall be
 3167 considered to be an entangling net within the prohibition of s.
 3168 16, Art. X of the State Constitution unless specifically
 3169 authorized by rule of the commission. Multistrand monofilament
 3170 material shall not be defined to include nets constructed of
 3171 braided or twisted nylon, cotton, linen twine, or polypropylene
 3172 twine.

3173 (c) This subsection shall not be construed to apply to
 3174 aquaculture activities licenses issued pursuant to s. 379.2523
 3175 ~~370.26~~.

3176 (3) As used in s. 16, Art. X of the State Constitution and
 3177 this subsection, the term "net" or "netting" must be broadly
 3178 construed to include all manner or combination of mesh or
 3179 webbing or any other solid or semisolid fabric or other material
 3180 used to comprise a device that is used to take or harvest marine
 3181 life.

3182 (4) Upon the arrest of any person for violation of this
 3183 subsection, the arresting officer shall seize the nets illegally
 3184 used. Upon conviction of the offender, the arresting authority
 3185 shall destroy the nets.

3186 (5) Any person who violates this section shall be punished
 3187 as provided in s. 379.407(3) ~~370.021(3)~~.

3188 (6) The Fish and Wildlife Conservation Commission is
 3189 granted authority to adopt rules pursuant to s. 379.2401 ~~370.025~~
 3190 implementing this section and the prohibitions and restrictions
 3191 of s. 16, Art. X of the State Constitution.

3192 Section 69. Section 370.092, Florida Statutes, is
 3193 renumbered as section 379.2423, Florida Statutes, and amended to
 3194 read:

3195 379.2423 ~~370.092~~ Carriage of proscribed nets across
 3196 Florida waters.--

3197 (1) This section applies to all vessels containing or
 3198 otherwise transporting in or on Florida waters any gill net or
 3199 other entangling net and to all vessels containing or otherwise
 3200 transporting in or on Florida waters any net containing more
 3201 than 500 square feet of mesh area the use of which is restricted
 3202 or prohibited by s. 16, Art. X of the State Constitution. This
 3203 section does not apply to vessels containing or otherwise
 3204 transporting in or on Florida waters dry nets which are rolled,
 3205 folded, or otherwise properly stowed in sealed containers so as
 3206 to make their immediate use as fishing implements impracticable.

3207 (2) Every vessel containing or otherwise transporting in
 3208 or on Florida waters any gill net or other entangling net and
 3209 every vessel containing or otherwise transporting in or on

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3210 nearshore and inshore Florida waters any net containing more
 3211 than 500 square feet of mesh area shall proceed as directly,
 3212 continuously, and expeditiously as possible from the place where
 3213 the vessel is regularly docked, moored, or otherwise stored to
 3214 waters where the use of said nets is lawful and from waters
 3215 where the use of said nets is lawful back to the place where the
 3216 vessel is regularly docked, moored, or otherwise stored or back
 3217 to the licensed wholesale dealer where the catch is to be sold.
 3218 Exceptions shall be provided for docked vessels, for vessels
 3219 which utilize nets in a licensed aquaculture operation, and for
 3220 vessels containing trawl nets as long as the trawl's doors or
 3221 frame are not deployed in the water. Otherwise, hovering,
 3222 drifting, and other similar activities inconsistent with the
 3223 direct, continuous, and expeditious transit of such vessels
 3224 shall be evidence of the unlawful use of such nets. The presence
 3225 of fish in such a net is not evidence of the unlawful use of the
 3226 net if the vessel is otherwise in compliance with this section.

3227 (3) Notwithstanding subsections (1) and (2), unless
 3228 authorized by rule of the Fish and Wildlife Conservation
 3229 Commission, it is a major violation under this section,
 3230 punishable as provided in s. 379.407(3) ~~370.021(3)~~, for any
 3231 person, firm, or corporation to possess any gill or entangling
 3232 net, or any seine net larger than 500 square feet in mesh area,
 3233 on any airboat or on any other vessel less than 22 feet in
 3234 length and on any vessel less than 25 feet if primary power of
 3235 the vessel is mounted forward of the vessel center point. Gill
 3236 or entangling nets shall be as defined in s. 16, Art. X of the
 3237 State Constitution, s. 379.2422(2)(b) ~~370.093(2)(b)~~, or in a

3238 rule of the Fish and Wildlife Conservation Commission
 3239 implementing s. 16, Art. X of the State Constitution. Vessel
 3240 length shall be determined in accordance with current United
 3241 States Coast Guard regulations specified in the Code of Federal
 3242 Regulations or as titled by the State of Florida. The Marine
 3243 Fisheries Commission is directed to initiate by July 1, 1998,
 3244 rulemaking to adjust by rule the use of gear on vessels longer
 3245 than 22 feet where the primary power of the vessel is mounted
 3246 forward of the vessel center point in order to prevent the
 3247 illegal use of gill and entangling nets in state waters and to
 3248 provide reasonable opportunities for the use of legal net gear
 3249 in adjacent federal waters.

3250 (4) The Fish and Wildlife Conservation Commission shall
 3251 adopt rules to prohibit the possession and sale of mullet taken
 3252 in illegal gill or entangling nets. Violations of such rules
 3253 shall be punishable as provided in s. 379.407(3) ~~370.021(3)~~.

3254 (5) The commission has authority to adopt rules pursuant
 3255 to ss. 120.536(1) and 120.54 to implement the provisions of this
 3256 section.

3257 Section 70. Subsection (1) of section 370.143, Florida
 3258 Statutes, is renumbered as section 379.2424, Florida Statutes,
 3259 and amended to read:

3260 379.2424 Retrieval of spiny lobster, stone crab, blue
 3261 crab, and black sea bass traps during closed season; commission
 3262 authority.--

3263 ~~(1)~~ The Fish and Wildlife Conservation Commission is
 3264 authorized to implement a trap retrieval program for retrieval
 3265 of spiny lobster, stone crab, blue crab, and black sea bass

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3266 traps remaining in the water during the closed season for each
 3267 species. The commission is authorized to contract with outside
 3268 agents for the program operation.

3269 Section 71. Section 370.172, Florida Statutes, is
 3270 renumbered as section 379.2425, Florida Statutes, to read:

3271 379.2425 ~~370.172~~ Spearfishing; definition; limitations;
 3272 penalty.--

3273 (1) For the purposes of this section, "spearfishing" means
 3274 the taking of any saltwater fish through the instrumentality of
 3275 a spear, gig, or lance operated by a person swimming at or below
 3276 the surface of the water.

3277 (2)(a) Spearfishing is prohibited within the boundaries of
 3278 the John Pennekamp Coral Reef State Park, the waters of Collier
 3279 County, and the area in Monroe County known as Upper Keys, which
 3280 includes all salt waters under the jurisdiction of the Fish and
 3281 Wildlife Conservation Commission beginning at the county line
 3282 between Dade and Monroe Counties and running south, including
 3283 all of the keys down to and including Long Key.

3284 (b) For the purposes of this subsection, the possession in
 3285 the water of a spear, gig, or lance by a person swimming at or
 3286 below the surface of the water in a prohibited area is prima
 3287 facie evidence of a violation of the provisions of this
 3288 subsection regarding spearfishing.

3289 (3) The Fish and Wildlife Conservation Commission shall
 3290 have the power to establish restricted areas when it is
 3291 determined that safety hazards exist or when needs are
 3292 determined by biological findings. Restricted areas shall be
 3293 established only after an investigation has been conducted and

3294 upon application by the governing body of the county or
 3295 municipality in which the restricted areas are to be located and
 3296 one publication in a local newspaper of general circulation in
 3297 said county or municipality in addition to any other notice
 3298 required by law. Prior to promulgation of regulations, the local
 3299 governing body of the area affected shall agree to post and
 3300 maintain notices in the area affected.

3301 Section 72. Section 370.12, Florida Statutes, is
 3302 renumbered as section 379.2431, Florida Statutes, and amended to
 3303 read:

3304 379.2431 ~~370.12~~ Marine animals; regulation.--

3305 (1) PROTECTION OF MARINE TURTLES.--

3306 (a) This subsection may be cited as the "Marine Turtle
 3307 Protection Act."

3308 (b) The Legislature intends, pursuant to the provisions of
 3309 this subsection, to ensure that the Fish and Wildlife
 3310 Conservation Commission has the appropriate authority and
 3311 resources to implement its responsibilities under the recovery
 3312 plans of the United States Fish and Wildlife Service for the
 3313 following species of marine turtle:

- 3314 1. Atlantic loggerhead turtle (*Caretta caretta*).
- 3315 2. Atlantic green turtle (*Chelonia mydas*).
- 3316 3. Leatherback turtle (*Dermochelys coriacea*).
- 3317 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*).
- 3318 5. Atlantic ridley turtle (*Lepidochelys kemp*).

3319 (c) As used in this subsection, the following phrases have
 3320 the following meanings:

- 3321 1. A "properly accredited person" is:

3322 a. Students of colleges or universities whose studies with
 3323 saltwater animals are under the direction of their teacher or
 3324 professor; or

3325 b. Scientific or technical faculty of public or private
 3326 colleges or universities; or

3327 c. Scientific or technical employees of private research
 3328 institutions and consulting firms; or

3329 d. Scientific or technical employees of city, county,
 3330 state, or federal research or regulatory agencies; or

3331 e. Members in good standing or recognized and properly
 3332 chartered conservation organizations, the Audubon Society, or
 3333 the Sierra Club; or

3334 f. Persons affiliated with aquarium facilities or museums,
 3335 or contracted as an agent therefor, which are open to the public
 3336 with or without an admission fee; or

3337 g. Persons without specific affiliations listed above, but
 3338 who are recognized by the commission for their contributions to
 3339 marine conservation such as scientific or technical
 3340 publications, or through a history of cooperation with the
 3341 commission in conservation programs such as turtle nesting
 3342 surveys, or through advanced educational programs such as high
 3343 school marine science centers.

3344 2. "Take" means an act that actually kills or injures
 3345 marine turtles, and includes significant habitat modification or
 3346 degradation that kills or injures marine turtles by
 3347 significantly impairing essential behavioral patterns, such as
 3348 breeding, feeding, or sheltering.

3349 (d) Except as authorized in this paragraph, or unless
 3350 otherwise provided by the Federal Endangered Species Act or its
 3351 implementing regulations, a person, firm, or corporation may
 3352 not:

3353 1. Knowingly possess the eggs of any marine turtle species
 3354 described in this subsection.

3355 2. Knowingly take, disturb, mutilate, destroy, cause to be
 3356 destroyed, transfer, sell, offer to sell, molest, or harass any
 3357 marine turtles or the eggs or nest of any marine turtles
 3358 described in this subsection.

3359 3. The commission may issue a special permit or loan
 3360 agreement to any person, firm, or corporation, to enable the
 3361 holder to possess a marine turtle or parts thereof, including
 3362 nests, eggs, or hatchlings, for scientific, education, or
 3363 exhibition purposes, or for conservation activities such as the
 3364 relocation of nests, eggs, or marine turtles away from
 3365 construction sites. Notwithstanding other provisions of law, the
 3366 commission may issue such special permit or loan agreement to
 3367 any properly accredited person as defined in paragraph (c) for
 3368 the purposes of marine turtle conservation.

3369 4. The commission shall have the authority to adopt rules
 3370 pursuant to chapter 120 to prescribe terms, conditions, and
 3371 restrictions for marine turtle conservation, and to permit the
 3372 possession of marine turtles or parts thereof.

3373 (e)1. Any person, firm, or corporation that commits any
 3374 act prohibited in paragraph (d) involving any egg of any marine
 3375 turtle species described in this subsection shall pay a penalty

3376 of \$100 per egg in addition to other penalties provided in this
 3377 paragraph.

3378 2. Any person, firm, or corporation that illegally
 3379 possesses 11 or fewer of any eggs of any marine turtle species
 3380 described in this subsection commits a first degree misdemeanor,
 3381 punishable as provided in ss. 775.082 and 775.083.

3382 3. For a second or subsequent violation of subparagraph
 3383 2., any person, firm, or corporation that illegally possesses 11
 3384 or fewer of any eggs of any marine turtle species described in
 3385 this subsection commits a third degree felony, punishable as
 3386 provided in s. 775.082, s. 775.083, or s. 775.084.

3387 4. Any person, firm, or corporation that illegally
 3388 possesses more than 11 of any eggs of any marine turtle species
 3389 described in this subsection commits a third degree felony,
 3390 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3391 5. Any person, firm, or corporation that illegally takes,
 3392 disturbs, mutilates, destroys, causes to be destroyed,
 3393 transfers, sells, offers to sell, molests, or harasses any
 3394 marine turtle species, or the eggs or nest of any marine turtle
 3395 species as described in this subsection, commits a third degree
 3396 felony, punishable as provided in s. 775.082, s. 775.083, or s.
 3397 775.084.

3398 6. Notwithstanding s. 777.04, any person, firm, or
 3399 corporation that solicits or conspires with another person,
 3400 firm, or corporation, to commit an act prohibited by this
 3401 subsection commits a felony of the third degree, punishable as
 3402 provided in s. 775.082, s. 775.083, or s. 775.084.

3403 7. The proceeds from the penalties assessed pursuant to
 3404 this paragraph shall be deposited into the Marine Resources
 3405 Conservation Trust Fund.

3406 (f) Any application for a Department of Environmental
 3407 Protection permit or other type of approval for an activity that
 3408 affects marine turtles or their nests or habitat shall be
 3409 subject to conditions and requirements for marine turtle
 3410 protection as part of the permitting or approval process.

3411 (g) The Department of Environmental Protection may
 3412 condition the nature, timing, and sequence of construction of
 3413 permitted activities to provide protection to nesting marine
 3414 turtles and hatchlings and their habitat pursuant to the
 3415 provisions of s. 161.053(5). When the department is considering
 3416 a permit for a beach restoration, beach renourishment, or inlet
 3417 sand transfer project and the applicant has had an active marine
 3418 turtle nest relocation program or the applicant has agreed to
 3419 and has the ability to administer a program, the department must
 3420 not restrict the timing of the project. Where appropriate, the
 3421 department, in accordance with the applicable rules of the Fish
 3422 and Wildlife Conservation Commission, shall require as a
 3423 condition of the permit that the applicant relocate and monitor
 3424 all turtle nests that would be affected by the beach
 3425 restoration, beach renourishment, or sand transfer activities.
 3426 Such relocation and monitoring activities shall be conducted in
 3427 a manner that ensures successful hatching. This limitation on
 3428 the department's authority applies only on the Atlantic coast of
 3429 Florida.

3430 (h) The department shall recommend denial of a permit
 3431 application if the activity would result in a "take" as defined
 3432 in this subsection, unless, as provided for in the federal
 3433 Endangered Species Act and its implementing regulations, such
 3434 taking is incidental to, and not the purpose of, the carrying
 3435 out of an otherwise lawful activity.

3436 (i) The department shall give special consideration to
 3437 beach preservation and beach nourishment projects that restore
 3438 habitat of endangered marine turtle species. Nest relocation
 3439 shall be considered for all such projects in urbanized areas.
 3440 When an applicant for a beach restoration, beach renourishment,
 3441 or inlet sand transfer project has had an active marine turtle
 3442 nest relocation program or the applicant has agreed to have and
 3443 has the ability to administer a program, the department in
 3444 issuing a permit for a project must not restrict the timing of
 3445 the project. Where appropriate, the department, in accordance
 3446 with the applicable rules of the Fish and Wildlife Conservation
 3447 Commission, shall require as a condition of the permit that the
 3448 applicant relocate and monitor all turtle nests that would be
 3449 affected by the beach restoration, beach renourishment, or sand
 3450 transfer activities. Such relocation and monitoring activities
 3451 shall be conducted in a manner that ensures successful hatching.
 3452 This limitation on the department's authority applies only on
 3453 the Atlantic coast of Florida.

3454 (2) PROTECTION OF MANATEES OR SEA COWS.--

3455 (a) This subsection shall be known and may be cited as the
 3456 "Florida Manatee Sanctuary Act."

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3457 (b) The State of Florida is hereby declared to be a refuge
3458 and sanctuary for the manatee, the "Florida state marine
3459 mammal." The protections extended to and authorized on behalf of
3460 the manatee by this act are independent of, and therefore are
3461 not contingent upon, its status as a state or federal listed
3462 species.

3463 (c) Whenever the Fish and Wildlife Conservation Commission
3464 is satisfied that the interest of science will be subserved, and
3465 that the application for a permit to possess a manatee or sea
3466 cow (*Trichechus manatus*) is for a scientific or propagational
3467 purpose and should be granted, and after concurrence by the
3468 United States Department of the Interior, the commission may
3469 grant to any person making such application a special permit to
3470 possess a manatee or sea cow, which permit shall specify the
3471 exact number which shall be maintained in captivity.

3472 (d) Except as may be authorized by the terms of a valid
3473 state permit issued pursuant to paragraph (c) or by the terms of
3474 a valid federal permit, it is unlawful for any person at any
3475 time, by any means, or in any manner intentionally or
3476 negligently to annoy, molest, harass, or disturb or attempt to
3477 molest, harass, or disturb any manatee; injure or harm or
3478 attempt to injure or harm any manatee; capture or collect or
3479 attempt to capture or collect any manatee; pursue, hunt, wound,
3480 or kill or attempt to pursue, hunt, wound, or kill any manatee;
3481 or possess, literally or constructively, any manatee or any part
3482 of any manatee.

3483 (e) Any gun, net, trap, spear, harpoon, boat of any kind,
3484 aircraft, automobile of any kind, other motorized vehicle,

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3485 chemical, explosive, electrical equipment, scuba or other
3486 subaquatic gear, or other instrument, device, or apparatus of
3487 any kind or description used in violation of any provision of
3488 paragraph (d) may be forfeited upon conviction. The foregoing
3489 provisions relating to seizure and forfeiture of vehicles,
3490 vessels, equipment, or supplies do not apply when such vehicles,
3491 vessels, equipment, or supplies are owned by, or titled in the
3492 name of, innocent parties; and such provisions shall not vitiate
3493 any valid lien, retain title contract, or chattel mortgage on
3494 such vehicles, vessels, equipment, or supplies if such lien,
3495 retain title contract, or chattel mortgage is property of public
3496 record at the time of the seizure.

3497 (f)1. Except for emergency rules adopted under s. 120.54,
3498 all proposed rules of the commission for which a notice of
3499 intended agency action is filed proposing to govern the speed
3500 and operation of motorboats for purposes of manatee protection
3501 shall be submitted to the counties in which the proposed rules
3502 will take effect for review by local rule review committees.

3503 2. No less than 60 days prior to filing a notice of rule
3504 development in the Florida Administrative Weekly, as provided in
3505 s. 120.54(3)(a), the commission shall notify the counties for
3506 which a rule to regulate the speed and operation of motorboats
3507 for the protection of manatees is proposed. A county so notified
3508 shall establish a rule review committee or several counties may
3509 combine rule review committees.

3510 3. The county commission of each county in which a rule to
3511 regulate the speed and operation of motorboats for the
3512 protection of manatees is proposed shall designate a rule review

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3513 committee. The designated voting membership of the rule review
3514 committee must be comprised of waterway users, such as fishers,
3515 boaters, water skiers, other waterway users, as compared to the
3516 number of manatee and other environmental advocates. A county
3517 commission may designate an existing advisory group as the rule
3518 review committee. With regard to each committee, fifty percent
3519 of the voting members shall be manatee advocates and other
3520 environmental advocates, and fifty percent of the voting members
3521 shall be waterway users.

3522 4. The county shall invite other state, federal, county,
3523 municipal, or local agency representatives to participate as
3524 nonvoting members of the local rule review committee.

3525 5. The county shall provide logistical and administrative
3526 staff support to the local rule review committee and may request
3527 technical assistance from commission staff.

3528 6. Each local rule review committee shall elect a chair
3529 and recording secretary from among its voting members.

3530 7. Commission staff shall submit the proposed rule and
3531 supporting data used to develop the rule to the local rule
3532 review committees.

3533 8. The local rule review committees shall have 60 days
3534 from the date of receipt of the proposed rule to submit a
3535 written report to commission members and staff. The local rule
3536 review committees may use supporting data supplied by the
3537 commission, as well as public testimony which may be collected
3538 by the committee, to develop the written report. The report may
3539 contain recommended changes to proposed manatee protection zones

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3540 or speed zones, including a recommendation that no rule be
3541 adopted, if that is the decision of the committee.

3542 9. Prior to filing a notice of proposed rulemaking in the
3543 Florida Administrative Weekly as provided in s. 120.54(3)(a),
3544 the commission staff shall provide a written response to the
3545 local rule review committee reports to the appropriate counties,
3546 to the commission members, and to the public upon request.

3547 10. In conducting a review of the proposed manatee
3548 protection rule, the local rule review committees may address
3549 such factors as whether the best available scientific
3550 information supports the proposed rule, whether seasonal zones
3551 are warranted, and such other factors as may be necessary to
3552 balance manatee protection and public access to and use of the
3553 waters being regulated under the proposed rule.

3554 11. The written reports submitted by the local rule review
3555 committees shall contain a majority opinion. If the majority
3556 opinion is not unanimous, a minority opinion shall also be
3557 included.

3558 12. The members of the commission shall fully consider any
3559 timely submitted written report submitted by a local rule review
3560 committee prior to authorizing commission staff to move forward
3561 with proposed rulemaking and shall fully consider any timely
3562 submitted subsequent reports of the committee prior to adoption
3563 of a final rule. The written reports of the local rule review
3564 committees and the written responses of the commission staff
3565 shall be part of the rulemaking record and may be submitted as
3566 evidence regarding the committee's recommendations in any

3567 proceeding relating to a rule proposed or adopted pursuant to
 3568 this subsection.

3569 13. The commission is relieved of any obligations
 3570 regarding the local rule review committee process created in
 3571 this paragraph if a timely noticed county commission fails to
 3572 timely designate the required rule review committee.

3573 (g) In order to protect manatees or sea cows from harmful
 3574 collisions with motorboats or from harassment, the Fish and
 3575 Wildlife Conservation Commission is authorized, in addition to
 3576 all other authority, to provide a permitting agency with
 3577 comments regarding the expansion of existing, or the
 3578 construction of new, marine facilities and mooring or docking
 3579 slips, by the addition or construction of five or more powerboat
 3580 slips. The commission shall adopt rules under chapter 120
 3581 regulating the operation and speed of motorboat traffic only
 3582 where manatee sightings are frequent and the best available
 3583 scientific information, as well as other available, relevant,
 3584 and reliable information, which may include but is not limited
 3585 to, manatee surveys, observations, available studies of food
 3586 sources, and water depths, supports the conclusions that
 3587 manatees inhabit these areas on a regular basis:

3588 1. In Lee County: the entire Orange River, including the
 3589 Tice Florida Power and Light Corporation discharge canal and
 3590 adjoining waters of the Caloosahatchee River within 1 mile of
 3591 the confluence of the Orange and Caloosahatchee Rivers.

3592 2. In Brevard County: those portions of the Indian River
 3593 within three-fourths of a mile of the Orlando Utilities

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3594 Commission Delespine power plant effluent and the Florida Power
 3595 and Light Frontenac power plant effluents.

3596 3. In Indian River County: the discharge canals of the
 3597 Vero Beach Municipal Power Plant and connecting waters within
 3598 11/4 miles thereof.

3599 4. In St. Lucie County: the discharge of the Henry D. King
 3600 Municipal Electric Station and connecting waters within 1 mile
 3601 thereof.

3602 5. In Palm Beach County: the discharges of the Florida
 3603 Power and Light Riviera Beach power plant and connecting waters
 3604 within 11/2 miles thereof.

3605 6. In Broward County: the discharge canal of the Florida
 3606 Power and Light Port Everglades power plant and connecting
 3607 waters within 11/2 miles thereof and the discharge canal of the
 3608 Florida Power and Light Fort Lauderdale power plant and
 3609 connecting waters within 2 miles thereof. For purposes of
 3610 ensuring the physical safety of boaters in a sometimes turbulent
 3611 area, the area from the easternmost edge of the authorized
 3612 navigation project of the intracoastal waterway east through the
 3613 Port Everglades Inlet is excluded from this regulatory zone.

3614 7. In Citrus County: headwaters of the Crystal River,
 3615 commonly referred to as King's Bay, and the Homosassa River.

3616 8. In Volusia County: Blue Springs Run and connecting
 3617 waters of the St. Johns River within 1 mile of the confluence of
 3618 Blue Springs and the St. Johns River; and Thompson Creek,
 3619 Strickland Creek, Dodson Creek, and the Tomoka River.

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3620 9. In Hillsborough County: that portion of the Alafia
 3621 River from the main shipping channel in Tampa Bay to U.S.
 3622 Highway 41.

3623 10. In Sarasota County: the Venice Inlet and connecting
 3624 waters within 1 mile thereof, including Lyons Bay, Donna Bay,
 3625 Roberts Bay, and Hatchett Creek, excluding the waters of the
 3626 intracoastal waterway and the right-of-way bordering the
 3627 centerline of the intracoastal waterway.

3628 11. In Collier County: within the Port of Islands, within
 3629 section 9, township 52 south, range 28 east, and certain
 3630 unsurveyed lands, all east-west canals and the north-south
 3631 canals to the southerly extent of the intersecting east-west
 3632 canals which lie southerly of the centerline of U.S. Highway 41.

3633 12. In Manatee County: that portion of the Manatee River
 3634 east of the west line of section 17, range 19 east, township 34
 3635 south; the Braden River south of the north line and east of the
 3636 west line of section 29, range 18 east, township 34 south; Terra
 3637 Ceia Bay and River, east of the west line of sections 26 and 35
 3638 of range 17 east, township 33 south, and east of the west line
 3639 of section 2, range 17 east, township 34 south; and Bishop
 3640 Harbor east of the west line of section 13, range 17 east,
 3641 township 33 south.

3642 13. In Miami-Dade County: those portions of Black Creek
 3643 lying south and east of the water control dam, including all
 3644 boat basins and connecting canals within 1 mile of the dam.

3645 (h) The Fish and Wildlife Conservation Commission shall
 3646 adopt rules pursuant to chapter 120 regulating the operation and
 3647 speed of motorboat traffic only where manatee sightings are

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3648 frequent and the best available scientific information, as well
3649 as other available, relevant, and reliable information, which
3650 may include but is not limited to, manatee surveys,
3651 observations, available studies of food sources, and water
3652 depths, supports the conclusion that manatees inhabit these
3653 areas on a regular basis within that portion of the Indian River
3654 between the St. Lucie Inlet in Martin County and the Jupiter
3655 Inlet in Palm Beach County and within the Loxahatchee River in
3656 Palm Beach and Martin Counties, including the north and
3657 southwest forks thereof.

3658 (i) The commission shall adopt rules pursuant to chapter
3659 120 regulating the operation and speed of motorboat traffic only
3660 where manatee sightings are frequent and the best available
3661 scientific information, as well as other available, relevant,
3662 and reliable information, which may include but is not limited
3663 to, manatee surveys, observations, available studies of food
3664 sources, and water depths, supports the conclusion that manatees
3665 inhabit these areas on a regular basis within the Withlacoochee
3666 River and its tributaries in Citrus and Levy Counties. The
3667 specific areas to be regulated include the Withlacoochee River
3668 and the U.S. 19 bridge westward to a line between U.S. Coast
3669 Guard markers number 33 and number 34 at the mouth of the river,
3670 including all side channels and coves along that portion of the
3671 river; Bennets' Creek from its beginning to its confluence with
3672 the Withlacoochee River; Bird's Creek from its beginning to its
3673 confluence with the Withlacoochee River; and the two dredged
3674 canal systems on the north side of the Withlacoochee River
3675 southwest of Yankeetown.

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3676 (j) If any new power plant is constructed or other source
3677 of warm water discharge is discovered within the state which
3678 attracts a concentration of manatees or sea cows, the commission
3679 is directed to adopt rules pursuant to chapter 120 regulating
3680 the operation and speed of motorboat traffic within the area of
3681 such discharge. Such rules shall designate a zone which is
3682 sufficient in size, and which shall remain in effect for a
3683 sufficient period of time, to protect the manatees or sea cows.

3684 (k) It is the intent of the Legislature to allow the Fish
3685 and Wildlife Conservation Commission to post and regulate boat
3686 speeds only where the best available scientific information, as
3687 well as other available, relevant, and reliable information,
3688 which may include but is not limited to, manatee surveys,
3689 observations, available studies of food sources, and water
3690 depth, supports the conclusion that manatees inhabit these areas
3691 on a periodic basis. It is not the intent of the Legislature to
3692 permit the commission to post and regulate boat speeds generally
3693 throughout the waters of the state, thereby unduly interfering
3694 with the rights of fishers, boaters, and water skiers using the
3695 areas for recreational and commercial purposes. The Legislature
3696 further intends that the commission may identify and designate
3697 limited lanes or corridors providing for reasonable motorboat
3698 speeds within waters of the state whenever such lanes and
3699 corridors are consistent with manatee protection.

3700 (l) The commission shall adopt rules pursuant to chapter
3701 120 regulating the operation and speed of motorboat traffic all
3702 year around within Turkey Creek and its tributaries and within

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3703 Manatee Cove in Brevard County. The specific areas to be
3704 regulated consist of:

3705 1. A body of water which starts at Melbourne-Tillman
3706 Drainage District structure MS-1, section 35, township 28 south,
3707 range 37 east, running east to include all natural waters and
3708 tributaries of Turkey Creek, section 26, township 28 south,
3709 range 37 east, to the confluence of Turkey Creek and the Indian
3710 River, section 24, township 28 south, range 37 east, including
3711 all lagoon waters of the Indian River bordered on the west by
3712 Palm Bay Point, the north by Castaway Point, the east by the
3713 four immediate spoil islands, and the south by Cape Malabar,
3714 thence northward along the shoreline of the Indian River to Palm
3715 Bay Point.

3716 2. A triangle-shaped body of water forming a cove
3717 (commonly referred to as Manatee Cove) on the east side of the
3718 Banana River, with northern boundaries beginning and running
3719 parallel to the east-west cement bulkhead located 870 feet south
3720 of SR 520 Relief Bridge in Cocoa Beach and with western
3721 boundaries running in line with the City of Cocoa Beach channel
3722 markers 121 and 127 and all waters east of these boundaries in
3723 section 34, township 24 south, range 37 east; the center
3724 coordinates of this cove are 28°20'14" north, 80°35'17" west.

3725 (m) The commission shall promulgate regulations pursuant
3726 to chapter 120 relating to the operation and speed of motor boat
3727 traffic in port waters with due regard to the safety
3728 requirements of such traffic and the navigational hazards
3729 related to the movement of commercial vessels.

3730 (n) The commission may designate by rule adopted pursuant
 3731 to chapter 120 other portions of state waters where manatees are
 3732 frequently sighted and the best available scientific
 3733 information, as well as other available, relevant, and reliable
 3734 information, which may include but is not limited to, manatee
 3735 surveys, observations, available studies of food sources, and
 3736 water depths, supports the conclusion that manatees inhabit such
 3737 waters periodically. Upon designation of such waters, the
 3738 commission shall adopt rules pursuant to chapter 120 to regulate
 3739 motorboat speed and operation which are necessary to protect
 3740 manatees from harmful collisions with motorboats and from
 3741 harassment. The commission may adopt rules pursuant to chapter
 3742 120 to protect manatee habitat, such as seagrass beds, within
 3743 such waters from destruction by boats or other human activity.
 3744 Such rules shall not protect noxious aquatic plants subject to
 3745 control under s. 369.20.

3746 (o) The commission may designate, by rule adopted pursuant
 3747 to chapter 120, limited areas as a safe haven for manatees to
 3748 rest, feed, reproduce, give birth, or nurse undisturbed by human
 3749 activity. Access by motor boat to private residences, boat
 3750 houses, and boat docks through these areas by residents, and
 3751 their authorized guests, who must cross one of these areas to
 3752 have water access to their property is permitted when the
 3753 motorboat is operated at idle speed, no wake.

3754 (p) Except in the marked navigation channel of the Florida
 3755 Intracoastal Waterway as defined in s. 327.02 and the area
 3756 within 100 feet of such channel, a local government may
 3757 regulate, by ordinance, motorboat speed and operation on waters

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3758 within its jurisdiction where the best available scientific
 3759 information, as well as other available, relevant, and reliable
 3760 information, which may include but is not limited to, manatee
 3761 surveys, observations, available studies of food sources, and
 3762 water depths, supports the conclusion that manatees inhabit
 3763 these areas on a regular basis. However, such an ordinance may
 3764 not take effect until it has been reviewed and approved by the
 3765 commission. If the commission and a local government disagree on
 3766 the provisions of an ordinance, a local manatee protection
 3767 committee must be formed to review the technical data of the
 3768 commission and the United States Fish and Wildlife Service, and
 3769 to resolve conflicts regarding the ordinance. The manatee
 3770 protection committee must be comprised of:

- 3771 1. A representative of the commission;
- 3772 2. A representative of the county;
- 3773 3. A representative of the United States Fish and Wildlife
 3774 Service;
- 3775 4. A representative of a local marine-related business;
- 3776 5. A representative of the Save the Manatee Club;
- 3777 6. A local fisher;
- 3778 7. An affected property owner; and
- 3779 8. A representative of the Florida Marine Patrol.

3780
 3781 If local and state regulations are established for the same
 3782 area, the more restrictive regulation shall prevail.

3783 (q) The commission shall evaluate the need for use of
 3784 fenders to prevent crushing of manatees between vessels (100' or
 3785 larger) and bulkheads or wharves in counties where manatees have

3786 | been crushed by such vessels. For areas in counties where
 3787 | evidence indicates that manatees have been crushed between
 3788 | vessels and bulkheads or wharves, the commission shall:

3789 | 1. Adopt rules pursuant to chapter 120 requiring use of
 3790 | fenders for construction of future bulkheads or wharves; and

3791 | 2. Implement a plan and time schedule to require
 3792 | retrofitting of existing bulkheads or wharves consistent with
 3793 | port bulkhead or wharf repair or replacement schedules.

3794 |
 3795 | The fenders shall provide sufficient standoff from the bulkhead
 3796 | or wharf under maximum operational compression to ensure that
 3797 | manatees cannot be crushed between the vessel and the bulkhead
 3798 | or wharf.

3799 | (r) Any violation of a restricted area established by this
 3800 | subsection, or established by rule pursuant to chapter 120 or
 3801 | ordinance pursuant to this subsection, shall be considered a
 3802 | violation of the boating laws of this state and shall be charged
 3803 | on a uniform boating citation as provided in s. 327.74, except
 3804 | as otherwise provided in paragraph (s). Any person who refuses
 3805 | to post a bond or accept and sign a uniform boating citation
 3806 | shall, as provided in s. 327.73(3), be guilty of a misdemeanor
 3807 | of the second degree, punishable as provided in s. 775.082 or s.
 3808 | 775.083.

3809 | (s) Except as otherwise provided in this paragraph, any
 3810 | person violating the provisions of this subsection or any rule
 3811 | or ordinance adopted pursuant to this subsection commits a
 3812 | misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)
 3813 | ~~370.021(1)(a) or (b)~~.

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3814 1. Any person operating a vessel in excess of a posted
3815 speed limit shall be guilty of a civil infraction, punishable as
3816 provided in s. 327.73, except as provided in subparagraph 2.

3817 2. This paragraph does not apply to persons violating
3818 restrictions governing "No Entry" zones or "Motorboat
3819 Prohibited" zones, who, if convicted, shall be guilty of a
3820 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)
3821 ~~370.021(1)(a) or (b)~~, or, if such violation demonstrates blatant
3822 or willful action, may be found guilty of harassment as
3823 described in paragraph (d).

3824 3. A person may engage in any activity otherwise
3825 prohibited by this subsection or any rule or ordinance adopted
3826 pursuant to this subsection if the activity is reasonably
3827 necessary in order to prevent the loss of human life or a vessel
3828 in distress due to weather conditions or other reasonably
3829 unforeseen circumstances, or in order to render emergency
3830 assistance to persons or a vessel in distress.

3831 (t)1. In order to protect manatees and manatee habitat,
3832 the counties identified in the Governor and Cabinet's October
3833 1989 Policy Directive shall develop manatee protection plans
3834 consistent with commission criteria based upon "Schedule K" of
3835 the directive, and shall submit such protection plans for review
3836 and approval by the commission. Any manatee protection plans not
3837 submitted by July 1, 2004, and any plans not subsequently
3838 approved by the commission shall be addressed pursuant to
3839 subparagraph 2.

3840 2. No later than January 1, 2005, the Fish and Wildlife
3841 Conservation Commission shall designate any county it has

3842 identified as a substantial risk county for manatee mortality as
 3843 a county that must complete a manatee protection plan by July 1,
 3844 2006. The commission is authorized to adopt rules pursuant to s.
 3845 120.54 for identifying substantial risk counties and
 3846 establishing criteria for approval of manatee protection plans
 3847 for counties so identified. Manatee protection plans shall
 3848 include the following elements at a minimum: education about
 3849 manatees and manatee habitat; boater education; an assessment of
 3850 the need for new or revised manatee protection speed zones;
 3851 local law enforcement; and a boat facility siting plan to
 3852 address expansion of existing and the development of new
 3853 marinas, boat ramps, and other multislip boating facilities.

3854 3. Counties required to adopt manatee protection plans
 3855 under this paragraph shall incorporate the boating facility
 3856 siting element of those protection plans within their respective
 3857 comprehensive plans.

3858 4. Counties that have already adopted approved manatee
 3859 protection plans, or that adopt subsequently approved manatee
 3860 protection plans by the effective date of this act, are in
 3861 compliance with the provisions of this paragraph so long as they
 3862 incorporate their approved boat facility siting plan into the
 3863 appropriate element of their local comprehensive plan no later
 3864 than July 1, 2003.

3865 (u)1. Existing state manatee protection rules shall be
 3866 given great weight in determining whether additional rules are
 3867 necessary in a region where the measurable goals developed
 3868 pursuant to s. 379.2291 ~~372.072~~ have been achieved. However, the
 3869 commission may amend existing rules or adopt new rules to

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3870 address risks or circumstances in a particular area or waterbody
 3871 to protect manatees.

3872 2. As used in this paragraph, the term "region" means one
 3873 of the four geographic areas defined by the United States Fish
 3874 and Wildlife Service in the Florida Manatee Recovery Plan, 3rd
 3875 revision (October 30, 2001).

3876 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It is
 3877 unlawful to catch, attempt to catch, molest, injure, kill, or
 3878 annoy, or otherwise interfere with the normal activity and well-
 3879 being of, mammalian dolphins (porpoises), except as may be
 3880 authorized by a federal permit.

3881 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

3882 (a) Each fiscal year the Save the Manatee Trust Fund shall
 3883 be available to fund an impartial scientific benchmark census of
 3884 the manatee population in the state. Weather permitting, the
 3885 study shall be conducted annually by the Fish and Wildlife
 3886 Conservation Commission and the results shall be made available
 3887 to the President of the Senate, the Speaker of the House of
 3888 Representatives, and the Governor and Cabinet for use in the
 3889 evaluation and development of manatee protection measures. In
 3890 addition, the Save the Manatee Trust Fund shall be available for
 3891 annual funding of activities of public and private organizations
 3892 and those of the commission intended to provide manatee and
 3893 marine mammal protection and recovery effort; manufacture and
 3894 erection of informational and regulatory signs; production,
 3895 publication, and distribution of educational materials;
 3896 participation in manatee and marine mammal research programs,
 3897 including carcass salvage and other programs; programs intended

3898 to assist the recovery of the manatee as an endangered species,
 3899 assist the recovery of the endangered or threatened marine
 3900 mammals, and prevent the endangerment of other species of marine
 3901 mammals; and other similar programs intended to protect and
 3902 enhance the recovery of the manatee and other species of marine
 3903 mammals.

3904 (b) By December 1 each year, the Fish and Wildlife
 3905 Conservation Commission shall provide the President of the
 3906 Senate and the Speaker of the House of Representatives a written
 3907 report, enumerating the amounts and purposes for which all
 3908 proceeds in the Save the Manatee Trust Fund for the previous
 3909 fiscal year are expended, in a manner consistent with those
 3910 recovery tasks enumerated within the manatee recovery plan as
 3911 required by the Endangered Species Act.

3912 (c) When the federal and state governments remove the
 3913 manatee from status as an endangered or threatened species, the
 3914 annual allocation may be reduced.

3915 (d) Up to 10 percent of the annual use fee deposited in
 3916 the Save the Manatee Trust Fund from the sale of the manatee
 3917 license plate authorized in s. 320.08058 may be used to promote
 3918 and market the license plate issued by the Department of Highway
 3919 Safety and Motor Vehicles after June 30, 2007.

3920 ~~(e) During the 2007-2008 fiscal year, the annual use fee~~
 3921 ~~deposited into the Save the Manatee Trust Fund from the sale of~~
 3922 ~~the manatee license plate authorized in s. 320.08058 may be used~~
 3923 ~~by the commission to buy back any manatee license plates not~~
 3924 ~~issued by the Department of Highway Safety and Motor Vehicles.~~
 3925 ~~This paragraph expires July 1, 2008.~~

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3926 Section 73. Section 370.1201, Florida Statutes, is
 3927 renumbered as section, 379.2432, Florida Statutes, to read:
 3928 379.2432 ~~370.1201~~ Manatee protection; intent; conduct of
 3929 studies; initiatives and plans.--It is the intent of the
 3930 Legislature that the commission request the necessary funding
 3931 and staffing through a general revenue budget request to ensure
 3932 that manatees receive the maximum protection possible. The
 3933 Legislature recognizes that strong manatee protection depends
 3934 upon consistently achieving a high degree of compliance with
 3935 existing and future rules. The commission shall conduct
 3936 standardized studies to determine levels of public compliance
 3937 with manatee protection rules, and shall use the results of the
 3938 studies, together with other relevant information, to develop
 3939 and implement strategic law enforcement initiatives and boater
 3940 education plans. Drawing upon information obtained from the
 3941 compliance studies and the implementation of enforcement
 3942 initiatives together with boater education plans, the commission
 3943 shall identify any impediments in consistently achieving high
 3944 levels of compliance, and adjust their enforcement and boater
 3945 education efforts accordingly.

3946 Section 74. Section 370.1202, Florida Statutes, is
 3947 renumbered as section 379.2433, Florida Statutes, to read:
 3948 379.2433 ~~370.1202~~ Enhanced manatee protection study.--
 3949 (1) The Fish and Wildlife Conservation Commission shall
 3950 implement and administer an enhanced manatee protection study
 3951 designed to increase knowledge of the factors that determine the
 3952 size and distribution of the manatee population in the waters of
 3953 the state. The enhanced study shall be used by the commission in

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3954 its mission to provide manatees with the maximum protection
3955 possible, while also allowing maximum recreational use of the
3956 state's waterways. The goal of the enhanced study is to collect
3957 data that will enable resource managers and state and local
3958 policymakers, in consultation with the public, to develop and
3959 implement sound science-based policies to improve manatee
3960 habitat, establish manatee protection zones, and maximize the
3961 size of safe boating areas for recreational use of state waters
3962 without endangering the manatee population.

3963 (2) (a) As part of the enhanced manatee protection study,
3964 the Legislature intends that the commission shall contract with
3965 Mote Marine Laboratory to conduct a manatee habitat and
3966 submerged aquatic vegetation assessment that specifically
3967 considers:

3968 1. Manatee populations that congregate in the warm water
3969 discharge sites at power plants in the state and the potential
3970 risks for disease resulting from increased congregation of
3971 manatees at these sites;

3972 2. Development of research, monitoring, and submerged
3973 aquatic vegetation restoration priorities for manatee habitat in
3974 and near the warm water discharge sites at power plants in the
3975 state; and

3976 3. The potential impacts on manatees and manatee habitat
3977 if power plants that provide warm water discharge sites where
3978 manatees congregate are closed, including how closure will
3979 affect the size and health of submerged aquatic vegetation
3980 areas.

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3981 (b) The Mote Marine Laboratory must submit an interim
3982 report on the manatee habitat and submerged aquatic vegetation
3983 assessment to the Governor, the Legislature, and the commission
3984 by September 1, 2006. The interim report must detail the
3985 progress of the assessment. The final report, due to the
3986 Governor, the Legislature, and the commission by January 1,
3987 2007, must detail the results of the assessment and include
3988 recommendations for protection of manatee habitat in warm water
3989 discharge sites at power plants in the state.

3990 (c) The commission shall ensure that funds allocated to
3991 implement the manatee habitat and submerged aquatic vegetation
3992 assessment are expended in a manner that is consistent with the
3993 requirements of this subsection. The commission may require an
3994 annual audit of the expenditures made by Mote Marine Laboratory.
3995 Copies of any audit requested under this subsection must be
3996 provided to the appropriate substantive and appropriations
3997 committees of the Senate and the House of Representatives as
3998 they become available.

3999 (3) As part of the enhanced manatee protection study, the
4000 Legislature intends that the commission must conduct a signage
4001 and boat speed assessment to evaluate the effectiveness of
4002 manatee protection signs and sign placement and to assess boat
4003 speeds. The commission shall evaluate existing data on manatee
4004 mortality before and after existing manatee protection zones
4005 were established, boater compliance and comprehension of
4006 regulatory signs and buoys, changes in boating traffic patterns,
4007 and manatee distribution and behavior. The commission shall also
4008 provide recommendations on innovative marker designs that are in

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4009 compliance with the federal aids to navigation system. The
 4010 signage and boat speed assessment must address:

4011 (a) The effectiveness of signs and buoys to warn boaters
 4012 of manatee slow-speed zones, with a goal of developing federally
 4013 approved standards for marking manatee protection zones;

4014 (b) A determination of where buoys may be used in place of
 4015 pilings for boating safety purposes; and

4016 (c) An evaluation of higher speed travel corridors in
 4017 manatee zones to determine the most effective speed to balance
 4018 safe boating, recreational use, vessel operating
 4019 characteristics, and manatee protection.

4020
 4021 The commission shall complete its signage and boat speed
 4022 assessment by January 1, 2007, and must submit a report of its
 4023 findings to the Governor, the President of the Senate, and the
 4024 Speaker of the House of Representatives by February 1, 2007. The
 4025 report must detail the results of the assessment and identify
 4026 specific recommendations for developing state and local policies
 4027 relating to the appropriate placement of signs, including
 4028 innovative markers, in manatee slow-speed zones.

4029 (4) The commission is authorized to develop and implement
 4030 the use of genetic tagging to improve its ability to assess the
 4031 status and health of the manatee population, including the
 4032 health and reproductive capacity of manatees, estimating annual
 4033 survival rates through mark recapture studies, determining
 4034 migration patterns, and determining maternity and paternity. The
 4035 development and use of genetic tagging may be done in
 4036 cooperation with federal agencies or other entities, such as

4037 genetic laboratories at schools within the State University
 4038 System.

4039 Section 75. Section 370.10, Florida Statutes, is
 4040 renumbered as section 379.244, Florida Statutes, to read:

4041 379.244 ~~370.10~~ Crustacea, marine animals, fish;
 4042 regulations; general provisions.--

4043 (1) OWNERSHIP OF FISH, SPONGES, ETC.--All fish, shellfish,
 4044 sponges, oysters, clams, and crustacea found within the rivers,
 4045 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets,
 4046 and other bodies of water within the jurisdiction of the state,
 4047 and within the Gulf of Mexico and the Atlantic Ocean within the
 4048 jurisdiction of the state, excluding all privately owned
 4049 enclosed fish ponds not exceeding 150 acres, are the property of
 4050 the state and may be taken and used by its citizens and persons
 4051 not citizens, subject to the reservations and restrictions
 4052 imposed by these statutes. No water bottoms owned by the state
 4053 shall ever be sold, transferred, dedicated, or otherwise
 4054 conveyed without reserving in the people the absolute right to
 4055 fish thereon, except as otherwise provided in these statutes.

4056 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
 4057 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION
 4058 PURPOSES.--Notwithstanding any other provisions of general or
 4059 special law to the contrary, the Fish and Wildlife Conservation
 4060 Commission may authorize, upon such terms, conditions, and
 4061 restrictions as it may prescribe by rule, any properly
 4062 accredited person to harvest or possess indigenous or
 4063 nonindigenous saltwater species for experimental, scientific,
 4064 education, and exhibition purposes or to harvest or possess

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4065 reasonable quantities of aquacultural species for brood stock.
 4066 Such authorizations may allow collection of specimens without
 4067 regard to, and not limited to, size, seasonal closure,
 4068 collection method, reproductive state, or bag limit.
 4069 Authorizations issued under the provisions of this section may
 4070 be suspended or revoked by the Fish and Wildlife Conservation
 4071 Commission if it finds that the person has violated this
 4072 section, Fish and Wildlife Conservation Commission rules or
 4073 orders, or terms or conditions of the authorization or has
 4074 submitted false or inaccurate information in his or her
 4075 application.

4076 Section 76. Section 370.1405, Florida Statutes, is
 4077 renumbered as section 379.245, Florida Statutes, and amended to
 4078 read:

4079 379.245 ~~370.1405~~ Spiny lobster reports by dealers during
 4080 closed season required.--

4081 (1) Within 3 days after the commencement of the closed
 4082 season for the taking of spiny lobster, each and every seafood
 4083 dealer, either retail or wholesale, intending to possess whole
 4084 spiny lobster, spiny lobster tails, or spiny lobster meat during
 4085 closed season shall submit to the Fish and Wildlife Conservation
 4086 Commission, on forms provided by the commission, a sworn report
 4087 of the quantity, in pounds, of whole spiny lobster, spiny
 4088 lobster tails, and spiny lobster meat in the dealer's name or
 4089 possession as of the date the season closed. This report shall
 4090 state the location and number of pounds of whole spiny lobster,
 4091 spiny lobster tails, and spiny lobster meat. The commission
 4092 shall not accept any reports not delivered or postmarked by

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4093 | midnight of the 3rd calendar day after the commencement of the
 4094 | closed season, and any stocks of spiny lobster reported therein
 4095 | are declared a nuisance and may be seized by the commission.

4096 | (2) Failure to submit a report as described in subsection
 4097 | (1) or reporting a greater or lesser amount of whole spiny
 4098 | lobster, spiny lobster tails, or spiny lobster meat than is
 4099 | actually in the dealer's possession or name is a major violation
 4100 | of this chapter, punishable as provided in s. 379.407(1),
 4101 | 379.414 ~~370.021(1)~~, ~~s. 370.07(6)(b)~~, or both. The commission
 4102 | shall seize the entire supply of unreported or falsely reported
 4103 | whole spiny lobster, spiny lobster tails, or spiny lobster meat,
 4104 | and shall carry the same before the court for disposal. The
 4105 | dealer shall post a cash bond in the amount of the fair value of
 4106 | the entire quantity of unreported or falsely reported spiny
 4107 | lobster as determined by the judge. After posting the cash bond,
 4108 | the dealer shall have 24 hours to transport said products
 4109 | outside the limits of Florida for sale as provided by s. 379.337
 4110 | ~~370.061~~. Otherwise, the product shall be declared a nuisance and
 4111 | disposed of by the commission according to law.

4112 | (3) All dealers having reported stocks of spiny lobster
 4113 | may sell or offer to sell such stocks of spiny lobster; however,
 4114 | such dealers shall submit an additional report on the last day
 4115 | of each month during the duration of the closed season. Reports
 4116 | shall be made on forms supplied by the commission. Each dealer
 4117 | shall state on this report the number of pounds brought forward
 4118 | from the previous report period, the number of pounds sold
 4119 | during the report period, the number of pounds, if any, acquired
 4120 | from a licensed wholesale dealer during the report period, and

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4121 the number of pounds remaining on hand. In every case, the
4122 amount of spiny lobster sold plus the amount reported on hand
4123 shall equal the amount acquired plus the amount reported
4124 remaining on hand in the last submitted report. Copies of
4125 records or invoices documenting the number of pounds acquired
4126 during the closed season must be maintained by the wholesale or
4127 retail dealer and shall be kept available for inspection by the
4128 commission for a period not less than 3 years from the date of
4129 the recorded transaction. Reports postmarked later than midnight
4130 on the 3rd calendar day of each month during the duration of the
4131 closed season will not be accepted by the commission. Dealers
4132 for which late supplementary reports are not accepted by the
4133 commission must show just cause why their entire stock of whole
4134 spiny lobster, spiny lobster tails, or spiny lobster meat should
4135 not be seized by the commission. Whenever a dealer fails to
4136 timely submit the monthly supplementary report as described in
4137 this subsection, the dealer may be subject to the following
4138 civil penalties:

4139 (a) For a first violation, the commission shall assess a
4140 civil penalty of \$500.

4141 (b) For a second violation within the same spiny lobster
4142 closed season, the commission shall assess a civil penalty of
4143 \$1,000.

4144 (c) For a third violation within the same spiny lobster
4145 closed season, the commission shall assess a civil penalty of
4146 \$2,500 and may seize said dealer's entire stock of whole spiny
4147 lobster, spiny lobster tails, or spiny lobster meat and carry
4148 the same before the court for disposal. The dealer shall post a

4149 cash bond in the amount of the fair value of the entire
 4150 remaining quantity of spiny lobster as determined by the judge.
 4151 After posting the cash bond, a dealer shall have 24 hours to
 4152 transport said products outside the limits of Florida for sale
 4153 as provided by s. 379.337 ~~370.061~~. Otherwise, the product shall
 4154 be declared a nuisance and disposed of by the commission
 4155 according to law.

4156 (4) All seafood dealers shall at all times during the
 4157 closed season make their stocks of whole spiny lobster, spiny
 4158 lobster tails, or spiny lobster meat available for inspection by
 4159 the commission.

4160 (5) Each wholesale and retail dealer in whole spiny
 4161 lobster, spiny lobster tails, or spiny lobster meat shall keep
 4162 throughout the period of the spiny lobster closed season copies
 4163 of the bill of sale or invoice covering each transaction
 4164 involving whole spiny lobster, spiny lobster tails, or spiny
 4165 lobster meat. Such invoices and bills shall be kept available at
 4166 all times for inspection by the commission.

4167 (6) The Fish and Wildlife Conservation Commission may
 4168 adopt rules incorporating by reference such forms as are
 4169 necessary to administer this section.

4170 Section 77. Section 370.151, Florida Statutes, is
 4171 renumbered as section 379.246, Florida Statutes, and amended to
 4172 read:

4173 379.246 ~~370.151~~ Tortugas shrimp beds; gifted and loan
 4174 property penalties.--

4175 ~~(1) It is the intention of the Legislature that action~~
 4176 ~~should be taken to conserve the supply of shrimp in the large~~

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4177 ~~shrimp beds which lie in and around the coast of the Lower Keys~~
4178 ~~of Florida and in the vicinity of the islands of Dry Tortugas in~~
4179 ~~the Florida Keys, hereinafter referred to as the "Tortugas~~
4180 ~~Shrimp Bed," and which furnish more than 50 percent of the~~
4181 ~~shrimp in waters adjacent to the coast of Florida. It is further~~
4182 ~~the sense of this Legislature that the shrimp industry is a~~
4183 ~~valuable industry to the economy of this state and deserves~~
4184 ~~adequate protection.~~

4185 (1)~~(2)~~~~(a)~~ The Fish and Wildlife Conservation Commission is
4186 authorized to take title in the name of the state to any vessel
4187 or vessels suitable for use in carrying out the inspection and
4188 patrol of the Tortugas Bed which may be offered as a gift to the
4189 state by any person, firm, corporation, or association in the
4190 shrimp industry for the purpose of carrying out the provisions
4191 of this section. In the event such title is taken to such vessel
4192 or vessels, the commission is authorized to operate and keep
4193 said vessel or vessels in proper repair.

4194 (2)~~(b)~~ The commission is further authorized to accept the
4195 temporary loan of any vessel or vessels, suitable for use in
4196 carrying out the provisions of this section, for periods not
4197 exceeding 1 year. However, the state shall not assume any
4198 liability to the owner or owners of said vessels for any damage
4199 done by said vessels to other vessels, persons, or property. In
4200 the operation of said loaned vessels, upkeep and repair shall
4201 consist only of minor repairs and routine maintenance. The owner
4202 or owners shall carry full marine insurance coverage on said
4203 loaned vessel or vessels for the duration of the period during
4204 which said vessels are operated by the state.

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4205 ~~(3) The owner or master of any vessel not equipped with~~
 4206 ~~live shrimp bait tanks dragging shrimp nets in the above defined~~
 4207 ~~area without a live bait shrimping license for this area is~~
 4208 ~~guilty of a violation of this section. A third or any subsequent~~
 4209 ~~violation by any person under this subsection within a 3 year~~
 4210 ~~period shall be a felony of the third degree, punishable as~~
 4211 ~~provided in ss. 775.082 and 775.083.~~

4212 Section 78. Section 370.153, Florida Statutes, is
 4213 renumbered as section 379.247, Florida Statutes, and amended to
 4214 read:

4215 379.247 ~~370.153~~ Regulation of shrimp fishing; Clay, Duval,
 4216 Nassau, Putnam, Flagler, and St. Johns Counties.--

4217 (1) DEFINITIONS.--When used in this section, unless the
 4218 context clearly requires otherwise:

4219 (a) "Inland waters" means all creeks, rivers, bayous,
 4220 bays, inlets, and canals.

4221 (b) "Sample" means one or more shrimp taken from an
 4222 accurately defined part of the area defined.

4223 (c) "Series" means 10 or more samples taken within a
 4224 period of not more than 1 week, each sample being taken at a
 4225 different station within the pattern.

4226 (d) "Pattern" means 10 or more stations.

4227 (e) "Station" means a single location on the water of the
 4228 areas defined.

4229 (f) "Licensed live bait shrimp producer" means any
 4230 individual licensed by the Fish and Wildlife Conservation
 4231 Commission to employ the use of any trawl for the taking of live

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4232 bait shrimp within the inland waters of Nassau, Duval, St.
 4233 Johns, Putnam, Flagler, or Clay Counties.

4234 (g) "Licensed dead shrimp producer" means any individual
 4235 licensed by the Fish and Wildlife Conservation Commission to
 4236 employ the use of any trawl for the taking of shrimp within the
 4237 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
 4238 Clay Counties.

4239 (2) SHRIMPING PROHIBITED.--It is unlawful to employ the
 4240 use of any trawl or other net, except a common cast net,
 4241 designed for or capable of taking shrimp, within the inland
 4242 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
 4243 Counties, except as hereinafter provided.

4244 (3) LIVE BAIT SHRIMP PRODUCTION.--

4245 (a) A live bait shrimp production license shall be issued
 4246 by the Fish and Wildlife Conservation Commission upon the
 4247 receipt of an application by a person intending to use a boat,
 4248 not to exceed 35 feet in length in Duval, St. Johns, Putnam,
 4249 Flagler, and Clay Counties and not to exceed 45 feet in length
 4250 in Nassau County, for live shrimp production within the inland
 4251 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
 4252 Counties and the payment of a fee of \$250. The annual fee of
 4253 \$250 shall be collected by the commission for the issuance of
 4254 the license during a 60-day period beginning June 1 of each
 4255 year. The design of the application and permit shall be
 4256 determined by the commission. The proceeds of the fee imposed by
 4257 this paragraph shall be used by the Fish and Wildlife
 4258 Conservation Commission for the purposes of enforcement of
 4259 marine resource laws.

4260 (b) The Executive Director of the Fish and Wildlife
 4261 Conservation Commission, or his or her designated
 4262 representative, may by order close certain areas to live bait
 4263 shrimp production when sampling procedures justify the closing
 4264 based upon sound conservation practices. The revocation of any
 4265 order to close has the effect of opening the area.

4266 (c)1. Each licensed live bait shrimp producer who stores
 4267 his or her catch for sale or sells his or her catch shall
 4268 either:

4269 a. Maintain onshore facilities which have been annually
 4270 checked and approved by the local commission office to assure
 4271 the facilities' ability to maintain the catch alive when the
 4272 live bait shrimp producer produces for his or her own facility;
 4273 or

4274 b. Sell his or her catch only to persons who have onshore
 4275 facilities that have been annually checked and approved by the
 4276 local commission office to assure the facilities' ability to
 4277 maintain the catch alive, when the producer sells his or her
 4278 catch to an onshore facility. The producer shall provide the
 4279 commission with the wholesale number of the facility to which
 4280 the shrimp have been sold and shall submit this number on a form
 4281 designed and approved by the commission.

4282 2. All persons who maintain onshore facilities as
 4283 described in this paragraph, whether the facilities are
 4284 maintained by the licensed live bait shrimp producer or by
 4285 another party who purchases shrimp from live bait shrimp
 4286 producers, shall keep records of their transactions in
 4287 conformance with the provisions of s. 379.362(6) ~~370.07(6)~~.

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4288 (d) All commercial trawling in Clay, Duval, and St. Johns
 4289 Counties shall be restricted to the inland waters of the St.
 4290 Johns River proper in the area north of the Acosta Bridge in
 4291 Jacksonville and at least 100 yards from the nearest shoreline.

4292 (e) A live shrimp producer must also be a licensed
 4293 wholesale dealer. Such person shall not sell live bait shrimp
 4294 unless he or she produces a live bait shrimp production license
 4295 at the time of sale.

4296 (f) The commission shall rename the Live Bait Shrimp
 4297 Production License as the Commercial Live Shrimp Production
 4298 License.

4299 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as a
 4300 commercial dead shrimp producer provided that:

4301 (a) A dead shrimp production permit is procured from the
 4302 Fish and Wildlife Conservation Commission upon the receipt by
 4303 the commission of a properly filled out and approved application
 4304 by a person intending to use a boat, not to exceed 35 feet in
 4305 length in Duval, St. Johns, Putnam, and Clay Counties, and not
 4306 to exceed 45 feet in length in Nassau County, for dead shrimp
 4307 production within the inland waters of Nassau County and the
 4308 inland waters of the St. Johns River of Duval, Putnam, St.
 4309 Johns, Flagler, or Clay Counties, which permit shall cost \$250
 4310 and shall be required for each vessel used for dead shrimp
 4311 production. The design of the application and permit shall be
 4312 determined by the Fish and Wildlife Conservation Commission. The
 4313 proceeds of the fees imposed by this paragraph shall be
 4314 deposited into the account of the Marine Resources Conservation

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4315 Trust Fund to be used by the commission for the purpose of
 4316 enforcement of marine resource laws.

4317 (b) All commercial trawling in the St. Johns River proper
 4318 shall be restricted to the area north of the Acosta Bridge in
 4319 Jacksonville and at least 100 yards from the nearest shoreline.

4320 (c) All commercial shrimping activities shall be allowed
 4321 during daylight hours from Tuesday through Friday each week.

4322 (d) No person holding a dead shrimp production permit
 4323 issued pursuant to this subsection shall simultaneously hold a
 4324 permit for noncommercial trawling under the provisions of
 4325 subsection (5). The number of permits issued by the commission
 4326 for commercial trawling or dead shrimp production in any one
 4327 year shall be limited to those active in the base year, 1976,
 4328 and renewed annually since 1976. All permits for dead shrimp
 4329 production issued pursuant to this section shall be inheritable
 4330 or transferable to an immediate family member and annually
 4331 renewable by the holder thereof. Such inheritance or transfer
 4332 shall be valid upon being registered with the commission. Each
 4333 permit not renewed shall expire and shall not be renewed under
 4334 any circumstances.

4335 (e) It is illegal for any person to sell dead shrimp
 4336 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
 4337 St. Johns Counties, unless the seller is in possession of a dead
 4338 shrimp production license issued pursuant to this subsection.

4339 (f) It is illegal for any person to purchase shrimp for
 4340 consumption or bait from any seller (with respect to shrimp
 4341 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
 4342 St. Johns Counties (St. Johns River)) who does not produce his

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4343 or her dead shrimp production license prior to the sale of the
4344 shrimp.

4345 (g) In addition to any other penalties provided for in
4346 this section, any person who violates the provisions of this
4347 subsection shall have his or her license revoked by the
4348 commission.

4349 (h) The commission shall rename the Dead Shrimp Production
4350 License as the Commercial Food Shrimp Production License.

4351 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling is
4352 authorized by the Fish and Wildlife Conservation Commission, any
4353 person may trawl for shrimp in the St. Johns River for his or
4354 her own use as food under the following conditions:

4355 (a) Each person who desires to trawl for shrimp for use as
4356 food shall obtain a noncommercial trawling permit from the local
4357 office of the Fish and Wildlife Conservation Commission upon
4358 filling out an application on a form prescribed by the
4359 commission and upon paying a fee for the permit, which shall
4360 cost \$50.

4361 (b) All trawling shall be restricted to the confines of
4362 the St. Johns River proper in the area north of the Acosta
4363 Bridge in Jacksonville and at least 100 yards from the nearest
4364 shoreline.

4365 (c) No shrimp caught by a person licensed under the
4366 provisions of this subsection may be sold or offered for sale.

4367 (6) SAMPLING PROCEDURE.--

4368 (a) The Executive Director of the Fish and Wildlife
4369 Conservation Commission shall have samples taken at established
4370 stations within patterns at frequent intervals.

4371 (b) No area may be closed to live bait shrimp production
 4372 unless a series of samples has been taken and it has been
 4373 determined that the shrimp are undersized or that continued
 4374 shrimping in this area would have an adverse effect on
 4375 conservation. Standards for size may be established by rule of
 4376 the commission.

4377 (c) No area may be opened to dead shrimp production unless
 4378 a series of samples has been taken and it has been determined
 4379 that the shrimp are of legal size. Legal-sized shrimp shall be
 4380 defined as not more than 47 shrimp with heads on, or 70 shrimp
 4381 with heads off, per pound.

4382 (7) LICENSE POSSESSION.--The operator of a boat employing
 4383 the use of any trawl for shrimp production must be in possession
 4384 of a current shrimp production license issued to him or her
 4385 pursuant to the provisions of this section.

4386 (8) USE OF TRAWL; LIMITATION.--

4387 (a) The use of a trawl by either a live bait shrimp
 4388 producer or dead shrimp producer shall be limited to the
 4389 daylight hours, and the taking of dead shrimp shall not take
 4390 place on Saturdays, Sundays, or legal state holidays.

4391 (b) The use of a trawl by either a live bait shrimp
 4392 producer or dead shrimp producer within 100 yards of any
 4393 shoreline is prohibited. The Fish and Wildlife Conservation
 4394 Commission, by rule or order, may define the area or areas where
 4395 this subsection shall apply.

4396 (c)1. It is unlawful to employ the use of any trawl
 4397 designed for, or capable of, taking shrimp within 1/4 mile of

4398 any natural or manmade inlet in Duval County or St. Johns
 4399 County.

4400 2. It is unlawful for anyone to trawl in the Trout River
 4401 west of the bridge on U.S. 17 in Duval County.

4402 (9) CREDITS.--Fees paid pursuant to paragraphs (3)(a) and
 4403 (4)(a) of this section shall be credited against the saltwater
 4404 products license fee.

4405 Section 79. Section 370.17, Florida Statutes, is
 4406 renumbered as section 379.248, Florida Statutes, and amended to
 4407 read:

4408 379.248 ~~370.17~~ Sponges; regulation.--

4409 (1) NONRESIDENT LICENSE; SPONGE FISHING.--Any nonresident
 4410 of the state, who desires to engage in the business or
 4411 occupation of sponge fishing, either for that person or any
 4412 other person, shall, before entering into said business or
 4413 occupation, procure a nonresident saltwater products license
 4414 issued in the name of an individual or to a valid boat
 4415 registration pursuant to s. 379.361 ~~370.06~~.

4416 (2) USE AND SIZE OF HOOKS.--Any person engaged in
 4417 gathering sponges by use of a hook shall use a hook 5 inches
 4418 wide for the purpose of removing sponges from the bottom, and no
 4419 hook of other dimensions may be used.

4420 (3) TAKING, POSSESSING COMMERCIAL; SIZE.--

4421 (a) No person may take, by any means or method, from the
 4422 waters of the Gulf of Mexico, the straits of this state or the
 4423 other waters within the territorial limits of this state, any
 4424 commercial sponges, measuring, when wet, less than 5 inches in
 4425 their maximum diameter.

4426 (b) To make effective the foregoing subsection it is
 4427 further provided that no person may land, cure, deliver, offer
 4428 for sale, sell, or have in his or her possession, within the
 4429 territorial limits of this state, or upon any boat, vessel, or
 4430 vehicle, other than those operated interstate by common
 4431 carriers, within the territorial limits of this state, any
 4432 commercial sponges measuring, when wet, less than 5 inches in
 4433 their maximum diameter.

4434 (c) The presence of commercial sponges within the
 4435 territorial limits of this state, or upon any boat, vessel, or
 4436 vehicle, other than those operated interstate by common
 4437 carriers, within the territorial limits of this state,
 4438 measuring, when wet, less than 5 inches in their maximum
 4439 diameter, shall be evidence that the person having such sponges
 4440 in his or her possession has violated this section.

4441 (4) POWERS OF THE COMMISSION.--The commission is
 4442 authorized and empowered to make, promulgate, and put into
 4443 effect all rules and regulations which the commission may
 4444 consider and decide to be necessary to accomplish the purpose of
 4445 this chapter for the taking and cultivation of sponges,
 4446 including the power and authority to determine and fix, in its
 4447 discretion, the seasons and period of time within which public
 4448 state grounds may be closed to the taking, possessing, buying,
 4449 selling, or transporting of sponges from the sponge cultivation
 4450 districts herein provided for and to regulate and prescribe the
 4451 means and methods to be employed in the harvesting thereof;
 4452 however, notice of all rules, regulations, and orders, and all
 4453 revisions and amendments thereto, prescribing closed seasons or

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4454 | prescribing the means and methods of harvesting sponges adopted
 4455 | by the commission shall be published in a newspaper of general
 4456 | circulation in the conservation district affected within 10 days
 4457 | from the adoption thereof, in addition to any notice required by
 4458 | chapter 120.

4459 | (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
 4460 | SERVICE.--The commission shall cooperate with the United States
 4461 | Fish and Wildlife Service, under existing federal laws, rules
 4462 | and regulations, and is authorized to accept donations, grants
 4463 | and matching funds from said federal government under such
 4464 | conditions as are reasonable and proper, for the purposes of
 4465 | carrying out this chapter, and the commission is further
 4466 | authorized to accept any and all donations including funds and
 4467 | loan of vessels.

4468 | (6) PENALTY.--Any person violating any of the foregoing
 4469 | provisions shall, for the second offense, be guilty of a felony
 4470 | of the third degree, punishable as provided in s. 775.082, s.
 4471 | 775.083, or s. 775.084, and by the confiscation of all boats,
 4472 | tackle and equipment used in the commission of such violation.

4473 | Section 80. Section 370.25, Florida Statutes, is
 4474 | renumbered as section 379.249, Florida Statutes, to read:

4475 | 379.249 ~~370.25~~ Artificial reef program; grants and
 4476 | financial and technical assistance to local governments.--

4477 | (1) An artificial reef program is created within the
 4478 | commission to enhance saltwater opportunities and to promote
 4479 | proper management of fisheries resources associated with
 4480 | artificial reefs for the public interest. Under the program, the
 4481 | commission may provide grants and financial and technical

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4482 assistance to coastal local governments, state universities, and
4483 nonprofit corporations qualified under s. 501(c)(3) of the
4484 Internal Revenue Code for the siting and development of
4485 artificial reefs as well as for monitoring and evaluating such
4486 reefs and their recreational, economic, and biological
4487 effectiveness. The commission is authorized to accept title, on
4488 behalf of the state, to vessels for use in the artificial reef
4489 program as offshore artificial reefs. The program may be funded
4490 from state, federal, and private contributions.

4491 (2) The commission may adopt by rule procedures for
4492 submitting an application for financial assistance and criteria
4493 for allocating available funds.

4494 (3) The commission may adopt by rule criteria for siting,
4495 constructing, managing, and evaluating the effectiveness of
4496 artificial reefs placed in state or adjacent federal waters and
4497 criteria implementing the transfer of vessel titles to the state
4498 for use as an offshore artificial reef.

4499 (4) The commission may adopt by rule criteria for
4500 determining the eligibility of nonprofit corporations qualified
4501 under s. 501(c)(3) of the Internal Revenue Code to apply for and
4502 receive funds available for artificial reef development or
4503 evaluation. The criteria must include, but are not limited to,
4504 the following:

4505 (a) The corporation must show proof that it is a nonprofit
4506 corporation qualified under s. 501(c)(3) of the Internal Revenue
4507 Code.

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4508 (b) The corporation must state in its articles of
4509 incorporation or bylaws that one of its objectives is the
4510 development or monitoring of artificial reefs.

4511 (5) The commission's artificial reef program shall track
4512 all artificial-reef-development activities statewide, and
4513 maintain a computer database of these activities for the public
4514 interest and to facilitate long-range planning and coordination
4515 within the commission and among local governments.

4516 (6) It is unlawful for any person to:

4517 (a) Place artificial-reef-construction materials in state
4518 waters outside zones permitted under the terms and conditions
4519 defined in any artificial-reef permits issued by the United
4520 States Army Corps of Engineers or by the Department of
4521 Environmental Protection.

4522 (b) Store, possess, or transport on or across state waters
4523 any materials reasonably suited for artificial-reef construction
4524 and stored in a manner providing ready access for use and
4525 placement as an artificial reef, unless a valid cargo manifest
4526 issued by the commission or a commission-certified inspector is
4527 onboard the transporting vessel. The manifest will serve as
4528 authorization to use a valid permitted site or land-based
4529 staging area, will validate that the type of artificial-reef
4530 construction material being transported is permissible for use
4531 at the permitted site, and will describe and quantify the
4532 artificial-reef material being transported. The manifest will
4533 also include the latitude and longitude coordinates of the
4534 proposed deployment location, the valid permit number, and a
4535 copy of the permit conditions for the permitted site. The

4536 manifest must be available for inspection by any authorized law
 4537 enforcement officer or commission employee.

4538 (7) (a) An initial violation of subsection (6) is a
 4539 misdemeanor of the first degree, punishable as provided in s.
 4540 775.082 or s. 775.083. A subsequent violation of subsection (6)
 4541 which is committed within 12 months after a previous violation
 4542 of that subsection is a felony of the third degree, punishable
 4543 as provided in s. 775.082, s. 775.083, or s. 775.084.

4544 (b) If a violation of subsection (6) occurs, a law
 4545 enforcement officer may terminate a vessel's voyage and order
 4546 the vessel operator to return immediately to port. Failure or
 4547 refusal to comply with an order to return to port constitutes a
 4548 felony of the third degree, punishable as provided in s.
 4549 775.082, s. 775.083, or s. 775.084. The vessel operator must
 4550 immediately dispose of the materials on shore according to
 4551 applicable waste disposal laws.

4552 (c) If, at the time of the violation, the vessel that is
 4553 involved in the violation:

4554 1. Is moored at a land-based facility, the registered
 4555 owner of the vessel is responsible for the violation.

4556 2. Is underway or anchored, the captain or operator of the
 4557 vessel and the registered owner of the vessel are jointly
 4558 responsible for the violation.

4559 (d) In addition to the penalties imposed in this
 4560 subsection, the commission shall assess civil penalties of up to
 4561 \$5,000 against any person convicted of violating subsection (6)
 4562 and may seek the suspension or revocation of the vessel
 4563 registration, existing reef-construction permits, or other state

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4564 marine licenses held by the violator. For the purposes of this
 4565 section, conviction includes any judicial disposition other than
 4566 acquittal or dismissal.

4567 Section 81. Section 370.23, Florida Statutes, is
 4568 renumbered as section 379.25, Florida Statutes, to read:

4569 379.25 ~~370.23~~ Sale of unlawfully landed product;
 4570 jurisdiction.--It is unlawful for any person to bring to port,
 4571 sell, or offer to sell any saltwater life landed in violation of
 4572 the provisions of this chapter. Any person committing such a
 4573 violation and docking his or her vessel at any port in the
 4574 state, whether or not such product was landed in the territorial
 4575 waters of the state, shall be deemed to have submitted himself
 4576 or herself to the jurisdiction of the courts of this state for
 4577 the purpose of the enforcement of the provisions of this
 4578 chapter.

4579 Section 82. Section 370.1601, Florida Statutes, is
 4580 renumbered as section 379.2511, Florida Statutes, and amended to
 4581 read:

4582 379.2511 ~~370.1601~~ Lease of state-owned water bottoms for
 4583 growing oysters and clams.--Effective July 1, 1988, persons
 4584 wishing to lease state-owned water bottoms for the purpose of
 4585 growing oysters and clams shall no longer be required to apply
 4586 under the provisions of s. 379.2525 ~~370.16~~; such leases shall be
 4587 issued pursuant to the provisions of ss. 253.67-253.75.

4588 Section 83. Section 370.161, Florida Statutes, is
 4589 renumbered as section 379.2512, Florida Statutes, to read:

4590 379.2512 ~~370.161~~ Oyster bottom land grants made pursuant
 4591 to ch. 3293.--

4592 (1) All grants previously issued by the several boards of
 4593 county commissioners under the authority of chapter 3293, 1881,
 4594 Laws of Florida, shall be subject to provisions of s. 597.010,
 4595 relating to the marking of such lands, the payment of rents, the
 4596 cultivation of such lands and the forfeiture provisions.

4597 (2) Any grantee of lands referred to in subsection (1)
 4598 shall mark such lands and begin cultivation thereof as set forth
 4599 in s. 597.010, within 90 days after the effective date of this
 4600 act. The rentals prescribed by s. 597.010, shall be payable
 4601 immediately upon the effective date of this act and in
 4602 accordance with the provisions of said section.

4603 (3) If any grantee shall fail to comply with the
 4604 provisions of this act his or her grant shall become null and
 4605 void and the lands shall return to the ownership and
 4606 jurisdiction of the state.

4607 Section 84. Section 370.027, Florida Statutes, is
 4608 renumbered as section 379.2521, Florida Statutes, and amended to
 4609 read:

4610 379.2521 ~~370.027~~ Rulemaking authority with respect to
 4611 marine life.--Marine aquaculture producers shall be regulated by
 4612 the Department of Agriculture and Consumer Services. The Fish
 4613 and Wildlife Conservation Commission shall adopt rules, by March
 4614 1, 2000, to regulate the sale of farmed red drum and spotted sea
 4615 trout. These rules shall specifically provide for the protection
 4616 of the wild resource, without restricting a certified
 4617 aquaculture producer pursuant to s. 597.004 from being able to
 4618 sell farmed fish. To that extent, these rules must only require
 4619 that farmed fish be kept separate from wild fish and be fed

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4620 commercial feed; that farmed fish be placed in sealed
 4621 containers; that these sealed containers must have the name,
 4622 address, telephone number and aquaculture certificate number,
 4623 issued pursuant to s. 597.004, of the farmer clearly and
 4624 indelibly placed on the container; and that this information
 4625 must accompany the fish to the ultimate point of sale. Marine
 4626 aquaculture products produced by a marine aquaculture producer,
 4627 certified pursuant to s. 597.004, are exempt from Fish and
 4628 Wildlife Conservation Commission resource management rules, with
 4629 the exception of such rules governing any fish of the genus
 4630 Centropomus (snook). By July 1, 2000, the Fish and Wildlife
 4631 Conservation Commission shall develop procedures to allow
 4632 persons possessing a valid aquaculture certificate of
 4633 registration to sell and transport live snook produced in
 4634 private ponds or private hatcheries as brood stock, to stock
 4635 private ponds, or for aquarium display consistent with the
 4636 provisions of rules adopted by the Department of Agriculture and
 4637 Consumer Services rule 39-23.009, Florida Administrative Code.

4638 Section 85. Section 370.1603, Florida Statutes, is
 4639 renumbered as section 379.2522, Florida Statutes, and amended to
 4640 read:

4641 379.2522 ~~370.1603~~ Oysters produced in and outside state;
 4642 labeling; tracing; rules.--

4643 (1) No wholesale or retail dealer, as defined in s.
 4644 379.362 (1) ~~370.07(1)~~, shall sell any oysters produced outside
 4645 this state unless they are labeled as such, or unless it is
 4646 otherwise reasonably made known to the purchaser that the
 4647 oysters were not produced in this state.

4648 (2) The Department of Agriculture and Consumer Services
 4649 shall promulgate rules whereby oysters produced in Florida
 4650 waters can be traced to the location from which they were
 4651 harvested. A wholesale or retail dealer may not sell any oysters
 4652 produced in this state unless they are labeled so that they may
 4653 be traced to the point of harvesting.

4654 Section 86. Section 370.26, Florida Statutes, is
 4655 renumbered as section 379.2523, Florida Statutes, and amended to
 4656 read:

4657 379.2523 ~~370.26~~ Aquaculture definitions; marine
 4658 aquaculture products, producers, and facilities.--

4659 (1) As used in this section, the term:

4660 (a) "Marine aquaculture facility" means a facility built
 4661 and operated for the purpose of producing marine aquaculture
 4662 products. Marine aquaculture facilities contain culture systems
 4663 such as, but not limited to, ponds, tanks, raceways, cages, and
 4664 bags used for commercial production, propagation, growout, or
 4665 product enhancement of marine products. Marine aquaculture
 4666 facilities specifically do not include:

4667 1. Facilities that maintain marine aquatic organisms
 4668 exclusively for the purpose of shipping, distribution,
 4669 marketing, or wholesale and retail sales;

4670 2. Facilities that maintain marine aquatic organisms for
 4671 noncommercial, education, exhibition, or scientific purposes;

4672 3. Facilities in which the activity does not require an
 4673 aquaculture certification pursuant to s. 597.004; or

4674 4. Facilities used by marine aquarium hobbyists.

4675 (b) "Marine aquaculture producer" means a person holding
 4676 an aquaculture certificate pursuant to s. 597.004 to produce
 4677 marine aquaculture products.

4678 (c) "Marine aquaculture product" means any product derived
 4679 from marine aquatic organisms that are owned and propagated,
 4680 grown, or produced under controlled conditions by a person
 4681 holding an aquaculture certificate pursuant to s. 597.004. Such
 4682 product does not include organisms harvested from the wild for
 4683 depuration, wet storage, or relayed for the purpose of
 4684 controlled purification. Marine aquaculture products are
 4685 considered saltwater products for the purposes of this chapter,
 4686 except the holder of an aquaculture certificate is not required
 4687 to purchase and possess a saltwater products license in order to
 4688 possess, transport, or sell marine aquaculture products pursuant
 4689 to s. 379.361 ~~370.06~~. To renew an existing restricted species
 4690 endorsement, marine aquaculture producers possessing a valid
 4691 saltwater products license with a restricted species endorsement
 4692 may apply income from the sales of marine aquaculture products
 4693 to licensed wholesale dealers. Income from the sales of marine
 4694 aquaculture products shall not be eligible for the purpose of
 4695 acquiring a new restricted species endorsement. The holder of an
 4696 aquaculture certificate must purchase and possess a saltwater
 4697 products license in order to possess, transport, or sell
 4698 saltwater products not specifically provided for in s. 597.004.

4699 (2) The Department of Environmental Protection shall
 4700 encourage the development of aquaculture and the production of
 4701 aquaculture products. The department shall develop a process
 4702 consistent with this section that would consolidate permits,

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4703 general permits, and other regulatory requirements to streamline
4704 the permitting process and result in effective regulation of
4705 aquaculture activities. This process shall provide for a single
4706 application and application fee for marine aquaculture
4707 activities which are regulated by the department. Procedures to
4708 consolidate permitting actions under this section do not
4709 constitute rules within the meaning of s. 120.52.

4710 (3) Until aquaculture general permits under s. 403.814 can
4711 be expanded and developed, the department shall establish
4712 criteria to temporarily permit aquaculture activities that may
4713 be presumed not to result in adverse environmental impacts. The
4714 criteria developed pursuant to this subsection do not constitute
4715 rules within the meaning of s. 120.52. Permit application fees
4716 under this subsection shall be no more than that established for
4717 a general permit. The department may delegate to the water
4718 management districts the regulatory authority for aquaculture
4719 facilities subject to the temporary general permitting criteria
4720 of this subsection. During the period prior to development of a
4721 general permit under s. 403.814, the department shall establish
4722 a compliance plan based on monitoring results that will assist
4723 in the development of the general permit.

4724 (4) The department shall request that the Aquaculture
4725 Review Council identify a working group of industry
4726 representatives who can provide technical assistance in
4727 developing aquaculture general permits. The industry
4728 representatives shall come from the segment of the industry to
4729 be affected by the specific general permit to be developed. The

4730 working group shall be included in all phases of developing the
 4731 aquaculture general permits.

4732 (5) The department shall:

4733 (a) Coordinate with the Aquaculture Review Council, the
 4734 Aquaculture Interagency Coordinating Council, and the Department
 4735 of Agriculture and Consumer Services when developing criteria
 4736 for aquaculture general permits.

4737 (b) Permit experimental technologies to collect and
 4738 evaluate data necessary to reduce or mitigate environmental
 4739 concerns.

4740 (c) Provide technical expertise and promote the transfer
 4741 of information that would be beneficial to the development of
 4742 aquaculture.

4743 (6) The Fish and Wildlife Conservation Commission shall
 4744 encourage the development of aquaculture in the state through
 4745 the following:

4746 (a) Providing assistance in developing technologies
 4747 applicable to aquaculture activities, evaluating practicable
 4748 production alternatives, and providing management agreements to
 4749 develop innovative culture practices.

4750 (b) Facilitating aquaculture research on life histories,
 4751 stock enhancement, and alternative species, and providing
 4752 research results that would assist in the evaluation,
 4753 development, and commercial production of candidate species for
 4754 aquaculture, including:

4755 1. Providing eggs, larvae, fry, and fingerlings to
 4756 aquaculturists when excess cultured stocks are available from
 4757 the commission's facilities and the culture activities are

4758 consistent with the commission's stock enhancement projects.
 4759 Such stocks may be obtained by reimbursing the commission for
 4760 the cost of production on a per-unit basis. Revenues resulting
 4761 from the sale of stocks shall be deposited into the trust fund
 4762 used to support the production of such stocks.

4763 2. Conducting research programs to evaluate candidate
 4764 species when funding and staff are available.

4765 3. Encouraging the private production of marine fish and
 4766 shellfish stocks for the purpose of providing such stocks for
 4767 statewide stock enhancement programs. When such stocks become
 4768 available, the commission shall reduce or eliminate duplicative
 4769 production practices that would result in direct competition
 4770 with private commercial producers.

4771 4. Developing a working group, in cooperation with the
 4772 Department of Agriculture and Consumer Services, the Aquaculture
 4773 Review Council, and the Aquaculture Interagency Coordinating
 4774 Council, to plan and facilitate the development of private
 4775 marine fish and nonfish hatcheries and to encourage
 4776 private/public partnerships to promote the production of marine
 4777 aquaculture products.

4778 (c) Coordinating with public and private research
 4779 institutions within the state to advance the aquaculture
 4780 production and sale of sturgeon as a food fish.

4781 (7) The Fish and Wildlife Conservation Commission shall
 4782 coordinate with the Aquaculture Review Council and the
 4783 Department of Agriculture and Consumer Services to establish and
 4784 implement grant programs to provide funding for projects and
 4785 programs that are identified in the state's aquaculture plan,

4786 pending legislative appropriations. The commission and the
 4787 Department of Agriculture and Consumer Services shall establish
 4788 and implement a grant program to make grants available to
 4789 qualified nonprofit, educational, and research entities or local
 4790 governments to fund infrastructure, planning, practical and
 4791 applied research, development projects, production economic
 4792 analysis, and training and stock enhancement projects, and to
 4793 make grants available to counties, municipalities, and other
 4794 state and local entities for applied aquaculture projects that
 4795 are directed to economic development, pending legislative
 4796 appropriations.

4797 (8) The Fish and Wildlife Conservation Commission shall
 4798 provide assistance to the Department of Agriculture and Consumer
 4799 Services in the development of an aquaculture plan for the
 4800 state.

4801 Section 87. Section 370.31, Florida Statutes, is
 4802 renumbered as section 379.2524, Florida Statutes, to read:

4803 379.2524 ~~370.31~~ Commercial production of sturgeon.--

4804 (1) INTENT.--The Legislature finds and declares that there
 4805 is a need to encourage the continuation and advancement of work
 4806 being done on aquaculture sturgeon production in keeping with
 4807 the state's legislative public policy regarding aquaculture
 4808 provided in chapter 597. It also finds that it is in the state's
 4809 economic interest to promote the commercial production and stock
 4810 enhancement of sturgeon. It is therefore the intent of the
 4811 Legislature to hereby create a Sturgeon Production Working
 4812 Group.

4813 (2) CREATION.--The Sturgeon Production Working Group is
 4814 created within the Department of Agriculture and Consumer
 4815 Services and shall be composed of seven members as follows:

4816 (a) The head of the sturgeon research program or designee
 4817 from the University of Florida, Institute of Food and
 4818 Agricultural Sciences. Such member shall be appointed by the
 4819 University of Florida's Vice President for Agricultural Affairs.

4820 (b) One representative from the Department of
 4821 Environmental Protection to be appointed by the Secretary of
 4822 Environmental Protection.

4823 (c) One representative from the Fish and Wildlife
 4824 Conservation Commission to be appointed by the executive
 4825 director of the Fish and Wildlife Conservation Commission.

4826 (d) One representative from the Department of Agriculture
 4827 and Consumer Services to be appointed by the Commissioner of
 4828 Agriculture.

4829 (e) Two representatives from the aquaculture industry to
 4830 be appointed by the Aquaculture Review Council.

4831 (f) One representative from a private nonprofit
 4832 organization involved in sturgeon production work, to be
 4833 appointed by the Commissioner of Agriculture.

4834 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
 4835 shall meet at least twice a year and elect, by a quorum, a chair
 4836 and vice chair.

4837 (a) The chair of the working group shall preside at all
 4838 meetings and shall call a meeting as often as necessary to carry
 4839 out the provisions of this section.

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4840 (b) The Department of Agriculture and Consumer Services
4841 shall keep a complete record of the proceedings of each meeting,
4842 which includes the names of the members present at each meeting
4843 and the actions taken. The records shall be public records
4844 pursuant to chapter 119.

4845 (c) A quorum shall consist of a majority of the group
4846 members. Members of the group shall not receive compensation,
4847 but shall be entitled to per diem and travel expenses, including
4848 attendance at meetings, as allowed public officers and employees
4849 pursuant to s. 112.061.

4850 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
4851 Sturgeon Production Working Group is to coordinate the
4852 implementation of a state sturgeon production management plan to
4853 promote the commercial production and stock enhancement of
4854 sturgeon in Florida. In carrying out this purpose, the working
4855 group shall:

4856 (a) Establish a state sturgeon production management plan
4857 to inform public or private interested parties of how to
4858 aquaculturally produce sturgeon for commercial purposes and for
4859 stock enhancement. The sturgeon production management plan
4860 shall:

4861 1. Provide the regulatory policies for the commercial
4862 production of sturgeon meat and roe, including a strategy for
4863 obtaining the required permits, licenses, authorizations, or
4864 certificates.

4865 2. Provide the management practices for culturing sturgeon
4866 and ensure that aquacultural development does not impede the
4867 recovery and conservation of wild sturgeon populations.

4868 3. Establish priorities for research needed to support the
4869 commercial production of sturgeon and the recovery of native
4870 stocks in the state.

4871 (b) Support management strategies to permit the commercial
4872 production of native and nonnative sturgeon, including the
4873 distribution of captive-bred Gulf sturgeon to approved certified
4874 aquaculture facilities.

4875 (c) Support the development of a cooperative sturgeon
4876 conservation program to coordinate conservation, habitat, and
4877 resource management programs for native sturgeon, including an
4878 evaluation of how stock enhancement can facilitate the
4879 conservation and recovery of native sturgeon populations.

4880 (d) Seek federal cooperation to implement the sturgeon
4881 production management plan, including federal designation of
4882 captive-bred sturgeon as distinct population segments to
4883 distinguish cultivated stocks from wild native populations.

4884 (e) Develop enforcement guidelines to ensure continued
4885 protection of wild native sturgeon populations.

4886 (f) In furtherance of the purposes and responsibilities of
4887 the Sturgeon Production Working Group, the state shall:

4888 1. Establish a program to coordinate conservation and
4889 aquaculture activities for native sturgeon.

4890 2. Develop a conservation plan for native sturgeon.

4891 3. Initiate the process to petition for delisting captive-
4892 bred shortnose sturgeon.

4893 4. Initiate the process to petition for delisting captive-
4894 bred Gulf sturgeon.

4895 (g) Establish a sturgeon broodstock committee composed of
 4896 fishery scientists, fish farmers, and agency representatives to
 4897 manage the taking of wild sturgeon for brood fish and spawning.

4898 (h) Establish the Cooperative Broodstock Development and
 4899 Husbandry Board composed of fishery scientists, fish farmers,
 4900 and agency representatives to establish standards and criteria
 4901 for the management and maintenance of captive-reared sturgeon,
 4902 to collect biological data, and to administer the Cooperative
 4903 Broodstock Development and Husbandry Program.

4904 Section 88. Section 370.16, Florida Statutes, is
 4905 renumbered as section 379.2525, Florida Statutes, and amended to
 4906 read:

4907 379.2525 ~~370.16~~ Noncultured shellfish harvesting.--

4908 (1) PROTECTION OF SHELLFISH AQUACULTURE PRODUCTS.--

4909 (a) The Fish and Wildlife Conservation Commission shall
 4910 assist in protecting shellfish aquaculture products produced on
 4911 leased or granted reefs in the hands of lessees or grantees from
 4912 the state. Harvesting shellfish is prohibited within a distance
 4913 of 25 feet outside lawfully marked lease boundaries or within
 4914 setback and access corridors within specifically designated
 4915 high-density aquaculture lease areas and aquaculture use zones.

4916 (b) The department, in cooperation with the commission,
 4917 shall provide the Legislature with recommendations as needed for
 4918 the development and the proper protection of the rights of the
 4919 state and private holders therein with respect to the oyster and
 4920 clam business.

4921 (2) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
 4922 REEFS; LICENSES, ETC., PENALTY.--

4923 (a) It is unlawful to use a dredge or any means or
 4924 implement other than hand tongs in removing oysters from the
 4925 natural or artificial state reefs. This restriction shall apply
 4926 to all areas of Apalachicola Bay for all shellfish harvesting,
 4927 excluding private grounds leased or granted by the state prior
 4928 to July 1, 1989, if the lease or grant specifically authorizes
 4929 the use of implements other than hand tongs for harvesting.
 4930 Except in Apalachicola Bay, upon the payment of \$25 annually,
 4931 for each vessel or boat using a dredge or machinery in the
 4932 gathering of clams or mussels, a special activity license may be
 4933 issued by the Fish and Wildlife Conservation Commission pursuant
 4934 to s. 379.361 ~~370.06~~ for such use to such person.

4935 (b) The use of any mechanical harvesting device other than
 4936 ordinary hand tongs for taking shellfish for any purpose from
 4937 public shellfish beds in Apalachicola Bay shall be unlawful.

4938 (c) The possession of any mechanical harvesting device on
 4939 the waters of Apalachicola Bay from 5 p.m. until sunrise shall
 4940 be unlawful.

4941 (d) Each vessel used for the transport or deployment of a
 4942 dredge or scrape shall prominently display the lease or grant
 4943 number or numbers, in numerals which are at least 12 inches high
 4944 and 6 inches wide, in such a manner that the lease or grant
 4945 number or numbers are readily identifiable from both the air and
 4946 the water.

4947 (e) Oysters may be harvested from natural or public
 4948 grounds by common hand tongs or by hand, by scuba diving, free
 4949 diving, leaning from vessels, or wading. In the Apalachicola
 4950 Bay, this provision shall apply to all shellfish.

4951
 4952 The commission shall apply other statutes, rules, or conditions
 4953 necessary to protect the environment and natural resources from
 4954 improper transport, deployment, and operation of a dredge or
 4955 scrape. Any violation of this subsection or of any other
 4956 statutes, rules, or conditions referenced in the special
 4957 activity license shall be considered a violation of the license
 4958 and shall result in revocation of the license and forfeiture of
 4959 the bond submitted to the commission as a prerequisite to the
 4960 issuance of this license.

4961 (3) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.--Each
 4962 packer, canner, corporation, firm, commission person, or dealer
 4963 in fish shall, on the first day of each month, make a return
 4964 under oath to the Fish and Wildlife Conservation Commission, as
 4965 to the number of oysters, clams, and shellfish purchased,
 4966 caught, or handled during the preceding month. Whoever is found
 4967 guilty of making any false affidavit to any such report is
 4968 guilty of perjury and punished as provided by law, and any
 4969 person who fails to make such report shall be punished by a fine
 4970 not exceeding \$500 or by imprisonment in the county jail not
 4971 exceeding 6 months.

4972 (4) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND
 4973 CLAM LAWS, ETC.--Vessels, with their cargoes, violating the
 4974 provisions of the laws relating to oysters and clams may be
 4975 seized by anyone duly and lawfully authorized to make arrests
 4976 under this section or by any sheriff or the sheriff's deputies,
 4977 and taken into custody, and when not arrested by the sheriff or
 4978 the sheriff's deputies, delivered to the sheriff of the county

4979 | in which the seizure is made, and shall be liable to forfeiture,
 4980 | on appropriate proceedings being instituted by the Fish and
 4981 | Wildlife Conservation Commission, before the courts of that
 4982 | county. In such case the cargo shall at once be disposed of by
 4983 | the sheriff, for account of whom it may concern. Should the
 4984 | master or any of the crew of said vessel be found guilty of
 4985 | using dredges or other instruments in fishing oysters on natural
 4986 | reefs contrary to law, or fishing on the natural oyster or clam
 4987 | reefs out of season, or unlawfully taking oysters or clams
 4988 | belonging to a lessee, such vessel shall be declared forfeited
 4989 | by the court, and ordered sold and the proceeds of the sale
 4990 | shall be deposited with the Chief Financial Officer to the
 4991 | credit of the General Revenue Fund; any person guilty of such
 4992 | violations shall not be permitted to have any license provided
 4993 | for in this chapter within a period of 1 year from the date of
 4994 | conviction. Pending proceedings such vessel may be released upon
 4995 | the owner furnishing bond, with good and solvent security in
 4996 | double the value of the vessel, conditioned upon its being
 4997 | returned in good condition to the sheriff to abide the judgment
 4998 | of the court.

4999 | (5) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging of
 5000 | dead shell deposits is prohibited in the state.

5001 | (6) REQUIREMENTS FOR OYSTER VESSELS.--All vessels used for
 5002 | the harvesting, gathering, or transporting of noncultured
 5003 | oysters for commercial use shall be constructed and maintained
 5004 | to prevent contamination or deterioration of oysters. To this
 5005 | end, all such vessels shall be provided with false bottoms and
 5006 | bulkheads fore and aft to prevent oysters from coming in contact

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5007 with any bilge water. No dogs or other animals shall be allowed
 5008 at any time on vessels used to harvest or transport oysters. A
 5009 violation of any provision of this subsection shall result in at
 5010 least the revocation of the violator's license.

5011 Section 89. Part III of chapter 379, Florida Statutes,
 5012 consisting of section 379.28, is created to read:

5013 PART III

5014 FRESHWATER AQUATIC LIFE

5015
 5016 Section 90. Section 372.26, Florida Statutes, is
 5017 renumbered as section 379.28, Florida Statutes, and amended to
 5018 read:

5019 379.28 ~~372.26~~ Imported fish.--

5020 (1) No person shall import into the state or place in any
 5021 of the fresh waters of the state any freshwater fish of any
 5022 species without having first obtained a permit from the Fish and
 5023 Wildlife Conservation Commission. The commission is authorized
 5024 to issue or deny such a permit upon the completion of studies of
 5025 the species made by it to determine any detrimental effect the
 5026 species might have on the ecology of the state.

5027 (2) A person who violates this section commits a Level
 5028 Three violation under s. 379.401 ~~372.83~~.

5029 Section 91. Part IV of chapter 379, Florida Statutes,
 5030 consisting of sections 379.3001, 379.3002, 379.3003, 379.3004,
 5031 379.3011, 379.3012, 379.3013, 379.3014, 379.3015, 379.3016,
 5032 379.3017, 379.302, 379.303, 379.304, 379.305, 379.3061,
 5033 379.3062, and 379.3063, is created to read:

5034 PART IV

WILD ANIMAL LIFE

Section 92. Section 372.0025, Florida Statutes, is renumbered as section 379.3001, Florida Statutes, to read:

379.3001 ~~372.0025~~ No net loss of hunting lands.--

(1) As used in this section, the term:

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

(b) "Commission-managed lands" means those lands owned by the commission, those lands owned by the state over which the commission holds management authority, or those privately owned lands that are leased or managed by the commission.

(c) "Hunting" means the lawful pursuit, trapping, shooting, capture, collection, or killing of wildlife or the lawful attempt to pursue, trap, shoot, capture, collect, or kill wildlife.

(2) Commission-managed lands shall be open to access and use for hunting except as limited by the commission for reasons of public safety, fish or wildlife management, or homeland security or as otherwise limited by law.

(3) The commission, in exercising its authority under the State Constitution and statutes, shall exercise its authority, consistent with subsection (2), in a manner that supports, promotes, and enhances hunting opportunities to the extent authorized by state law.

(4) Commission land management decisions and actions, including decisions made by private owners to close hunting land managed by the commission, shall not result in any net loss of

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5063 habitat land acreage available for hunting opportunities on
5064 commission-managed lands that exists on the effective date of
5065 this act. The commission shall expeditiously find replacement
5066 acreage for hunting to compensate for closures of any existing
5067 hunting land. Replacement lands shall, to the greatest extent
5068 possible, be located within the same administrative region of
5069 the commission and shall be consistent with the hunting
5070 discipline that the commission allowed on the closed land.

5071 (5) Any state agency or water management district that
5072 owns or manages lands shall assist and coordinate and cooperate
5073 with the commission to allow hunting on such lands if such lands
5074 are determined by the commission to be suitable for hunting. To
5075 ensure no net loss of land acreage available for hunting, state
5076 agencies and water management districts shall cooperate with the
5077 commission to open new, additional hunting lands to replace lost
5078 hunting acreage. However, lands officially designated as units
5079 within the state park system may not be considered for
5080 replacement hunting lands and may only be opened for hunting
5081 when necessary as a wildlife control or management tool as
5082 determined by the Division of Recreation and Parks in the
5083 Department of Environmental Protection.

5084 (6) By October 1 of each year, the executive director of
5085 the commission shall submit to the Legislature a written report
5086 describing:

5087 (a) The acreage managed by the commission that was closed
5088 to hunting during the previous fiscal year and the reasons for
5089 the closures.

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5090 (b) The acreage managed by the commission that was opened
 5091 to hunting to compensate for closures of existing land pursuant
 5092 to subsection (4).

5093 (7) By October 1 of each year, any state agency or water
 5094 management district that owns or manages lands shall submit a
 5095 written report to the commission and the Legislature that
 5096 includes:

5097 (a) A list of properties that were open for hunting during
 5098 the previous fiscal year.

5099 (b) A list of properties that were not open for hunting
 5100 during the previous fiscal year.

5101 (c) The acreage for each property and the county where
 5102 each property is located, except for right-of-way lands and
 5103 parcels under 50 acres.

5104 Section 93. Section 372.023, Florida Statutes, is
 5105 renumbered as section 379.3002, Florida Statutes, to read:

5106 379.3002 ~~372.023~~ J. W. Corbett and Cecil M. Webb Wildlife
 5107 Management Areas.--

5108 (1) The Fish and Wildlife Conservation Commission of this
 5109 state is neither authorized nor empowered to do the following as
 5110 to the J. W. Corbett Wildlife Management Area in Palm Beach
 5111 County or the Cecil M. Webb Wildlife Management Area without the
 5112 approval of the Board of Trustees of the Internal Improvement
 5113 Trust Fund that such action is in the best interest of orderly
 5114 and economical development of said area, viz.:

5115 (a) To trade, barter, lease, or exchange lands therein for
 5116 lands of greater acreage contiguous to said wildlife management
 5117 areas.

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5118 (b) To grant easements for construction and maintenance of
 5119 roads, railroads, canals, ditches, dikes, and utilities,
 5120 including but not limited to telephone, telegraph, oil, gas,
 5121 electric power, water, and sewers.

5122 (c) To convey or release all rights in and to the
 5123 phosphate, minerals, metals, and petroleum that is or may be in,
 5124 on or under any lands traded, bartered, leased, or exchanged
 5125 pursuant to paragraph (a).

5126 (2) The Board of Trustees of the Internal Improvement
 5127 Trust Fund and the State Board of Education and all and every
 5128 board, state department or state agency of the state having any
 5129 title, right and interest in or to the land including oil and
 5130 mineral rights in the lands to be traded, bartered, leased or
 5131 exchanged within the J. W. Corbett Wildlife Management Area in
 5132 Palm Beach County, is authorized and empowered to convey this
 5133 interest of whatsoever nature to the record owner.

5134 (3) Moneys received from the sale of lands within either
 5135 wildlife management area, less reasonable expenses incident to
 5136 the sale, shall be used by the Fish and Wildlife Conservation
 5137 Commission to acquire acreage contiguous to the wildlife
 5138 management area or lands of equal wildlife value. The sale shall
 5139 be made directly to the state, notwithstanding the procedures of
 5140 s. 270.08 to the contrary.

5141 Section 94. Section 372.988, Florida Statutes, is
 5142 renumbered as section 379.3003, Florida Statutes, and amended to
 5143 read:

5144 379.3003 ~~372.988~~ Required clothing for persons hunting
 5145 deer.--It is a Level One violation under s. 379.401 ~~372.83~~ for

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5146 any person to hunt deer, or for any person to accompany another
 5147 person hunting deer, during the open season for the taking of
 5148 deer on public lands unless each person shall wear a total of at
 5149 least 500 square inches of daylight fluorescent orange material
 5150 as an outer garment. Such clothing shall be worn above the
 5151 waistline and may include a head covering. The provisions of
 5152 this section shall not apply to any person hunting deer with a
 5153 bow and arrow during seasons restricted to hunting with a bow
 5154 and arrow.

5155 Section 95. Section 372.7016, Florida Statutes, is
 5156 renumbered as section 379.3004, Florida Statutes, and amended to
 5157 read:

5158 379.3004 ~~372.7016~~ Voluntary Authorized Hunter
 5159 Identification Program.--

5160 (1) There is created the "Voluntary Authorized Hunter
 5161 Identification Program" to assist landowners and law enforcement
 5162 officials in better controlling trespass and illegal or
 5163 unauthorized hunting. Landowners wishing to participate in the
 5164 program shall:

5165 (a) Annually notify the sheriff's office in the county in
 5166 which the land is situated and the respective area supervisor of
 5167 the Fish and Wildlife Conservation Commission by letter of their
 5168 desire to participate in the program, and provide a description
 5169 of their property which they wish to have in the program by
 5170 township, range, section, partial section, or other geographical
 5171 description.

5172 (b) Provide a means of identifying authorized hunters as
 5173 provided in subsection (2).

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5174 (2) Any person hunting on private land enrolled in the
 5175 Voluntary Authorized Hunter Identification Program shall have
 5176 readily available on the land at all times when hunting on the
 5177 property written authorization from the owner or his or her
 5178 authorized representative to be on the land for the purpose of
 5179 hunting. The written authorization shall be presented on demand
 5180 to any law enforcement officer, the owner, or the authorized
 5181 agent of the owner.

5182 (a) For purposes of this section, the term "hunting" means
 5183 to be engaged in or reasonably equipped to engage in the pursuit
 5184 or taking by any means of any animal described in s. 379.101
 5185 (19) or (20) ~~372.001(10) or (11)~~, and the term "written
 5186 authorization" means a card, letter, or other written instrument
 5187 which shall include, but need not be limited to, the name of the
 5188 person or entity owning the property, the name and signature of
 5189 the person granting the authorization, a description by
 5190 township, range, section, partial section, or other geographical
 5191 description of the land to which the authorization applies, and
 5192 a statement of the time period during which the authorization is
 5193 valid.

5194 (b) Failure by any person hunting on private land enrolled
 5195 in the program to present written authorization to hunt on said
 5196 land to any law enforcement officer or the owner or
 5197 representative thereof within 7 days of demand shall be prima
 5198 facie evidence of violation of s. 810.09(2)(c), punishable as
 5199 provided in s. 775.082, s. 775.083, or s. 775.084. However, such
 5200 evidence may be contradicted or rebutted by other evidence.

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5201 Section 96. Section 372.6671, Florida Statutes, is
 5202 renumbered as section 379.3011, Florida Statutes, and amended to
 5203 read:

5204 379.3011 ~~372.6671~~ Alligator trapping program;
 5205 definitions.--Unless otherwise provided by a specific section or
 5206 the context otherwise requires, as used in ss. 379.3011,
 5207 379.3012, 379.3751, and 379.3752 ~~372.6671~~ ~~372.6674~~, the
 5208 following definitions shall apply:

5209 (1) "Alligator" means a member of the species of alligator
 5210 (Alligator mississippiensis) but does not mean its eggs.

5211 (2) "Alligator hatchling" means a juvenile alligator as
 5212 more specifically defined by commission rule.

5213 (3) "Process" or "processing" means the skinning,
 5214 butchering, or possession of alligators.

5215 Section 97. Section 372.6672, Florida Statutes, is
 5216 renumbered as section 379.3012, Florida Statutes, to read:

5217 379.3012 ~~372.6672~~ Alligator management and trapping
 5218 program implementation; commission authority.--

5219 (1) In any alligator management and trapping program that
 5220 the Fish and Wildlife Conservation Commission shall establish,
 5221 the commission shall have the authority to adopt all rules
 5222 necessary for full and complete implementation of such alligator
 5223 management and trapping program, and, in order to ensure its
 5224 lawful, safe, and efficient operation in accordance therewith,
 5225 may:

5226 (a) Regulate the marketing and sale of alligators, their
 5227 hides, eggs, meat, and byproducts, including the development and
 5228 maintenance of a state-sanctioned sale.

5229 (b) Regulate the handling and processing of alligators,
 5230 their eggs, hides, meat, and byproducts, for the lawful, safe,
 5231 and sanitary handling and processing of same.

5232 (c) Regulate commercial alligator farming facilities and
 5233 operations for the captive propagation and rearing of alligators
 5234 and their eggs.

5235 (d) Provide hide-grading services by two or more
 5236 individuals pursuant to state-sanctioned sales if rules are
 5237 first promulgated by the commission governing:

5238 1. All grading-related services to be provided pursuant to
 5239 this section;

5240 2. Criteria for qualifications of persons to serve as
 5241 hide-graders for grading services to be provided pursuant to
 5242 this section; and

5243 3. The certification process by which hide-graders
 5244 providing services pursuant to this section will be certified.

5245 (e) Provide sales-related services by contract pursuant to
 5246 state-sanctioned sales if rules governing such services are
 5247 first promulgated by the commission.

5248 (2) All contractors of the commission for the grading,
 5249 marketing, and sale of alligators and their hides, eggs, meat,
 5250 and byproducts shall not engage in any act constituting a
 5251 conflict of interest under part III of chapter 112.

5252 (3) The powers and duties of the commission hereunder
 5253 shall not be construed so as to supersede the regulatory
 5254 authority or lawful responsibility of the Department of
 5255 Agriculture and Consumer Services, the Department of Health, or
 5256 any local governmental entity regarding the processing or

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5257 handling of food products, but shall be deemed supplemental
5258 thereto.

5259 Section 98. Section 372.6678, Florida Statutes, is
5260 renumbered as section 379.3013, Florida Statutes, to read:

5261 379.3013 ~~372.6678~~ Alligator study requirements.--The
5262 commission shall conduct studies of all areas of the state which
5263 it intends to open to alligator collection permits. The study
5264 shall include individual wet areas, lakes, and rivers, or
5265 reasonable numbers of wet areas, lakes, and rivers that may be
5266 logically grouped. The studies shall determine the safe yield of
5267 alligators for which collection permits may be issued. The
5268 studies shall be based upon the best biological information that
5269 indicates the number of alligators which can be removed from the
5270 system without long-term adverse impacts on population levels.

5271 Section 99. Section 372.662, Florida Statutes, is
5272 renumbered as section 379.3014, Florida Statutes, and amended to
5273 read:

5274 379.3014 ~~372.662~~ Unlawful sale, possession, or
5275 transporting of alligators or alligator skins.--Whenever the
5276 sale, possession, or transporting of alligators or alligator
5277 skins is prohibited by any law of this state, or by the rules,
5278 regulations, or orders of the Fish and Wildlife Conservation
5279 Commission adopted pursuant to s. 9, Art. IV of the State
5280 Constitution, the sale, possession, or transporting of
5281 alligators or alligator skins is a Level Three violation under
5282 s. 379.401 ~~372.83~~.

5283 Section 100. Section 372.664, Florida Statutes, is
5284 renumbered as section 379.3015, Florida Statutes, to read:

5285 379.3015 ~~372.664~~ Prima facie evidence of intent to violate
 5286 laws protecting alligators.--Except as otherwise provided by
 5287 rule of the Fish and Wildlife Conservation Commission for the
 5288 purpose of the limited collection of alligators in designated
 5289 areas, the display or use of a light in a place where alligators
 5290 might be known to inhabit in a manner capable of disclosing the
 5291 presence of alligators, together with the possession of
 5292 firearms, spear guns, gigs, and harpoons customarily used for
 5293 the taking of alligators, during the period between 1 hour after
 5294 sunset and 1 hour before sunrise shall be prima facie evidence
 5295 of an intent to violate the provisions of law regarding the
 5296 protection of alligators.

5297 Section 101. Section 372.6645, Florida Statutes, is
 5298 renumbered as section 379.3016, Florida Statutes, to read:

5299 379.3016 ~~372.6645~~ Unlawful to sell alligator products;
 5300 penalty.--

5301 (1) It is unlawful for any person to sell any alligator
 5302 product manufactured in the form of a stuffed baby alligator or
 5303 other baby crocodilia.

5304 (2) No person shall sell any alligator product
 5305 manufactured from a species which has been declared to be
 5306 endangered by the United States Fish and Wildlife Service or the
 5307 Fish and Wildlife Conservation Commission.

5308 (3) Any person who violates this section is guilty of a
 5309 misdemeanor of the first degree, punishable as provided in s.
 5310 775.082 or s. 775.083.

5311 Section 102. Section 372.665, Florida Statutes, is
 5312 renumbered as section 379.3017, Florida Statutes, to read:

5313 379.3017 ~~372.665~~ Word "alligator" or "gator" not to be
 5314 used in certain sales.--It is unlawful for any person to use the
 5315 word "gator" or "alligator" in connection with the sale of any
 5316 product derived or made from the skins of other crocodilia or in
 5317 connection with the sale of other crocodilia. Any person
 5318 violating this section shall, upon conviction, be guilty of a
 5319 misdemeanor.

5320 Section 103. Section 372.16, Florida Statutes, is
 5321 renumbered as section 379.302, Florida Statutes, and amended to
 5322 read:

5323 379.302 ~~372.16~~ Private game preserves and farms;
 5324 regulations; penalties~~penalty~~.--

5325 (1) Any person owning land in this state may establish,
 5326 maintain, and operate within the boundaries thereof, a private
 5327 preserve and farm, not exceeding an area of 640 acres, for the
 5328 protection, preservation, propagation, rearing, and production
 5329 of game birds and animals for private and commercial purposes,
 5330 provided that no two game preserves shall join each other or be
 5331 connected. ~~Before any private game preserve or farm is~~
 5332 ~~established, the owner or operator shall secure a license from~~
 5333 ~~the commission, the fee for which is \$50 per year.~~

5334 (2) All private game preserves or farms established under
 5335 the provisions of this section shall be fenced in such manner
 5336 that domestic game thereon may not escape and wild game on
 5337 surrounding lands may not enter and shall be subject at any time
 5338 to inspection by the Fish and Wildlife Conservation Commission,
 5339 or its conservation officers. Such private preserve or farm
 5340 shall be equipped and operated in such manner as to provide

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5341 sufficient food and humane treatment for the game kept thereon.
5342 Game reared or produced on private game preserves and farms
5343 shall be considered domestic game and private property and may
5344 be sold or disposed of as such and shall be the subject of
5345 larceny. Live game may be purchased, sold, shipped, and
5346 transported for propagation and restocking purposes only at any
5347 time. Such game may be sold for food purposes only during the
5348 open season provided by law for such game. All game killed must
5349 be killed on the premises of such private game preserve or farm
5350 and must be killed by means other than shooting, except during
5351 the open season. All domestic game sold for food purposes must
5352 be marked or tagged in a manner prescribed by the Fish and
5353 Wildlife Conservation Commission; and the owner or operator of
5354 such private game preserve or farm shall report to the said
5355 commission, on blanks to be furnished by it, each sale or
5356 shipment of domestic game, such reports showing the quantity and
5357 kind of game shipped or sold and to whom sold. Such report shall
5358 be made not later than 5 days following such sale or shipment.
5359 Game reared or produced as aforesaid may be served as such by
5360 hotels, restaurants, or other public eating places during the
5361 open season provided by law on such particular species of game,
5362 under such regulations as the commission may prescribe.

5363 (3) It is unlawful for any common carrier to knowingly
5364 transport or receive for transportation any domestic game unless
5365 the package or container containing such shipment has attached
5366 thereto a permit for such shipment and such package or container
5367 shall be marked on the outside showing quantity and kind of game
5368 enclosed.

5369 (4) Any person violating this section for the first
 5370 offense commits a misdemeanor of the second degree, punishable
 5371 as provided in s. 775.082 or s. 775.083, and for a second or
 5372 subsequent offense commits a misdemeanor of the first degree,
 5373 punishable as provided in s. 775.082 or s. 775.083. Any person
 5374 convicted of violating this section shall forfeit to the
 5375 commission any license issued under this section; and no further
 5376 license shall be issued to such person for a period of 1 year
 5377 following such conviction.

5378 Section 104. Subsections (3) and (4) of section 372.922,
 5379 Florida Statutes, are renumbered as section 379.303, Florida
 5380 Statutes, and amended to read:

5381 379.303 Classification of wildlife; seizure of captive
 5382 wildlife.--

5383 (1)~~(3)~~ The commission shall promulgate rules defining
 5384 Class I, Class II, and Class III types of wildlife. The
 5385 commission shall also establish rules and requirements necessary
 5386 to ensure that permits are granted only to persons qualified to
 5387 possess and care properly for wildlife and that permitted
 5388 wildlife possessed as personal pets will be maintained in
 5389 sanitary surroundings and appropriate neighborhoods.

5390 (2)~~(4)~~ In instances where wildlife is seized or taken into
 5391 custody by the commission, said owner or possessor of such
 5392 wildlife shall be responsible for payment of all expenses
 5393 relative to the capture, transport, boarding, veterinary care,
 5394 or other costs associated with or incurred due to seizure or
 5395 custody of wildlife. Such expenses shall be paid by said owner
 5396 or possessor upon any conviction or finding of guilt of a

5397 criminal or noncriminal violation, regardless of adjudication or
 5398 plea entered, of any provision of chapter 828 or this chapter,
 5399 or rule of the commission or if such violation is disposed of
 5400 under s. 921.187. Failure to pay such expense may be grounds for
 5401 revocation or denial of permits to such individual to possess
 5402 wildlife.

5403 Section 105. Subsections (4), (5), (6), (9), and (10) of
 5404 section 372.921, Florida Statutes, are renumbered as section
 5405 379.304, Florida Statutes, and amended to read:

5406 379.304 ~~372.921~~ Exhibition or sale of wildlife.--

5407 (1) ~~(4)~~ Permits issued pursuant to this section and places
 5408 where wildlife is kept or held in captivity shall be subject to
 5409 inspection by officers of the commission at all times. The
 5410 commission shall have the power to release or confiscate any
 5411 specimens of any wildlife, specifically birds, mammals,
 5412 amphibians, or reptiles, whether indigenous to the state or not,
 5413 when it is found that conditions under which they are being
 5414 confined are unsanitary, or unsafe to the public in any manner,
 5415 or that the species of wildlife are being maltreated,
 5416 mistreated, or neglected or kept in any manner contrary to the
 5417 provisions of chapter 828, any such permit to the contrary
 5418 notwithstanding. Before any such wildlife is confiscated or
 5419 released under the authority of this section, the owner thereof
 5420 shall have been advised in writing of the existence of such
 5421 unsatisfactory conditions; the owner shall have been given 30
 5422 days in which to correct such conditions; the owner shall have
 5423 failed to correct such conditions; the owner shall have had an
 5424 opportunity for a proceeding pursuant to chapter 120; and the

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5425 commission shall have ordered such confiscation or release after
5426 careful consideration of all evidence in the particular case in
5427 question. The final order of the commission shall constitute
5428 final agency action.

5429 (2)~~(5)~~ In instances where wildlife is seized or taken into
5430 custody by the commission, said owner or possessor of such
5431 wildlife shall be responsible for payment of all expenses
5432 relative to the capture, transport, boarding, veterinary care,
5433 or other costs associated with or incurred due to seizure or
5434 custody of wildlife. Such expenses shall be paid by said owner
5435 or possessor upon any conviction or finding of guilt of a
5436 criminal or noncriminal violation, regardless of adjudication or
5437 plea entered, of any provision of chapter 828 or this chapter,
5438 or rule of the commission or if such violation is disposed of
5439 under s. 921.187. Failure to pay such expense may be grounds for
5440 revocation or denial of permits to such individual to possess
5441 wildlife.

5442 (3)~~(6)~~ Any animal on exhibit of a type capable of
5443 contracting or transmitting rabies shall be immunized against
5444 rabies.

5445 (4)~~(9)~~ The commission is authorized to adopt rules
5446 pursuant to ss. 120.536(1) and 120.54 to implement the
5447 provisions of this section.

5448 (5)~~(10)~~ A violation of this section is punishable as
5449 provided by s. 379.401 ~~372.83~~.

5450 Section 106. Section 372.92, Florida Statutes, is
5451 renumbered as section 379.305, Florida Statutes, and amended to
5452 read:

5453 379.305 ~~372.92~~ Rules and regulations; penalties.--

5454 (1) The Fish and Wildlife Conservation Commission may
 5455 prescribe such other rules and regulations as it may deem
 5456 necessary to prevent the escape of venomous reptiles or reptiles
 5457 of concern, either in connection of construction of such cages
 5458 or otherwise to carry out the intent of ss. 379.372-379.374
 5459 ~~372.86-372.88~~.

5460 (2) A person who knowingly releases a nonnative venomous
 5461 reptile or reptile of concern to the wild or who through gross
 5462 negligence allows a nonnative venomous reptile or reptile of
 5463 concern to escape commits a Level Three violation, punishable as
 5464 provided in s. 379.4015 ~~372.935~~.

5465 Section 107. Section 372.673, Florida Statutes, is
 5466 renumbered as section 379.3061, Florida Statutes, to read:

5467 379.3061 ~~372.673~~ Florida Panther Technical Advisory
 5468 Council.--

5469 (1) The Florida Panther Technical Advisory Council is
 5470 established within the Fish and Wildlife Conservation
 5471 Commission. The council shall be appointed by the Governor and
 5472 shall consist of seven members with technical knowledge and
 5473 expertise in the research and management of large mammals.

5474 (a) Two members shall represent state or federal agencies
 5475 responsible for management of endangered species; two members,
 5476 who must have specific experience in the research and management
 5477 of large felines or large mammals, shall be appointed from
 5478 universities, colleges, or associated institutions; and three
 5479 members, with similar expertise, shall be appointed from the
 5480 public at large.

5481 (b) As soon as practicable after July 1, 1983, one member
 5482 representing a state or federal agency and one member appointed
 5483 from a university, college, or associated institution shall be
 5484 appointed for terms ending August 1, 1985, and the remaining
 5485 members shall be appointed for terms ending August 1, 1987.
 5486 Thereafter, all appointments shall be for 4-year terms. If a
 5487 vacancy occurs, a member shall be appointed for the remainder of
 5488 the unexpired term. A member whose term has expired shall
 5489 continue sitting on the council with full rights until a
 5490 replacement has been appointed.

5491 (c) Council members shall be reimbursed pursuant to s.
 5492 112.061 but shall receive no additional compensation or
 5493 honorarium.

5494 (2) The purposes of the council are:

5495 (a) To serve in an advisory capacity to the Fish and
 5496 Wildlife Conservation Commission on technical matters of
 5497 relevance to the Florida panther recovery program, and to
 5498 recommend specific actions that should be taken to accomplish
 5499 the purposes of this act.

5500 (b) To review and comment on research and management
 5501 programs and practices to identify potential harm to the Florida
 5502 panther population.

5503 (c) To provide a forum for technical review and discussion
 5504 of the status and development of the Florida panther recovery
 5505 program.

5506 Section 108. Section 372.5714, Florida Statutes, is
 5507 renumbered as section 379.3062, Florida Statutes, and amended to
 5508 read:

5509 | 379.3062 ~~372.5714~~ Waterfowl Advisory Council.--

5510 | (1) There is created a Waterfowl Advisory Council
 5511 | consisting of three members, one appointed by the Governor, one
 5512 | appointed by the Speaker of the House of Representatives, and
 5513 | one appointed by the President of the Senate. Members may be
 5514 | representative of appropriate state agencies, private
 5515 | conservation groups, or private citizens and shall possess
 5516 | knowledge and experience in the area of waterfowl management and
 5517 | protection. Members shall be appointed for 4-year, staggered
 5518 | terms and shall be eligible for reappointment. A vacancy shall
 5519 | be filled by appointment for the remainder of the unexpired
 5520 | term.

5521 | (2) The council shall meet at least once a year either in
 5522 | person or by a telephone conference call, shall elect a chair
 5523 | annually to preside over its meetings and perform any other
 5524 | duties directed by the council, and shall maintain minutes of
 5525 | each meeting. All records of council activities shall be kept on
 5526 | file with the Fish and Wildlife Conservation Commission and
 5527 | shall be made available to any interested person. The Fish and
 5528 | Wildlife Conservation Commission shall provide such staff
 5529 | support as is necessary to the council to carry out its duties.
 5530 | Members of the council shall serve without compensation, but
 5531 | shall be reimbursed for per diem and travel expenses as provided
 5532 | in s. 112.061 when carrying out the official business of the
 5533 | council.

5534 | (3) It shall be the duty of the council to advise the
 5535 | commission regarding the administration of revenues generated by
 5536 | the sale of the Florida waterfowl permit provided for by s.

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5537 379.2211 ~~372.5712~~. In particular, the council shall consult with
 5538 and advise the commission with respect to the establishment and
 5539 operation of projects for the protection and propagation of
 5540 migratory waterfowl and the development, restoration,
 5541 maintenance, and preservation of wetlands within the state, to
 5542 be financed by such revenues as specified in said section.

5543 Section 109. Section 372.992, Florida Statutes, is
 5544 renumbered as section 379.3063, Florida Statutes, to read:

5545 379.3063 ~~372.992~~ Nongame Wildlife Advisory Council.--

5546 (1) There is created the Nongame Wildlife Advisory
 5547 Council, which shall consist of the following 11 members
 5548 appointed by the Governor: one representative each from the Fish
 5549 and Wildlife Conservation Commission, the Department of
 5550 Environmental Protection, and the United States Fish and
 5551 Wildlife Services; the director of the Florida Museum of Natural
 5552 History or her or his designee; one representative from a
 5553 professional wildlife organization; one representative from a
 5554 private wildlife institution; one representative from a Florida
 5555 university or college who has expertise in nongame biology; one
 5556 representative of business interests from a private consulting
 5557 firm who has expertise in nongame biology; one representative of
 5558 a statewide organization of landowner interests; and two members
 5559 from conservation organizations. All appointments shall be for
 5560 4-year terms. Members shall be eligible for reappointment.

5561 (2) The council shall recommend to the commission
 5562 policies, objectives, and specific actions for nongame wildlife
 5563 research and management.

5564 (3) Members of the council shall receive no compensation
 5565 but shall be entitled to receive per diem and travel expenses as
 5566 provided in s. 112.061, while carrying out official business
 5567 with the council, from funds provided under s. 379.209 ~~372.991~~.

5568 Section 110. Part V of chapter 379, Florida Statutes,
 5569 consisting of sections 379.33, 379.3311, 379.3312, 379.3313,
 5570 379.332, 379.333, 379.334, 379.335, 379.336, 379.337, 379.338,
 5571 379.339, 379.340, 379.341, 379.342, and 379.343, is created to
 5572 read:

5573 PART V
 5574 LAW ENFORCEMENT

5575
 5576 Section 111. Section 370.028, Florida Statutes, is
 5577 renumbered as section 379.33, Florida Statutes, and amended to
 5578 read:

5579 379.33 ~~370.028~~ Enforcement of commission rules; penalties
 5580 for violation of rule.--Rules of the Fish and Wildlife
 5581 Conservation Commission shall be enforced by any law enforcement
 5582 officer certified pursuant to s. 943.13. Except as provided
 5583 under s. 379.401 ~~372.83~~, any person who violates or otherwise
 5584 fails to comply with any rule adopted by the commission shall be
 5585 punished pursuant to s. 379.407 (1) ~~370.021(1)~~.

5586 Section 112. Section 372.07, Florida Statutes, is
 5587 renumbered as section 379.3311, Florida Statutes, to read:

5588 379.3311 ~~372.07~~ Police powers of commission and its
 5589 agents.--

5590 (1) The Fish and Wildlife Conservation Commission, the
 5591 executive director and the executive director's assistants

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5592 designated by her or him, and each wildlife officer are
5593 constituted peace officers with the power to make arrests for
5594 violations of the laws of this state when committed in the
5595 presence of the officer or when committed on lands under the
5596 supervision and management of the commission. The general laws
5597 applicable to arrests by peace officers of this state shall also
5598 be applicable to said director, assistants, and wildlife
5599 officers. Such persons may enter upon any land or waters of the
5600 state for performance of their lawful duties and may take with
5601 them any necessary equipment, and such entry shall not
5602 constitute a trespass.

5603 (2) Such officers shall have power and authority to
5604 enforce throughout the state all laws relating to game, nongame
5605 birds, fish, and fur-bearing animals and all rules and
5606 regulations of the Fish and Wildlife Conservation Commission
5607 relating to wild animal life, marine life, and freshwater
5608 aquatic life, and in connection with said laws, rules, and
5609 regulations, in the enforcement thereof and in the performance
5610 of their duties thereunder, to:

5611 (a) Go upon all premises, posted or otherwise;

5612 (b) Execute warrants and search warrants for the violation
5613 of said laws;

5614 (c) Serve subpoenas issued for the examination,
5615 investigation, and trial of all offenses against said laws;

5616 (d) Carry firearms or other weapons, concealed or
5617 otherwise, in the performance of their duties;

5618 (e) Arrest upon probable cause without warrant any person
5619 found in the act of violating any of the provisions of said laws

5620 or, in pursuit immediately following such violations, to examine
 5621 any person, boat, conveyance, vehicle, game bag, game coat, or
 5622 other receptacle for wild animal life, marine life, or
 5623 freshwater aquatic life, or any camp, tent, cabin, or roster, in
 5624 the presence of any person stopping at or belonging to such
 5625 camp, tent, cabin, or roster, when said officer has reason to
 5626 believe, and has exhibited her or his authority and stated to
 5627 the suspected person in charge the officer's reason for
 5628 believing, that any of the aforesaid laws have been violated at
 5629 such c

5630 (f) Secure and execute search warrants and in pursuance
 5631 thereof to enter any building, enclosure, or car and to break
 5632 open, when found necessary, any apartment, chest, locker, box,
 5633 trunk, crate, basket, bag, package, or container and examine the
 5634 contents thereof;

5635 (g) Seize and take possession of all wild animal life,
 5636 marine life, or freshwater aquatic life taken or in possession
 5637 or under control of, or shipped or about to be shipped by, any
 5638 person at any time in any manner contrary to said laws.

5639 (3) It is unlawful for any person to resist an arrest
 5640 authorized by this section or in any manner to interfere, either
 5641 by abetting, assisting such resistance, or otherwise interfering
 5642 with said executive director, assistants, or wildlife officers
 5643 while engaged in the performance of the duties imposed upon them
 5644 by law or regulation of the Fish and Wildlife Conservation
 5645 Commission.

5646 (4) Upon final disposition of any alleged offense for
 5647 which a citation for any violation of this chapter or the rules

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5648 of the commission has been issued, the court shall, within 10
 5649 days after the final disposition of the action, certify the
 5650 disposition to the commission.

5651 Section 113. Section 372.071, Florida Statutes, is
 5652 renumbered as section 379.3312, Florida Statutes, and amended to
 5653 read:

5654 379.3312 ~~372.071~~ Powers of arrest by agents of Department
 5655 of Environmental Protection or Fish and Wildlife Conservation
 5656 Commission.--Any certified law enforcement officer of the
 5657 Department of Environmental Protection or the Fish and Wildlife
 5658 Conservation Commission, upon receiving information, relayed to
 5659 her or him from any law enforcement officer stationed on the
 5660 ground, on the water, or in the air, that a driver, operator, or
 5661 occupant of any vehicle, boat, or airboat has violated any
 5662 section of chapter 327, chapter 328, ~~chapter 370~~, or this
 5663 chapter, or s. 597.010 or s. 597.020, may arrest the driver,
 5664 operator, or occupant for violation of said laws when reasonable
 5665 and proper identification of the vehicle, boat, or airboat and
 5666 reasonable and probable grounds to believe that the driver,
 5667 operator, or occupant has committed or is committing any such
 5668 offense have been communicated to the arresting officer by the
 5669 other officer stationed on the ground, on the water, or in the
 5670 air.

5671 Section 114. Subsection(8) of section 370.021, Florida
 5672 Statutes, is renumbered as section 379.3313, Florida Statutes,
 5673 and amended to read:

5674 379.3313 Powers of commission law enforcement officers.--
 5675 ~~(8) POWERS OF OFFICERS.~~

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5676 (1) ~~(a)~~ Law enforcement officers of the commission are
5677 constituted law enforcement officers of this state with full
5678 power to investigate and arrest for any violation of the laws of
5679 this state and the rules of the commission under their
5680 jurisdiction. The general laws applicable to arrests by peace
5681 officers of this state shall also be applicable to law
5682 enforcement officers of the commission. Such law enforcement
5683 officers may enter upon any land or waters of the state for
5684 performance of their lawful duties and may take with them any
5685 necessary equipment, and such entry will not constitute a
5686 trespass. It is lawful for any boat, motor vehicle, or aircraft
5687 owned or chartered by the commission or its agents or employees
5688 to land on and depart from any of the beaches or waters of the
5689 state. Such law enforcement officers have the authority, without
5690 warrant, to board, inspect, and search any boat, fishing
5691 appliance, storage or processing plant, fishhouse, spongehouse,
5692 oysterhouse, or other warehouse, building, or vehicle engaged in
5693 transporting or storing any fish or fishery products. Such
5694 authority to search and inspect without a search warrant is
5695 limited to those cases in which such law enforcement officers
5696 have reason to believe that fish or any saltwater products are
5697 taken or kept for sale, barter, transportation, or other
5698 purposes in violation of laws or rules promulgated under this
5699 law. Any such law enforcement officer may at any time seize or
5700 take possession of any saltwater products or contraband which
5701 have been unlawfully caught, taken, or processed or which are
5702 unlawfully possessed or transported in violation of any of the
5703 laws of this state or any rule of the commission. Such law

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5704 enforcement officers may arrest any person in the act of
5705 violating any of the provisions of this law, the rules of the
5706 commission, or any of the laws of this state. It is hereby
5707 declared unlawful for any person to resist such arrest or in any
5708 manner interfere, either by abetting or assisting such
5709 resistance or otherwise interfering, with any such law
5710 enforcement officer while engaged in the performance of the
5711 duties imposed upon him or her by law or rule of the commission.

5712 (2) ~~(b)~~ The Legislature finds that the checking and
5713 inspection of saltwater products aboard vessels is critical to
5714 good fishery management and conservation and that, because
5715 almost all saltwater products are either iced or cooled in
5716 closed areas or containers, the enforcement of seasons, size
5717 limits, and bag limits can only be effective when inspection of
5718 saltwater products so stored is immediate and routine.
5719 Therefore, in addition to the authority granted in subsection
5720 (1), a law enforcement officer of the commission who has
5721 probable cause to believe that the vessel has been used for
5722 fishing prior to the inspection shall have full authority to
5723 open and inspect all containers or areas where saltwater
5724 products are normally kept aboard vessels while such vessels are
5725 on the water, such as refrigerated or iced locations, coolers,
5726 fish boxes, and bait wells, but specifically excluding such
5727 containers that are located in sleeping or living areas of the
5728 vessel.

5729 Section 115. Section 372.70, Florida Statutes, is
5730 renumbered as section 379.332, Florida Statutes, to read:

5731 379.332 ~~372.70~~ Prosecutions; state attorney to represent
 5732 state.--

5733 (1) The prosecuting officers of the several courts of
 5734 criminal jurisdiction of this state shall investigate and
 5735 prosecute all violations of the laws relating to game,
 5736 freshwater fish, nongame birds, and fur-bearing animals which
 5737 may be brought to their attention by the commission or its
 5738 conservation officers, or which may otherwise come to their
 5739 knowledge.

5740 (2) The state attorney shall represent the state in any
 5741 forfeiture proceeding under this chapter. The Department of
 5742 Legal Affairs shall represent the state in all appeals from
 5743 judgments of forfeiture to the Supreme Court. The state may
 5744 appeal any judgment denying forfeiture in whole or in part that
 5745 may be otherwise adverse to the state.

5746 Section 116. Section 372.701, Florida Statutes, is
 5747 renumbered as section 379.333, Florida Statutes, to read:

5748 379.333 ~~372.701~~ Arrest by officers of the Fish and
 5749 Wildlife Conservation Commission; recognizance; cash bond;
 5750 citation.--

5751 (1) In all cases of arrest by officers of the Fish and
 5752 Wildlife Conservation Commission and the Department of
 5753 Environmental Protection, the person arrested shall be delivered
 5754 forthwith by said officer to the sheriff of the county, or shall
 5755 obtain from such person arrested a recognizance or, if deemed
 5756 necessary, a cash bond or other sufficient security conditioned
 5757 for her or his appearance before the proper tribunal of such

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5758 county to answer the charge for which the person has been
5759 arrested.

5760 (2) All officers of the commission and the department are
5761 hereby directed to deliver all bonds accepted and approved by
5762 them to the sheriff of the county in which the offense is
5763 alleged to have been committed.

5764 (3) Any person so arrested and released on her or his own
5765 recognizance by an officer and who shall fail to appear or
5766 respond to the proper citation to appear, shall, in addition to
5767 the charge relating to wildlife or freshwater fish, be charged
5768 with that offense of failing to respond to such citation and,
5769 upon conviction, be punished as for a misdemeanor. A written
5770 warning to this effect shall be given at the time of arrest of
5771 such person.

5772 Section 117. Section 372.76, Florida Statutes, is
5773 renumbered as section 379.334, Florida Statutes, to read:

5774 379.334 ~~372.76~~ Search and seizure authorized and
5775 limited.--The Fish and Wildlife Conservation Commission and its
5776 conservation officers shall have authority when they have
5777 reasonable and probable cause to believe that the provisions of
5778 this chapter have been violated, to board any vessel, boat, or
5779 vehicle or to enter any fishhouse or warehouse or other
5780 building, exclusive of residence, in which game, hides, fur-
5781 bearing animals, fish, or fish nets are kept and to search for
5782 and seize any such game, hides, fur-bearing animals, fish, or
5783 fish nets had or held therein in violation of law. Provided,
5784 however, that no search without warrant shall be made under any
5785 of the provisions of this chapter, unless the officer making

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5786 such search has such information from a reliable source as would
 5787 lead a prudent and cautious person to believe that some
 5788 provision of this chapter is being violated.

5789 Section 118. Section 372.761, Florida Statutes, is
 5790 renumbered as section 379.335, Florida Statutes, to read:

5791 379.335 ~~372.761~~ Issuance of warrant for search of private
 5792 dwelling.--

5793 (1) A search warrant may be issued on application by a
 5794 commissioned officer of the Fish and Wildlife Conservation
 5795 Commission to search any private dwelling occupied as such when
 5796 it is being used for the unlawful sale or purchase of wildlife
 5797 or freshwater fish being unlawfully kept therein. The term
 5798 "private dwelling" shall be construed to include the room or
 5799 rooms used and occupied, not transiently but solely as a
 5800 residence, in an apartment house, hotel, boardinghouse, or
 5801 lodginghouse. No warrant for the search of any private dwelling
 5802 shall be issued except upon probable cause supported by sworn
 5803 affidavit of some creditable witness that she or he has reason
 5804 to believe that the said conditions exist, which affidavit shall
 5805 set forth the facts on which such reason for belief is based.

5806 (2) This section shall not be construed as being in
 5807 conflict with, but is supplemental to, chapter 933.

5808 Section 119. Section 370.22, Florida Statutes, is
 5809 renumbered as section 379.336, Florida Statutes, to read:

5810 379.336 ~~370.22~~ Venue for proceedings against citizens and
 5811 residents charged with violations outside state boundaries.--

5812 (1) In any proceeding against a resident or citizen of the
 5813 state to enforce the provisions of this chapter with respect to

5814 | alleged violations occurring beyond the territorial waters of
 5815 | the state, the proper venue shall be the county within the state
 5816 | which is nearest the site of the violation.

5817 | (2) For the purpose of this section, any person having
 5818 | embarked from, or having docked his or her vessel in, a port
 5819 | within this state who violates any provision of this chapter
 5820 | with respect to the unlawful landing of saltwater life, whether
 5821 | or not outside the territorial waters of the state, shall be
 5822 | considered a citizen of the state for the purpose of subjecting
 5823 | that person to the police powers of the state.

5824 | Section 120. Section 370.061, Florida Statutes, is
 5825 | renumbered as section 379.337, Florida Statutes, and amended to
 5826 | read:

5827 | 379.337 ~~370.061~~ Confiscation, seizure, and forfeiture of
 5828 | property and products.--

5829 | (1) SEIZURE, FORFEITURE; PROCEDURE.--Nothing in this
 5830 | subsection affects the commission's authority to confiscate in
 5831 | any case illegal saltwater products, illegally taken saltwater
 5832 | products, or illegal fishing gear in accordance with this
 5833 | section.

5834 | (a) Property used in connection with a violation resulting
 5835 | in a conviction for the illegal taking, or attempted taking,
 5836 | sale, possession, or transportation of saltwater products is
 5837 | subject to seizure and forfeiture as part of the commission's
 5838 | efforts to protect the state's marine life. Saltwater products
 5839 | and seines, nets, boats, motors, other fishing devices or
 5840 | equipment, and vehicles or other means of transportation used or
 5841 | attempted to be used in connection with, as an instrumentality

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5842 of, or in aiding and abetting such illegal taking or attempted
5843 taking are hereby declared to be nuisances.

5844 (b) Upon a conviction of a person in whose possession the
5845 property was found, the court having jurisdiction over the
5846 criminal offense, notwithstanding any jurisdictional limitations
5847 on the amount in controversy, may make a finding that the
5848 property was used in connection with a saltwater products
5849 violation and may order such property forfeited to the
5850 commission.

5851 (c) For purposes of this section, a conviction, except
5852 with respect to a first time offender under this chapter for
5853 whom adjudication is withheld, is any disposition other than
5854 acquittal or dismissal.

5855 (2) SEIZURE, FORFEITURE; NOTICE.--The requirement for a
5856 conviction before forfeiture of property establishes to the
5857 exclusion of any reasonable doubt that the property was used in
5858 connection with the violation resulting in conviction. Prior to
5859 the issuance of a forfeiture order for any vessel, vehicle, or
5860 other property under subsection (1), the commission shall seize
5861 the property and notify the registered owner, if any, that the
5862 property has been seized by the commission. Except as provided
5863 in subsection (6), the procedures of chapter 932 do not apply to
5864 any seizure or forfeiture of property under this section.

5865 (a) Notification of property seized under this section
5866 must be sent by certified mail to a registered owner within 14
5867 days after seizure. If the commission, after diligent inquiry,
5868 cannot ascertain the registered owner, the notice requirement is
5869 satisfied.

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5870 (b) Upon a first conviction for a violation under this
5871 chapter, the property seized under this section shall be
5872 returned to the registered owner if the commission fails to
5873 prove by a preponderance of the evidence before the court having
5874 jurisdiction over the criminal offense that the registered owner
5875 aided in, abetted in, participated in, gave consent to, knew of,
5876 or had reason to know of the violation.

5877 (c) Upon a second or subsequent conviction for a violation
5878 under this chapter, the burden shall be on the registered owner
5879 to prove by a preponderance of the evidence before the court
5880 having jurisdiction over the criminal offense that the
5881 registered owner in no way aided in, abetted in, participated
5882 in, knew of, or had reason to know of the second or subsequent
5883 violation which resulted in seizure of the lawful property.

5884 (d) Any request for a hearing from a registered owner
5885 asserting innocence to recover property seized under these
5886 provisions must be sent to the commission's Division of Law
5887 Enforcement within 21 days after the registered owner's receipt
5888 of the notice of seizure. If a request for a hearing is not
5889 timely received, the court shall forfeit to the commission the
5890 right to, title to, and interest in the property seized, subject
5891 only to the rights and interests of bona fide lienholders.

5892 (e) If a motor vehicle is seized under this section and is
5893 subject to any existing liens recorded under s. 319.27, all
5894 further proceedings shall be governed by the expressed intent of
5895 the Legislature not to divest any innocent person, firm, or
5896 corporation holding such a recorded lien of any of its
5897 reversionary rights in such motor vehicle or of any of its

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5898 | rights as prescribed in s. 319.27, and upon any default by the
 5899 | violator purchaser, the lienholder may foreclose its lien and
 5900 | take possession of the motor vehicle involved.

5901 | (3) COURT ORDER OF FORFEITURE.--When any illegal or
 5902 | illegally used seine, net, trap, or other fishing device or
 5903 | equipment, or illegally taken, possessed, or transported
 5904 | saltwater products, are found and taken into custody, and the
 5905 | owner thereof is not known to the officer finding the item or
 5906 | items, such officer shall immediately procure from the county
 5907 | court judge of the county wherein the item or items were found
 5908 | an order forfeiting the illegally used or illegally taken
 5909 | saltwater products, seines, nets, traps, boats, motors, or other
 5910 | fishing devices to the commission.

5911 | (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property
 5912 | forfeited under this section may be destroyed, used by the
 5913 | commission, disposed of by gift to charitable or state
 5914 | institutions, or sold, with the proceeds derived from the sale
 5915 | deposited into the Marine Resources Conservation Trust Fund to
 5916 | be used for law enforcement purposes, ~~or into the commission's~~
 5917 | ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~
 5918 | ~~applicable.~~

5919 | (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
 5920 | PRODUCTS; PROCEDURE.--

5921 | (a) When an arrest is made pursuant to the provisions of
 5922 | this chapter and illegal, perishable saltwater products or
 5923 | saltwater products illegally taken or landed are confiscated,
 5924 | the defendant may post bond or cash deposit in an amount
 5925 | determined by the judge to be the fair value of such confiscated

5926 products. The defendant shall have 24 hours to transport the
 5927 products outside the limits of Florida for sale or other
 5928 disposition. Should no bond or cash deposit be given within the
 5929 time fixed by the judge, the judge shall order the sale of the
 5930 confiscated saltwater products at the highest price obtainable.
 5931 When feasible, at least three bids shall be requested.

5932 (b) Moneys received from the sale of confiscated saltwater
 5933 products, either by the defendant or by order of the court,
 5934 shall be received by the judge and shall be remitted to the
 5935 commission to be deposited into a special escrow account in the
 5936 State Treasury to be held in trust pending the outcome of the
 5937 trial of the defendant. If bond is posted by the defendant, it
 5938 shall also be remitted to the commission to be held in escrow
 5939 pending the outcome of the trial of the defendant.

5940 (c) In the event of acquittal, the proceeds of a sale or
 5941 the bond or cash deposit required by this subsection shall be
 5942 returned to the defendant. In the event of a conviction, the
 5943 proceeds of a sale or the bond or cash deposit required by this
 5944 subsection shall be deposited into the Marine Resources
 5945 Conservation Trust Fund to be used for law enforcement purposes
 5946 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
 5947 ~~provided in s. 372.107, as applicable.~~ Such deposit into the
 5948 Marine Resources Conservation Trust Fund ~~or the Federal Law~~
 5949 ~~Enforcement Trust Fund~~ shall constitute confiscation.

5950 (d) For purposes of confiscation under this subsection,
 5951 the term "saltwater products" has the meaning set out in s.
 5952 379.101(36) ~~370.01(27)~~, except that the term does not include
 5953 saltwater products harvested under the authority of a

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5954 recreational license unless the amount of such harvested
 5955 products exceeds three times the applicable recreational bag
 5956 limit for trout, snook, or redfish.

5957 (6) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
 5958 FUNDING.--

5959 (a) Any municipal or county law enforcement agency that
 5960 enforces or assists the commission in enforcing the provisions
 5961 of this chapter, which results in a forfeiture of property as
 5962 provided in this section, shall be entitled to receive all or a
 5963 share of any property based upon its participation in such
 5964 enforcement.

5965 (b) If a municipal or county law enforcement agency has a
 5966 marine enforcement unit, any property delivered to any municipal
 5967 or county law enforcement agency as provided in paragraph (a)
 5968 may be retained or sold by the municipal or county law
 5969 enforcement agency, and the property or proceeds shall be used
 5970 to enforce the provisions of this chapter and chapters 327 and
 5971 328. If a municipal or county law enforcement agency does not
 5972 have a marine enforcement unit, such property or proceeds shall
 5973 be disposed of under the provisions of chapter 932.

5974 (c) Any funds received by a municipal or county law
 5975 enforcement agency pursuant to this subsection shall be
 5976 supplemental funds and may not be used as replacement funds by
 5977 the municipality or county.

5978 Section 121. Section 372.73, Florida Statutes, is
 5979 renumbered as section 379.338, Florida Statutes, and amended to
 5980 read:

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5981 379.338 ~~372.73~~ Confiscation and disposition of illegally
 5982 taken game.--All game and freshwater fish seized under the
 5983 authority of this chapter shall, upon conviction of the offender
 5984 or sooner if the court so orders, be forfeited and given to some
 5985 hospital or charitable institution and receipt therefor sent to
 5986 the Fish and Wildlife Conservation Commission. All furs or hides
 5987 or fur-bearing animals seized under the authority of this
 5988 chapter shall, upon conviction of the offender, be forfeited and
 5989 sent to the commission, which shall sell the same and deposit
 5990 the proceeds of such sale to the credit of the State Game Trust
 5991 Fund ~~or into the commission's Federal Law Enforcement Trust Fund~~
 5992 ~~as provided in s. 372.107, as applicable.~~ If any such hides or
 5993 furs are seized and the offender is unknown, the court shall
 5994 order such hides or furs sent to the Fish and Wildlife
 5995 Conservation Commission, which shall sell such hides and furs
 5996 and deposit the proceeds of such sale to the credit of the State
 5997 Game Trust Fund ~~or into the commission's Federal Law Enforcement~~
 5998 ~~Trust Fund as provided in s. 372.107, as applicable.~~

5999 Section 122. Section 372.9901, Florida Statutes, is
 6000 renumbered as section 379.339, Florida Statutes, and amended to
 6001 read:

6002 379.339 ~~372.9901~~ Seizure of illegal hunting devices;
 6003 disposition; notice; forfeiture.--In order to protect the
 6004 state's wildlife resources, any vehicle, vessel, animal, gun,
 6005 light, or other hunting device used or attempted to be used in
 6006 connection with, as an instrumentality of, or in aiding and
 6007 abetting in the commission of an offense prohibited by s.
 6008 379.404 ~~372.99~~ is subject to seizure and forfeiture. The

6009 provisions of chapter 932 do not apply to any seizure or
 6010 forfeiture under this section. For purposes of this section, a
 6011 conviction is any disposition other than acquittal or dismissal.

6012 (1) (a) Upon a first conviction of the person in whose
 6013 possession the property was found, the court having jurisdiction
 6014 over the criminal offense, notwithstanding any jurisdictional
 6015 limitations on the amount in controversy, may make a finding
 6016 that the property was used in connection with a violation of s.
 6017 379.404 ~~372.99~~. Upon such finding, the court may order the
 6018 property forfeited to the commission.

6019 (b) Upon a second or subsequent conviction of a person in
 6020 whose possession the property was found for a violation of s.
 6021 379.404 ~~372.99~~, the court shall order the forfeiture to the
 6022 commission of any property used in connection with that
 6023 violation.

6024 (2) The requirement for a conviction before forfeiture
 6025 establishes, to the exclusion of any reasonable doubt, that the
 6026 property was used in connection with that violation. Prior to
 6027 the issuance of a forfeiture order for any vessel, vehicle, or
 6028 other property under subsection (1), the commission shall seize
 6029 the property and notify the registered owner, if any, that the
 6030 property has been seized by the commission.

6031 (3) Notification of property seized under this section
 6032 must be sent by certified mail to a registered owner within 14
 6033 days after seizure. If the commission, after diligent inquiry,
 6034 cannot ascertain the registered owner, the notice requirement is
 6035 satisfied.

6036 (4) (a) For a first conviction of an offense under s.
 6037 379.404 ~~372.99~~, property seized by the commission shall be
 6038 returned to the registered owner if the commission fails to
 6039 prove by a preponderance of the evidence before the court having
 6040 jurisdiction over the criminal offense that the registered owner
 6041 aided in, abetted in, participated in, gave consent to, knew of,
 6042 or had reason to know of the offense.

6043 (b) Upon a second or subsequent conviction for an offense
 6044 under s. 379.404 ~~372.99~~, the burden shall be on the registered
 6045 owner to prove by a preponderance of the evidence before the
 6046 court having jurisdiction over the criminal offense that the
 6047 registered owner in no way aided in, abetted in, participated
 6048 in, knew of, or had reason to know of the second offense which
 6049 resulted in seizure of the lawful property.

6050 (c) Any request for a hearing from a registered owner
 6051 asserting innocence to recover property seized under these
 6052 provisions must be sent to the commission's Division of Law
 6053 Enforcement within 21 days after the registered owner's receipt
 6054 of the notice of seizure. If a request for a hearing is not
 6055 timely received, the court shall forfeit to the commission the
 6056 right to, title to, and interest in the property seized, subject
 6057 only to the rights and interests of bona fide lienholders.

6058 (5) All amounts received from the sale or other
 6059 disposition of the property shall be paid into the State Game
 6060 Trust Fund ~~or into the commission's Federal Law Enforcement~~
 6061 ~~Trust Fund as provided in s. 372.107, as applicable~~. If the
 6062 property is not sold or converted, it shall be delivered to the
 6063 executive director of the commission.

6064 Section 123. Section 372.9904, Florida Statutes, is
 6065 renumbered as section 379.3395, Florida Statutes, and amended to
 6066 read:

6067 379.3395 ~~372.9904~~ Seizure of illegal transportation
 6068 devices; disposition; appraisal; forfeiture.--

6069 (1) Any vehicle, vessel, or other transportation device
 6070 used in the commission of the offense prohibited by s. 379.406
 6071 ~~372.9903~~, except a vehicle, vessel, or other transportation
 6072 device duly registered as a common carrier and operated in
 6073 lawful transaction of business as such carrier, shall be seized
 6074 by the arresting officer, who shall promptly make return of the
 6075 seizure and deliver the property to the director of the Fish and
 6076 Wildlife Conservation Commission. The return shall describe the
 6077 property seized and recite in detail the facts and circumstances
 6078 under which it was seized, together with the reason that the
 6079 property was subject to seizure. The return shall also contain
 6080 the names of all persons known to the officer to be interested
 6081 in the property.

6082 (2) The commission, upon receipt of the property, shall
 6083 promptly fix its value and make return thereof to the clerk of
 6084 the circuit court of the county wherein the article was seized;
 6085 after which, on proper showing of ownership of the property by
 6086 someone other than the person arrested, the property shall be
 6087 returned by the court to the said owner.

6088 (3) Upon conviction of the violator, the property, if
 6089 owned by the person convicted, shall be forfeited to the state
 6090 under the procedure set forth in ss. 379.337 and 379.362 ~~370.061~~
 6091 and ~~370.07~~, when not inconsistent with this section. All amounts

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6092 received from the sale or other disposition of the property
 6093 shall be paid into the State Game Trust Fund ~~or into the~~
 6094 ~~commission's Federal Law Enforcement Trust Fund as provided in~~
 6095 ~~s. 372.107, as applicable.~~ If the property is not sold or
 6096 converted, it shall be delivered to the director of the Fish and
 6097 Wildlife Conservation Commission.

6098 Section 124. Section 372.99021, Florida Statutes, is
 6099 renumbered as section 379.341, Florida Statutes, to read:

6100 379.341 ~~372.99021~~ Disposition of illegal fishing devices;
 6101 exercise of police power.--

6102 (1) In all cases of arrest and conviction for use of
 6103 illegal nets or traps or fishing devices, as provided in this
 6104 chapter, such illegal net, trap, or fishing device is declared
 6105 to be a nuisance and shall be seized and carried before the
 6106 court having jurisdiction of such offense and said court shall
 6107 order such illegal trap, net, or fishing device forfeited to the
 6108 commission immediately after trial and conviction of the person
 6109 in whose possession they were found. When any illegal net, trap,
 6110 or fishing device is found in the fresh waters of the state, and
 6111 the owner of same shall not be known to the officer finding the
 6112 same, such officer shall immediately procure from the county
 6113 court judge an order forfeiting said illegal net, trap, or
 6114 fishing device to the commission. The commission may destroy
 6115 such illegal net, trap, or fishing device, if in its judgment
 6116 said net, trap, or fishing device is not of value in the work of
 6117 the department.

6118 (2) When any nets, traps, or fishing devices are found
 6119 being used illegally as provided in this chapter, the same shall

6120 be seized and forfeited to the commission as provided in this
 6121 chapter.

6122 (3) This section is necessary for the more efficient and
 6123 proper enforcement of the statutes and laws of this state
 6124 prohibiting the illegal use of nets, traps, or fishing devices
 6125 and is a lawful exercise of the police power of the state for
 6126 the protection of the public welfare, health, and safety of the
 6127 people of the state. All the provisions of this section shall be
 6128 liberally construed for the accomplishment of these purposes.

6129 Section 125. Section 372.9905, Florida Statutes, is
 6130 renumbered as section 379.342, Florida Statutes, and amended to
 6131 read:

6132 379.342 ~~372.9905~~ Applicability of ss. 379.339, 379.340,
 6133 379.404, and 379.406 ~~372.99, 372.9901, 372.9903, and~~
 6134 ~~372.9904.~~--The provisions of ss. 379.339, 379.340, 379.404, and
 6135 379.406 ~~372.99, 372.9901, 372.9903, and 372.9904~~ relating to
 6136 seizure and forfeiture of animals or of vehicles, vessels, or
 6137 other transportation devices do not vitiate any valid lien,
 6138 retain title contract, or chattel mortgage on such animals or
 6139 vehicles, vessels, or other transportation devices if such lien,
 6140 retain title contract, or chattel mortgage is properly of public
 6141 record at the time of the seizure.

6142 Section 126. Section 372.0715, Florida Statutes, is
 6143 renumbered as section 379.343, Florida Statutes, to read:

6144 379.343 ~~372.0715~~ Rewards.--The Fish and Wildlife
 6145 Conservation Commission is authorized to offer rewards in
 6146 amounts of up to \$500 to any person furnishing information
 6147 leading to the arrest and conviction of any person who has

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6148 | inflicted or attempted to inflict bodily injury upon any
 6149 | wildlife officer engaged in the enforcement of the provisions of
 6150 | this chapter or the rules and regulations of the Fish and
 6151 | Wildlife Conservation Commission.

6152 | Section 127. Part VI of chapter 379, Florida Statutes,
 6153 | consisting of sections 379.350, 379.3501, 379.3502, 379.3503,
 6154 | 379.3504, 379.3511, 379.3512, 379.352, 379.353, 379.354,
 6155 | 379.355, 379.356, 379.357, 379.3581, 379.3582, and 379.3582, is
 6156 | created to read:

6157 | PART VI

6158 | LICENSES FOR RECREATIONAL ACTIVITIES

6159 |
 6160 | Section 128. Section 372.5711, Florida Statutes, is
 6161 | renumbered as section 379.35, Florida Statutes, to read:

6162 | 379.35 ~~372.5711~~ Review of fees for licenses and permits;
 6163 | review of exemptions.--The fees for licenses and permits
 6164 | established under this chapter, and exemptions thereto, shall be
 6165 | reviewed by the Legislature during its regular session every 5
 6166 | years beginning in 2000.

6167 | Section 129. Section 372.571, Florida Statutes, is
 6168 | renumbered as section 379.3501, Florida Statutes, and amended to
 6169 | read:

6170 | 379.3501 ~~372.571~~ Expiration of licenses and permits.--Each
 6171 | license or permit issued under this part ~~chapter~~ must be dated
 6172 | when issued. Each license or permit issued under this part
 6173 | ~~chapter~~ remains valid for 12 months after the date of issuance,
 6174 | except for a lifetime license issued pursuant to s. 379.354
 6175 | ~~372.57~~ which is valid from the date of issuance until the death

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6176 of the individual to whom the license is issued unless otherwise
 6177 revoked in accordance with s. 379.401 ~~372.83~~ or s. 379.404
 6178 ~~372.99~~, or a 5-year license issued pursuant to s. 379.354 ~~372.57~~
 6179 which is valid for 5 consecutive years from the date of purchase
 6180 unless otherwise revoked in accordance with s. 379.401 ~~372.83~~ or
 6181 s. 379.404 ~~372.99~~, or a license issued pursuant to s.
 6182 379.354(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.
 6183 ~~372.57(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.,~~
 6184 which is valid for the period specified on the license. A
 6185 resident lifetime license or a resident 5-year license that has
 6186 been purchased by a resident of this state and who subsequently
 6187 resides in another state shall be honored for activities
 6188 authorized by that license.

6189 Section 130. Section 372.59, Florida Statutes, is
 6190 renumbered as section 379.3502, Florida Statutes, and amended to
 6191 read:

6192 379.3502 ~~372.59~~ License and permit not transferable.--A
 6193 person may not alter or change in any manner, or loan or
 6194 transfer to another, unless otherwise provided, any license or
 6195 permit issued pursuant to the provisions of this chapter, nor
 6196 may any other person, other than the person to whom it is
 6197 issued, use the same.

6198 Section 131. Section 372.58, Florida Statutes, is
 6199 renumbered as section 379.3503, Florida Statutes, and amended to
 6200 read:

6201 379.3503 ~~372.58~~ False statement in application for license
 6202 or permit.--Any person who swears or affirms to any false
 6203 statement in any application for license or permit provided by

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6204 this chapter, is guilty of violating this chapter, and shall be
 6205 subject to the penalty provided in s. 379.401 ~~372.83~~, and any
 6206 false statement contained in any application for such license or
 6207 permit renders the license or permit void.

6208 Section 132. Section 372.581, Florida Statutes, is
 6209 renumbered as section 379.3504, Florida Statutes, and amended to
 6210 read:

6211 379.3504 ~~372.581~~ Entering false information on licenses or
 6212 permits.--Whoever knowingly and willfully enters false
 6213 information on, or allows or causes false information to be
 6214 entered on or shown upon any license or permit issued under the
 6215 provisions of this chapter in order to avoid prosecution or to
 6216 assist another to avoid prosecution, or for any other wrongful
 6217 purpose shall be punished as provided in s. 379.401 ~~372.83~~.

6218 Section 133. Section 372.574, Florida Statutes, is
 6219 renumbered as section 379.3511, Florida Statutes, and amended to
 6220 read:

6221 379.3511 ~~372.574~~ Appointment of subagents for the sale of
 6222 hunting, fishing, and trapping licenses and permits.--

6223 (1) Subagents shall serve at the pleasure of the
 6224 commission. The commission may establish, by rule, procedures
 6225 for the selection and appointment of subagents. The following
 6226 are requirements for subagents so appointed:

6227 (a) The commission may require each subagent to post an
 6228 appropriate bond as determined by the commission, using an
 6229 insurance company acceptable to the commission. In lieu of the
 6230 bond, the commission may purchase blanket bonds covering all or

6231 selected subagents or may allow a subagent to post other
 6232 security as required by the commission.

6233 (b) A subagent may sell licenses and permits as authorized
 6234 by the commission at specific locations within the county and in
 6235 states as will best serve the public interest and convenience in
 6236 obtaining licenses and permits. The commission may prohibit
 6237 subagents from selling certain licenses or permits.

6238 (c) It is unlawful for any person to handle licenses or
 6239 permits for a fee or compensation of any kind unless he or she
 6240 has been appointed as a subagent.

6241 (d) Any person who willfully violates any of the
 6242 provisions of this section commits a misdemeanor of the second
 6243 degree, punishable as provided in s. 775.082 or s. 775.083.

6244 (e) A subagent may charge and receive as his or her
 6245 compensation 50 cents for each license or permit sold. This
 6246 charge is in addition to the sum required by law to be collected
 6247 for the sale and issuance of each license or permit.

6248 (f) A subagent shall submit payment for and report the
 6249 sale of licenses and permits to the commission as prescribed by
 6250 the commission.

6251 (2) The Fish and Wildlife Conservation Commission or any
 6252 other law enforcement agency may carry out any investigation
 6253 necessary to secure information required to carry out and
 6254 enforce this section.

6255 (3) All social security numbers that are provided pursuant
 6256 to ss. 379.352 and 379.354 ~~372.561 and 372.57~~ and are contained
 6257 in records of any subagent appointed under this section are
 6258 confidential as provided in those sections.

6259 Section 134. Section 372.551, Florida Statutes, is
 6260 renumbered as section 379.3512, Florida Statutes, to read:

6261 379.3512 ~~372.551~~ Competitive bidding for certain sale of
 6262 licenses and permits and the issuance of authorization
 6263 numbers.--The commission is authorized to establish the
 6264 following, using competitive bidding procedures:

6265 (1) A process and a vendor fee for the sale of licenses
 6266 and permits, and the issuance of authorization numbers, over the
 6267 telephone.

6268 (2) A process and a vendor fee for the electronic sale of
 6269 licenses and permits and for the electronic issuance of
 6270 authorization numbers.

6271 Section 135. Section 372.561, Florida Statutes, is
 6272 renumbered as section 379.352, Florida Statutes, and amended to
 6273 read:

6274 379.352 ~~372.561~~ Recreational licenses, permits, and
 6275 authorization numbers to take wild animal life, freshwater
 6276 aquatic life, and marine life; issuance; costs; reporting.--

6277 (1) This section applies to all recreational licenses and
 6278 permits and to any authorization numbers issued by the
 6279 commission for the use of such recreational licenses or permits.

6280 (2) The commission shall establish forms for the issuance
 6281 of recreational licenses and permits.

6282 (3) The commission shall issue a license, permit, or
 6283 authorization number to take wild animal life, freshwater
 6284 aquatic life, or marine life when an applicant provides proof
 6285 that she or he is entitled to such license, permit, or
 6286 authorization number. Each applicant for a recreational license,

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6287 permit, or authorization number shall provide her or his social
 6288 security number on the application form. Disclosure of social
 6289 security numbers obtained through this requirement shall be
 6290 limited to the purposes of administration of the Title IV-D
 6291 program for child support enforcement, use by the commission,
 6292 and as otherwise provided by law.

6293 (4) Licenses and permits to take wild animal life,
 6294 freshwater aquatic life, or marine life may be sold by the
 6295 commission, by any tax collector in the state, or by any
 6296 subagent authorized under s. 379.3511 ~~372.574~~.

6297 (5) In addition to any license or permit fee, the sum of
 6298 \$1.50 shall be charged for each license or management area
 6299 permit, except for replacement licenses, to cover the cost of
 6300 issuing such license or permit.

6301 (6)(a) The fee established pursuant to subsection (5)
 6302 shall be distributed as follows:

6303 1. For each hunting license and freshwater fishing license
 6304 sold by a tax collector, including the combination freshwater
 6305 fishing and hunting license, the sportsman's license, and the
 6306 gold sportsman's license, a tax collector may retain \$1.00.

6307 2. For each management area permit sold by a tax
 6308 collector, a tax collector may retain \$1.00.

6309 3. For each saltwater fishing tag and saltwater fishing
 6310 license sold by a tax collector, including the combination
 6311 saltwater fishing and freshwater fishing license and the
 6312 combination saltwater fishing, freshwater fishing, and hunting
 6313 license, a tax collector may retain \$1.50.

6314 4. For licenses and management area permits sold by
 6315 subagents, a tax collector may retain 50 cents for each license
 6316 sold in the tax collector's county.

6317 5. Any and all remaining fees shall be deposited in the
 6318 State Game Trust Fund and shall be used to support an automated
 6319 license system and administration of the license program.

6320 (b) Tax collectors shall remit license and permit revenue
 6321 to the commission weekly.

6322 (7) (a) The sum of \$10 shall be charged for each
 6323 replacement lifetime license and \$2 for all other replacement
 6324 licenses and permits. A tax collector may retain \$1.00 for each
 6325 replacement license.

6326 (b) Fees collected from the issuance of replacement
 6327 licenses shall be deposited in the State Game Trust Fund.

6328 (8) At each location where hunting, fishing, or trapping
 6329 licenses or permits are sold, voter registration applications
 6330 shall be displayed and made available to the public. Subagents
 6331 shall ask each person who applies for a hunting, fishing, or
 6332 trapping license or permit if he or she would like a voter
 6333 registration application and may provide such application to the
 6334 license or permit applicant but shall not assist such persons
 6335 with voter registration applications or collect complete or
 6336 incomplete voter registration applications.

6337 (9) Except as provided in subsections (8) and (12), each
 6338 person who applies for a hunting, fishing, or trapping license
 6339 or permit shall be asked if he or she would like the appropriate
 6340 supervisor of elections to provide a voter registration
 6341 application to the applicant at a later date. If at the time a

6342 license is purchased the applicant indicates that he or she
 6343 would like to receive a voter registration application, the
 6344 commission shall, within 7 days, make the request available to
 6345 the appropriate supervisor of elections or voter registration
 6346 agency so that an application may be sent to the applicant.
 6347 Supervisors of elections shall mail an application to each
 6348 person requesting such application within 5 business days after
 6349 receipt of the request.

6350 (10) The commission may satisfy the requirements of
 6351 subsection (9) by providing access to an Internet site with the
 6352 voter registration information included thereon.

6353 (11) When acting in its official capacity pursuant to this
 6354 section, neither the commission nor a subagent is deemed a
 6355 third-party registration organization, as defined in s.
 6356 97.021(36), or a voter registration agency, as defined in s.
 6357 97.021(40), and is not authorized to solicit, accept, or collect
 6358 voter registration applications or provide voter registration
 6359 services.

6360 (12) Each person who applies for a hunting, fishing, or
 6361 trapping license or permit on the Internet shall be provided a
 6362 link to the Department of State's online uniform statewide voter
 6363 registration application.

6364 (13) The commission, any tax collector in this state, or
 6365 any subagent authorized to sell licenses and permits under s.
 6366 379.3511 ~~372.574~~ may request and collect donations when selling
 6367 a recreational license or permit authorized under s. 379.354
 6368 ~~372.57~~. All donations collected under this subsection shall be
 6369 deposited into the State Game Trust Fund to be used solely for

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6370 the purpose of enhancing youth hunting and youth freshwater and
 6371 saltwater fishing programs. By January 1, the commission shall
 6372 provide a complete and detailed annual report on the status of
 6373 its youth programs and activities performed under this
 6374 subsection to the Governor, the President of the Senate, and the
 6375 Speaker of the House of Representatives.

6376 (14) The commission is authorized to adopt rules pursuant
 6377 to ss. 120.536(1) and 120.54 to implement the provisions of this
 6378 section.

6379 Section 136. Section 372.562, Florida Statutes, is
 6380 renumbered as section 379.353, Florida Statutes, and amended to
 6381 read:

6382 379.353 ~~372.562~~ Recreational licenses and permits;
 6383 exemptions from fees and requirements.--

6384 (1) Hunting, freshwater fishing, and saltwater fishing
 6385 licenses and permits shall be issued without fee to any resident
 6386 who is certified or determined:

6387 (a) To be totally and permanently disabled for purposes of
 6388 workers' compensation under chapter 440 as verified by an order
 6389 of a judge of compensation claims or written confirmation by the
 6390 carrier providing workers' compensation benefits, or to be
 6391 totally and permanently disabled by the Railroad Retirement
 6392 Board, by the United States Department of Veterans Affairs or
 6393 its predecessor, or by any branch of the United States Armed
 6394 Forces, or who holds a valid identification card issued under
 6395 the provisions of s. 295.17, upon proof of same. Any license
 6396 issued under this paragraph after January 1, 1997, expires after

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6397 5 years and must be reissued, upon request, every 5 years
 6398 thereafter.

6399 (b) To be disabled by the United States Social Security
 6400 Administration, upon proof of same. Any license issued under
 6401 this paragraph after October 1, 1999, expires after 2 years and
 6402 must be reissued, upon proof of certification of disability,
 6403 every 2 years thereafter.

6404
 6405 A disability license issued after July 1, 1997, and before July
 6406 1, 2000, retains the rights vested thereunder until the license
 6407 has expired.

6408 (2) A hunting, freshwater fishing, or saltwater fishing
 6409 license or permit is not required for:

6410 (a) Any child under 16 years of age, except as otherwise
 6411 provided in this part ~~chapter~~.

6412 (b) Any person hunting or freshwater fishing on her or his
 6413 homestead property, or on the homestead property of the person's
 6414 spouse or minor child; or any minor child hunting or freshwater
 6415 fishing on the homestead property of her or his parent.

6416 (c) Any resident who is a member of the United States
 6417 Armed Forces and not stationed in this state, when home on leave
 6418 for 30 days or less, upon submission of orders.

6419 (d) Any resident freshwater fishing for recreational
 6420 purposes only, within her or his county of residence with live
 6421 or natural bait, using poles or lines not equipped with a
 6422 fishing line retrieval mechanism. This exemption does not apply
 6423 to residents fishing in a legally established fish management
 6424 area.

6425 (e) Any person freshwater fishing in a fish pond of 20
 6426 acres or less that is located entirely within the private
 6427 property of the fish pond owner.

6428 (f) Any person freshwater fishing in a fish pond that is
 6429 licensed in accordance with s. 379.356 ~~372.5705~~.

6430 (g) Any person fishing who has been accepted as a client
 6431 for developmental disabilities services by the Department of
 6432 Children and Family Services, provided the department furnishes
 6433 proof thereof.

6434 (h) Any resident saltwater fishing from land or from a
 6435 structure fixed to the land.

6436 (i) Any person saltwater fishing from a vessel licensed
 6437 pursuant to s. 379.354(7) ~~372.57(7)~~.

6438 (j) Any person saltwater fishing from a vessel the
 6439 operator of which is licensed pursuant to s. 379.354(7)
 6440 ~~372.57(7)~~.

6441 (k) Any person saltwater fishing who holds a valid
 6442 saltwater products license issued under s. 379.361(2) ~~370.06(2)~~.

6443 (l) Any person saltwater fishing for recreational purposes
 6444 from a pier licensed under s. 379.354 ~~372.57~~.

6445 (m) Any resident fishing for a saltwater species in fresh
 6446 water from land or from a structure fixed to land.

6447 (n) Any resident fishing for mullet in fresh water who has
 6448 a valid Florida freshwater fishing license.

6449 (o) Any resident 65 years of age or older who has in her
 6450 or his possession proof of age and residency. A no-cost license
 6451 under this paragraph may be obtained from any tax collector's
 6452 office upon proof of age and residency and must be in the

6453 possession of the resident during hunting, freshwater fishing,
 6454 and saltwater fishing activities.

6455 (p) Any employee of the commission who takes freshwater
 6456 fish, saltwater fish, or game as part of employment with the
 6457 commission, or any other person authorized by commission permit
 6458 to take freshwater fish, saltwater fish, or game for scientific
 6459 or educational purposes.

6460 (q) Any resident recreationally freshwater fishing who
 6461 holds a valid commercial fishing license issued under s.
 6462 379.3625(1)(a) ~~372.65(1)(a)~~.

6463 Section 137. Section 372.57, Florida Statutes, is
 6464 renumbered as section 379.354, Florida Statutes, and amended to
 6465 read:

6466 379.354 ~~372.57~~ Recreational licenses, permits, and
 6467 authorization numbers; fees established.--

6468 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
 6469 REQUIRED.--Except as provided in s. 379.353 ~~372.562~~, no person
 6470 shall take game, freshwater or saltwater fish, or fur-bearing
 6471 animals within this state without having first obtained a
 6472 license, permit, or authorization number and paid the fees set
 6473 forth in this chapter. Such license, permit, or authorization
 6474 number shall authorize the person to whom it is issued to take
 6475 game, freshwater or saltwater fish, or fur-bearing animals, and
 6476 participate in outdoor recreational activities in accordance
 6477 with the laws of the state and rules of the commission.

6478 (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.--

6479 (a) Licenses, permits, and authorization numbers issued
 6480 under this part ~~chapter~~ are not transferable. Each license and

6481 permit must bear on its face in indelible ink the name of the
 6482 person to whom it is issued and other information as deemed
 6483 necessary by the commission. Licenses issued to the owner,
 6484 operator, or custodian of a vessel that directly or indirectly
 6485 collects fees for taking or attempting to take or possess
 6486 saltwater fish for noncommercial purposes must include the
 6487 vessel registration number or federal documentation number.

6488 (b) The lifetime licenses and 5-year licenses authorized
 6489 in this section shall be embossed with the name, date of birth,
 6490 date of issuance, and other pertinent information as deemed
 6491 necessary by the commission. A certified copy of the applicant's
 6492 birth certificate shall accompany each application for a
 6493 lifetime license for a resident 12 years of age or younger.

6494 (c) A positive form of identification is required when
 6495 using a free license, a lifetime license, a 5-year license, or
 6496 an authorization number issued under this chapter, or when
 6497 otherwise required by a license or permit.

6498 (3) PERSONAL POSSESSION REQUIRED.--Each license, permit,
 6499 or authorization number must be in the personal possession of
 6500 the person to whom it is issued while such person is taking,
 6501 attempting to take, or possessing game, freshwater or saltwater
 6502 fish, or fur-bearing animals. Any person taking, attempting to
 6503 take, or possessing game, freshwater or saltwater fish, or fur-
 6504 bearing animals who fails to produce a license, permit, or
 6505 authorization number at the request of a commission law
 6506 enforcement officer commits a violation of the law.

6507 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
 6508 and fees for residents participating in hunting and fishing
 6509 activities in this state are as follows:

6510 (a) Annual freshwater fishing license, \$15.50.

6511 (b) Annual saltwater fishing license, \$15.50.

6512 (c) Annual hunting license to take game, \$15.50.

6513 (d) Annual combination hunting and freshwater fishing
 6514 license, \$31.

6515 (e) Annual combination freshwater fishing and saltwater
 6516 fishing license, \$31.

6517 (f) Annual combination hunting, freshwater fishing, and
 6518 saltwater fishing license, \$46.50.

6519 (g) Annual license to take fur-bearing animals, \$25.

6520 However, a resident with a valid hunting license or a no-cost
 6521 license who is taking fur-bearing animals for noncommercial
 6522 purposes using guns or dogs only, and not traps or other
 6523 devices, is not required to purchase this license. Also, a
 6524 resident 65 years of age or older is not required to purchase
 6525 this license.

6526 (h) Annual sportsman's license, \$79, except that an annual
 6527 sportsman's license for a resident 64 years of age or older is
 6528 \$12. A sportsman's license authorizes the person to whom it is
 6529 issued to take game and freshwater fish, subject to the state
 6530 and federal laws, rules, and regulations, including rules of the
 6531 commission, in effect at the time of the taking. Other
 6532 authorized activities include activities authorized by a
 6533 management area permit, a muzzle-loading gun season permit, a

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6534 crossbow season permit, a turkey permit, a Florida waterfowl
6535 permit, and an archery season permit.

6536 (i) Annual gold sportsman's license, \$98.50. The gold
6537 sportsman's license authorizes the person to whom it is issued
6538 to take freshwater fish, saltwater fish, and game, subject to
6539 the state and federal laws, rules, and regulations, including
6540 rules of the commission, in effect at the time of taking. Other
6541 authorized activities include activities authorized by a
6542 management area permit, a muzzle-loading gun season permit, a
6543 crossbow season permit, a turkey permit, a Florida waterfowl
6544 permit, an archery season permit, a snook permit, and a spiny
6545 lobster permit.

6546 (j) Annual military gold sportsman's license, \$18.50. The
6547 gold sportsman's license authorizes the person to whom it is
6548 issued to take freshwater fish, saltwater fish, and game,
6549 subject to the state and federal laws, rules, and regulations,
6550 including rules of the commission, in effect at the time of
6551 taking. Other authorized activities include activities
6552 authorized by a management area permit, a muzzle-loading gun
6553 season permit, a crossbow season permit, a turkey permit, a
6554 Florida waterfowl permit, an archery season permit, a snook
6555 permit, and a spiny lobster permit. Any resident who is an
6556 active or retired member of the United States Armed Forces, the
6557 United States Armed Forces Reserve, the National Guard, the
6558 United States Coast Guard, or the United States Coast Guard
6559 Reserve is eligible to purchase the military gold sportsman's
6560 license upon submission of a current military identification
6561 card.

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6562 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The
 6563 licenses and fees for nonresidents participating in hunting and
 6564 fishing activities in the state are as follows:
 6565 (a) Freshwater fishing license to take freshwater fish for
 6566 3 consecutive days, \$15.50.
 6567 (b) Freshwater fishing license to take freshwater fish for
 6568 7 consecutive days, \$28.50.
 6569 (c) Saltwater fishing license to take saltwater fish for 3
 6570 consecutive days, \$15.50.
 6571 (d) Saltwater fishing license to take saltwater fish for 7
 6572 consecutive days, \$28.50.
 6573 (e) Annual freshwater fishing license, \$45.50.
 6574 (f) Annual saltwater fishing license, \$45.50.
 6575 (g) Hunting license to take game for 10 consecutive days,
 6576 \$45.
 6577 (h) Annual hunting license to take game, \$150.
 6578 (i) Annual license to take fur-bearing animals, \$25.
 6579 However, a nonresident with a valid Florida hunting license who
 6580 is taking fur-bearing animals for noncommercial purposes using
 6581 guns or dogs only, and not traps or other devices, is not
 6582 required to purchase this license.
 6583 (6) PIER LICENSE.--A pier license for any pier fixed to
 6584 land for the purpose of taking or attempting to take saltwater
 6585 fish is \$500 per year. The pier license may be purchased at the
 6586 option of the owner, operator, or custodian of such pier and
 6587 must be available for inspection at all times.
 6588 (7) VESSEL LICENSES.--

6589 (a) No person may operate any vessel wherein a fee is
 6590 paid, either directly or indirectly, for the purpose of taking,
 6591 attempting to take, or possessing any saltwater fish for
 6592 noncommercial purposes unless she or he has obtained a license
 6593 for each vessel for that purpose, and has paid the license fee
 6594 pursuant to paragraphs (b) and (c) for such vessel.

6595 (b) A license for any person who operates any vessel
 6596 licensed to carry more than 10 customers, wherein a fee is paid,
 6597 either directly or indirectly, for the purpose of taking or
 6598 attempting to take saltwater fish, is \$800 per year. The license
 6599 must be kept aboard the vessel at all times.

6600 (c)1. A license for any person who operates any vessel
 6601 licensed to carry no more than 10 customers, or for any person
 6602 licensed to operate any vessel carrying 6 or fewer customers,
 6603 wherein a fee is paid, either directly or indirectly, for the
 6604 purpose of taking or attempting to take saltwater fish, is \$400
 6605 per year.

6606 2. A license for any person licensed to operate any vessel
 6607 carrying 6 or fewer customers but who operates a vessel carrying
 6608 4 or fewer customers, wherein a fee is paid, either directly or
 6609 indirectly, for the purpose of taking or attempting to take
 6610 saltwater fish, is \$200 per year. The license must be kept
 6611 aboard the vessel at all times.

6612 3. A person who operates a vessel required to be licensed
 6613 pursuant to paragraph (b) or this paragraph may obtain a license
 6614 in her or his own name, and such license shall be transferable
 6615 and apply to any vessel operated by the purchaser, provided that
 6616 the purchaser has paid the appropriate license fee.

6617 (d) A license for a recreational vessel not for hire and
 6618 for which no fee is paid, either directly or indirectly, by
 6619 guests for the purpose of taking or attempting to take saltwater
 6620 fish noncommercially is \$2,000 per year. The license may be
 6621 purchased at the option of the vessel owner and must be kept
 6622 aboard the vessel at all times. A log of species taken and the
 6623 date the species were taken shall be maintained and a copy of
 6624 the log filed with the commission at the time of renewal of the
 6625 license.

6626 (e) The owner, operator, or custodian of a vessel the
 6627 operator of which has been licensed pursuant to paragraph (a)
 6628 must maintain and report such statistical data as required by,
 6629 and in a manner set forth in, the rules of the commission.

6630 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
 6631 PERMITS.--In addition to any license required under this
 6632 chapter, the following permits and fees for specified hunting,
 6633 fishing, and recreational uses and activities are required:

6634 (a) An annual Florida waterfowl permit for a resident or
 6635 nonresident to take wild ducks or geese within the state or its
 6636 coastal waters is \$3.

6637 (b)1. An annual Florida turkey permit for a resident to
 6638 take wild turkeys within the state is \$5.

6639 2. An annual Florida turkey permit for a nonresident to
 6640 take wild turkeys within the state is \$100.

6641 (c) An annual snook permit for a resident or nonresident
 6642 to take or possess any snook from any waters of the state is \$2.
 6643 Revenue generated from the sale of snook permits shall be used
 6644 exclusively for programs to benefit the snook population.

6645 (d) An annual spiny lobster permit for a resident or
 6646 nonresident to take or possess any spiny lobster for
 6647 recreational purposes from any waters of the state is \$2.
 6648 Revenue generated from the sale of spiny lobster permits shall
 6649 be used exclusively for programs to benefit the spiny lobster
 6650 population.

6651 (e) A \$5 fee is imposed for each of the following permits:

6652 1. An annual archery season permit for a resident or
 6653 nonresident to hunt within the state during any archery season
 6654 authorized by the commission.

6655 2. An annual crossbow season permit for a resident or
 6656 nonresident to hunt within the state during any crossbow season
 6657 authorized by the commission.

6658 3. An annual muzzle-loading gun season permit for a
 6659 resident or nonresident to hunt within the state during any
 6660 muzzle-loading gun season authorized by the commission.

6661 (f) A special use permit for a resident or nonresident to
 6662 participate in limited entry hunting or fishing activities as
 6663 authorized by commission rule shall not exceed \$100 per day or
 6664 \$250 per week. Notwithstanding any other provision of this
 6665 chapter, there are no exclusions, exceptions, or exemptions from
 6666 this permit fee. In addition to the permit fee, the commission
 6667 may charge each special use permit applicant a nonrefundable
 6668 application fee not to exceed \$10.

6669 (g)1. A management area permit for a resident or
 6670 nonresident to hunt on, fish on, or otherwise use for outdoor
 6671 recreational purposes land owned, leased, or managed by the

6672 commission, or by the state for the use and benefit of the
 6673 commission, shall not exceed \$25 per year.

6674 2. Permit fees for short-term use of land that is owned,
 6675 leased, or managed by the commission may be established by rule
 6676 of the commission for activities on such lands. Such permits may
 6677 be in lieu of, or in addition to, the annual management area
 6678 permit authorized in subparagraph 1.

6679 3. Other than for hunting or fishing, the provisions of
 6680 this paragraph shall not apply on any lands not owned by the
 6681 commission, unless the commission has obtained the written
 6682 consent of the owner or primary custodian of such lands.

6683 (h)1. A recreational user permit is required to hunt on,
 6684 fish on, or otherwise use for outdoor recreational purposes land
 6685 leased by the commission from private nongovernmental owners,
 6686 except for those lands located directly north of the
 6687 Apalachicola National Forest, east of the Ochlocknee River until
 6688 the point the river meets the dam forming Lake Talquin, and
 6689 south of the closest federal highway. The fee for a recreational
 6690 user permit shall be based upon the economic compensation
 6691 desired by the landowner, game population levels, desired hunter
 6692 density, and administrative costs. The permit fee shall be set
 6693 by commission rule on a per-acre basis. The recreational user
 6694 permit fee, less administrative costs of up to \$25 per permit,
 6695 shall be remitted to the landowner as provided in the lease
 6696 agreement for each area.

6697 2. One minor dependent under 16 years of age may hunt
 6698 under the supervision of the permittee and is exempt from the
 6699 recreational user permit requirements. The spouse and dependent

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6700 children of a permittee are exempt from the recreational user
 6701 permit requirements when engaged in outdoor recreational
 6702 activities other than hunting and when accompanied by a
 6703 permittee. Notwithstanding any other provision of this chapter,
 6704 no other exclusions, exceptions, or exemptions from the
 6705 recreational user permit fee are authorized.

6706 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

6707 (a) Five-year licenses are available for residents only,
 6708 as follows:

6709 1. A 5-year freshwater fishing or saltwater fishing
 6710 license is \$77.50 for each type of license and authorizes the
 6711 person to whom the license is issued to take or attempt to take
 6712 or possess freshwater fish or saltwater fish consistent with the
 6713 state and federal laws and regulations and rules of the
 6714 commission in effect at the time of taking.

6715 2. A 5-year hunting license is \$77.50 and authorizes the
 6716 person to whom it is issued to take or attempt to take or
 6717 possess game consistent with the state and federal laws and
 6718 regulations and rules of the commission in effect at the time of
 6719 taking.

6720 3. The commission is authorized to sell the hunting,
 6721 fishing, and recreational activity permits authorized in
 6722 subsection (8) for a 5-year period to match the purchase of 5-
 6723 year fishing and hunting licenses. The fee for each permit
 6724 issued under this paragraph shall be five times the annual cost
 6725 established in subsection (8).

6726 (b) Proceeds from the sale of all 5-year licenses and
 6727 permits shall be deposited into the Dedicated License Trust

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6728 Fund, to be distributed in accordance with the provisions of s.
 6729 379.203 ~~372.106~~.

6730 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
 6731 LICENSES.--

6732 (a) Lifetime freshwater fishing licenses or saltwater
 6733 fishing licenses are available for residents only, as follows,
 6734 for:

- 6735 1. Persons 4 years of age or younger, for a fee of \$125.
- 6736 2. Persons 5 years of age or older, but under 13 years of
 6737 age, for a fee of \$225.
- 6738 3. Persons 13 years of age or older, for a fee of \$300.

6739 (b) The following activities are authorized by the
 6740 purchase of a lifetime freshwater fishing license:

- 6741 1. Taking, or attempting to take or possess, freshwater
 6742 fish consistent with the state and federal laws and regulations
 6743 and rules of the commission in effect at the time of the taking.
- 6744 2. All activities authorized by a management area permit,
 6745 excluding hunting.

6746 (c) The following activities are authorized by the
 6747 purchase of a lifetime saltwater fishing license:

- 6748 1. Taking, or attempting to take or possess, saltwater
 6749 fish consistent with the state and federal laws and regulations
 6750 and rules of the commission in effect at the time of the taking.
- 6751 2. All activities authorized by a snook permit and a spiny
 6752 lobster permit.
- 6753 3. All activities for which an additional license, permit,
 6754 or fee is required to take or attempt to take or possess
 6755 saltwater fish, which additional license, permit, or fee was

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6756 imposed subsequent to the date of the purchase of the lifetime
6757 saltwater fishing license.

6758 (11) RESIDENT LIFETIME HUNTING LICENSES.--

6759 (a) Lifetime hunting licenses are available to residents
6760 only, as follows, for:

6761 1. Persons 4 years of age or younger, for a fee of \$200.

6762 2. Persons 5 years of age or older, but under 13 years of
6763 age, for a fee of \$350.

6764 3. Persons 13 years of age or older, for a fee of \$500.

6765 (b) The following activities are authorized by the
6766 purchase of a lifetime hunting license:

6767 1. Taking, or attempting to take or possess, game
6768 consistent with the state and federal laws and regulations and
6769 rules of the commission in effect at the time of the taking.

6770 2. All activities authorized by a muzzle-loading gun
6771 season permit, a crossbow season permit, a turkey permit, an
6772 archery season permit, a Florida waterfowl permit, and a
6773 management area permit, excluding fishing.

6774 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

6775 (a) Lifetime sportsman's licenses are available to
6776 residents only, as follows, for:

6777 1. Persons 4 years of age or younger, for a fee of \$400.

6778 2. Persons 5 years of age or older, but under 13 years of
6779 age, for a fee of \$700.

6780 3. Persons 13 years of age or older, for a fee of \$1,000.

6781 (b) The following activities are authorized by the
6782 purchase of a lifetime sportsman's license:

6783 1. Taking, or attempting to take or possess, freshwater
 6784 and saltwater fish, and game, consistent with the state and
 6785 federal laws and regulations and rules of the commission in
 6786 effect at the time of taking.

6787 2. All activities authorized by a management area permit,
 6788 a muzzle-loading gun season permit, a crossbow season permit, a
 6789 turkey permit, an archery season permit, a Florida waterfowl
 6790 permit, a snook permit, and a spiny lobster permit.

6791 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The
 6792 proceeds from the sale of all lifetime licenses authorized in
 6793 this section shall be deposited into the Lifetime Fish and
 6794 Wildlife Trust Fund, to be distributed as provided in s. 379.207
 6795 ~~372.105~~.

6796 (14) RECIPROCAL FEE AGREEMENTS.--The commission is
 6797 authorized to reduce the fees for licenses and permits under
 6798 this section for residents of those states with which the
 6799 commission has entered into reciprocal agreements with respect
 6800 to such fees.

6801 (15) FREE FISHING DAYS.--The commission may designate by
 6802 rule no more than 2 consecutive or nonconsecutive days in each
 6803 year as free freshwater fishing days and no more than 2
 6804 consecutive or nonconsecutive days in each year as free
 6805 saltwater fishing days. Notwithstanding any other provision of
 6806 this chapter, any person may take freshwater fish for
 6807 noncommercial purposes on a free freshwater fishing day and may
 6808 take saltwater fish for noncommercial purposes on a free
 6809 saltwater fishing day, without obtaining or possessing a license
 6810 or permit or paying a license or permit fee as prescribed in

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6811 | this section. A person who takes freshwater or saltwater fish on
 6812 | a free fishing day must comply with all laws, rules, and
 6813 | regulations governing the holders of a fishing license or permit
 6814 | and all other conditions and limitations regulating the taking
 6815 | of freshwater or saltwater fish as are imposed by law or rule.

6816 | (16) PROHIBITED LICENSES OR PERMITS.--A person may not
 6817 | make, forge, counterfeit, or reproduce a license or permit
 6818 | required under this section, except for those persons authorized
 6819 | by the commission to make or reproduce such a license or permit.
 6820 | A person may not knowingly possess a forgery, counterfeit, or
 6821 | unauthorized reproduction of such a license or permit. A person
 6822 | who violates this subsection commits a Level Four violation
 6823 | under s. 379.401 ~~372.83~~.

6824 | (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
 6825 | game, freshwater fish, saltwater fish, or fur-bearing animals
 6826 | within this state if a license issued to such person as required
 6827 | under this section or a privilege granted to such person under
 6828 | s. 379.353 ~~372.562~~ is suspended or revoked. A person who
 6829 | violates this subsection commits a Level Three violation under
 6830 | s. 379.401 ~~372.83~~.

6831 | Section 138. Section 370.063, Florida Statutes, is
 6832 | renumbered as section 379.355, Florida Statutes, and amended to
 6833 | read:

6834 | 379.355 ~~370.063~~ Special recreational spiny lobster
 6835 | license.--There is created a special recreational spiny lobster
 6836 | license, to be issued to qualified persons as provided by this
 6837 | section for the recreational harvest of spiny lobster beginning
 6838 | August 5, 1994.

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6839 (1) The special recreational spiny lobster license shall
 6840 be available to any individual spiny lobster trap number holder
 6841 who also possesses a saltwater products license during the 1993-
 6842 1994 license year. A person issued a special recreational spiny
 6843 lobster license may not also possess a trap number.

6844 (2) The special recreational spiny lobster license is
 6845 required in order to harvest spiny lobster from state
 6846 territorial waters in quantities in excess of the regular
 6847 recreational bag limit but not in excess of a special bag limit
 6848 as established by the Marine Fisheries Commission for these
 6849 harvesters before the 1994-1995 license year. Such special bag
 6850 limit does not apply during the 2-day sport season established
 6851 by the Fish and Wildlife Conservation Commission.

6852 (3) The holder of a special recreational spiny lobster
 6853 license must also possess the recreational spiny lobster permit
 6854 required by s. 379.354(8)(d) ~~372.57(8)(d)~~.

6855 ~~(4) As a condition precedent to the issuance of a special~~
 6856 ~~recreational spiny lobster license, the applicant must agree to~~
 6857 ~~file quarterly reports with the Fish and Wildlife Conservation~~
 6858 ~~Commission in such form as the commission requires, detailing~~
 6859 ~~the amount of the licenseholder's spiny lobster harvest in the~~
 6860 ~~previous quarter, including the harvest of other recreational~~
 6861 ~~harvesters aboard the licenseholder's vessel.~~

6862 (4) ~~(5)~~ The Fish and Wildlife Conservation Commission shall
 6863 issue special recreational spiny lobster licenses. The fee for
 6864 each such license is \$100 per year. Each license issued in any
 6865 license year must be renewed by June 30 of each subsequent year
 6866 by the initial individual holder thereof. ~~Noncompliance with the~~

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6867 ~~reporting requirement in subsection (4) or with the special~~
6868 ~~recreational bag limit established under subsection (6)~~
6869 ~~constitutes grounds for which the commission may refuse to renew~~
6870 ~~the license for a subsequent license year. The number of such~~
6871 licenses outstanding in any one license year may not exceed the
6872 number issued for the 1994-1995 license year. A license is not
6873 transferable by any method. Licenses that are not renewed expire
6874 and may be reissued by the commission in the subsequent license
6875 year to new applicants otherwise qualified under this section.

6876 ~~(6) To promote conservation of the spiny lobster resource,~~
6877 ~~consistent with equitable distribution and availability of the~~
6878 ~~resource, the commission shall establish a spiny lobster~~
6879 ~~management plan incorporating the special recreational spiny~~
6880 ~~lobster license, including, but not limited to, the~~
6881 ~~establishment of a special recreational bag limit for the~~
6882 ~~holders of such license as required by subsection (2). Such~~
6883 ~~special recreational bag limit must not be less than twice the~~
6884 ~~higher of the daily recreational bag limits.~~

6885 (5)~~(7)~~ The proceeds of the fees collected under this
6886 section must be deposited in the Marine Resources Conservation
6887 Trust Fund and used as follows:

6888 (a) Thirty-five percent for research and the development
6889 of reliable recreational catch statistics for the spiny lobster
6890 fishery.

6891 (b) Twenty percent for administration of this section.

6892 (c) Forty-five percent to be used for enforcement of this
6893 section.

6894 (6)~~(8)~~ Any person who violates this section commits a
 6895 Level One violation under s. 379.401 ~~372.83~~.

6896 Section 139. Section 372.5705, Florida Statutes, is
 6897 renumbered as section 379.356, Florida Statutes, to read:

6898 379.356 ~~372.5705~~ Fish pond license.--The owner of a fish
 6899 pond of more than 20 acres which is located entirely within her
 6900 or his property may obtain a license from the commission for
 6901 such pond at a fee of \$3 per surface acre, and no fishing
 6902 license shall be required of any person fishing in such licensed
 6903 pond.

6904 Section 140. Section 372.5704, Florida Statutes, is
 6905 renumbered as section 379.357, Florida Statutes, and amended to
 6906 read:

6907 379.357 ~~372.5704~~ Fish and Wildlife Conservation Commission
 6908 license program for tarpon; fees; penalties.--

6909 (1) The commission shall establish a license program for
 6910 the purpose of issuing tags to individuals desiring to harvest
 6911 tarpon (*megalops atlantica*) from the waters of the state. The
 6912 tags shall be nontransferable, except that the commission may
 6913 allow for a limited number of tags to be purchased by
 6914 professional fishing guides for transfer to individuals, and
 6915 issued by the commission in order of receipt of a properly
 6916 completed application for a nonrefundable fee of \$50 per tag.
 6917 The commission and any tax collector may sell the tags and
 6918 collect the fees therefor. Tarpon tags are valid from July 1
 6919 through June 30. Before August 15 of each year, each tax
 6920 collector shall submit to the commission all unissued tags for
 6921 the previous fiscal year along with a written audit report, on

6922 forms prescribed or approved by the commission, as to the
 6923 numbers of the unissued tags. To defray the cost of issuing any
 6924 tag, the issuing tax collector shall collect and retain as his
 6925 or her costs, in addition to the tag fee collected, the amount
 6926 allowed under s. 379.352(6) ~~372.561(6)~~ for the issuance of
 6927 licenses.

6928 ~~(2) The number of tags to be issued shall be determined by~~
 6929 ~~rule of the commission. The commission shall in no way allow the~~
 6930 ~~issuance of tarpon tags to adversely affect the tarpon~~
 6931 ~~population.~~

6932 (2) ~~(3)~~ Proceeds from the sale of tarpon tags shall be
 6933 deposited in the Marine Resources Conservation Trust Fund and
 6934 shall be used to gather information directly applicable to
 6935 tarpon management.

6936 (3) ~~(4)~~ No individual shall take, kill, or possess any fish
 6937 of the species megalops atlantica, commonly known as tarpon,
 6938 unless such individual has purchased a tarpon tag and securely
 6939 attached it through the lower jaw of the fish. Said individual
 6940 shall within 5 days after the landing of the fish submit a form
 6941 to the commission which indicates the length, weight, and
 6942 physical condition of the tarpon when caught; the date and
 6943 location of where the fish was caught; and any other pertinent
 6944 information which may be required by the commission. The
 6945 commission may refuse to issue new tags to individuals or guides
 6946 who fail to provide the required information.

6947 (4) ~~(5)~~ Any individual including a taxidermist who
 6948 possesses a tarpon which does not have a tag securely attached
 6949 as required by this section commits a Level Two violation under

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6950 s. 379.401 ~~372.83~~. Provided, however, a taxidermist may remove
 6951 the tag during the process of mounting a tarpon. The removed tag
 6952 shall remain with the fish during any subsequent storage or
 6953 shipment.

6954 (5)~~(6)~~ Purchase of a tarpon tag shall not accord the
 6955 purchaser any right to harvest or possess tarpon in
 6956 contravention of rules adopted by the commission. No individual
 6957 may sell, offer for sale, barter, exchange for merchandise,
 6958 transport for sale, either within or without the state, offer to
 6959 purchase, or purchase any species of fish known as tarpon.

6960 (6)~~(7)~~ The commission shall prescribe and provide suitable
 6961 forms and tags necessary to carry out the provisions of this
 6962 section.

6963 (7)~~(8)~~ The provisions of this section shall not apply to
 6964 anyone who immediately returns a tarpon uninjured to the water
 6965 at the place where the fish was caught.

6966 Section 141. Section 372.5717, Florida Statutes, is
 6967 renumbered as section 379.3581, Florida Statutes, and amended to
 6968 read:

6969 379.3581 ~~372.5717~~ Hunter safety course; requirements;
 6970 penalty.--

6971 (1) This section may be cited as the Senator Joe Carlucci
 6972 Hunter Safety Act.

6973 (2) (a) Except as provided in paragraph (b), a person born
 6974 on or after June 1, 1975, may not be issued a license to take
 6975 wild animal life with the use of a firearm, gun, bow, or
 6976 crossbow in this state without having first successfully
 6977 completed a hunter safety course as provided in this section,

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6978 and without having in his or her personal possession a hunter
 6979 safety certification card, as provided in this section.

6980 (b) A person born on or after June 1, 1975, who has not
 6981 successfully completed a hunter safety course may apply to the
 6982 commission for a special authorization to hunt under
 6983 supervision. The special authorization for supervised hunting
 6984 shall be designated on any license or permit required under this
 6985 chapter for a person to take game or fur-bearing animals and
 6986 shall be valid for not more than 1 year. A special authorization
 6987 for supervised hunting may not be issued more than once to the
 6988 person applying for such authorization. A person issued a
 6989 license with a special authorization to hunt under supervision
 6990 must hunt under the supervision of, and in the presence of, a
 6991 person 21 years or age or older who is licensed to hunt pursuant
 6992 to s. 379.354 ~~372.57~~ or who is exempt from licensing
 6993 requirements or eligible for a free license pursuant to s.
 6994 379.353 ~~372.562~~.

6995 (3) The Fish and Wildlife Conservation Commission shall
 6996 institute and coordinate a statewide hunter safety course that
 6997 must be offered in every county and consist of not more than 16
 6998 hours of instruction including, but not limited to, instruction
 6999 in the competent and safe handling of firearms, conservation,
 7000 and hunting ethics.

7001 (4) The commission shall issue a permanent hunter safety
 7002 certification card to each person who successfully completes the
 7003 hunter safety course. The commission shall maintain records of
 7004 hunter safety certification cards issued and shall establish
 7005 procedures for replacing lost or destroyed cards.

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7006 (5) A hunter safety certification card issued by a
 7007 wildlife agency of another state, or any Canadian province,
 7008 which shows that the holder of the card has successfully
 7009 completed a hunter safety course approved by the commission is
 7010 an acceptable substitute for the hunter safety certification
 7011 card issued by the commission.

7012 (6) All persons subject to the requirements of subsection
 7013 (2) must have in their personal possession proof of compliance
 7014 with this section, while taking or attempting to take wildlife
 7015 with the use of a firearm, gun, bow, or crossbow, and must,
 7016 unless the requirement to complete a hunter safety course is
 7017 deferred pursuant to this section, display a valid hunter safety
 7018 certification card in order to purchase a Florida hunting
 7019 license. After the issuance of such a license, the license
 7020 itself shall serve as proof of compliance with this section. A
 7021 holder of a lifetime license whose license does not indicate on
 7022 the face of the license that a hunter safety course has been
 7023 completed must have in his or her personal possession a hunter
 7024 safety certification card, as provided by this section, while
 7025 attempting to take wild animal life with the use of a firearm,
 7026 gun, bow, or crossbow.

7027 (7) The hunter safety requirements of this section do not
 7028 apply to persons for whom licenses are not required under s.
 7029 379.353(2) ~~372.562(2)~~.

7030 (8) A person who violates this section commits a Level One
 7031 violation under s. 379.401 ~~372.83~~.

7032 Section 142. Section 372.5718, Florida Statutes, is
 7033 amended to read:

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7034 379.3582 ~~372.5718~~ Hunter safety course for juveniles.--The
 7035 Fish and Wildlife Conservation Commission shall develop a hunter
 7036 safety course for juveniles who are at least 5 years of age but
 7037 less than 16 years of age. The course must include, but is not
 7038 limited to, instruction in the competent and safe handling of
 7039 firearms, conservation, and hunting ethics. The course must be
 7040 appropriate for the ages of the students. The course is
 7041 voluntary and must be offered in each county in the state at
 7042 least annually. The course is in addition to, and not in lieu
 7043 of, the hunter safety course prescribed in s. 379.3581 ~~372.5717~~.

7044 Section 143. Part VII of chapter 379, Florida Statutes,
 7045 consisting of sections 379.361, 379.362, 379.363, 379.3635,
 7046 379.364, 379.365, 379.366, 379.367, 379.3671, 379.368, 379.369,
 7047 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751,
 7048 379.3752, 379.3761, 379.3762, and 379.377, is created to read:

7049 PART VII

7050 NONRECREATIONAL LICENSES

7051
 7052 Section 144. Section 370.06, Florida Statutes, is
 7053 renumbered as section 379.361 Florida Statutes, and amended to
 7054 read:

7055 379.361 ~~370.06~~ Licenses.--

7056 (1) LICENSE ON PURSE SEINES.--There is levied, in addition
 7057 to any other taxes thereon, an annual license tax of \$25 upon
 7058 each purse seine used in the waters of this state. This license
 7059 fee shall be collected in the manner provided in this section.

7060 (2) SALTWATER PRODUCTS LICENSE.--

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7061 (a) Every person, firm, or corporation that sells, offers
7062 for sale, barter, or exchanges for merchandise any saltwater
7063 products, or which harvests saltwater products with certain gear
7064 or equipment as specified by law, must have a valid saltwater
7065 products license, except that the holder of an aquaculture
7066 certificate under s. 597.004 is not required to purchase and
7067 possess a saltwater products license in order to possess,
7068 transport, or sell marine aquaculture products. Each saltwater
7069 products license allows the holder to engage in any of the
7070 activities for which the license is required. The license must
7071 be in the possession of the licenseholder or aboard the vessel
7072 and is subject to inspection at any time that harvesting
7073 activities for which a saltwater products license is required
7074 are being conducted.

7075 (b)1. A restricted species endorsement on the saltwater
7076 products license is required to sell to a licensed wholesale
7077 dealer those species which the state, by law or rule, has
7078 designated as "restricted species." This endorsement may be
7079 issued only to a person who is at least 16 years of age, or to a
7080 firm certifying that over 25 percent of its income or \$5,000 of
7081 its income, whichever is less, is attributable to the sale of
7082 saltwater products pursuant to a saltwater products license
7083 issued under this paragraph or a similar license from another
7084 state. This endorsement may also be issued to a for-profit
7085 corporation if it certifies that at least \$5,000 of its income
7086 is attributable to the sale of saltwater products pursuant to a
7087 saltwater products license issued under this paragraph or a
7088 similar license from another state. However, if at least 50

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7089 | percent of the annual income of a person, firm, or for-profit
 7090 | corporation is derived from charter fishing, the person, firm,
 7091 | or for-profit corporation must certify that at least \$2,500 of
 7092 | the income of the person, firm, or corporation is attributable
 7093 | to the sale of saltwater products pursuant to a saltwater
 7094 | products license issued under this paragraph or a similar
 7095 | license from another state, in order to be issued the
 7096 | endorsement. Such income attribution must apply to at least 1 of
 7097 | the last 3 years. For the purpose of this section, "income"
 7098 | means that income that is attributable to work, employment,
 7099 | entrepreneurship, pensions, retirement benefits, and social
 7100 | security benefits.

7101 | 2. To renew an existing restricted species endorsement, a
 7102 | marine aquaculture producer possessing a valid saltwater
 7103 | products license with a restricted species endorsement may apply
 7104 | income from the sale of marine aquaculture products to licensed
 7105 | wholesale dealers.

7106 | 3. The commission is authorized to require verification of
 7107 | such income for all restricted species endorsements issued
 7108 | pursuant to this paragraph. Acceptable proof of income earned
 7109 | from the sale of saltwater products shall be:

7110 | a. Copies of trip ticket records generated pursuant to
 7111 | this subsection (marine fisheries information system),
 7112 | documenting qualifying sale of saltwater products;

7113 | b. Copies of sales records from locales other than Florida
 7114 | documenting qualifying sale of saltwater products;

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7115 c. A copy of the applicable federal income tax return,
 7116 including Form 1099 attachments, verifying income earned from
 7117 the sale of saltwater products;

7118 d. Crew share statements verifying income earned from the
 7119 sale of saltwater products; or

7120 e. A certified public accountant's notarized statement
 7121 attesting to qualifying source and amount of income.

7122

7123 Notwithstanding any other provision of law, any person who owns
 7124 a retail seafood market or restaurant at a fixed location for at
 7125 least 3 years, who has had an occupational license for 3 years
 7126 prior to January 1, 1990, who harvests saltwater products to
 7127 supply his or her retail store, and who has had a saltwater
 7128 products license for 1 of the past 3 license years prior to
 7129 January 1, 1990, may provide proof of his or her verification of
 7130 income and sales value at the person's retail seafood market or
 7131 restaurant and in his or her saltwater products enterprise by
 7132 affidavit and shall thereupon be issued a restricted species
 7133 endorsement.

7134 4. Exceptions from income requirements shall be as
 7135 follows:

7136 a. A permanent restricted species endorsement shall be
 7137 available to those persons age 62 and older who have qualified
 7138 for such endorsement for at least 3 of the last 5 years.

7139 b. Active military duty time shall be excluded from
 7140 consideration of time necessary to qualify and shall not be
 7141 counted against the applicant for purposes of qualifying.

7142 c. Upon the sale of a used commercial fishing vessel owned
 7143 by a person, firm, or corporation possessing or eligible for a
 7144 restricted species endorsement, the purchaser of such vessel
 7145 shall be exempted from the qualifying income requirement for the
 7146 purpose of obtaining a restricted species endorsement for a
 7147 period of 1 year after purchase of the vessel.

7148 d. Upon the death or permanent disablement of a person
 7149 possessing a restricted species endorsement, an immediate family
 7150 member wishing to carry on the fishing operation shall be
 7151 exempted from the qualifying income requirement for the purpose
 7152 of obtaining a restricted species endorsement for a period of 1
 7153 year after the death or disablement.

7154 e. A restricted species endorsement may be issued on an
 7155 individual saltwater products license to a person age 62 or
 7156 older who documents that at least \$2,500 of such person's income
 7157 is attributable to the sale of saltwater products.

7158 f. A permanent restricted species endorsement may also be
 7159 issued on an individual saltwater products license to a person
 7160 age 70 or older who has held a saltwater products license for at
 7161 least 3 of the last 5 license years.

7162 g. Any resident who is certified to be totally and
 7163 permanently disabled by the Railroad Retirement Board, by the
 7164 United States Department of Veterans Affairs or its predecessor,
 7165 or by any branch of the United States Armed Forces, or who holds
 7166 a valid identification card issued by the Department of
 7167 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
 7168 or any resident certified to be disabled by the United States
 7169 Social Security Administration or a licensed physician, upon

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7170 proof of the same, shall be exempted from the income
7171 requirements if he or she also has held a saltwater products
7172 license for at least 3 of the last 5 license years prior to the
7173 date of the disability. A restricted species endorsement issued
7174 under this paragraph may be issued only on an individual
7175 saltwater products license.

7176 (c) At least one saltwater products license bearing a
7177 restricted species endorsement shall be aboard any vessel
7178 harvesting restricted species in excess of any bag limit or when
7179 fishing under a commercial quota or in commercial quantities,
7180 and such vessel shall have a commercial vessel registration.
7181 This subsection does not apply to any person, firm, or
7182 corporation licensed under s. 379.362(1)(a)1. or (b)
7183 ~~370.07(1)(a)1. or (b)~~ for activities pursuant to such licenses.

7184 (d) A saltwater products license may be issued in the name
7185 of an individual or a valid commercial vessel registration
7186 number. However, a firm or corporation may only receive a
7187 license issued to a valid commercial vessel registration number.
7188 A saltwater products license may not be transferred by the
7189 licenseholder to another individual, firm, or corporation. A
7190 decal shall be issued with each saltwater products license
7191 issued to a valid commercial vessel registration number. The
7192 saltwater products license decal shall be the same color as the
7193 vessel registration decal issued each year pursuant to s.
7194 328.48(5) and shall indicate the period of time such license is
7195 valid. The saltwater products license decal shall be placed
7196 beside the vessel registration decal and, in the case of an
7197 undocumented vessel, shall be placed so that the vessel

7198 registration decal lies between the commercial vessel
 7199 registration number and the saltwater products license decal.
 7200 Any saltwater products license decal for a previous year shall
 7201 be removed from a vessel operating on the waters of the state.

7202 (e) The annual fee for a saltwater products license is:

7203 1. For a license issued in the name of an individual which
 7204 authorizes only that individual to engage in commercial fishing
 7205 activities from the shore or a vessel: a resident must pay \$50;
 7206 a nonresident must pay \$200; or an alien must pay \$300.

7207 2. For a license issued in the name of an individual which
 7208 authorizes that named individual to engage in commercial fishing
 7209 activities from the shore or a vessel and also authorizes each
 7210 person who is fishing with the named individual aboard a vessel
 7211 to engage in such activities: a resident must pay \$150; a
 7212 nonresident must pay \$600; or an alien must pay \$900.

7213 3. For a license issued to a valid commercial vessel
 7214 registration number which authorizes each person aboard such
 7215 registered vessel to engage in commercial fishing activities: a
 7216 resident, or a resident firm or corporation, must pay \$100; a
 7217 nonresident, or a nonresident firm or corporation, must pay
 7218 \$400; or an alien, or an alien firm or corporation, must pay
 7219 \$600. For purposes of this subparagraph, a resident firm or
 7220 corporation means a firm or corporation formed under the laws of
 7221 this state; a nonresident firm or corporation means a firm or
 7222 corporation formed under the laws of any state other than
 7223 Florida; and an alien firm or corporation means a firm or
 7224 corporation organized under any laws other than laws of the

7225 United States, any United States territory or possession, or any
 7226 state of the United States.

7227 (f) Any person who sells saltwater products pursuant to a
 7228 saltwater products license may sell only to a licensed wholesale
 7229 dealer. A saltwater products license must be presented to the
 7230 licensed wholesale dealer each time saltwater products are sold,
 7231 and an imprint made thereof. The wholesale dealer shall keep
 7232 records of each transaction in such detail as may be required by
 7233 rule of the commission not in conflict with s. 379.362(6)
 7234 ~~370.07(6)~~, and shall provide the holder of the saltwater
 7235 products license with a copy of the record. It is unlawful for
 7236 any licensed wholesale dealer to buy saltwater products from any
 7237 unlicensed person under the provisions of this section, except
 7238 that a licensed wholesale dealer may buy from another licensed
 7239 wholesale dealer. It is unlawful for any licensed wholesale
 7240 dealer to buy saltwater products designated as "restricted
 7241 species" from any person, firm, or corporation not possessing a
 7242 restricted species endorsement on his or her saltwater products
 7243 license under the provisions of this section, except that a
 7244 licensed wholesale dealer may buy from another licensed
 7245 wholesale dealer. For purposes of this subsection, any saltwater
 7246 products received by a wholesale dealer are presumed to have
 7247 been purchased.

7248 (g) The commission shall be the licensing agency, may
 7249 contract with private persons or entities to implement aspects
 7250 of the licensing program, and shall establish by rule a marine
 7251 fisheries information system in conjunction with the licensing
 7252 program to gather fisheries data.

7253 (h) Any person who sells, offers for sale, barter, or
 7254 exchanges for merchandise saltwater products must have a method
 7255 of catch preservation which meets the requirements and standards
 7256 of the seafood quality control code promulgated by the
 7257 commission.

7258 (i) A saltwater products license is required to harvest
 7259 commercial quantities of saltwater products. Any vessel from
 7260 which commercial quantities of saltwater products are harvested
 7261 must have a commercial vessel registration. Commercial
 7262 quantities of saltwater products shall be defined as:

7263 1. With respect to those species for which no bag limit
 7264 has been established, more than 100 pounds per person per day,
 7265 provided that the harvesting of two fish or less per person per
 7266 day shall not be considered commercial quantities regardless of
 7267 aggregate weight; and

7268 2. With respect to those species for which a bag limit has
 7269 been established, more than the bag limit allowed by law or
 7270 rule.

7271 (j)1. In addition to the saltwater products license, a
 7272 marine life fishing endorsement is required for the harvest of
 7273 marine life species as defined by rule of the Fish and Wildlife
 7274 Conservation Commission. This endorsement may be issued only to
 7275 a person who is at least 16 years of age or older or to a
 7276 corporation holding a valid restricted species endorsement.

7277 2.a. Effective July 1, 1998, and until July 1, 2002, a
 7278 marine life endorsement may not be issued under this paragraph,
 7279 except that those endorsements that are active during the 1997-
 7280 1998 fiscal year may be renewed.

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7281 b. In 1998 persons or corporations holding a marine life
7282 endorsement that was active in the 1997-1998 fiscal year or an
7283 immediate family member of that person must request renewal of
7284 the marine life endorsement before December 31, 1998.

7285 c. In subsequent years and until July 1, 2002, a marine
7286 life endorsement holder or member of his or her immediate family
7287 must request renewal of the marine life endorsement before
7288 September 30 of each year.

7289 d. If a person or corporation holding an active marine
7290 life fishing endorsement or a member of that person's immediate
7291 family does not request renewal of the endorsement before the
7292 applicable dates specified in this paragraph, the commission
7293 shall deactivate that marine life fishing endorsement.

7294 e. In the event of the death or disability of a person
7295 holding an active marine life fishing endorsement, the
7296 endorsement may be transferred by the person to a member of his
7297 or her immediate family or may be renewed by any person so
7298 designated by the executor of the person's estate.

7299 f. Persons or corporations who hold saltwater product
7300 licenses with marine life fishing endorsements issued to their
7301 vessel registration numbers and who subsequently replace their
7302 existing vessels with new vessels may transfer the existing
7303 marine life fishing endorsement to the new boat registration
7304 numbers.

7305 g. Persons or corporations who hold saltwater product
7306 licenses with marine life fishing endorsements issued to their
7307 name and who subsequently incorporate or unincorporate may

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7308 | transfer the existing marine life fishing endorsement to the new
 7309 | corporation or person.

7310 | 3. The fee for a marine life fishery endorsement on a
 7311 | saltwater products license shall be \$75. These license fees
 7312 | shall be collected and deposited in the Marine Resources
 7313 | Conservation Trust Fund and used for the purchase and
 7314 | installation of vessel mooring buoys at coral reef sites and for
 7315 | research related to marine fisheries.

7316 | (3) NET LICENSES.--Except for cast nets and bait seines
 7317 | which are 100 feet in length or less and which have a mesh that
 7318 | is 3/8 inch or less, all nets used to take finfish, including,
 7319 | but not limited to, gill nets, trammel nets, and beach seines,
 7320 | must be licensed or registered. Each net used to take finfish
 7321 | for commercial purposes, or by a nonresident, must be licensed
 7322 | under a saltwater products license issued pursuant to subsection
 7323 | (2) and must bear the number of such license.

7324 | (4) SPECIAL ACTIVITY LICENSES.--

7325 | (a) A special activity license is required for any person
 7326 | to use gear or equipment not authorized in this chapter or rule
 7327 | of the Fish and Wildlife Conservation Commission for harvesting
 7328 | saltwater species. In accordance with this chapter, s. 16, Art.
 7329 | X of the State Constitution, and rules of the commission, the
 7330 | commission may issue special activity licenses for the use of
 7331 | nonconforming gear or equipment, including, but not limited to,
 7332 | trawls, seines and entangling nets, traps, and hook and line
 7333 | gear, to be used in harvesting saltwater species for scientific
 7334 | and governmental purposes, and, where allowable, for innovative
 7335 | fisheries. The commission may prescribe by rule application

7336 requirements and terms, conditions, and restrictions to be
 7337 incorporated into each special activity license. This subsection
 7338 does not apply to gear or equipment used by certified marine
 7339 aquaculturists as provided for in s. 597.004 to harvest marine
 7340 aquaculture products.

7341 (b) The Fish and Wildlife Conservation Commission is
 7342 authorized to issue special activity licenses in accordance with
 7343 this section and s. 379.2524 ~~370.31~~, to permit the importation
 7344 and possession of wild anadromous sturgeon. The commission is
 7345 also authorized to issue special activity licenses, in
 7346 accordance with this section and s. 379.2524 ~~370.31~~, to permit
 7347 the importation, possession, and aquaculture of native and
 7348 nonnative anadromous sturgeon until best-management practices
 7349 are implemented for the cultivation of anadromous sturgeon
 7350 pursuant to s. 597.004. The special activity license shall
 7351 provide for specific management practices to protect indigenous
 7352 populations of saltwater species.

7353 (c) The conditions and specific management practices
 7354 established in this section shall be incorporated into permits
 7355 and authorizations issued pursuant to chapter 253, ~~chapter 373,~~
 7356 chapter 403, or this chapter, when incorporating such provisions
 7357 is in accordance with the aquaculture permit consolidation
 7358 procedures. No separate issuance of a special activity license
 7359 is required when conditions and specific management practices
 7360 are incorporated into permits or authorizations under this
 7361 paragraph. Implementation of this section to consolidate
 7362 permitting actions does not constitute rules within the meaning
 7363 of s. 120.52.

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7364 (d) The commission is authorized to issue special activity
 7365 licenses in accordance with s. 379.2411 ~~370.101~~ and this
 7366 section; aquaculture permit consolidation procedures in s.
 7367 379.2523(2) ~~370.26(2)~~; and rules of the commission to permit the
 7368 capture and possession of saltwater species protected by law and
 7369 used as stock for artificial cultivation and propagation.

7370 (e) The commission is authorized to adopt rules to govern
 7371 the administration of special activities licenses as provided in
 7372 this chapter and rules of the commission. Such rules may
 7373 prescribe application requirements and terms, conditions, and
 7374 restrictions for any such special activity license requested
 7375 pursuant to this section.

7376 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

7377 (a) For purposes of this section, the following
 7378 definitions shall apply:

- 7379 1. "Person" means an individual.
- 7380 2. "Resident" means any person who has:
 - 7381 a. Continuously resided in this state for 6 months
 - 7382 immediately preceding the making of his or her application for
 - 7383 an Apalachicola Bay oyster harvesting license; or
 - 7384 b. Established a domicile in this state and evidenced that
 - 7385 domicile as provided in s. 222.17.

7386 (b) No person shall harvest oysters from the Apalachicola
 7387 Bay without a valid Apalachicola Bay oyster harvesting license
 7388 issued by the Department of Agriculture and Consumer Services.
 7389 This requirement shall not apply to anyone harvesting
 7390 noncommercial quantities of oysters in accordance with

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7391 commission rules ~~chapter 46-27, Florida Administrative Code,~~ or
 7392 to any person less than 18 years old.

7393 (c) Any person wishing to obtain an Apalachicola Bay
 7394 oyster harvesting license shall submit an annual fee for the
 7395 license during a 45-day period from May 17 to June 30 of each
 7396 year preceding the license year for which the license is valid.
 7397 Failure to pay the annual fee within the required time period
 7398 shall result in a \$500 late fee being imposed before issuance of
 7399 the license.

7400 (d) The Department of Agriculture and Consumer Services
 7401 shall collect an annual fee of \$100 from residents and \$500 from
 7402 nonresidents for the issuance of an Apalachicola Bay oyster
 7403 harvesting license. The license year shall begin on July 1 of
 7404 each year and end on June 30 of the following year. The license
 7405 shall be valid only for the licensee. Only bona fide residents
 7406 of Florida may obtain a resident license pursuant to this
 7407 subsection.

7408 (e) Each person who applies for an Apalachicola Bay oyster
 7409 harvesting license shall, before receiving the license for the
 7410 first time, attend an educational seminar of not more than 16
 7411 hours length, developed and conducted jointly by the Department
 7412 of Environmental Protection's Apalachicola National Estuarine
 7413 Research Reserve, the Division of Law Enforcement of the Fish
 7414 and Wildlife Conservation Commission, and the Department of
 7415 Agriculture and Consumer Services' Apalachicola District
 7416 Shellfish Environmental Assessment Laboratory. The seminar shall
 7417 address, among other things, oyster biology, conservation of the
 7418 Apalachicola Bay, sanitary care of oysters, small business

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7419 management, and water safety. The seminar shall be offered five
7420 times per year, and each person attending shall receive a
7421 certificate of participation to present when obtaining an
7422 Apalachicola Bay oyster harvesting license. The educational
7423 seminar is not required for renewal of an Apalachicola Bay
7424 oyster harvesting license.

7425 (f) Each person, while harvesting oysters in Apalachicola
7426 Bay, shall have in possession a valid Apalachicola Bay oyster
7427 harvesting license, or proof of having applied for a license
7428 within the required time period, and shall produce such license
7429 or proof of application upon request of any law enforcement
7430 officer.

7431 (g) Each person who obtains an Apalachicola Bay oyster
7432 harvesting license shall prominently display the license number
7433 upon any vessel the person owns which is used for the taking of
7434 oysters, in numbers which are at least 10 inches high and 1 inch
7435 wide, so that the permit number is readily identifiable from the
7436 air and water. Only one vessel displaying a given number may be
7437 used at any time. A licensee may harvest oysters from the vessel
7438 of another licensee.

7439 (h) Any person holding an Apalachicola Bay oyster
7440 harvesting license shall receive credit for the license fee
7441 against the saltwater products license fee.

7442 (i) The proceeds from Apalachicola Bay oyster harvesting
7443 license fees shall be deposited in the General Inspection Trust
7444 Fund and, less reasonable administrative costs, shall be used or
7445 distributed by the Department of Agriculture and Consumer
7446 Services for the following purposes in Apalachicola Bay:

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- 7447 | 1. Relaying and transplanting live oysters.
- 7448 | 2. Shell planting to construct or rehabilitate oyster
- 7449 | bars.
- 7450 | 3. Education programs for licensed oyster harvesters on
- 7451 | oyster biology, aquaculture, boating and water safety,
- 7452 | sanitation, resource conservation, small business management,
- 7453 | marketing, and other relevant subjects.
- 7454 | 4. Research directed toward the enhancement of oyster
- 7455 | production in the bay and the water management needs of the bay.
- 7456 | (j) Any person who violates any of the provisions of
- 7457 | paragraphs (b) and (d)-(g) commits a misdemeanor of the second
- 7458 | degree, punishable as provided in ss. 775.082 and 775.083.
- 7459 | Nothing in this subsection shall limit the application of
- 7460 | existing penalties.
- 7461 | (k) Any oyster harvesting license issued pursuant to this
- 7462 | subsection must be in compliance with the rules of the Fish and
- 7463 | Wildlife Conservation Commission regulating gear or equipment,
- 7464 | harvest seasons, size and bag limits, and the taking of
- 7465 | saltwater species.
- 7466 | (6) LICENSE YEAR.--The license year on all licenses
- 7467 | relating to saltwater products dealers, seafood dealers, aliens,
- 7468 | residents, and nonresidents, unless otherwise provided, shall
- 7469 | begin on July 1 of each year and end on June 30 of the next
- 7470 | succeeding year. All licenses shall be so dated. However, if the
- 7471 | commission determines that it is in the best interest of the
- 7472 | state to issue a license required under this chapter to an
- 7473 | individual on the birthday of the applicant, the commission may
- 7474 | establish by rule a procedure to do so. This section does not

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7475 | apply to licenses and permits when their use is confined to an
 7476 | open season.

7477 | (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;
 7478 | EXCEPTION.--Licenses of every kind and nature granted under the
 7479 | provisions of the fish and game laws of this state are at all
 7480 | times subject to inspection by the police officers of this state
 7481 | and the officers of the Fish and Wildlife Conservation
 7482 | Commission. Such licenses are not transferable unless otherwise
 7483 | provided by law.

7484 | (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
 7485 | provided by law, all license taxes or fees provided for in this
 7486 | part ~~chapter~~ shall be collected by the commission or its duly
 7487 | authorized agents or deputies to be deposited by the Chief
 7488 | Financial Officer in the Marine Resources Conservation Trust
 7489 | Fund. The commission may by rule establish a reasonable
 7490 | processing fee for any free license or permit required under
 7491 | this part ~~chapter~~. The commission is authorized to accept
 7492 | payment by credit card for fees, fines, and civil penalties
 7493 | levied pursuant to this part ~~chapter~~.

7494 | (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The commission
 7495 | shall deny the renewal or issuance of any saltwater products
 7496 | license, wholesale dealer license, or retail dealer license to
 7497 | anyone that has unpaid fees, civil assessments, or fines owed to
 7498 | the commission.

7499 | Section 145. Section 370.07, Florida Statutes, is
 7500 | renumbered as section 379.362, Florida Statutes, and amended to
 7501 | read:

7502 379.362 ~~370.07~~ Wholesale and retail saltwater products
 7503 dealers; regulation.--

7504 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license or
 7505 privilege taxes are hereby levied and imposed upon dealers in
 7506 the state in saltwater products. It is unlawful for any person,
 7507 firm, or corporation to deal in any such products without first
 7508 paying for and procuring the license required by this section.
 7509 Application for all licenses shall be made to the Fish and
 7510 Wildlife Conservation Commission on blanks to be furnished by
 7511 it. All licenses shall be issued by the commission upon payment
 7512 to it of the license tax. The licenses are defined as:

7513 (a)1. "Wholesale county dealer" is any person, firm, or
 7514 corporation which sells saltwater products to any person, firm,
 7515 or corporation except to the consumer and who may buy saltwater
 7516 products in the county designated on the wholesale license from
 7517 any person licensed pursuant to s. 379.361(2) ~~370.06(2)~~ or from
 7518 any licensed wholesale dealer.

7519 2. "Wholesale state dealer" is a person, firm, or
 7520 corporation which sells saltwater products to any person, firm,
 7521 or corporation except to the consumer and who may buy saltwater
 7522 products in any county of the state from any person licensed
 7523 pursuant to s. 379.361(2) ~~370.06(2)~~ or from any licensed
 7524 wholesale dealer.

7525 3. "Wholesale dealer" is either a county or a state
 7526 dealer.

7527 (b) A "retail dealer" is any person, firm, or corporation
 7528 which sells saltwater products directly to the consumer, but no
 7529 license is required of a dealer in merchandise who deals in or

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7530 | sells saltwater products consumed on the premises or prepared
 7531 | for immediate consumption and sold to be taken out of any
 7532 | restaurant licensed by the Division of Hotels and Restaurants of
 7533 | the Department of Business and Professional Regulation.

7534 |
 7535 | Any person, firm, or corporation which is both a wholesale
 7536 | dealer and a retail dealer shall obtain both a wholesale
 7537 | dealer's license and a retail dealer's license. If a wholesale
 7538 | dealer has more than one place of business, the annual license
 7539 | tax shall be effective for all places of business, provided that
 7540 | the wholesale dealer supplies to the commission a complete list
 7541 | of additional places of business upon application for the annual
 7542 | license tax.

7543 | (2) LICENSES; AMOUNT, TRUST FUND.--

7544 | (a) A resident wholesale county seafood dealer is required
 7545 | to pay an annual license tax of \$300.

7546 | (b) A resident wholesale state dealer is required to pay
 7547 | an annual license tax of \$450.

7548 | (c) A nonresident wholesale county dealer is required to
 7549 | pay an annual license tax of \$500.

7550 | (d) A nonresident wholesale state dealer is required to
 7551 | pay an annual license tax of \$1,000.

7552 | (e) An alien wholesale county dealer is required to pay an
 7553 | annual license tax of \$1,000.

7554 | (f) An alien wholesale state dealer is required to pay an
 7555 | annual license tax of \$1,500.

7556 | (g) A resident retail dealer is required to pay an annual
 7557 | license tax of \$25; however, if such a dealer has more than one

7558 | place of business, the dealer shall designate one place of
 7559 | business as a central place of business, shall pay an annual
 7560 | license tax of \$25 for such place of business, and shall pay an
 7561 | annual license tax of \$10 for each other place of business.

7562 | (h) A nonresident retail dealer is required to pay an
 7563 | annual license tax of \$200; however, if such a dealer has more
 7564 | than one place of business, the dealer shall designate one place
 7565 | of business as a central place of business, shall pay an annual
 7566 | license tax of \$200 for such place of business, and shall pay an
 7567 | annual license tax of \$25 for each other place of business.

7568 | (i) An alien retail dealer is required to pay an annual
 7569 | license tax of \$250; however, if such a dealer has more than one
 7570 | place of business, the dealer shall designate one place of
 7571 | business as a central place of business, shall pay an annual
 7572 | license tax of \$250 for such place of business, and shall pay an
 7573 | annual license tax of \$50 for each other place of business.

7574 | (j) License or privilege taxes, together with any other
 7575 | funds derived from the Federal Government or from any other
 7576 | source, shall be deposited in a Florida Saltwater Products
 7577 | Promotion Trust Fund to be administered by the Department of
 7578 | Agriculture and Consumer Services for the sole purpose of
 7579 | promoting all fish and saltwater products produced in this
 7580 | state, except that 4 percent of the total wholesale and retail
 7581 | saltwater products dealer's license fees collected shall be
 7582 | deposited into the Marine Resources Conservation Trust Fund
 7583 | administered by the Fish and Wildlife Conservation Commission
 7584 | for the purpose of processing wholesale and retail saltwater
 7585 | products dealer's licenses.

7586 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.--The
 7587 Department of Agriculture and Consumer Services shall use or
 7588 distribute funds paid into the State Treasury to the credit of
 7589 the General Inspection Trust Fund pursuant to s. 201.15(11),
 7590 less reasonable costs of administration, to fund the following
 7591 oyster management and restoration programs in Apalachicola Bay
 7592 and other oyster harvest areas in the state:

7593 (a) The relaying and transplanting of live oysters.

7594 (b) Shell planting to construct or rehabilitate oyster
 7595 bars.

7596 (c) Education programs for licensed oyster harvesters on
 7597 oyster biology, aquaculture, boating and water safety,
 7598 sanitation, resource conservation, small business management,
 7599 and other relevant subjects.

7600 (d) Research directed toward the enhancement of oyster
 7601 production in the bay and the water management needs of the bay.

7602 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

7603 (a) A person transporting in this state saltwater products
 7604 that were produced in this state, regardless of destination,
 7605 shall have in his or her possession invoices, bills of lading,
 7606 or other similar instruments showing the number of packages,
 7607 boxes, or containers and the number of pounds of each species
 7608 and the name, physical address, and the Florida wholesale dealer
 7609 number of the dealer of origin.

7610 (b) A person transporting in this state saltwater products
 7611 that were produced outside this state to be delivered to a
 7612 destination in this state shall have in his or her possession
 7613 invoices, bills of lading, or other similar instruments showing

7614 the number of packages, boxes, or containers and the number of
 7615 pounds of each species, the name and physical address of the
 7616 dealer of origin, and the name, physical address, and Florida
 7617 wholesale dealer number of the Florida dealer to whom the
 7618 shipment is to be delivered.

7619 (c) A person transporting in this state saltwater products
 7620 that were produced outside this state which are to be delivered
 7621 to a destination outside this state shall have in his or her
 7622 possession invoices, bills of lading, or other similar
 7623 instruments showing the number of packages, boxes, or containers
 7624 and the number of pounds of each species, the name and physical
 7625 address of the dealer of origin, and the name and physical
 7626 address of the dealer to whom the shipment is to be delivered.

7627 (d) If the saltwater products in transit come from more
 7628 than one dealer, distributor, or producer, each lot from each
 7629 dealer shall be covered by invoices, bills of lading, and other
 7630 similar instruments showing the number of boxes or containers
 7631 and the number of pounds of each species. Each invoice, bill of
 7632 lading, and other similar instrument shall display the wholesale
 7633 dealer license number and the name and physical address of the
 7634 dealer, distributor, or producer of the lot covered by the
 7635 instrument.

7636 (e) It is unlawful to sell, deliver, ship, or transport,
 7637 or to possess for the purpose of selling, delivering, shipping,
 7638 or transporting, any saltwater products without all invoices
 7639 concerning the products having thereon the wholesale dealer
 7640 license number in the form prescribed under this subsection and
 7641 the rules of the commission. Any saltwater products found in the

7642 possession of any person who is in violation of this paragraph
 7643 may be seized by the commission and disposed of in the manner
 7644 provided by law.

7645 (f) Nothing contained in this subsection may be construed
 7646 to apply to the sale and delivery to a consumer of saltwater
 7647 products in an ordinary retail transaction by a licensed retail
 7648 dealer who has purchased such products from a licensed wholesale
 7649 dealer, or to the sale and delivery of the catch or products of
 7650 a saltwater products licensee to a Florida-licensed wholesale
 7651 dealer.

7652 (g) Wholesale dealers' licenses shall be issued only to
 7653 applicants who furnish to the commission satisfactory evidence
 7654 of law-abiding reputation and who pledge themselves to
 7655 faithfully observe all of the laws, rules, and regulations of
 7656 this state relating to the conservation of, dealing in, or
 7657 taking, selling, transporting, or possession of saltwater
 7658 products, and to cooperate in the enforcement of all such laws
 7659 to every reasonable extent. This pledge may be included in the
 7660 application for license.

7661 (h) A wholesale dealer, retail dealer, or restaurant
 7662 facility shall not purchase or sell for public consumption any
 7663 saltwater products known to be taken illegally, or known to be
 7664 taken in violation of s. 16, Art. X of the State Constitution,
 7665 or any rule or statute implementing its provisions.

7666 (i) Any person who violates the provisions of this
 7667 subsection commits a misdemeanor of the first degree, punishable
 7668 as provided in s. 775.082 or s. 775.083.

7669 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7670 (a) A license issued to a wholesale or retail dealer is
 7671 good only to the person to whom issued and named therein and is
 7672 not transferable. The commission may revoke, suspend, or deny
 7673 the renewal of the license of any licensee:

7674 1. Upon the conviction of the licensee of any violation of
 7675 the laws or regulations designed for the conservation of
 7676 saltwater products;

7677 2. Upon conviction of the licensee of knowingly dealing
 7678 in, buying, selling, transporting, possessing, or taking any
 7679 saltwater product, at any time and from any waters, in violation
 7680 of the laws of this state; or

7681 3. Upon satisfactory evidence of any violation of the laws
 7682 or any regulations of this state designed for the conservation
 7683 of saltwater products or of any of the laws of this state
 7684 relating to dealing in, buying, selling, transporting,
 7685 possession, or taking of saltwater products.

7686 (b) Upon revocation of such license, no other or further
 7687 license may be issued to the dealer within 3 years from the date
 7688 of revocation except upon special order of the commission. After
 7689 revocation, it is unlawful for such dealer to exercise any of
 7690 the privileges of a licensed wholesale or retail dealer.

7691 (c) In addition to, or in lieu of, the penalty imposed
 7692 pursuant to this subsection, the commission may impose penalties
 7693 pursuant to s. 379.407 ~~370.021~~.

7694 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

7695 ~~(a)~~ Wholesale dealers shall be required by the commission
 7696 to make and preserve a record of the names and addresses of
 7697 persons from whom or to whom saltwater products are purchased or

7698 sold, the quantity so purchased or sold from or to each vendor
 7699 or purchaser, and the date of each such transaction. Retail
 7700 dealers shall be required to make and preserve a record from
 7701 whom all saltwater products are purchased. Such record shall be
 7702 open to inspection at all times by the commission. A report
 7703 covering the sale of saltwater products shall be made monthly or
 7704 as often as required by rule to the commission by each wholesale
 7705 dealer. All reports required under this subsection are
 7706 confidential and shall be exempt from the provisions of s.
 7707 119.07(1) except that, pursuant to authority related to
 7708 interstate fishery compacts as provided by ss. 379.2253(3) and
 7709 379.2254(3) ~~370.19(3) and 370.20(3)~~, reports may be shared with
 7710 another state if that state is a member of an interstate
 7711 fisheries compact, and if that state has signed a Memorandum of
 7712 Agreement or a similar instrument agreeing to preserve
 7713 confidentiality as established by Florida law.

7714 ~~(b) The commission may revoke, suspend, or deny the~~
 7715 ~~renewal of the license of any dealer for failure to make and~~
 7716 ~~keep required records, for failure to make required reports, for~~
 7717 ~~failure or refusal to permit the examination of required~~
 7718 ~~records, or for falsifying any such record. In addition to, or~~
 7719 ~~in lieu of, the penalties imposed pursuant to this paragraph and~~
 7720 ~~s. 370.021, the commission may impose against any person, firm,~~
 7721 ~~or corporation who is determined to have violated any provision~~
 7722 ~~of this paragraph or any provisions of any commission rules~~
 7723 ~~adopted pursuant to s. 370.0607, the following additional~~
 7724 ~~penalties:~~

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7725 1. ~~For the first violation, a civil penalty of up to~~
 7726 ~~\$1,000;~~
 7727 2. ~~For a second violation committed within 24 months of~~
 7728 ~~any previous violation, a civil penalty of up to \$2,500; and~~
 7729 3. ~~For a third or subsequent violation committed within 36~~
 7730 ~~months of any previous two violations, a civil penalty of up to~~
 7731 ~~\$5,000.~~

7732
 7733 ~~The proceeds of all civil penalties collected pursuant to this~~
 7734 ~~subsection shall be deposited into the Marine Resources~~
 7735 ~~Conservation Trust Fund and shall be used for administration,~~
 7736 ~~auditing, and law enforcement purposes.~~

7737 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY
 7738 LOCATION.--Wholesale dealers purchasing saltwater products
 7739 pursuant to s. 379.361(2) ~~370.06(2)~~ at any site other than a
 7740 site located in a county where the dealer has a permanent
 7741 address must notify the Fish and Wildlife Conservation
 7742 Commission of the location of the temporary site of business for
 7743 each day business is to be conducted at such site.

7744 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
 7745 unlawful for any licensed retail dealer or any restaurant
 7746 licensed by the Division of Hotels and Restaurants of the
 7747 Department of Business and Professional Regulation to buy
 7748 saltwater products from any person other than a licensed
 7749 wholesale or retail dealer. For purposes of this subsection, any
 7750 saltwater products received by a retail dealer or a restaurant
 7751 are presumed to have been purchased.

7752 Section 146. Section 372.65, Florida Statutes, is
 7753 renumbered as section 379.363, Florida Statutes, and amended to
 7754 read:

7755 379.363 ~~372.65~~ Freshwater fish dealer's license.--

7756 (1) No person shall engage in the business of taking for
 7757 sale or selling any frogs or freshwater fish, including live
 7758 bait, of any species or size, or importing any exotic or
 7759 nonindigenous fish, until such person has obtained a license and
 7760 paid the fee therefor as set forth herein. The license issued
 7761 shall be in the possession of the person to whom issued while
 7762 such person is engaging in the business of taking for sale or
 7763 selling freshwater fish or frogs, is not transferable, shall
 7764 bear on its face in indelible ink the name of the person to whom
 7765 it is issued, and shall be affixed to a license identification
 7766 card issued by the commission. Such license is not valid unless
 7767 it bears the name of the person to whom it is issued and is so
 7768 affixed. The failure of such person to exhibit such license to
 7769 the commission or any of its wildlife officers when such person
 7770 is found engaging in such business is a violation of law. The
 7771 license fees and activities permitted under particular licenses
 7772 are as follows:

7773 (a) The fee for a resident commercial fishing license,
 7774 which permits a resident to take freshwater fish or frogs by any
 7775 lawful method prescribed by the commission and to sell such fish
 7776 or frogs, shall be \$25. The license provided for in this
 7777 paragraph shall also allow noncommercial fishing as provided by
 7778 law and commission rules, and the license in s. 379.354(4)(a)
 7779 ~~372.57(4)(a)~~ shall not be required.

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7780 (b) The fee for a resident freshwater fish dealer's
 7781 license, which permits a resident to import, export, or sell
 7782 freshwater fish or frogs, including live bait, shall be \$40.

7783 (c) The fee for a nonresident commercial fishing license,
 7784 which permits a nonresident to take freshwater fish or frogs as
 7785 provided in paragraph (a), shall be \$100.

7786 (d) The fee for a nonresident retail fish dealer's
 7787 license, which permits a nonresident to sell freshwater fish or
 7788 frogs to a consumer, shall be \$100.

7789 (e) The fee for a nonresident wholesale fish dealer's
 7790 license, which permits a nonresident to sell freshwater fish or
 7791 frogs within the state, and to buy freshwater fish or frogs for
 7792 resale, shall be \$500.

7793 (f) The fee for a nonresident wholesale fish buyer's
 7794 license, which permits a nonresident who does not sell
 7795 freshwater fish or frogs in Florida to buy freshwater fish or
 7796 frogs from resident fish dealers for resale outside the state,
 7797 shall be \$50.

7798 (g) Any individual or business issued an aquaculture
 7799 certificate, pursuant to s. 597.004, shall be exempt from the
 7800 requirements of this part ~~chapter~~ with respect to aquaculture
 7801 products authorized under such certificate.

7802 (h) There is levied, in addition to any other license fee
 7803 thereon, an annual gear license fee of \$50 upon each person
 7804 fishing with trawl seines used in the fresh waters of the state.

7805 (i) There is levied, in addition to any other license fee
 7806 thereon, an annual gear license fee of \$100 upon each person
 7807 fishing with haul seines used in the fresh waters of the state.

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7808 (2) Each boat engaged in commercial fishing shall have at
7809 least one licensed commercial fisher on board.

7810 (3) It shall be unlawful for any resident freshwater fish
7811 dealer, or any nonresident wholesale or nonresident retail fish
7812 dealer, or any nonresident wholesale fish buyer to buy
7813 freshwater fish or frogs from any unlicensed person.

7814 Section 147. Section 372.651, Florida Statutes, is
7815 renumbered as section 379.3635, Florida Statutes, and amended to
7816 read:

7817 379.3635 ~~372.651~~ Haul seine and trawl permits; Lake
7818 Okeechobee ~~freshwater lakes in excess of 500 square miles;~~
7819 fees.--

7820 (1) The Fish and Wildlife Conservation Commission is
7821 authorized to issue permits for each haul seine or trawl used in
7822 Lake Okeechobee ~~freshwater lakes in the state having an area in~~
7823 ~~excess of 500 square miles.~~

7824 (2) The commission may charge an annual fee for the
7825 issuance of such permits which shall not exceed:

7826 (a) For a resident trawl permit, \$50.

7827 (b) For a resident haul seine permit, \$100.

7828 (c) For a nonresident or alien trawl or haul seine permit,
7829 \$500.

7830 Section 148. Section 372.66, Florida Statutes, is
7831 renumbered as section 379.364, Florida Statutes, to read:

7832 379.364 ~~372.66~~ License required for fur and hide
7833 dealers.--

7834 (1) It is unlawful for any person to engage in the
7835 business of a dealer or buyer in alligator skins or green or

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7836 | dried furs in the state or purchase such skins within the state
 7837 | until such person has been licensed as herein provided.

7838 | (2) Any resident dealer or buyer who solicits business
 7839 | through the mails, or by advertising, or who travels to buy or
 7840 | employs or has other agents or buyers, shall be deemed a
 7841 | resident state dealer and must pay a license fee of \$100 per
 7842 | annum.

7843 | (3) A nonresident dealer or buyer must pay a license fee
 7844 | of \$500 per annum.

7845 | (4) All dealers and buyers shall forward to the Fish and
 7846 | Wildlife Conservation Commission each 2 weeks during open season
 7847 | a report showing number and kind of hides bought and name of
 7848 | trapper from whom bought and the trapper's license number, or if
 7849 | trapper is exempt from license under any of the provisions of
 7850 | this chapter, such report shall show the nature of such
 7851 | exemption. A common carrier may not knowingly ship or transport
 7852 | or receive for transportation any hides or furs unless such
 7853 | shipments have marked thereon name of shipper and the number of
 7854 | her or his fur-animal license or fur dealer's license.

7855 | Section 149. Section 370.13, Florida Statutes, is
 7856 | renumbered as section 379.365, Florida Statutes, and amended to
 7857 | read:

7858 | 379.365 ~~370.13~~ Stone crab; regulation.--

7859 | (1) FEES AND EQUITABLE RENT.--

7860 | (a) Endorsement fee.--The fee for a stone crab endorsement
 7861 | for the taking of stone crabs, as required by rule of the Fish
 7862 | and Wildlife Conservation Commission, is \$125, \$25 of which must
 7863 | be used solely for trap retrieval under s. 379.2424 ~~370.143~~.

7864 (b) Certificate fees.--

7865 1. For each trap certificate issued by the commission

7866 under the requirements of the stone crab trap limitation program

7867 established by commission rule, there is an annual fee of 50

7868 cents per certificate. Replacement tags for lost or damaged tags

7869 cost 50 cents each plus the cost of shipping. In the event of a

7870 major natural disaster, such as a hurricane or major storm, that

7871 causes massive trap losses within an area declared by the

7872 Governor to be a disaster emergency area, the commission may

7873 temporarily defer or waive replacement tag fees.

7874 2. The fee for transferring trap certificates is \$1 per

7875 certificate transferred, except that the fee for eligible crew

7876 members is 50 cents per certificate transferred. Eligible crew

7877 members shall be determined according to criteria established by

7878 rule of the commission. Payment must be made by money order or

7879 cashier's check, submitted with the certificate transfer form

7880 developed by the commission.

7881 3. In addition to the transfer fee, a surcharge of \$1 per

7882 certificate transferred, or 25 percent of the actual value of

7883 the transferred certificate, whichever is greater, will be

7884 assessed the first time a certificate is transferred outside the

7885 original holder's immediate family.

7886 4. Transfer fees and surcharges only apply to the actual

7887 number of certificates received by the purchaser. A transfer of

7888 a certificate is not effective until the commission receives a

7889 notarized copy of the bill of sale as proof of the actual value

7890 of the transferred certificate or certificates, which must also

7891 be submitted with the transfer form and payment.

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7892 5. A transfer fee will not be assessed or required when
 7893 the transfer is within a family as a result of the death or
 7894 disability of the certificate owner. A surcharge will not be
 7895 assessed for any transfer within an individual's immediate
 7896 family.

7897 (c) Incidental take endorsement.--The cost of an
 7898 incidental take endorsement, as established by commission rule,
 7899 is \$25.

7900 (d) Equitable rent.--The commission may establish by rule
 7901 an amount of equitable rent per trap certificate that may be
 7902 recovered as partial compensation to the state for the enhanced
 7903 access to its natural resources. In determining whether to
 7904 establish such a rent and the amount thereof, the commission may
 7905 consider the amount of revenues annually generated by
 7906 endorsement fees, trap certificate fees, transfer fees,
 7907 surcharges, replacement trap tag fees, trap retrieval fees,
 7908 incidental take endorsement fees, and the continued economic
 7909 viability of the commercial stone crab industry. A rule
 7910 establishing an amount of equitable rent shall become effective
 7911 only after approval by the Legislature.

7912 (e) Disposition of fees, surcharges, civil penalties and
 7913 fines, and equitable rent.--Endorsement fees, trap certificate
 7914 fees, transfer fees, civil penalties and fines, surcharges,
 7915 replacement trap tag fees, trap retrieval fees, incidental take
 7916 endorsement fees, and equitable rent, if any, must be deposited
 7917 in the Marine Resources Conservation Trust Fund. Up to 50
 7918 percent of the revenues generated under this section may be used
 7919 for operation and administration of the stone crab trap

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7920 limitation program. All remaining revenues so generated must be
 7921 used for trap retrieval, management of the stone crab fishery,
 7922 public education activities, evaluation of the impact of trap
 7923 reductions on the stone crab fishery, and enforcement activities
 7924 in support of the stone crab trap limitation program.

7925 (f) Program to be self-supporting.--The stone crab trap
 7926 limitation program is intended to be a self-supporting program
 7927 funded from proceeds generated under this section.

7928 (g) No vested rights.--The stone crab trap limitation
 7929 program does not create any vested rights for endorsement or
 7930 certificateholders and may be altered or terminated by the
 7931 commission as necessary to protect the stone crab resource, the
 7932 participants in the fishery, or the public interest.

7933 (2) PENALTIES.--For purposes of this subsection,
 7934 conviction is any disposition other than acquittal or dismissal,
 7935 regardless of whether the violation was adjudicated under any
 7936 state or federal law.

7937 (a) It is unlawful to violate commission rules regulating
 7938 stone crab trap certificates and trap tags. No person may use an
 7939 expired tag or a stone crab trap tag not issued by the
 7940 commission or possess or use a stone crab trap in or on state
 7941 waters or adjacent federal waters without having a trap tag
 7942 required by the commission firmly attached thereto.

7943 1. In addition to any other penalties provided in s.
 7944 379.407 ~~370.021~~, for any commercial harvester who violates this
 7945 paragraph, the following administrative penalties apply.

7946 a. For a first violation, the commission shall assess an
 7947 administrative penalty of up to \$1,000.

7948 b. For a second violation that occurs within 24 months of
 7949 any previous such violation, the commission shall assess an
 7950 administrative penalty of up to \$2,000 and the stone crab
 7951 endorsement under which the violation was committed may be
 7952 suspended for 12 calendar months.

7953 c. For a third violation that occurs within 36 months of
 7954 any previous two such violations, the commission shall assess an
 7955 administrative penalty of up to \$5,000 and the stone crab
 7956 endorsement under which the violation was committed may be
 7957 suspended for 24 calendar months.

7958 d. A fourth violation that occurs within 48 months of any
 7959 three previous such violations, shall result in permanent
 7960 revocation of all of the violator's saltwater fishing
 7961 privileges, including having the commission proceed against the
 7962 endorsement holder's saltwater products license in accordance
 7963 with s. 379.407 ~~370.021~~.

7964 2. Any other person who violates the provisions of this
 7965 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

7966
 7967 Any commercial harvester assessed an administrative penalty
 7968 under this paragraph shall, within 30 calendar days after
 7969 notification, pay the administrative penalty to the commission,
 7970 or request an administrative hearing under ss. 120.569 and
 7971 120.57. The proceeds of all administrative penalties collected
 7972 under this paragraph shall be deposited in the Marine Resources
 7973 Conservation Trust Fund.

7974 (b) It is unlawful for any commercial harvester to remove
 7975 the contents of another harvester's stone crab trap or take

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7976 possession of such without the express written consent of the
 7977 trap owner available for immediate inspection. Unauthorized
 7978 possession of another's trap gear or removal of trap contents
 7979 constitutes theft.

7980 1. Any commercial harvester convicted of theft of or from
 7981 a trap pursuant to this subsection or s. 379.402 ~~370.1107~~ shall,
 7982 in addition to the penalties specified in s. 379.407 ~~370.021~~ and
 7983 the provisions of this section, permanently lose all saltwater
 7984 fishing privileges, including saltwater products licenses, stone
 7985 crab or incidental take endorsements, and all trap certificates
 7986 allotted to such commercial harvester by the commission. In such
 7987 cases, trap certificates and endorsements are nontransferable.

7988 2. In addition, any commercial harvester convicted of
 7989 violating the prohibitions referenced in this paragraph shall
 7990 also be assessed an administrative penalty of up to \$5,000.
 7991 Immediately upon receiving a citation for a violation involving
 7992 theft of or from a trap and until adjudicated for such a
 7993 violation, or, upon receipt of a judicial disposition other than
 7994 dismissal or acquittal on such a violation, the violator is
 7995 prohibited from transferring any stone crab or spiny lobster
 7996 certificates.

7997 3. Any other person who violates the provisions of this
 7998 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

7999 (c)1. It is unlawful to violate commission rules that
 8000 prohibit any of the following:

8001 a. The willful molestation of any stone crab trap, line,
 8002 or buoy that is the property of any licenseholder, without the
 8003 permission of that licenseholder.

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8004 b. The bartering, trading, or sale, or conspiring or
8005 aiding in such barter, trade, or sale, or supplying, agreeing to
8006 supply, aiding in supplying, or giving away stone crab trap tags
8007 or certificates unless the action is duly authorized by the
8008 commission as provided by commission rules.

8009 c. The making, altering, forging, counterfeiting, or
8010 reproducing of stone crab trap tags.

8011 d. Possession of forged, counterfeit, or imitation stone
8012 crab trap tags.

8013 e. Engaging in the commercial harvest of stone crabs
8014 during the time either of the endorsements is under suspension
8015 or revocation.

8016 2. Any commercial harvester who violates this paragraph
8017 commits a felony of the third degree, punishable as provided in
8018 s. 775.082, s. 775.083, or s. 775.084.

8019 3. Any other person who violates this paragraph commits a
8020 Level Four violation under s. 379.401 ~~372.83~~.

8021
8022 In addition, any commercial harvester convicted of violating
8023 this paragraph shall also be assessed an administrative penalty
8024 of up to \$5,000, and the incidental take endorsement and/or the
8025 stone crab endorsement under which the violation was committed
8026 may be suspended for up to 24 calendar months. Immediately upon
8027 receiving a citation involving a violation of this paragraph and
8028 until adjudicated for such a violation, or if convicted of such
8029 a violation, the person, firm, or corporation committing the
8030 violation is prohibited from transferring any stone crab
8031 certificates or endorsements.

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8032 (d) For any commercial harvester convicted of fraudulently
 8033 reporting the actual value of transferred stone crab
 8034 certificates, the commission may automatically suspend or
 8035 permanently revoke the seller's or the purchaser's stone crab
 8036 endorsements. If the endorsement is permanently revoked, the
 8037 commission shall also permanently deactivate the endorsement
 8038 holder's stone crab certificate accounts. Whether an endorsement
 8039 is suspended or revoked, the commission may also levy a fine
 8040 against the holder of the endorsement of up to twice the
 8041 appropriate surcharge to be paid based on the fair market value
 8042 of the transferred certificates.

8043 (e) During any period of suspension or revocation of an
 8044 endorsement holder's endorsement, he or she shall remove all
 8045 traps subject to that endorsement from the water within 15 days
 8046 after notice provided by the commission. Failure to do so will
 8047 extend the period of suspension or revocation for an additional
 8048 6 calendar months.

8049 (f) An endorsement will not be renewed until all fees and
 8050 administrative penalties imposed under this section are paid.

8051 (3) DEPREDATION PERMITS.--The Fish and Wildlife
 8052 Conservation Commission shall issue a depredation permit upon
 8053 request to any marine aquaculture producer, as defined in s.
 8054 379.2523 ~~370.26~~, engaged in the culture of shellfish, which
 8055 shall entitle the aquaculture producer to possess and use up to
 8056 75 stone crab traps and up to 75 blue crab traps for the sole
 8057 purpose of taking destructive or nuisance stone crabs or blue
 8058 crabs within 1 mile of the producer's aquaculture shellfish
 8059 beds. Stone crabs or blue crabs taken under this subsection may

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8060 not be sold, bartered, exchanged, or offered for sale, barter,
8061 or exchange.

8062 ~~(4) For the 2006-2007 fiscal year only, the trap tag fees~~
8063 ~~required by this section shall be waived by the commission. This~~
8064 ~~subsection expires July 1, 2007.~~

8065 Section 150. Section 370.135, Florida Statutes, is
8066 renumbered as section 379.366, Florida Statutes, and amended to
8067 read:

8068 379.366 ~~370.135~~ Blue crab; regulation.--

8069 (1) No commercial harvester shall transport on the water,
8070 fish with or cause to be fished with, set, or place any trap
8071 designed for taking blue crabs unless such commercial harvester
8072 holds a valid saltwater products license and restricted species
8073 endorsement issued under s. 379.361 ~~370.06~~ and a blue crab
8074 endorsement issued under this section. Each trap shall have the
8075 harvester's blue crab endorsement number permanently affixed to
8076 it. Each buoy attached to such a trap shall also have the
8077 harvester's blue crab endorsement number permanently attached to
8078 the buoy. The blue crab endorsement number shall be affixed in
8079 legible figures at least 2 inches high on each buoy used. The
8080 saltwater products license must be on board the boat, and both
8081 the license and the crabs shall be subject to inspection at all
8082 times. This subsection shall not apply to an individual fishing
8083 with no more than five traps.

8084 (2) No person shall harvest blue crabs with more than five
8085 traps, harvest blue crabs in commercial quantities, or sell blue
8086 crabs unless such person holds a valid saltwater products
8087 license with a restricted species endorsement issued under s.

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8088 379.361 ~~370.06~~ and a blue crab endorsement issued under this
 8089 section.

8090 (a) In the event of the death or disability of a person
 8091 holding an active blue crab endorsement, the endorsement may be
 8092 transferred by the person to a member of his or her immediate
 8093 family or may be renewed by any person so designated by the
 8094 executor of the person's estate.

8095 (b) A commercial harvester who holds a saltwater products
 8096 license and a blue crab endorsement that is issued to the
 8097 commercial harvester's vessel registration number and who
 8098 replaces an existing vessel with a new vessel may transfer the
 8099 existing blue crab endorsement to the saltwater products license
 8100 of the new vessel.

8101 (3) (a) Endorsement fees.--

8102 1. The fee for a hard-shell blue crab endorsement for the
 8103 taking of hard-shell blue crabs, as authorized by rule of the
 8104 commission, is \$125, \$25 of which must be used solely for the
 8105 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
 8106 in commission rules.

8107 2. The fee for a soft-shell blue crab endorsement for the
 8108 taking of soft-shell blue crabs, as authorized by rule of the
 8109 commission, is \$250, \$25 of which must be used solely for the
 8110 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
 8111 in commission rules.

8112 3. The fee for a nontransferable hard-shell blue crab
 8113 endorsement for the taking of hard-shell blue crabs, as
 8114 authorized by rule of the commission, is \$125, \$25 of which must

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8115 be used solely for the trap retrieval program authorized under
 8116 s. 379.2424 ~~370.143~~ and in commission rules.

8117 4. The fee for an incidental take blue crab endorsement
 8118 for the taking of blue crabs as bycatch in shrimp trawls and
 8119 stone crab traps is \$25, as authorized in commission rules.

8120 (b) Trap tag fees.--The annual fee for each trap tag
 8121 issued by the commission under the requirements of the blue crab
 8122 effort management program established by rule of the commission
 8123 is 50 cents per tag. The fee for replacement tags for lost or
 8124 damaged tags is 50 cents per tag plus the cost of shipping. In
 8125 the event of a major natural disaster, such as a hurricane or
 8126 major storm, that causes massive trap losses within an area
 8127 declared by the Governor to be a disaster emergency area, the
 8128 commission may temporarily defer or waive replacement tag fees.

8129 (c) Equitable rent.--The commission may establish by rule
 8130 an amount of equitable rent that may be recovered as partial
 8131 compensation to the state for the enhanced access to its natural
 8132 resources. In determining whether to establish such a rent and
 8133 the amount thereof, the commission may consider the amount of
 8134 revenues annually generated by endorsement fees, trap tag fees,
 8135 replacement trap tag fees, trap retrieval fees, and the
 8136 continued economic viability of the commercial blue crab
 8137 industry. A rule establishing an amount of equitable rent shall
 8138 become effective only upon approval by act of the Legislature.

8139 (d) Disposition of moneys generated from fees and
 8140 administrative penalties.--Moneys generated from the sale of
 8141 blue crab endorsements, trap tags, and replacement trap tags or
 8142 from the assessment of administrative penalties by the

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8143 | commission under this section shall be deposited into the Marine
 8144 | Resources Conservation Trust Fund. Up to 50 percent of the
 8145 | moneys generated from the sale of endorsements and trap tags and
 8146 | the assessment of administrative penalties may be used for the
 8147 | operation and administration of the blue crab effort management
 8148 | program. The remaining moneys generated from the sale of
 8149 | endorsements and trap tags and the assessment of administrative
 8150 | penalties may be used for trap retrieval; management of the blue
 8151 | crab fishery; and public education activities, research, and
 8152 | enforcement activities in support of the blue crab effort
 8153 | management program.

8154 | (e) Waiver of fees.--For the 2007-2008 license year, the
 8155 | commission shall waive all fees under this subsection for all
 8156 | persons who qualify by September 30, 2007, to participate in the
 8157 | blue crab effort management program established by commission
 8158 | rule.

8159 | (4) (a) Untagged trap penalties.--By July 1, 2008, the
 8160 | commission shall adopt by rule the administrative penalties
 8161 | authorized by this subsection. In addition to any other
 8162 | penalties provided in s. 379.407 ~~370.021~~ for any blue crab
 8163 | endorsement holder who violates commission rules requiring the
 8164 | placement of trap tags for traps used for the directed harvest
 8165 | of blue crabs, the following administrative penalties apply:

8166 | 1. For a first violation, the commission shall assess an
 8167 | administrative penalty of up to \$1,000.

8168 | 2. For a second violation that occurs within 24 months
 8169 | after any previous such violation, the commission shall assess
 8170 | an administrative penalty of up to \$2,000, and the blue crab

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8171 endorsement holder's blue crab fishing privileges may be
 8172 suspended for 12 calendar months.

8173 3. For a third violation that occurs within 36 months
 8174 after any two previous such violations, the commission shall
 8175 assess an administrative penalty of up to \$5,000, and the blue
 8176 crab endorsement holder's blue crab fishing privileges may be
 8177 suspended for 24 calendar months.

8178 4. A fourth violation that occurs within 48 months after
 8179 any three previous such violations shall result in permanent
 8180 revocation of all of the violator's saltwater fishing
 8181 privileges, including having the commission proceed against the
 8182 endorsement holder's saltwater products license in accordance
 8183 with s. 379.407 ~~370.021~~.

8184
 8185 Any blue crab endorsement holder assessed an administrative
 8186 penalty under this paragraph shall, within 30 calendar days
 8187 after notification, pay the administrative penalty to the
 8188 commission or request an administrative hearing under ss.
 8189 120.569 and 120.57.

8190 (b) Trap theft; prohibitions and penalties.--It is
 8191 unlawful for any person to remove or take possession of the
 8192 contents of another harvester's blue crab trap without the
 8193 express written consent of the trap owner, which must be
 8194 available for immediate inspection. Unauthorized possession of
 8195 another harvester's blue crab trap gear or removal of trap
 8196 contents constitutes theft.

8197 1. Any commercial harvester receiving a judicial
 8198 disposition other than dismissal or acquittal on a charge of

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8199 | theft of or from a trap as prohibited by this paragraph shall,
 8200 | in addition to the penalties specified in s. 379.407 ~~370.021~~ and
 8201 | this section, permanently lose all saltwater fishing privileges,
 8202 | including any saltwater products licenses, blue crab
 8203 | endorsements, and blue crab trap tags allotted to him or her by
 8204 | the commission. In such cases, endorsements are nontransferable.

8205 | 2. In addition, any commercial harvester receiving a
 8206 | judicial disposition other than dismissal or acquittal for
 8207 | violating this paragraph shall also be assessed an
 8208 | administrative penalty of up to \$5,000. Immediately upon receipt
 8209 | of a citation for a violation involving theft of or from a trap
 8210 | and until adjudicated for such a violation, or upon receipt of a
 8211 | judicial disposition other than dismissal or acquittal for such
 8212 | a violation, the commercial harvester committing the violation
 8213 | is prohibited from transferring any blue crab endorsements.

8214 | 3. A commercial harvester who violates this paragraph
 8215 | shall be punished under s. 379.407 ~~370.021~~. Any other person who
 8216 | violates this paragraph commits a Level Two violation under s.
 8217 | 379.401 ~~372.83~~.

8218 | (c) Criminal activities prohibited.--

8219 | 1. It is unlawful for any commercial harvester or any
 8220 | other person to:

8221 | a. Willfully molest any blue crab trap, line, or buoy that
 8222 | is the property of any licenseholder without the permission of
 8223 | that licenseholder.

8224 | b. Barter, trade, lease, or sell a blue crab trap tag or
 8225 | conspire or aid in such barter, trade, lease, or sale unless
 8226 | duly authorized by commission rules.

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8227 c. Supply, agree to supply, aid in supplying, or give away
8228 a blue crab trap tag unless duly authorized by commission rules.

8229 d. Make, alter, forge, counterfeit, or reproduce a blue
8230 crab trap tag.

8231 e. Possess an altered, forged, counterfeit, or imitation
8232 blue crab trap tag.

8233 f. Possess a number of original trap tags or replacement
8234 trap tags, the sum of which exceeds by 1 percent the number of
8235 traps allowed by commission rules.

8236 g. Engage in the commercial harvest of blue crabs while
8237 the blue crab endorsements of the licenseholder are under
8238 suspension or revocation.

8239 2. Immediately upon receiving a citation involving a
8240 violation of this paragraph and until adjudicated for such a
8241 violation, a commercial harvester is prohibited from
8242 transferring any blue crab endorsement.

8243 3. A commercial harvester convicted of violating this
8244 paragraph commits a felony of the third degree, punishable as
8245 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
8246 assessed an administrative penalty of up to \$5,000, and is
8247 immediately prohibited from transferring any blue crab
8248 endorsement. All blue crab endorsements issued to a commercial
8249 harvester convicted of violating this paragraph may be suspended
8250 for up to 24 calendar months.

8251 4. Any other person convicted of violating this paragraph
8252 commits a Level Four violation under s. 379.401 ~~372.83~~.

8253 (d) Endorsement transfers; fraudulent reports;
8254 penalties.--For a commercial harvester convicted of fraudulently

8255 reporting the actual value of transferred blue crab
 8256 endorsements, the commission may automatically suspend or
 8257 permanently revoke the seller's or the purchaser's blue crab
 8258 endorsements. If the endorsement is permanently revoked, the
 8259 commission shall also permanently deactivate the endorsement
 8260 holder's blue crab trap tag accounts.

8261 (e) Prohibitions during endorsement suspension and
 8262 revocation.--During any period of suspension or after revocation
 8263 of a blue crab endorsement holder's endorsements, he or she
 8264 shall, within 15 days after notice provided by the commission,
 8265 remove from the water all traps subject to that endorsement.
 8266 Failure to do so shall extend the period of suspension for an
 8267 additional 6 calendar months.

8268 (5) For purposes of this section, a conviction is any
 8269 disposition other than acquittal or dismissal.

8270 (6) A blue crab endorsement may not be renewed until all
 8271 fees and administrative penalties imposed under this section are
 8272 paid.

8273 (7) Subsections (3), (4), (5), and (6) shall expire on
 8274 July 1, 2009, unless reenacted by the Legislature during the
 8275 2009 Regular Session.

8276 Section 151. Section 370.14, Florida Statutes, is
 8277 renumbered as section 379.367, Florida Statutes, and amended to
 8278 read:

8279 379.367 ~~370.14~~ Spiny lobster; regulation.--

8280 (1) It is the intent of the Legislature to maintain the
 8281 spiny lobster industry for the economy of the state and to
 8282 conserve the stocks supplying this industry. The provisions of

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8283 | this act regulating the taking of spiny lobster are for the
 8284 | purposes of ensuring and maintaining the highest possible
 8285 | production of spiny lobster.

8286 | (2) (a)1. Each commercial harvester taking or attempting to
 8287 | take spiny lobster with a trap in commercial quantities or for
 8288 | commercial purposes shall obtain and exhibit a spiny lobster
 8289 | endorsement number, as required by the Fish and Wildlife
 8290 | Conservation Commission. The annual fee for a spiny lobster
 8291 | endorsement is \$125. This endorsement may be issued by the
 8292 | commission upon the receipt of application by the commercial
 8293 | harvester when accompanied by the payment of the fee. The design
 8294 | of the applications and of the trap tag shall be determined by
 8295 | the commission. Any trap or device used in taking or attempting
 8296 | to take spiny lobster, other than a trap with the endorsement
 8297 | number, shall be seized and destroyed by the commission. The
 8298 | proceeds of the fees imposed by this paragraph shall be
 8299 | deposited and used as provided in paragraph (b). The commission
 8300 | may adopt rules to carry out the intent of this section.

8301 | 2. Each commercial harvester taking or attempting to take
 8302 | spiny lobster in commercial quantities or for commercial
 8303 | purposes by any method, other than with a trap having a spiny
 8304 | lobster endorsement number issued by the commission, must pay an
 8305 | annual fee of \$100.

8306 | (b) Twenty-five dollars of the \$125 fee for a spiny
 8307 | lobster endorsement required under subparagraph (a)1. must be
 8308 | used only for trap retrieval as provided in s. 379.2424 ~~370.143~~.
 8309 | The remainder of the fees collected under paragraph (a) shall be
 8310 | deposited as follows:

8311 1. Fifty percent of the fees collected shall be deposited
 8312 in the Marine Resources Conservation Trust Fund for use in
 8313 enforcing the provisions of paragraph (a) through aerial and
 8314 other surveillance and trap retrieval.

8315 2. Fifty percent of the fees collected shall be deposited
 8316 as provided in s. 379.3671(5) ~~370.142(5)~~.

8317 (3) The spiny lobster endorsement must be on board the
 8318 boat, and both the endorsement and the harvested spiny lobster
 8319 shall be subject to inspection at all times. Only one
 8320 endorsement shall be issued for each boat. The spiny lobster
 8321 endorsement number must be prominently displayed above the
 8322 topmost portion of the boat so as to be easily and readily
 8323 identified.

8324 (4) (a) It is unlawful for any person willfully to molest
 8325 any spiny lobster traps, lines, or buoys belonging to another
 8326 without permission of the licenseholder.

8327 (b) A commercial harvester who violates this subsection
 8328 commits a felony of the third degree, punishable as provided in
 8329 s. 775.082 or s. 775.083. Any other person who violates this
 8330 subsection commits a Level Four violation under s. 379.401
 8331 ~~372.83~~.

8332 (5) Any spiny lobster licenseholder, upon selling licensed
 8333 spiny lobster traps, shall furnish the commission notice of such
 8334 sale of all or part of his or her interest within 15 days
 8335 thereof. Any holder of said license shall also notify the
 8336 commission within 15 days if his or her address no longer
 8337 conforms to the address appearing on the license and shall, as a

8338 part of such notification, furnish the commission with his or
 8339 her new address.

8340 (6) (a) By a special permit granted by the commission, a
 8341 Florida-licensed seafood dealer may lawfully import, process,
 8342 and package spiny lobster or uncooked tails of the species
 8343 Panulirus argus during the closed season. However, spiny lobster
 8344 landed under special permit shall not be sold in the state.

8345 (b) The licensed seafood dealer importing any such spiny
 8346 lobster under the permit shall, 12 hours prior to the time the
 8347 seagoing vessel or airplane delivering such imported spiny
 8348 lobster enters the state, notify the commission as to the
 8349 seagoing vessel's name or the airplane's registration number and
 8350 its captain, location, and point of destination.

8351 (c) At the time the spiny lobster cargo is delivered to
 8352 the permitholder's place of business, the spiny lobster cargo
 8353 shall be weighed and shall be available for inspection by the
 8354 commission. A signed receipt of such quantity in pounds shall be
 8355 forwarded to the commission within 48 hours after shipment
 8356 weigh-in completion. If requested by the commission, the weigh-
 8357 in process will be delayed up to 4 hours to allow for a
 8358 commission representative to be present during the process.

8359 (d) Within 48 hours after shipment weigh-in completion,
 8360 the permitholder shall submit to the commission, on forms
 8361 provided by the commission, a sworn report of the quantity in
 8362 pounds of the spiny lobster received, which report shall include
 8363 the location of said spiny lobster and a sworn statement that
 8364 said spiny lobster were taken at least 50 miles from Florida's
 8365 shoreline. The landing of spiny lobster or spiny lobster tails

8366 from which the eggs, swimmerettes, or pleopods have been
 8367 removed; the falsification of information as to area from which
 8368 spiny lobster were obtained; or the failure to file the report
 8369 called for in this section shall be grounds to revoke the
 8370 permit.

8371 (e) Each permitholder shall keep throughout the period of
 8372 the closed season copies of the bill of sale or invoices
 8373 covering each transaction involving spiny lobster imported under
 8374 this permit. Such invoices and bills shall be kept available at
 8375 all times for inspection by the commission.

8376 (7) (a) A Florida-licensed seafood dealer may obtain a
 8377 special permit to import, process, and package uncooked tails of
 8378 spiny lobster upon the payment of the sum of \$100 to the
 8379 commission.

8380 (b) A special permit must be obtained by any airplane or
 8381 seagoing vessel other than a common carrier used to transport
 8382 spiny lobster or spiny lobster tails for purchase by licensed
 8383 seafood dealers for purposes as provided herein upon the payment
 8384 of \$50.

8385 (c) All special permits issued under this subsection are
 8386 nontransferable.

8387 (8) No common carrier or employee of said carrier may
 8388 carry, knowingly receive for carriage, or permit the carriage of
 8389 any spiny lobster of the species *Panulirus argus*, regardless of
 8390 where taken, during the closed season, except of the species
 8391 *Panulirus argus* lawfully imported from a foreign country for
 8392 reshipment outside of the territorial limits of the state under

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8393 United States Customs bond or in accordance with paragraph
8394 (7) (a).

8395 Section 152. Section 370.142, Florida Statutes, is
8396 renumbered as section 379.3671, Florida Statutes, and amended to
8397 read:

8398 379.3671 ~~370.142~~ Spiny lobster trap certificate program.--

8399 (1) INTENT.--Due to rapid growth, the spiny lobster
8400 fishery is experiencing increased congestion and conflict on the
8401 water, excessive mortality of undersized lobsters, a declining
8402 yield per trap, and public concern over petroleum and debris
8403 pollution from existing traps. In an effort to solve these and
8404 related problems, the Legislature intends to develop pursuant to
8405 the provisions of this section a spiny lobster trap certificate
8406 program, the principal goal of which is to stabilize the fishery
8407 by reducing the total number of traps, which should increase the
8408 yield per trap and therefore maintain or increase overall catch
8409 levels. The Legislature seeks to preserve as much flexibility in
8410 the program as possible for the fishery's various constituents
8411 and ensure that any reduction in total trap numbers will be
8412 proportioned equally on a percentage basis among all users of
8413 traps in the fishery.

8414 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
8415 PENALTIES.--The Fish and Wildlife Conservation Commission shall
8416 establish a trap certificate program for the spiny lobster
8417 fishery of this state and shall be responsible for its
8418 administration and enforcement as follows:

8419 (a) Transferable trap certificates.--Each holder of a
8420 saltwater products license who uses traps for taking or

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8421 attempting to take spiny lobsters shall be required to have a
8422 certificate on record for each trap possessed or used therefor,
8423 except as otherwise provided in this section.

8424 1. Trap certificates are transferable on a market basis
8425 and may be transferred from one licenseholder to another for a
8426 fair market value agreed upon between the transferor and
8427 transferee. Each such transfer shall, within 72 hours thereof,
8428 be recorded on a notarized form provided for that purpose by the
8429 Fish and Wildlife Conservation Commission and hand delivered or
8430 sent by certified mail, return receipt requested, to the
8431 commission for recordkeeping purposes. In order to cover the
8432 added administrative costs of the program and to recover an
8433 equitable natural resource rent for the people of the state, a
8434 transfer fee of \$2 per certificate transferred shall be assessed
8435 against the purchasing licenseholder and sent by money order or
8436 cashier's check with the certificate transfer form. Also, in
8437 addition to the transfer fee, a surcharge of \$5 per certificate
8438 transferred or 25 percent of the actual market value, whichever
8439 is greater, given to the transferor shall be assessed the first
8440 time a certificate is transferred outside the original
8441 transferor's immediate family. No transfer of a certificate
8442 shall be effective until the commission receives the notarized
8443 transfer form and the transfer fee, including any surcharge, is
8444 paid. The commission may establish by rule an amount of
8445 equitable rent per trap certificate that shall be recovered as
8446 partial compensation to the state for the enhanced access to its
8447 natural resources. A rule establishing an amount of equitable
8448 rent shall become effective only after approval by the

8449 Legislature. In determining whether to establish such a rent
 8450 and, if so, the amount thereof, the commission shall consider
 8451 the amount of revenues annually generated by certificate fees,
 8452 transfer fees, surcharges, trap license fees, and sales taxes,
 8453 the demonstrated fair market value of transferred certificates,
 8454 and the continued economic viability of the commercial lobster
 8455 industry. All proceeds of equitable rent recovered shall be
 8456 deposited in the Marine Resources Conservation Trust Fund and
 8457 used by the commission for research, management, and protection
 8458 of the spiny lobster fishery and habitat. A transfer fee may not
 8459 be assessed or required when the transfer is within a family as
 8460 a result of the death or disability of the certificate owner. A
 8461 surcharge will not be assessed for any transfer within an
 8462 individual's immediate family.

8463 2. No person, firm, corporation, or other business entity
 8464 may control, directly or indirectly, more than 1.5 percent of
 8465 the total available certificates in any license year.

8466 3. The commission shall maintain records of all
 8467 certificates and their transfers and shall annually provide each
 8468 licenseholder with a statement of certificates held.

8469 4. The number of trap tags issued annually to each
 8470 licenseholder shall not exceed the number of certificates held
 8471 by the licenseholder at the time of issuance, and such tags and
 8472 a statement of certificates held shall be issued simultaneously.

8473 5. It is unlawful for any person to lease spiny lobster
 8474 trap tags or certificates.

8475 (b) Trap tags.--Each trap used to take or attempt to take
 8476 spiny lobsters in state waters or adjacent federal waters shall,

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8477 in addition to the spiny lobster endorsement number required by
8478 s. 379.367(2) ~~370.14(2)~~, have affixed thereto an annual trap tag
8479 issued by the commission. Each such tag shall be made of durable
8480 plastic or similar material and shall, based on the number of
8481 certificates held, have stamped thereon the owner's license
8482 number. To facilitate enforcement and recordkeeping, such tags
8483 shall be issued each year in a color different from that of each
8484 of the previous 3 years. The annual certificate fee shall be \$1
8485 per certificate. Replacement tags for lost or damaged tags may
8486 be obtained as provided by rule of the commission. In the event
8487 of a major natural disaster, such as a hurricane or major storm,
8488 that causes massive trap losses within an area declared by the
8489 Governor to be a disaster emergency area, the commission may
8490 temporarily defer or waive replacement tag fees.

8491 (c) Prohibitions; penalties.--

8492 1. It is unlawful for a person to possess or use a spiny
8493 lobster trap in or on state waters or adjacent federal waters
8494 without having affixed thereto the trap tag required by this
8495 section. It is unlawful for a person to possess or use any other
8496 gear or device designed to attract and enclose or otherwise aid
8497 in the taking of spiny lobster by trapping that is not a trap as
8498 defined by commission rule.

8499 2. It is unlawful for a person to possess or use spiny
8500 lobster trap tags without having the necessary number of
8501 certificates on record as required by this section.

8502 3. It is unlawful for any person to willfully molest, take
8503 possession of, or remove the contents of another harvester's
8504 spiny lobster trap without the express written consent of the

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8505 trap owner available for immediate inspection. Unauthorized
 8506 possession of another's trap gear or removal of trap contents
 8507 constitutes theft.

8508 a. A commercial harvester who violates this subparagraph
 8509 shall be punished under ss. 379.367 and 379.407 ~~370.021 and~~
 8510 ~~370.14~~. Any commercial harvester receiving a judicial
 8511 disposition other than dismissal or acquittal on a charge of
 8512 theft of or from a trap pursuant to this subparagraph or s.
 8513 379.402 ~~370.1107~~ shall, in addition to the penalties specified
 8514 in ss. 379.367 and 379.407 ~~370.021 and 370.14~~ and the provisions
 8515 of this section, permanently lose all his or her saltwater
 8516 fishing privileges, including his or her saltwater products
 8517 license, spiny lobster endorsement, and all trap certificates
 8518 allotted to him or her through this program. In such cases, trap
 8519 certificates and endorsements are nontransferable.

8520 b. Any commercial harvester receiving a judicial
 8521 disposition other than dismissal or acquittal on a charge of
 8522 willful molestation of a trap, in addition to the penalties
 8523 specified in ss. 379.367 and 379.407 ~~370.021 and 370.14~~, shall
 8524 lose all saltwater fishing privileges for a period of 24
 8525 calendar months.

8526 c. In addition, any commercial harvester charged with
 8527 violating this subparagraph and receiving a judicial disposition
 8528 other than dismissal or acquittal for violating this
 8529 subparagraph or s. 379.402 ~~370.1107~~ shall also be assessed an
 8530 administrative penalty of up to \$5,000.

8531

8532 Immediately upon receiving a citation for a violation involving
 8533 theft of or from a trap, or molestation of a trap, and until
 8534 adjudicated for such a violation or, upon receipt of a judicial
 8535 disposition other than dismissal or acquittal of such a
 8536 violation, the commercial harvester committing the violation is
 8537 prohibited from transferring any spiny lobster trap certificates
 8538 and endorsements.

8539 4. In addition to any other penalties provided in s.
 8540 379.407 ~~370.021~~, a commercial harvester who violates the
 8541 provisions of this section or commission rules relating to spiny
 8542 lobster traps shall be punished as follows:

8543 a. If the first violation is for violation of subparagraph
 8544 1. or subparagraph 2., the commission shall assess an additional
 8545 administrative penalty of up to \$1,000. For all other first
 8546 violations, the commission shall assess an additional
 8547 administrative penalty of up to \$500.

8548 b. For a second violation of subparagraph 1. or
 8549 subparagraph 2. which occurs within 24 months of any previous
 8550 such violation, the commission shall assess an additional
 8551 administrative penalty of up to \$2,000 and the spiny lobster
 8552 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~
 8553 may be suspended for the remainder of the current license year.

8554 c. For a third or subsequent violation of subparagraph 1.,
 8555 subparagraph 2., or subparagraph 3. which occurs within 36
 8556 months of any previous two such violations, the commission shall
 8557 assess an additional administrative penalty of up to \$5,000 and
 8558 may suspend the spiny lobster endorsement issued under s.
 8559 379.367(2) or (6) ~~370.14(2) or (6)~~ for a period of up to 24

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8560 months or may revoke the spiny lobster endorsement and, if
 8561 revoking the spiny lobster endorsement, may also proceed against
 8562 the licenseholder's saltwater products license in accordance
 8563 with the provisions of s. 379.407(2)(h) ~~370.021(2)(h)~~.

8564 d. Any person assessed an additional administrative
 8565 penalty pursuant to this section shall within 30 calendar days
 8566 after notification:

8567 (I) Pay the administrative penalty to the commission; or

8568 (II) Request an administrative hearing pursuant to the
 8569 provisions of ss. 120.569 and 120.57.

8570 e. The commission shall suspend the spiny lobster
 8571 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~
 8572 for any person failing to comply with the provisions of sub-
 8573 subparagraph d.

8574 5.a. It is unlawful for any person to make, alter, forge,
 8575 counterfeit, or reproduce a spiny lobster trap tag or
 8576 certificate.

8577 b. It is unlawful for any person to knowingly have in his
 8578 or her possession a forged, counterfeit, or imitation spiny
 8579 lobster trap tag or certificate.

8580 c. It is unlawful for any person to barter, trade, sell,
 8581 supply, agree to supply, aid in supplying, or give away a spiny
 8582 lobster trap tag or certificate or to conspire to barter, trade,
 8583 sell, supply, aid in supplying, or give away a spiny lobster
 8584 trap tag or certificate unless such action is duly authorized by
 8585 the commission as provided in this chapter or in the rules of
 8586 the commission.

8587 6.a. Any commercial harvester who violates the provisions
 8588 of subparagraph 5., or any commercial harvester who engages in
 8589 the commercial harvest, trapping, or possession of spiny lobster
 8590 without a spiny lobster endorsement as required by s. 379.367(2)
 8591 or (6) 370.14(2) or (6) or during any period while such spiny
 8592 lobster endorsement is under suspension or revocation, commits a
 8593 felony of the third degree, punishable as provided in s.
 8594 775.082, s. 775.083, or s. 775.084.

8595 b. In addition to any penalty imposed pursuant to sub-
 8596 subparagraph a., the commission shall levy a fine of up to twice
 8597 the amount of the appropriate surcharge to be paid on the fair
 8598 market value of the transferred certificates, as provided in
 8599 subparagraph (a)1., on any commercial harvester who violates the
 8600 provisions of sub-subparagraph 5.c.

8601 c. In addition to any penalty imposed pursuant to sub-
 8602 subparagraph a., any commercial harvester receiving any judicial
 8603 disposition other than acquittal or dismissal for a violation of
 8604 subparagraph 5. shall be assessed an administrative penalty of
 8605 up to \$5,000, and the spiny lobster endorsement under which the
 8606 violation was committed may be suspended for up to 24 calendar
 8607 months. Immediately upon issuance of a citation involving a
 8608 violation of subparagraph 5. and until adjudication of such a
 8609 violation, and after receipt of any judicial disposition other
 8610 than acquittal or dismissal for such a violation, the commercial
 8611 harvester holding the spiny lobster endorsement listed on the
 8612 citation is prohibited from transferring any spiny lobster trap
 8613 certificates.

8614 d. Any other person who violates the provisions of
 8615 subparagraph 5. commits a Level Four violation under s. 379.401
 8616 ~~372.83~~.

8617 7. Any certificates for which the annual certificate fee
 8618 is not paid for a period of 3 years shall be considered
 8619 abandoned and shall revert to the commission. During any period
 8620 of trap reduction, any certificates reverting to the commission
 8621 shall become permanently unavailable and be considered in that
 8622 amount to be reduced during the next license-year period.
 8623 Otherwise, any certificates that revert to the commission are to
 8624 be reallocated in such manner as provided by the commission.

8625 8. The proceeds of all administrative penalties collected
 8626 pursuant to subparagraph 4. and all fines collected pursuant to
 8627 sub-subparagraph 6.b. shall be deposited into the Marine
 8628 Resources Conservation Trust Fund.

8629 9. All traps shall be removed from the water during any
 8630 period of suspension or revocation.

8631 10. Except as otherwise provided, any person who violates
 8632 this paragraph commits a Level Two violation under s. 379.401
 8633 ~~372.83~~.

8634 (d) No vested rights.--The trap certificate program shall
 8635 not create vested rights in licenseholders whatsoever and may be
 8636 altered or terminated as necessary to protect the spiny lobster
 8637 resource, the participants in the fishery, or the public
 8638 interest.

8639 (3) TRAP REDUCTION.--The objective of the overall trap
 8640 certificate program is to reduce the number of traps used in the
 8641 spiny lobster fishery to the lowest number that will maintain or

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8642 increase overall catch levels, promote economic efficiency in
 8643 the fishery, and conserve natural resources. Therefore, the
 8644 Marine Fisheries Commission shall set an overall trap reduction
 8645 goal based on maintaining or maximizing a sustained harvest from
 8646 the spiny lobster fishery. To reach that goal, the Marine
 8647 Fisheries Commission shall, by July 1, 1992, set an annual trap
 8648 reduction schedule, not to exceed 10 percent per year,
 8649 applicable to all certificateholders until the overall trap
 8650 reduction goal is reached. All certificateholders shall have
 8651 their certificate holdings reduced by the same percentage of
 8652 certificates each year according to the trap reduction schedule.
 8653 Until July 1, 1999, the Department of Environmental Protection
 8654 shall issue the number of trap tags authorized by the Marine
 8655 Fisheries Commission, as requested, and a revised statement of
 8656 certificates held. Beginning July 1, 1999, the Fish and Wildlife
 8657 Conservation Commission shall annually issue the number of trap
 8658 tags authorized by the commission's schedule, as requested, and
 8659 a revised statement of certificates held. Certificateholders may
 8660 maintain or increase their total number of certificates held by
 8661 purchasing available certificates from within the authorized
 8662 total. The Fish and Wildlife Conservation Commission shall
 8663 provide for an annual evaluation of the trap reduction process
 8664 and shall suspend the annual percentage reductions for any
 8665 period deemed necessary by the commission in order to assess the
 8666 impact of the trap reduction schedule on the fishery. The Fish
 8667 and Wildlife Conservation Commission may then, by rule, resume,
 8668 terminate, or reverse the schedule as it deems necessary to

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8669 protect the spiny lobster resource and the participants in the
8670 fishery.

8671 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
8672 BOARD.--There is hereby established the Trap Certificate
8673 Technical Advisory and Appeals Board. Such board shall consider
8674 and advise the commission on disputes and other problems arising
8675 from the implementation of the spiny lobster trap certificate
8676 program. The board may also provide information to the
8677 commission on the operation of the trap certificate program.

8678 (a) The board shall consist of the executive director of
8679 the commission or designee and nine other members appointed by
8680 the executive director, according to the following criteria:

8681 1. All appointed members shall be certificateholders, but
8682 two shall be holders of fewer than 100 certificates, two shall
8683 be holders of at least 100 but no more than 750 certificates,
8684 three shall be holders of more than 750 but not more than 2,000
8685 certificates, and two shall be holders of more than 2,000
8686 certificates.

8687 2. At least one member each shall come from Broward, Dade,
8688 and Palm Beach Counties; and five members shall come from the
8689 various regions of the Florida Keys.

8690 3. At least one appointed member shall be a person of
8691 Hispanic origin capable of speaking English and Spanish.

8692 (b) The term of each appointed member shall be for 4
8693 years, and any vacancy shall be filled for the balance of the
8694 unexpired term with a person of the qualifications necessary to
8695 maintain the requirements of paragraph (a). There shall be no
8696 limitation on successive appointments to the board.

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8697 (c) The executive director of the commission or designee
8698 shall serve as a member and shall call the organizational
8699 meeting of the board. The board shall annually elect a chair and
8700 a vice chair. There shall be no limitation on successive terms
8701 that may be served by a chair or vice chair. The board shall
8702 meet at the call of its chair, at the request of a majority of
8703 its membership, at the request of the commission, or at such
8704 times as may be prescribed by its rules. A majority of the board
8705 shall constitute a quorum, and official action of the board
8706 shall require a majority vote of the total membership of the
8707 board present at the meeting.

8708 (d) The procedural rules adopted by the board shall
8709 conform to the requirements of chapter 120.

8710 (e) Members of the board shall be reimbursed for per diem
8711 and travel expenses as provided in s. 112.061.

8712 (f) Upon reaching a decision on any dispute or problem
8713 brought before it, including any decision involving the
8714 allotment of certificates under paragraph (g), the board shall
8715 submit such decision to the executive director of the commission
8716 for final approval. The executive director of the commission may
8717 alter or disapprove any decision of the board, with notice
8718 thereof given in writing to the board and to each party in the
8719 dispute explaining the reasons for the disapproval. The action
8720 of the executive director of the commission constitutes final
8721 agency action.

8722 (g) In addition to those certificates allotted pursuant to
8723 the provisions of subparagraph (2)(a)1., up to 125,000
8724 certificates may be allotted by the board to settle disputes or

8725 other problems arising from implementation of the trap
 8726 certificate program during the 1992-1993 and 1993-1994 license
 8727 years. Any certificates not allotted by March 31, 1994, shall
 8728 become permanently unavailable and shall be considered as part
 8729 of the 1994-1995 reduction schedule. All appeals for additional
 8730 certificates or other disputes must be filed with the board
 8731 before October 1, 1993.

8732 (h) Any trap certificates issued by the Department of
 8733 Environmental Protection and, effective July 1, 1999, the
 8734 commission as a result of the appeals process must be added to
 8735 the existing number of trap certificates for the purposes of
 8736 determining the total number of certificates from which the
 8737 subsequent season's trap reduction is calculated.

8738 (i) On and after July 1, 1994, the board shall no longer
 8739 consider and advise the Fish and Wildlife Conservation
 8740 Commission on disputes and other problems arising from
 8741 implementation of the trap certificate program nor allot any
 8742 certificates with respect thereto.

8743 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees and
 8744 surcharges, annual trap certificate fees, and recreational tag
 8745 fees collected pursuant to paragraphs (2)(a) and (b) shall be
 8746 deposited in the Marine Resources Conservation Trust Fund and
 8747 used for administration of the trap certificate program,
 8748 research and monitoring of the spiny lobster fishery, and
 8749 enforcement and public education activities in support of the
 8750 purposes of this section and shall also be for the use of the
 8751 Fish and Wildlife Conservation Commission in evaluating the
 8752 impact of the trap reduction schedule on the spiny lobster

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8753 fishery; however, at least 15 percent of the fees and surcharges
 8754 collected shall be provided to the commission for such
 8755 evaluation.

8756 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife
 8757 Conservation Commission may adopt rules to implement the
 8758 provisions of this section.

8759 ~~(7) For the 2006 2007 fiscal year only, the trap tag fees~~
 8760 ~~required by this section shall be waived by the commission. This~~
 8761 ~~subsection expires July 1, 2007.~~

8762 Section 153. Subsections (2), (3), and (4) of section
 8763 370.143, Florida Statutes, are renumbered as section 379.368,
 8764 Florida Statutes, and amended to read:

8765 379.368 ~~370.143~~ Fees for the retrieval of spiny lobster,
 8766 stone crab, blue crab, and black sea bass traps during closed
 8767 season; ~~commission authority; fees.--~~

8768 ~~(1)(2)~~ Pursuant to s. 379.2424, the commission shall
 8769 assess trap owners, and collect, a retrieval fee of \$10 per trap
 8770 ~~retrieved shall be assessed trap owners.~~ However, for each
 8771 person holding a spiny lobster endorsement, a stone crab
 8772 endorsement, or a blue crab endorsement issued under rule of the
 8773 commission, the retrieval fee shall be waived for the first five
 8774 traps retrieved. Traps recovered under this program shall become
 8775 the property of the commission or its contract agent, as
 8776 determined by the commission, and shall be either destroyed or
 8777 resold to the original owner. Revenue from retrieval fees shall
 8778 be deposited in the Marine Resources Conservation Trust Fund and
 8779 used solely for operation of the trap retrieval program.

8780 (2)~~(3)~~ Payment of all assessed retrieval fees shall be
 8781 required prior to renewal of the trap owner's saltwater products
 8782 license. Retrieval fees assessed under this program shall stand
 8783 in lieu of other penalties imposed for such trap violations.

8784 (3)~~(4)~~ In the event of a major natural disaster, such as a
 8785 hurricane or major storm, that causes massive trap losses within
 8786 an area declared by the Governor to be a disaster emergency
 8787 area, the commission shall waive trap retrieval fees.

8788 Section 154. Section 370.1535, Florida Statutes, is
 8789 renumbered as section 379.369, Florida Statutes, and amended to
 8790 read:

8791 379.369 ~~370.1535~~ Fees for Regulation of shrimp fishing in
 8792 Tampa Bay; ~~licensing requirements.~~ --

8793 ~~(1) No person shall operate as a dead shrimp producer in~~
 8794 ~~any waters of Tampa Bay unless such person has procured from the~~
 8795 ~~Fish and Wildlife Conservation Commission a dead shrimp~~
 8796 ~~production permit.~~

8797 ~~(2) The Fish and Wildlife Conservation Commission is~~
 8798 ~~authorized to issue a dead shrimp production permit to persons~~
 8799 ~~qualified pursuant to the following criteria:~~

8800 ~~(a) The person has submitted an application designed by~~
 8801 ~~the commission for such permit.~~

8802 ~~(b) One permit is required for each vessel used for dead~~
 8803 ~~shrimp production in the waters of Tampa Bay. A permit shall~~
 8804 ~~only be issued to an individual who is the principal owner of~~
 8805 ~~the vessel or of the business entity owning the vessel and~~
 8806 ~~utilizing the permit. No more than three permits shall be issued~~
 8807 ~~to any individual.~~

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8808 ~~(e)~~ Each application for a permit to shrimp fish in the
8809 waters of Tampa Bay shall be accompanied by a fee of \$250 for
8810 each resident of the state and \$1,000 for each nonresident of
8811 the state. The proceeds of the fees collected pursuant to this
8812 paragraph shall be deposited into the Marine Resources
8813 Conservation Trust Fund to be used by the commission for the
8814 purpose of enforcement of marine resource laws.

8815 ~~(d)~~ No person shall be issued a permit or be allowed to
8816 renew a permit if such person is registered for noncommercial
8817 trawling pursuant to s. 370.15(4).

8818 ~~(e)~~ Each applicant shall make application prior to June
8819 30, 1992, and shall hold any other license or registration
8820 required to operate a commercial fishing vessel in Tampa Bay on
8821 the date of application.

8822 ~~(3)~~ Each permit issued in the base year of 1992 shall be
8823 renewable by June 30 in each subsequent year upon application
8824 meeting the requirements for issuance for an initial permit
8825 pursuant to subsection (2). The number of permits outstanding in
8826 any one year shall not exceed the number issued for 1992. No
8827 permit shall be transferable by any method, including devise or
8828 inheritance, and a permit shall be renewable only by the initial
8829 holder thereof. All permits not renewed for any reason shall
8830 expire and shall not be renewable under any circumstances.

8831 ~~(4)~~ No person harvesting dead shrimp from Tampa Bay shall
8832 sell such shrimp to any person unless such seller is in
8833 possession of a dead shrimp production permit issued pursuant to
8834 this section. Except for purchases from other wholesale dealers,
8835 no wholesale dealer, as defined in s. 370.07(1)(a)3., shall

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8836 ~~purchase dead shrimp harvested in Tampa Bay, unless the seller~~
 8837 ~~produces his or her dead shrimp production permit prior to the~~
 8838 ~~sale of the shrimp.~~

8839 ~~(5) The operator of any vessel used in Tampa Bay for dead~~
 8840 ~~shrimp production shall possess while in or on the waters of the~~
 8841 ~~bay and produce upon the request of any duly authorized law~~
 8842 ~~enforcement officer a current dead shrimp production permit~~
 8843 ~~issued for the vessel pursuant to this section.~~

8844 ~~(6) Each person harvesting shrimp in Tampa Bay pursuant to~~
 8845 ~~the permit required by this section shall comply with all rules~~
 8846 ~~of the Fish and Wildlife Conservation Commission regulating such~~
 8847 ~~harvest.~~

8848 ~~(7) For purpose of this section, "Tampa Bay" means all the~~
 8849 ~~waters of the bay east and north of the Sunshine Skyway Bridge~~
 8850 ~~(U.S. 19 and Interstate 275).~~

8851 Section 155. Section 379.3711, Florida Statutes, is
 8852 created to read:

8853 379.3711 License fee for private game preserves and
 8854 farms.--The licensee fee for establishing, maintaining, and
 8855 operating a private preserve and farm pursuant to s. 379.302 is
 8856 \$50 per year. The fee is payable to the commission and shall be
 8857 deposited in the State Game Trust Fund.

8858 Section 156. Section 372.661, Florida Statutes, is
 8859 renumbered as section 379.3712, Florida Statutes, and amended to
 8860 read:

8861 379.3712 ~~372.661~~ Private hunting preserve license fees;
 8862 exception.--

8863 (1) Any person who operates a private hunting preserve
 8864 commercially or otherwise shall be required to pay a license fee
 8865 of \$70 for each such preserve; provided, however, that during
 8866 the open season established for wild game of any species a
 8867 private individual may take artificially propagated game of such
 8868 species up to the bag limit prescribed for the particular
 8869 species without being required to pay the license fee required
 8870 by this section; provided further that if any such individual
 8871 shall charge a fee for taking such game she or he shall be
 8872 required to pay the license fee required by this section and to
 8873 comply with the rules of the commission relative to the
 8874 operation of private hunting preserves.

8875 (2) A commercial hunting preserve license, which shall
 8876 exempt patrons of licensed preserves from the license and permit
 8877 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j)
 8878 ~~372.57(4)(c), (d), (f), (h), (i), and (j)~~; (5)(g) and (h);
 8879 (8)(a), (b), and (e); (9)(a)2.; (11); and (12) while hunting on
 8880 the licensed preserve property, shall be \$500. Such commercial
 8881 hunting preserve license shall be available only to those
 8882 private hunting preserves licensed pursuant to this section
 8883 which are operated exclusively for commercial purposes, which
 8884 are open to the public, and for which a uniform fee is charged
 8885 to patrons for hunting privileges.

8886 Section 157. Section 372.86, Florida Statutes, is
 8887 renumbered as section 379.372, Florida Statutes, to read:

8888 379.372 ~~372.86~~ Capturing, keeping, possessing,
 8889 transporting, or exhibiting venomous reptiles or reptiles of
 8890 concern; license required.--

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8891 (1) No person, firm, or corporation shall capture, keep,
8892 possess, or exhibit any poisonous or venomous reptile or reptile
8893 of concern without first having obtained a special permit or
8894 license therefor from the Fish and Wildlife Conservation
8895 Commission as provided in this section.

8896 (2) By December 31, 2007, the commission shall establish a
8897 list of reptiles of concern, including venomous, nonvenomous,
8898 native, nonnative, or other reptiles, which require additional
8899 regulation for capture, possession, transportation, or
8900 exhibition due to their nature, habits, status, or potential to
8901 negatively impact the environment, ecology, or humans.

8902 (3) It shall be unlawful for any person, firm, or
8903 corporation, whether licensed hereunder or not, to capture,
8904 keep, possess, or exhibit any venomous reptile or reptile of
8905 concern in any manner not approved as safe, secure, and proper
8906 by the commission. Venomous reptiles or reptiles of concern held
8907 in captivity are subject to inspection by the commission. The
8908 commission shall determine whether the reptiles are securely,
8909 safely, and properly penned. In the event that the reptiles are
8910 not safely penned, the commission shall report the situation in
8911 writing to the person, firm, or corporation owning the reptiles.
8912 Failure of the person, firm, or corporation to correct the
8913 situation within 30 days after such written notice shall be
8914 grounds for revocation of the license or permit of the person,
8915 firm, or corporation.

8916 (4) Venomous reptiles or reptiles of concern shall be
8917 transported in a safe, secure, and proper manner. The commission

8918 shall establish by rule the requirements for the transportation
 8919 of venomous reptiles or reptiles of concern.

8920 Section 158. Section 372.87, Florida Statutes, is
 8921 renumbered as 379.373, Florida Statutes, to read:

8922 379.373 ~~372.87~~ License fee; renewal, revocation.--

8923 (1) (a) The Fish and Wildlife Conservation Commission is
 8924 authorized and empowered to issue a license or permit for the
 8925 capturing, keeping, possessing, or exhibiting of venomous
 8926 reptiles, upon payment of an annual fee of \$100 and upon
 8927 assurance that all of the provisions of ss. 379.372-379.305 and
 8928 ss. 379.372-379.374 ~~372.86-372.92~~ and such other reasonable
 8929 rules and regulations as the commission may prescribe will be
 8930 fully complied with in all respects.

8931 (b) The Fish and Wildlife Conservation Commission is
 8932 authorized and empowered to issue a license or permit for the
 8933 capturing, keeping, possessing, or exhibiting of reptiles of
 8934 concern upon payment of an annual fee not to exceed \$100 and
 8935 upon assurance that all of the provisions of ss. 379.305,
 8936 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and such other
 8937 reasonable rules and regulations as the commission may prescribe
 8938 will be fully complied with in all respects. The annual fee for
 8939 issuance or renewal of a license or permit under this paragraph
 8940 for reptiles of concern is initially set at \$100. However, the
 8941 commission may reduce that annual fee by rule if the commission
 8942 determines that there is general compliance with ss. 379.305,
 8943 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and that such
 8944 compliance allows for a reduction in fees to cover the costs of
 8945 administering and enforcing the reptiles of concern program. The

8946 | commission may issue a license or permit to an applicant who
 8947 | holds a current and valid license or permit for venomous
 8948 | reptiles under paragraph (a) and meets all requirements for the
 8949 | capturing, keeping, possessing, or exhibiting of reptiles of
 8950 | concern, but shall not require payment of an additional annual
 8951 | fee.

8952 | (2) Such permits or licenses may be revoked by the
 8953 | commission upon violation of any of the provisions of ss.
 8954 | 379.305, 379.372, 379.373, and 379.374 ~~372.86-372.92~~ or upon
 8955 | violation of any of the rules and regulations prescribed by the
 8956 | commission relating to the capturing, keeping, possessing, and
 8957 | exhibiting of any venomous reptiles or reptiles of concern. Such
 8958 | permits or licenses shall be for an annual period to be
 8959 | prescribed by the commission and shall be renewable upon the
 8960 | payment of said fee and shall be subject to the same conditions,
 8961 | limitations, and restrictions as set forth in this section. All
 8962 | moneys received pursuant to this section shall be deposited into
 8963 | the State Game Trust Fund to be used to implement, administer,
 8964 | enforce, and educate the public regarding ss. 379.305, 379.372,
 8965 | 379.373, and 379.374 ~~372.86-372.92~~.

8966 | Section 159. Section 372.88, Florida Statutes, is
 8967 | renumbered as section 379.374, Florida Statutes, to read:

8968 | 379.374 ~~372.88~~ Bond required, amount.--

8969 | (1) No person, party, firm, or corporation shall exhibit
 8970 | to the public either with or without charge or admission fee any
 8971 | venomous reptile without having first posted a good and
 8972 | sufficient bond in writing in the penal sum of \$10,000 payable
 8973 | to the commission, conditioned that such exhibitor will

8974 indemnify and save harmless all persons from injury or damage
 8975 from such venomous reptiles so exhibited and shall fully comply
 8976 with all laws of the state and all rules and regulations of the
 8977 commission governing the capturing, keeping, possessing, or
 8978 exhibiting of venomous reptiles; provided, however, that the
 8979 aggregate liability of the surety for all such injuries or
 8980 damages shall, in no event, exceed the penal sum of the bond.
 8981 The surety for the bond must be a surety company authorized to
 8982 do business under the laws of the state or in lieu of such a
 8983 surety, cash in the sum of \$10,000 may be posted with the
 8984 commission to ensure compliance with the conditions of the bond.

8985 (2) No person, party, firm, or corporation shall exhibit
 8986 to the public either with or without charge or admission fee,
 8987 any Class I wildlife, as defined in s. 379.303 ~~372.922~~ and
 8988 commission rule chapter 68A-6, ~~Florida Administrative Code~~,
 8989 without having first guaranteed financial responsibility, in the
 8990 sum of \$10,000, for any liability which may be incurred in the
 8991 exhibition to the public of Class I wildlife. The commission
 8992 shall adopt, by rule, the methods of payment that satisfy the
 8993 financial responsibility, which may include cash, the
 8994 establishment of a trust fund, an irrevocable letter of credit,
 8995 casualty insurance, a corporate guarantee, or any combination
 8996 thereof, in the sum of \$10,000 which shall be posted with the
 8997 commission. In lieu of the \$10,000 financial responsibility
 8998 guarantee required in this subsection, the exhibiter has the
 8999 option to maintain comprehensive general liability insurance,
 9000 with minimum limits of \$2 million per occurrence and \$2 million
 9001 annual aggregate, as shall protect the exhibiter from claims for

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9002 damage for personal injury, including accidental death, as well
 9003 as claims for property damage which may arise. Proof of such
 9004 insurance shall be submitted to the commission.

9005 Section 160. Section 372.6673, Florida Statutes, is
 9006 renumbered as section 379.3751, Florida Statutes, to read:

9007 379.3751 ~~372.6673~~ Taking and possession of alligators;
 9008 trapping licenses; fees.--

9009 (1)(a) No person shall take or possess any alligator or
 9010 the eggs thereof without having first obtained from the
 9011 commission a trapping license and paid the fee provided in this
 9012 section. Such license shall be dated when issued and remain
 9013 valid for 12 months after the date of issuance and shall
 9014 authorize the person to whom it is issued to take or possess
 9015 alligators and their eggs, and to sell, possess, and process
 9016 alligators and their hides and meat, in accordance with law and
 9017 commission rules. Such license shall not be transferable and
 9018 shall not be valid unless it bears on its face in indelible ink
 9019 the name of the person to whom it is issued. Such license shall
 9020 be in the personal possession of the licensee while such person
 9021 is taking alligators or their eggs or is selling, possessing, or
 9022 processing alligators or their eggs, hides, or meat. The failure
 9023 of the licensee to exhibit such license to the commission or its
 9024 wildlife officers, when such person is found taking alligators
 9025 or their eggs or is found selling, possessing, or processing
 9026 alligators or their eggs, hides, or meat, shall be a violation
 9027 of law.

9028 (b) In order to assure the optimal utilization of the
 9029 estimated available alligator resource and to ensure adequate

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9030 control of the alligator management and harvest program, the
 9031 commission may by rule limit the number of participants engaged
 9032 in the taking of alligators or their eggs from the wild.

9033 (c) No person who has been convicted of any violation of
 9034 s. s. 379.3015 or s.379.409 ~~372.663 or s. 372.664~~ or the rules
 9035 of the commission relating to the illegal taking of crocodilian
 9036 species shall be eligible for issuance of a license for a period
 9037 of 5 years subsequent to such conviction. In the event such
 9038 violation involves the unauthorized taking of an endangered
 9039 crocodilian species, no license shall be issued for 10 years
 9040 subsequent to the conviction.

9041 (2) The license and issuance fee, and the activity
 9042 authorized thereby, shall be as follows:

9043 (a) The annual fee for issuance of a resident alligator
 9044 trapping license, which permits a resident of the state to take
 9045 alligators occurring in the wild other than alligator
 9046 hatchlings, to possess and process alligators taken under
 9047 authority of such alligator trapping license or otherwise
 9048 legally acquired, and to possess, process, and sell their hides
 9049 and meat, shall be \$250.

9050 (b) The annual fee for issuance of a nonresident alligator
 9051 trapping license, which permits a person other than a resident
 9052 of the state to take alligators occurring in the wild other than
 9053 alligator hatchlings, to possess and process alligators taken
 9054 under authority of such alligator trapping license, and to
 9055 possess, process, and sell their hides and meat, shall be
 9056 \$1,000.

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9057 (c) The annual fee for issuance of an alligator trapping
9058 agent's license, which permits a person to act as an agent of
9059 any person who has been issued a resident or nonresident
9060 alligator trapping license as provided in paragraph (a) or
9061 paragraph (b) and to take alligators occurring in the wild other
9062 than alligator hatchlings, and to possess and process alligators
9063 taken under authority of such agency relationship, shall be \$50.
9064 Such alligator trapping agent's license shall be issued only in
9065 conjunction with an alligator trapping license and shall bear on
9066 its face in indelible ink the name and license number of the
9067 alligator trapping licenseholder for whom the holder of this
9068 license is acting as an agent.

9069 (d) The annual fee for issuance of an alligator farming
9070 license, which permits a person to operate a facility for
9071 captive propagation of alligators, to possess alligators for
9072 captive propagation, to take alligator hatchlings and alligator
9073 eggs occurring in the wild, to rear such alligators, alligator
9074 hatchlings, and alligator eggs in captivity, to process
9075 alligators taken or possessed under authority of such alligator
9076 farming license or otherwise legally acquired, and to sell their
9077 hides and meat, shall be \$250.

9078 (e) The annual fee for issuance of an alligator farming
9079 agent's license, which permits a person to act as an agent of
9080 any person who has been issued an alligator farming license as
9081 provided in paragraph (d) and to take alligator hatchlings and
9082 alligator eggs occurring in the wild, and to possess and process
9083 alligators taken under authority of such agency relationship,
9084 shall be \$50. Such license shall be issued only in conjunction

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9085 | with an alligator farming license, and shall bear on its face in
9086 | indelible ink the name and license number of the alligator
9087 | farming licenseholder for whom the holder of this license is
9088 | acting as an agent.

9089 | (f) The annual fee for issuance of an alligator
9090 | processor's license, which permits a person to buy and process
9091 | alligators lawfully taken by alligator trapping licenseholders
9092 | and taken or possessed by alligator farming licenseholders and
9093 | to sell alligator meat, hides, and other parts, shall be \$250.

9094 | (3) For the purpose of this section, "process" shall mean
9095 | the possession and skinning or butchering of an alligator by
9096 | someone other than the holder of the alligator trapping license,
9097 | alligator trapping agent's license, alligator farming license,
9098 | or alligator farming agent's license who has authorized the
9099 | taking and possession of such alligator.

9100 | (4) No person shall take any alligator egg occurring in
9101 | the wild or possess any such egg unless such person has
9102 | obtained, or is a licensed agent of another person who has
9103 | obtained, an alligator egg collection permit. The alligator egg
9104 | collection permit shall be required in addition to the alligator
9105 | farming license provided in paragraph (2)(d). The commission is
9106 | authorized to assess a fee for issuance of the alligator egg
9107 | collection permit of up to \$5 per egg authorized to be taken or
9108 | possessed pursuant to such permit. Irrespective of whether a fee
9109 | is assessed, \$1 per egg collected and retained, excluding eggs
9110 | collected on private wetland management areas, shall be
9111 | transferred from the alligator management program to the General
9112 | Inspection Trust Fund, to be administered by the Department of

9113 Agriculture and Consumer Services for the purpose of providing
 9114 marketing and education services with respect to alligator
 9115 products produced in this state, notwithstanding other
 9116 provisions in this chapter.

9117 (5) The commission shall adopt criteria by rule to
 9118 establish appropriate qualifications for alligator collectors
 9119 who may receive permits pursuant to this section.

9120 Section 161. Section 372.6674, Florida Statutes, is
 9121 renumbered as section 379.3752, Florida Statutes, and amended to
 9122 read:

9123 379.3752 ~~372.6674~~ Required tagging of alligators and
 9124 hides; fees; revenues.--The tags provided in this section shall
 9125 be required in addition to any license required under s.
 9126 379.3751 ~~372.6673~~.

9127 (1) No person shall take any alligator occurring in the
 9128 wild or possess any such alligator unless such alligator is
 9129 subsequently tagged in the manner required by commission rule.
 9130 For the tag required for an alligator hatchling, the commission
 9131 is authorized to assess a fee of not more than \$15 for each
 9132 alligator hatchling tag issued. The commission shall expend one-
 9133 third of the revenue generated from the issuance of the
 9134 alligator hatchling tag for alligator husbandry research.

9135 (2) The commission may require that an alligator hide
 9136 validation tag (CITES tag) be affixed to the hide of any
 9137 alligator taken from the wild and that such hide be possessed,
 9138 purchased, sold, offered for sale, or transported in accordance
 9139 with commission rule. The commission is authorized to assess a
 9140 fee of up to \$30 for each alligator hide validation tag issued.

9141 Irrespective of whether a fee is assessed, \$5 per validated
 9142 hide, excluding those validated from public hunt programs and
 9143 alligator farms, shall be transferred from the alligator
 9144 management program to the General Inspection Trust Fund, to be
 9145 administered by the Department of Agriculture and Consumer
 9146 Services for the purpose of providing marketing and education
 9147 services with respect to alligator products produced in this
 9148 state, notwithstanding other provisions in this chapter.

9149 (3) The number of tags available for alligators taken
 9150 pursuant to a collection permit shall be limited to the number
 9151 of tags determined by the commission to equal the safe yield of
 9152 alligators as determined pursuant to s. 379.3013 ~~372.6678~~.

9153 Section 162. Subsections (1), (2), (3), (7) and (8) of
 9154 section 372.921, Florida Statutes, are renumbered as section
 9155 379.3761, Florida Statutes, and amended to read:

9156 379.3761 Exhibition or sale of wildlife; fees;
 9157 classifications.--

9158 (1) In order to provide humane treatment and sanitary
 9159 surroundings for wild animals kept in captivity, no person,
 9160 firm, corporation, or association shall have, or be in
 9161 possession of, in captivity for the purpose of public display
 9162 with or without charge or for public sale any wildlife,
 9163 specifically birds, mammals, amphibians, and reptiles, whether
 9164 indigenous to Florida or not, without having first secured a
 9165 permit from the commission authorizing such person, firm, or
 9166 corporation to have in its possession in captivity the species
 9167 and number of wildlife specified within such permit; however,

9168 | this section does not apply to any wildlife not protected by law
 9169 | and the rules of the commission.

9170 | (2) The fees to be paid for the issuance of permits
 9171 | required by subsection (1) shall be as follows:

9172 | (a) For not more than 25 Class I or Class II individual
 9173 | specimens in the aggregate of all species, the sum of \$150 per
 9174 | annum.

9175 | (b) For over 25 Class I or Class II individual specimens
 9176 | in the aggregate of all species, the sum of \$250 per annum.

9177 | (c) For any number of Class III individual specimens in
 9178 | the aggregate of all species, the sum of \$50 per annum.

9179 |
 9180 | The fees prescribed by this subsection shall be submitted to the
 9181 | commission with the application for permit required by
 9182 | subsection (1) and shall be deposited in the State Game Trust
 9183 | Fund.

9184 | (3) An applicant for a permit shall be required to include
 9185 | in her or his application a statement showing the place, number,
 9186 | and species of wildlife to be held in captivity by the applicant
 9187 | and shall be required upon request by the Fish and Wildlife
 9188 | Conservation Commission to show when, where, and in what manner
 9189 | she or he came into possession of any wildlife acquired
 9190 | subsequent to the effective date of this act. The source of
 9191 | acquisition of such wildlife shall not be divulged by the
 9192 | commission except in connection with a violation of this section
 9193 | or a regulation of the commission in which information as to
 9194 | source of wildlife is required as evidence in the prosecution of
 9195 | such violation.

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9196 (4) ~~(7)~~ The provisions of this section relative to
 9197 licensing do not apply to any municipal, county, state, or other
 9198 publicly owned wildlife exhibit. The provisions of this section
 9199 do not apply to any traveling zoo, circus, or exhibit licensed
 9200 as provided by chapter 205.

9201 (5) ~~(8)~~ This section shall not apply to the possession,
 9202 control, care, and maintenance of ostriches, emus, rheas, and
 9203 bison domesticated and confined for commercial farming purposes,
 9204 except those kept and maintained on hunting preserves or game
 9205 farms or primarily for exhibition purposes in zoos, carnivals,
 9206 circuses, and other such establishments where such species are
 9207 kept primarily for display to the public.

9208 Section 163. Subsections (1), (2), (5), (6), and (7) of
 9209 section 372.922, Florida Statutes, are renumbered as section
 9210 379.3762, Florida Statutes, and amended to read:

9211 379.3762 ~~372.922~~ Personal possession of wildlife.--

9212 (1) It is unlawful for any person or persons to possess
 9213 any wildlife as defined in this act, whether indigenous to
 9214 Florida or not, until she or he has obtained a permit as
 9215 provided by this section from the Fish and Wildlife Conservation
 9216 Commission.

9217 (2) The classifications of types of wildlife and fees to
 9218 be paid for permits for the personal possession of wildlife
 9219 shall be as follows:

9220 (a) Class I--Wildlife which, because of its nature,
 9221 habits, or status, shall not be possessed as a personal pet.

9222 (b) Class II--Wildlife considered to present a real or
 9223 potential threat to human safety, the sum of \$140 per annum.

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9224 (c) Class III--All other wildlife not included in Class I
 9225 or Class II, for which a no-cost permit must be obtained from
 9226 the commission.

9227 ~~(3)(5)~~ Any person, firm, corporation, or association
 9228 exhibiting or selling wildlife and being duly permitted as
 9229 provided by s. 379.304 ~~372.921~~ shall be exempt from the fee
 9230 requirement to receive a permit under this section.

9231 ~~(4)(6)~~ This section shall not apply to the possession,
 9232 control, care, and maintenance of ostriches, emus, rheas, and
 9233 bison domesticated and confined for commercial farming purposes,
 9234 except those kept and maintained on hunting preserves or game
 9235 farms or primarily for exhibition purposes in zoos, carnivals,
 9236 circuses, and other such establishments where such species are
 9237 kept primarily for display to the public.

9238 ~~(5)(7)~~ Persons in violation of this section shall be
 9239 punishable as provided in s. 379.401 ~~372.83~~.

9240 Section 164. Section 372.653, Florida Statutes, is
 9241 renumbered as section 379.377, Florida Statutes, and amended to
 9242 read:

9243 379.377 ~~372.653~~ Tag fees for sale of Lake Okeechobee game
 9244 fish ~~Required tagging of fish; lakes in excess of 500 square~~
 9245 ~~miles; tag fee; game fish taken in lakes of 500 square miles or~~
 9246 ~~less.--The commission is authorized to assess a fee of not more~~
 9247 than 5 cents per tag, payable at the time of delivery of the
 9248 tag, for the purpose of allowing the sale of game fish taken
 9249 commercially from Lake Okeechobee, as may be allowed by the
 9250 commission.

9251 ~~(1)(a) No game fish taken from, or caught in, a lake in~~
 9252 ~~this state the area of which is in excess of 500 square miles~~
 9253 ~~shall be sold for consumption in this state unless it is tagged~~
 9254 ~~in the manner required by the Fish and Wildlife Conservation~~
 9255 ~~Commission. Bass or pickerel taken by any method other than hook~~
 9256 ~~and line shall be returned immediately to the water. Trawls and~~
 9257 ~~haul seines shall not be operated within 1 mile of rooted~~
 9258 ~~aquatic vegetation.~~

9259 ~~(b) In order that such program of tagging be self-~~
 9260 ~~sufficient, the Fish and Wildlife Conservation Commission is~~
 9261 ~~authorized to assess a fee of not more than 5 cents per tag,~~
 9262 ~~payable at the time of delivery of the tag.~~

9263 ~~(2) No freshwater game fish shall be taken from a lake in~~
 9264 ~~this state the area of which is 500 square miles or less other~~
 9265 ~~than with pole and line; rod and reel; or plug, bob, spinner,~~
 9266 ~~spoon, or other artificial bait or lure.~~

9267 ~~(3) No freshwater game fish taken from a lake in this~~
 9268 ~~state the area of which is 500 square miles or less shall be~~
 9269 ~~offered for sale or sold.~~

9270 Section 165. Part VIII of chapter 379, Florida Statutes,
 9271 consisting of sections 379.401, 379.4015, 379.402, 379.403,
 9272 379.404, 379.405, 379.406, 379.407, 379.408, 379.409, 379.411,
 9273 379.4115, 379.412, 379.413, and 379.414, is created to read:

9274 PART VIII

9275 PENALTIES

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9277 Section 166. Section 372.83, Florida Statutes, is
 9278 renumbered as section 379.401, Florida Statutes, and amended to
 9279 read:

9280 379.401 ~~372.83~~ Penalties and violations; civil penalties
 9281 for noncriminal infractions; criminal penalties; suspension and
 9282 forfeiture of licenses and permits.--

9283 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One
 9284 violation if he or she violates any of the following provisions:

9285 1. Rules or orders of the commission relating to the
 9286 filing of reports or other documents required to be filed by
 9287 persons who hold recreational licenses and permits issued by the
 9288 commission.

9289 2. Rules or orders of the commission relating to quota
 9290 hunt permits, daily use permits, hunting zone assignments,
 9291 camping, alcoholic beverages, vehicles, and check stations
 9292 within wildlife management areas or other areas managed by the
 9293 commission.

9294 3. Rules or orders of the commission relating to daily use
 9295 permits, alcoholic beverages, swimming, possession of firearms,
 9296 operation of vehicles, and watercraft speed within fish
 9297 management areas managed by the commission.

9298 4. Rules or orders of the commission relating to vessel
 9299 size or specifying motor restrictions on specified water bodies.

9300 5. Section 379.355 ~~370.063~~, providing for special
 9301 recreational spiny lobster licenses.

9302 6. Section 379.354(1) - (15) ~~372.57(1) - (15)~~, providing for
 9303 recreational licenses to hunt, fish, and trap.

9304 7. Section 379.3581 ~~372.5717~~, providing hunter safety
9305 course requirements.

9306 8. Section 379.3003 ~~372.988~~, prohibiting deer hunting
9307 unless required clothing is worn.

9308 (b) A person who commits a Level One violation commits a
9309 noncriminal infraction and shall be cited to appear before the
9310 county court.

9311 (c)1. The civil penalty for committing a Level One
9312 violation involving the license and permit requirements of s.
9313 379.354 ~~372.57~~ is \$50 plus the cost of the license or permit,
9314 unless subparagraph 2. applies.

9315 2. The civil penalty for committing a Level One violation
9316 involving the license and permit requirements of s. 379.354
9317 ~~372.57~~ is \$100 plus the cost of the license or permit if the
9318 person cited has previously committed the same Level One
9319 violation within the preceding 36 months.

9320 (d)1. The civil penalty for any other Level One violation
9321 is \$50 unless subparagraph 2. applies.

9322 2. The civil penalty for any other Level One violation is
9323 \$100 if the person cited has previously committed the same Level
9324 One violation within the preceding 36 months.

9325 (e) A person cited for a Level One violation shall sign
9326 and accept a citation to appear before the county court. The
9327 issuing officer may indicate on the citation the time and
9328 location of the scheduled hearing and shall indicate the
9329 applicable civil penalty.

9330 (f) A person cited for a Level One violation may pay the
9331 civil penalty by mail or in person within 30 days after receipt

9332 of the citation. If the civil penalty is paid, the person shall
 9333 be deemed to have admitted committing the Level One violation
 9334 and to have waived his or her right to a hearing before the
 9335 county court. Such admission may not be used as evidence in any
 9336 other proceedings except to determine the appropriate fine for
 9337 any subsequent violations.

9338 (g) A person who refuses to accept a citation, who fails
 9339 to pay the civil penalty for a Level One violation, or who fails
 9340 to appear before a county court as required commits a
 9341 misdemeanor of the second degree, punishable as provided in s.
 9342 775.082 or s. 775.083.

9343 (h) A person who elects to appear before the county court
 9344 or who is required to appear before the county court shall be
 9345 deemed to have waived the limitations on civil penalties
 9346 provided under paragraphs (c) and (d). After a hearing, the
 9347 county court shall determine if a Level One violation has been
 9348 committed, and if so, may impose a civil penalty of not less
 9349 than \$50 for a first-time violation, and not more than \$500 for
 9350 subsequent violations. A person found guilty of committing a
 9351 Level One violation may appeal that finding to the circuit
 9352 court. The commission of a violation must be proved beyond a
 9353 reasonable doubt.

9354 (i) A person cited for violating the requirements of s.
 9355 379.354 ~~372.57~~ relating to personal possession of a license or
 9356 permit may not be convicted if, prior to or at the time of a
 9357 county court hearing, the person produces the required license
 9358 or permit for verification by the hearing officer or the court
 9359 clerk. The license or permit must have been valid at the time

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9360 the person was cited. The clerk or hearing officer may assess a
 9361 \$5 fee for costs under this paragraph.

9362 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 9363 violation if he or she violates any of the following provisions:

9364 1. Rules or orders of the commission relating to seasons
 9365 or time periods for the taking of wildlife, freshwater fish, or
 9366 saltwater fish.

9367 2. Rules or orders of the commission establishing bag,
 9368 possession, or size limits or restricting methods of taking
 9369 wildlife, freshwater fish, or saltwater fish.

9370 3. Rules or orders of the commission prohibiting access or
 9371 otherwise relating to access to wildlife management areas or
 9372 other areas managed by the commission.

9373 4. Rules or orders of the commission relating to the
 9374 feeding of wildlife, freshwater fish, or saltwater fish.

9375 5. Rules or orders of the commission relating to landing
 9376 requirements for freshwater fish or saltwater fish.

9377 6. Rules or orders of the commission relating to
 9378 restricted hunting areas, critical wildlife areas, or bird
 9379 sanctuaries.

9380 7. Rules or orders of the commission relating to tagging
 9381 requirements for game and fur-bearing animals.

9382 8. Rules or orders of the commission relating to the use
 9383 of dogs for the taking of game.

9384 9. Rules or orders of the commission which are not
 9385 otherwise classified.

9386 10. Rules or orders of the commission prohibiting the
 9387 unlawful use of finfish traps.

- 9388 11. ~~10.~~ All prohibitions in chapter 370 which are not
 9389 otherwise classified.
- 9390 12. ~~11.~~ Section 379.33 ~~370.028~~, prohibiting the violation
 9391 of or noncompliance with commission rules.
- 9392 13. ~~12.~~ Section 379.407(6) ~~370.021(6)~~ prohibiting the
 9393 sale, purchase, harvest, or attempted harvest of any saltwater
 9394 product with intent to sell.
- 9395 14. ~~13.~~ Section 379.2421 ~~370.08~~, prohibiting the
 9396 obstruction of waterways with net gear.
- 9397 ~~14. Section 370.1105, prohibiting the unlawful use of~~
 9398 ~~finfish traps.~~
- 9399 15. Section 379.413 ~~370.1121~~, prohibiting the unlawful
 9400 taking of bonefish.
- 9401 16. Section 379.365(2)(a) and (b) ~~370.13(2)(a) and (b)~~,
 9402 prohibiting the possession or use of stone crab traps without
 9403 trap tags and theft of trap contents or gear.
- 9404 17. Section 379.366 (4)(b) ~~370.135(4)(b)~~, prohibiting the
 9405 theft of blue crab trap contents or trap gear.
- 9406 18. Section 379.3671(2)(c) ~~370.142(2)(e)~~, prohibiting the
 9407 possession or use of spiny lobster traps without trap tags or
 9408 certificates and theft of trap contents or trap gear.
- 9409 19. Section 379.357 ~~372.5704~~, prohibiting the possession
 9410 of tarpon without purchasing a tarpon tag.
- 9411 20. Section 379.409 ~~372.667~~, prohibiting the feeding or
 9412 enticement of alligators or crocodiles.
- 9413 21. Section 379.105 ~~372.705~~, prohibiting the intentional
 9414 harassment of hunters, fishers, or trappers.

9415 (b)1. A person who commits a Level Two violation but who
 9416 has not been convicted of a Level Two or higher violation within
 9417 the past 3 years commits a misdemeanor of the second degree,
 9418 punishable as provided in s. 775.082 or s. 775.083.

9419 2. Unless the stricter penalties in subparagraph 3. or
 9420 subparagraph 4. apply, a person who commits a Level Two
 9421 violation within 3 years after a previous conviction for a Level
 9422 Two or higher violation commits a misdemeanor of the first
 9423 degree, punishable as provided in s. 775.082 or s. 775.083, with
 9424 a minimum mandatory fine of \$250.

9425 3. Unless the stricter penalties in subparagraph 4. apply,
 9426 a person who commits a Level Two violation within 5 years after
 9427 two previous convictions for a Level Two or higher violation,
 9428 commits a misdemeanor of the first degree, punishable as
 9429 provided in s. 775.082 or s. 775.083, with a minimum mandatory
 9430 fine of \$500 and a suspension of any recreational license or
 9431 permit issued under s. 379.354 ~~372.57~~ for 1 year. Such
 9432 suspension shall include the suspension of the privilege to
 9433 obtain such license or permit and the suspension of the ability
 9434 to exercise any privilege granted under any exemption in s.
 9435 379.353 ~~372.562~~.

9436 4. A person who commits a Level Two violation within 10
 9437 years after three previous convictions for a Level Two or higher
 9438 violation commits a misdemeanor of the first degree, punishable
 9439 as provided in s. 775.082 or s. 775.083, with a minimum
 9440 mandatory fine of \$750 and a suspension of any recreational
 9441 license or permit issued under s. 379.354 ~~372.57~~ for 3 years.
 9442 Such suspension shall include the suspension of the privilege to

9443 obtain such license or permit and the suspension of the ability
 9444 to exercise any privilege granted under s. 379.353 ~~372.562~~. If
 9445 the recreational license or permit being suspended was an annual
 9446 license or permit, any privileges under ss. 379.353 and 379.354
 9447 ~~372.562~~ and ~~372.57~~ may not be acquired for a 3-year period
 9448 following the date of the violation.

9449 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
 9450 Three violation if he or she violates any of the following
 9451 provisions:

9452 1. Rules or orders of the commission prohibiting the sale
 9453 of saltwater fish.

9454 2. Rules or orders of the commission prohibiting the
 9455 illegal importation or possession of exotic marine plants or
 9456 animals.

9457 3. ~~2.~~ Section 379.407(2) ~~370.021(2)~~, establishing major
 9458 violations.

9459 4. ~~3.~~ Section 379.407(4) ~~370.021(4)~~, prohibiting the
 9460 possession of certain finfish in excess of recreational daily
 9461 bag limits.

9462 ~~4. Section 370.081, prohibiting the illegal importation or~~
 9463 ~~possession of exotic marine plants or animals.~~

9464 5. Section 379.28 ~~372.26~~, prohibiting the importation of
 9465 freshwater fish.

9466 6. Section 379.231 ~~372.265~~, prohibiting the importation of
 9467 nonindigenous species of the animal kingdom without a permit
 9468 issued by the commission.

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9469 7. Section 379.354(17) ~~372.57(17)~~, prohibiting the taking
 9470 of game, freshwater fish, or saltwater fish while a required
 9471 license is suspended or revoked.

9472 8. Section 379.3014 ~~372.662~~, prohibiting the illegal sale
 9473 or possession of alligators.

9474 9. Section 379.404(1), (3), and (6) ~~372.99(1), (3), and~~
 9475 ~~(6)~~, prohibiting the illegal taking and possession of deer and
 9476 wild turkey.

9477 10. Section 379.406 ~~372.9903~~, prohibiting the possession
 9478 and transportation of commercial quantities of freshwater game
 9479 fish.

9480 (b)1. A person who commits a Level Three violation but who
 9481 has not been convicted of a Level Three or higher violation
 9482 within the past 10 years commits a misdemeanor of the first
 9483 degree, punishable as provided in s. 775.082 or s. 775.083.

9484 2. A person who commits a Level Three violation within 10
 9485 years after a previous conviction for a Level Three or higher
 9486 violation commits a misdemeanor of the first degree, punishable
 9487 as provided in s. 775.082 or s. 775.083, with a minimum
 9488 mandatory fine of \$750 and a suspension of any recreational
 9489 license or permit issued under s. 379.354 ~~372.57~~ for the
 9490 remainder of the period for which the license or permit was
 9491 issued up to 3 years. Such suspension shall include the
 9492 suspension of the privilege to obtain such license or permit and
 9493 the ability to exercise any privilege granted under s. 379.353
 9494 ~~372.562~~. If the recreational license or permit being suspended
 9495 was an annual license or permit, any privileges under ss.

9496 379.353 and 379.354 ~~372.562 and 372.57~~ may not be acquired for a
 9497 3-year period following the date of the violation.

9498 3. A person who commits a violation of s. 379.354(17)
 9499 ~~372.57(17)~~ shall receive a mandatory fine of \$1,000. Any
 9500 privileges under ss. 379.353 and 379.354 ~~372.562 and 372.57~~ may
 9501 not be acquired for a 5-year period following the date of the
 9502 violation.

9503 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
 9504 Four violation if he or she violates any of the following
 9505 provisions:

9506 1. Section 379.365(2)(c) ~~370.13(2)(e)~~, prohibiting
 9507 criminal activities relating to the taking of stone crabs.

9508 2. Section 379.366(4)(c) ~~370.135(4)(e)~~, prohibiting
 9509 criminal activities relating to the taking and harvesting of
 9510 blue crabs.

9511 3. Section 379.367(4) ~~370.14(4)~~, prohibiting the willful
 9512 molestation of spiny lobster gear.

9513 4. Section 379.3671(2)(c)5. ~~370.142(2)(e)5.~~, prohibiting
 9514 the unlawful reproduction, possession, sale, trade, or barter of
 9515 spiny lobster trap tags or certificates.

9516 5. Section 379.354(16) ~~372.57(16)~~, prohibiting the making,
 9517 forging, counterfeiting, or reproduction of a recreational
 9518 license or possession of same without authorization from the
 9519 commission.

9520 6. Section 379.404(5) ~~372.99(5)~~, prohibiting the sale of
 9521 illegally-taken deer or wild turkey.

9522 7. Section 379.405 ~~372.99022~~, prohibiting the molestation
 9523 or theft of freshwater fishing gear.

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9524 (b) A person who commits a Level Four violation commits a
 9525 felony of the third degree, punishable as provided in s. 775.082
 9526 or s. 775.083.

9527 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
 9528 chapter:

9529 (a) A person who commits a violation of any provision of
 9530 this chapter commits, for the first offense, a misdemeanor of
 9531 the second degree, punishable as provided in s. 775.082 or s.
 9532 775.083.

9533 (b) A person who is convicted of a second or subsequent
 9534 violation of any provision of this chapter commits a misdemeanor
 9535 of the first degree, punishable as provided in s. 775.082 or s.
 9536 775.083.

9537 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
 9538 order the suspension or forfeiture of any license or permit
 9539 issued under this chapter to a person who is found guilty of
 9540 committing a violation of this chapter.

9541 (7) CONVICTION DEFINED.--As used in this section, the term
 9542 "conviction" means any judicial disposition other than acquittal
 9543 or dismissal.

9544 Section 167. Section 372.935, Florida Statutes, is
 9545 renumbered as section 379.4015, Florida Statutes, and amended to
 9546 read:

9547 379.4015 ~~372.935~~ Captive wildlife penalties.--

9548 (1) LEVEL ONE.--Unless otherwise provided by law, the
 9549 following classifications and penalties apply:

9550 (a) A person commits a Level One violation if he or she
 9551 violates any of the following provisions:

9552 1. Rules or orders of the commission requiring free
 9553 permits or other authorizations to possess captive wildlife.

9554 2. Rules or orders of the commission relating to the
 9555 filing of reports or other documents required of persons who are
 9556 licensed to possess captive wildlife.

9557 3. Rules or orders of the commission requiring permits to
 9558 possess captive wildlife for which a fee is charged, when the
 9559 person being charged was issued the permit and the permit has
 9560 expired less than 1 year prior to the violation.

9561 (b) Any person cited for committing any offense classified
 9562 as a Level One violation commits a noncriminal infraction,
 9563 punishable as provided in this section.

9564 (c) Any person cited for committing a noncriminal
 9565 infraction specified in paragraph (a) shall be cited to appear
 9566 before the county court. The civil penalty for any noncriminal
 9567 infraction is \$50 if the person cited has not previously been
 9568 found guilty of a Level One violation and \$250 if the person
 9569 cited has previously been found guilty of a Level One violation,
 9570 except as otherwise provided in this subsection. Any person
 9571 cited for failing to have a required permit or license shall pay
 9572 an additional civil penalty in the amount of the license fee
 9573 required.

9574 (d) Any person cited for an infraction under this
 9575 subsection may:

9576 1. Post a bond, which shall be equal in amount to the
 9577 applicable civil penalty; or

9578 2. Sign and accept a citation indicating a promise to
 9579 appear before the county court. The officer may indicate on the

9580 citation the time and location of the scheduled hearing and
 9581 shall indicate the applicable civil penalty.

9582 (e) Any person charged with a noncriminal infraction under
 9583 this subsection may:

9584 1. Pay the civil penalty, either by mail or in person,
 9585 within 30 days after the date of receiving the citation; or

9586 2. If the person has posted bond, forfeit bond by not
 9587 appearing at the designated time and location.

9588 (f) If the person cited follows either of the procedures
 9589 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
 9590 deemed to have admitted the infraction and to have waived his or
 9591 her right to a hearing on the issue of commission of the
 9592 infraction. Such admission shall not be used as evidence in any
 9593 other proceedings except to determine the appropriate fine for
 9594 any subsequent violations.

9595 (g) Any person who willfully refuses to post bond or
 9596 accept and sign a summons commits a misdemeanor of the second
 9597 degree, punishable as provided in s. 775.082 or s. 775.083. Any
 9598 person who fails to pay the civil penalty specified in this
 9599 subsection within 30 days after being cited for a noncriminal
 9600 infraction or to appear before the court pursuant to this
 9601 subsection commits a misdemeanor of the second degree,
 9602 punishable as provided in s. 775.082 or s. 775.083.

9603 (h) Any person electing to appear before the county court
 9604 or who is required to appear shall be deemed to have waived the
 9605 limitations on the civil penalty specified in paragraph (c). The
 9606 court, after a hearing, shall make a determination as to whether
 9607 an infraction has been committed. If the commission of an

9608 | infraction has been proven, the court may impose a civil penalty
 9609 | not less than those amounts in paragraph (c) and not to exceed
 9610 | \$500.

9611 | (i) At a hearing under this chapter, the commission of a
 9612 | charged infraction must be proved beyond a reasonable doubt.

9613 | (j) If a person is found by the hearing official to have
 9614 | committed an infraction, she or he may appeal that finding to
 9615 | the circuit court.

9616 | (2) LEVEL TWO.--Unless otherwise provided by law, the
 9617 | following classifications and penalties apply:

9618 | (a) A person commits a Level Two violation if he or she
 9619 | violates any of the following provisions:

9620 | 1. Unless otherwise stated in subsection (1), rules or
 9621 | orders of the commission that require a person to pay a fee to
 9622 | obtain a permit to possess captive wildlife or that require the
 9623 | maintenance of records relating to captive wildlife.

9624 | 2. Rules or orders of the commission relating to captive
 9625 | wildlife not specified in subsection (1) or subsection (3).

9626 | 3. Rules or orders of the commission that require housing
 9627 | of wildlife in a safe manner when a violation results in an
 9628 | escape of wildlife other than Class I wildlife.

9629 | 4. Section 379.372 ~~372.86~~, relating to capturing, keeping,
 9630 | possessing, transporting, or exhibiting venomous reptiles or
 9631 | reptiles of concern.

9632 | 5. Section 379.373 ~~372.87~~, relating to requiring a license
 9633 | or permit for the capturing, keeping, possessing, or exhibiting
 9634 | of venomous reptiles or reptiles of concern.

9635 6. Section 379.374 ~~372.88~~, relating to bonding
 9636 requirements for public exhibits of venomous reptiles.
 9637 7. Section 379.305 ~~372.92~~, relating to commission rules
 9638 and regulations to prevent the escape of venomous reptiles or
 9639 reptiles of concern.
 9640 8. Section 379.304 ~~372.921~~, relating to exhibition or sale
 9641 of wildlife.
 9642 9. Section 379.3762 ~~372.922~~, relating to personal
 9643 possession of wildlife.
 9644 (b) A person who commits any offense classified as a Level
 9645 Two violation and who has not been convicted of a Level Two or
 9646 higher violation within the past 3 years commits a misdemeanor
 9647 of the second degree, punishable as provided in s. 775.082 or s.
 9648 775.083.
 9649 (c) Unless otherwise stated in this subsection, a person
 9650 who commits any offense classified as a Level Two violation
 9651 within a 3-year period of any previous conviction of a Level Two
 9652 or higher violation commits a misdemeanor of the first degree,
 9653 punishable as provided in s. 775.082 or s. 775.083 with a
 9654 minimum mandatory fine of \$250.
 9655 (d) Unless otherwise stated in this subsection, a person
 9656 who commits any offense classified as a Level Two violation
 9657 within a 5-year period of any two previous convictions of Level
 9658 Two or higher violations commits a misdemeanor of the first
 9659 degree, punishable as provided in s. 775.082 or s. 775.083, with
 9660 a minimum mandatory fine of \$500 and a suspension of all
 9661 licenses issued under this chapter related to captive wildlife
 9662 for 1 year.

9663 (e) A person who commits any offense classified as a Level
 9664 Two violation within a 10-year period of any three previous
 9665 convictions of Level Two or higher violations commits a
 9666 misdemeanor of the first degree, punishable as provided in s.
 9667 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
 9668 a suspension of all licenses issued under this chapter related
 9669 to captive wildlife for 3 years.

9670 (3) LEVEL THREE.--Unless otherwise provided by law, the
 9671 following classifications and penalties apply:

9672 (a) A person commits a Level Three violation if he or she
 9673 violates any of the following provisions:

9674 1. Rules or orders of the commission that require housing
 9675 of wildlife in a safe manner when a violation results in an
 9676 escape of Class I wildlife.

9677 2. Rules or orders of the commission related to captive
 9678 wildlife when the violation results in serious bodily injury to
 9679 another person by captive wildlife that consists of a physical
 9680 condition that creates a substantial risk of death, serious
 9681 personal disfigurement, or protracted loss or impairment of the
 9682 function of any bodily member or organ.

9683 3. Rules or orders of the commission relating to the use
 9684 of gasoline or other chemical or gaseous substances on wildlife.

9685 4. Rules or orders of the commission prohibiting the
 9686 release of wildlife for which only conditional possession is
 9687 allowed.

9688 5. Rules or orders of the commission prohibiting knowingly
 9689 entering false information on an application for a license or

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9690 permit when the license or permit is to possess wildlife in
 9691 captivity.

9692 6. Rules or orders of the commission, relating to the
 9693 illegal importation and possession of nonindigenous marine
 9694 plants and animals.

9695 7. Rules or orders of the commission relating to the
 9696 importation, possession, or release of fish and wildlife for
 9697 which possession is prohibited.

9698 8. ~~6.~~ Section 379.231 ~~372.265~~, relating to illegal
 9699 importation or introduction of foreign wildlife.

9700 ~~7. Section 370.081, relating to the illegal importation~~
 9701 ~~and possession of nonindigenous marine plants and animals.~~

9702 9. ~~8.~~ Section 379.305 ~~372.92~~, relating to release or
 9703 escape of nonnative venomous reptiles or reptiles of concern.

9704 ~~9. Rules or orders of the commission relating to the~~
 9705 ~~importation, possession, or release of fish and wildlife for~~
 9706 ~~which possession is prohibited.~~

9707 (b)1. A person who commits any offense classified as a
 9708 Level Three violation and who has not been convicted of a Level
 9709 Three or higher violation within the past 10 years commits a
 9710 misdemeanor of the first degree, punishable as provided in s.
 9711 775.082 or s. 775.083.

9712 2. A person who commits any offense classified as a Level
 9713 Three violation within a 10-year period of any previous
 9714 conviction of a Level Three or higher violation commits a
 9715 misdemeanor of the first degree, punishable as provided in s.
 9716 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and

9717 permanent revocation of all licenses or permits to possess
 9718 captive wildlife issued under this chapter.

9719 (4) LEVEL FOUR.--Unless otherwise provided by law, the
 9720 following classifications and penalties apply:

9721 (a) A person commits a Level Four violation if he or she
 9722 violates any Level Three provision after the permanent
 9723 revocation of a license or permit.

9724 (b) A person who commits any offense classified as a Level
 9725 Four violation commits a felony of the third degree, punishable
 9726 as provided in s. 775.082 or s. 775.083.

9727 (5) SUSPENSION OR REVOCATION OF LICENSE.--The court may
 9728 order the suspension or revocation of any license or permit
 9729 issued to a person to possess captive wildlife pursuant to this
 9730 chapter if that person commits a criminal offense or a
 9731 noncriminal infraction as specified under this section.

9732 (6) CONVICTION DEFINED.--For purposes of this section, the
 9733 term "conviction" means any judicial disposition other than
 9734 acquittal or dismissal.

9735 (7) COMMISSION LIMITATIONS.--Nothing in this section shall
 9736 limit the commission from suspending or revoking any license to
 9737 possess wildlife in captivity by administrative action in
 9738 accordance with chapter 120. For purposes of administrative
 9739 action, a conviction of a criminal offense shall mean any
 9740 judicial disposition other than acquittal or dismissal.

9741 Section 168. Section 370.1107, Florida Statutes, is
 9742 renumbered as section 379.402, Florida Statutes, to read:

9743 379.402 ~~370.1107~~ Definition; possession of certain
 9744 licensed traps prohibited; penalties; exceptions; consent.--

9745 (1) As used in this section, the term "licensed saltwater
 9746 fisheries trap" means any trap required to be licensed by the
 9747 Fish and Wildlife Conservation Commission and authorized by the
 9748 commission for the taking of saltwater products.

9749 (2) It is unlawful for any person, firm, corporation, or
 9750 association to be in actual or constructive possession of a
 9751 licensed saltwater fisheries trap registered with the Fish and
 9752 Wildlife Conservation Commission in another person's, firm's,
 9753 corporation's, or association's name.

9754 (a) Unlawful possession of less than three licensed
 9755 saltwater fisheries traps is a misdemeanor of the first degree,
 9756 punishable as provided in s. 775.082 or s. 775.083.

9757 (b) Unlawful possession of three or more licensed
 9758 saltwater fisheries traps is a felony of the third degree,
 9759 punishable as provided in s. 775.082 or s. 775.083.

9760 (c) Upon receipt of any judicial disposition other than
 9761 dismissal or acquittal on a charge of violating this section or
 9762 any provision of law or rule making unlawful the possession of
 9763 another's saltwater fishing trap, a person shall permanently
 9764 lose all saltwater fishing privileges, including licenses, trap
 9765 certificates, and the ability to transfer trap certificates.

9766 (3) It is unlawful for any person, firm, corporation, or
 9767 association to possess, attempt to possess, interfere with,
 9768 attempt to interfere with, or remove live bait from a live bait
 9769 trap or cage of another person, firm, corporation, or
 9770 association. Unlawful possession of one or more live bait traps
 9771 or cages is a misdemeanor of the first degree, punishable as
 9772 provided in s. 775.082 or s. 775.083.

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9773 (4) This section shall not apply to the agents or
 9774 employees of the registered owner of the licensed saltwater
 9775 fisheries trap or to a person, firm, corporation, or association
 9776 who has the written consent from the owner of the licensed
 9777 saltwater fisheries trap, to possess such licensed saltwater
 9778 fisheries trap, or to agents or employees of the Fish and
 9779 Wildlife Conservation Commission who are engaged in the removal
 9780 of traps during the closed season.

9781 (5) The registered owner of the licensed saltwater
 9782 fisheries trap shall provide the Fish and Wildlife Conservation
 9783 Commission with the names of any agents, employees, or any other
 9784 person, firm, company, or association to whom the registered
 9785 owner has given consent to possess said licensed saltwater
 9786 fisheries trap.

9787 Section 169. Section 372.7015, Florida Statutes, is
 9788 renumbered as section 379.403, Florida Statutes, and amended to
 9789 read:

9790 379.403 ~~372.7015~~ Illegal killing, taking, possessing, or
 9791 selling wildlife or game; fines; disposition of fines.--In
 9792 addition to any other penalty provided by law, any person who
 9793 violates the criminal provisions of this chapter and rules
 9794 adopted pursuant to this chapter by illegally killing, taking,
 9795 possessing, or selling game or fur-bearing animals as defined in
 9796 s. 379.101 (19) or (20) ~~372.001(10) or (11)~~ in or out of season
 9797 while violating chapter 810 shall pay a fine of \$250 for each
 9798 such violation, plus court costs and any restitution ordered by
 9799 the court. All fines collected under this section shall be
 9800 remitted by the clerk of the court to the Department of Revenue

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9801 to be deposited into the Fish and Wildlife Conservation
 9802 Commission's State Game Trust Fund.

9803 Section 170. Section 372.99, Florida Statutes, is
 9804 renumbered as section 379.404, Florida Statutes, and amended to
 9805 read:

9806 379.404 ~~372.99~~ Illegal taking and possession of deer and
 9807 wild turkey; evidence; penalty.--

9808 (1) Whoever takes or kills any deer or wild turkey, or
 9809 possesses a freshly killed deer or wild turkey, during the
 9810 closed season prescribed by law or by the rules and regulations
 9811 of the Fish and Wildlife Conservation Commission, or whoever
 9812 takes or attempts to take any deer or wild turkey by the use of
 9813 gun and light in or out of closed season, commits a Level Three
 9814 violation under s. 379.401 ~~372.83~~ and shall forfeit any license
 9815 or permit issued to her or him under the provisions of this
 9816 chapter. No license shall be issued to such person for a period
 9817 of 3 years following any such violation on the first offense.
 9818 Any person guilty of a second or subsequent violation shall be
 9819 permanently ineligible for issuance of a license or permit
 9820 thereafter.

9821 (2) The display or use of a light in a place where deer
 9822 might be found and in a manner capable of disclosing the
 9823 presence of deer, together with the possession of firearms or
 9824 other weapons customarily used for the taking of deer, between 1
 9825 hour after sunset and 1 hour before sunrise, shall be prima
 9826 facie evidence of an intent to violate the provisions of
 9827 subsection (1). This subsection does not apply to an owner or
 9828 her or his employee when patrolling or inspecting the land of

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9829 | the owner, provided the employee has satisfactory proof of
 9830 | employment on her or his person.

9831 | (3) Whoever takes or kills any doe deer; fawn or baby
 9832 | deer; or deer, whether male or female, which does not have one
 9833 | or more antlers at least 5 inches in length, except as provided
 9834 | by law or the rules of the Fish and Wildlife Conservation
 9835 | Commission, during the open season prescribed by the rules of
 9836 | the commission, commits a Level Three violation under s. 379.401
 9837 | ~~372.83~~ and may be required to forfeit any license or permit
 9838 | issued to such person for a period of 3 years following any such
 9839 | violation on the first offense. Any person guilty of a second or
 9840 | subsequent violation shall be permanently ineligible for
 9841 | issuance of a license or permit thereafter.

9842 | (4) Any person who cultivates agricultural crops may apply
 9843 | to the Fish and Wildlife Conservation Commission for a permit to
 9844 | take or kill deer on land which that person is currently
 9845 | cultivating. When said person can show, to the satisfaction of
 9846 | the Fish and Wildlife Conservation Commission, that such taking
 9847 | or killing of deer is justified because of damage to the
 9848 | person's crops caused by deer, the Fish and Wildlife
 9849 | Conservation Commission may issue a limited permit to the
 9850 | applicant to take or kill deer without being in violation of
 9851 | subsection (1) or subsection (3).

9852 | (5) Whoever possesses for sale or sells deer or wild
 9853 | turkey taken in violation of this chapter or the rules and
 9854 | regulations of the commission commits a Level Four violation
 9855 | under s. 379.401 ~~372.83~~.

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9856 (6) Any person who enters upon private property and shines
 9857 lights upon such property, without the express permission of the
 9858 owner of the property and with the intent to take deer by
 9859 utilizing such shining lights, commits a Level Three violation
 9860 under s. 379.401 ~~372.83~~.

9861 Section 171. Section 372.99022, Florida Statutes, is
 9862 renumbered as section 379.405, Florida Statutes, and amended to
 9863 read:

9864 379.405 ~~372.99022~~ Illegal molestation of or theft from
 9865 freshwater fishing gear.--

9866 (1)(a) Any person, firm, or corporation that willfully
 9867 molests any authorized and lawfully permitted freshwater fishing
 9868 gear belonging to another without the express written consent of
 9869 the owner commits a Level Four violation under s. 379.401
 9870 ~~372.83~~. Any written consent must be available for immediate
 9871 inspection.

9872 (b) Any person, firm, or corporation that willfully
 9873 removes the contents of any authorized and lawfully permitted
 9874 freshwater fishing gear belonging to another without the express
 9875 written consent of the owner commits a Level Four violation
 9876 under s. 379.401 ~~372.83~~. Any written consent must be available
 9877 for immediate inspection.

9878
 9879 A person, firm, or corporation that receives a citation for a
 9880 violation of this subsection is prohibited, immediately upon
 9881 receipt of such citation and until adjudicated or convicted of a
 9882 felony under this subsection, from transferring any
 9883 endorsements.

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9884 (2) Any person, firm, or corporation convicted pursuant to
 9885 subsection (1) of removing the contents of freshwater fishing
 9886 gear without the express written consent of the owner shall
 9887 permanently lose all of his or her freshwater and saltwater
 9888 fishing privileges, including his or her recreational and
 9889 commercial licenses and endorsements, and shall be assessed an
 9890 administrative penalty of not more than \$5,000. The endorsements
 9891 of such person, firm, or corporation are not transferable.

9892 (3) For purposes of this section, the term "freshwater
 9893 fishing gear" means haul seines, slat baskets, wire traps, hoop
 9894 nets, or pound nets, and includes the lines or buoys attached
 9895 thereto.

9896 Section 172. Section 372.9903, Florida Statutes, is
 9897 renumbered as section 379.406, Florida Statutes, and amended to
 9898 read:

9899 379.406 ~~372.9903~~ Illegal possession or transportation of
 9900 freshwater game fish in commercial quantities; penalty.--

9901 (1) Whoever possesses, moves, or transports any black
 9902 bass, bream, speckled perch, or other freshwater game fish in
 9903 commercial quantities in violation of law or the rules of the
 9904 Fish and Wildlife Conservation Commission commits a Level Three
 9905 violation under s. 379.401 ~~372.83~~.

9906 (2) For the purposes of this section "commercial
 9907 quantities" shall be deemed to be a quantity of freshwater game
 9908 fish of 150 or more pounds, and the possession, movement, or
 9909 transportation of freshwater game fish in excess of such weight
 9910 shall constitute prima facie evidence of possession or
 9911 transportation for commercial purposes.

9912 Section 173. Subsections (1), (2), (3), (4), (5), (6),
 9913 (11), and (12) of section 370.021, Florida Statutes, are
 9914 renumbered as section 379.407, Florida Statutes, and amended to
 9915 read:

9916 379.407 ~~370.021~~ Administration; rules, publications,
 9917 records; penalties; injunctions.--

9918 (1) BASE PENALTIES.--Unless otherwise provided by law, any
 9919 person, firm, or corporation who violates any provision of this
 9920 chapter, or any rule of the Fish and Wildlife Conservation
 9921 Commission relating to the conservation of marine resources,
 9922 shall be punished:

9923 (a) Upon a first conviction, by imprisonment for a period
 9924 of not more than 60 days or by a fine of not less than \$100 nor
 9925 more than \$500, or by both such fine and imprisonment.

9926 (b) On a second or subsequent conviction within 12 months,
 9927 by imprisonment for not more than 6 months or by a fine of not
 9928 less than \$250 nor more than \$1,000, or by both such fine and
 9929 imprisonment.

9930
 9931 Upon final disposition of any alleged offense for which a
 9932 citation for any violation of this chapter or the rules of the
 9933 commission has been issued, the court shall, within 10 days,
 9934 certify the disposition to the commission.

9935 (2) MAJOR VIOLATIONS.--In addition to the penalties
 9936 provided in paragraphs (1)(a) and (b), the court shall assess
 9937 additional penalties against any commercial harvester convicted
 9938 of major violations as follows:

9939 (a) For a violation involving more than 100 illegal blue
 9940 crabs, spiny lobster, or stone crabs, an additional penalty of
 9941 \$10 for each illegal blue crab, spiny lobster, stone crab, or
 9942 part thereof.

9943 (b)1. For a violation involving the taking or harvesting
 9944 of shrimp from a nursery or other prohibited area, or any two
 9945 violations within a 12-month period involving shrimping gear,
 9946 minimum size (count), or season, an additional penalty of \$10
 9947 for each pound of illegal shrimp or part thereof.

9948 2. For violations involving the taking of shrimp in
 9949 certain closed areas:

9950 a. Any person convicted of taking shrimp in Santa Rosa
 9951 Sound in violation of commission rule designating a closed area
 9952 shall have his or her saltwater products license and the
 9953 saltwater products license of the boat involved in the violation
 9954 revoked. If the person holds such a license, he or she shall be
 9955 ineligible to make application for such a license for a period
 9956 of 2 years from the date of such conviction. If a person not
 9957 having a license is convicted hereunder, that person and the
 9958 boat involved in the violation shall not be eligible for such a
 9959 license for 5 years.

9960 b. A third or subsequent violation by any person of the
 9961 designated closure to shrimping in Santa Rosa Sound within a 3-
 9962 year period is a felony of the third degree, punishable as
 9963 provided in s. 775.082, s. 775.083, or s. 775.084.

9964 c. A second or any subsequent violation by any person for
 9965 taking shrimp in a food shrimp production closed area in a
 9966 portion of Monroe County designated by the commission is a

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9967 felony of the third degree, punishable as provided in s. 775.082
 9968 or s. 775.083.

9969 d. A third or any subsequent violation by the owner or
 9970 master of any vessel engaged in food shrimp production in the
 9971 Tortugas Shrimp Beds closed area designated by the commission
 9972 within a 3-year period shall be a felony of the third degree,
 9973 punishable as provided in ss. 775.082 and 775.083.

9974 (c) For a violation involving the taking or harvesting of
 9975 oysters from nonapproved areas or the taking or possession of
 9976 unculled oysters, an additional penalty of \$10 for each bushel
 9977 of illegal oysters.

9978 (d) For a violation involving the taking or harvesting of
 9979 clams from nonapproved areas, an additional penalty of \$100 for
 9980 each 500 count bag of illegal clams.

9981 (e) For a violation involving the taking, harvesting, or
 9982 possession of any of the following species, which are
 9983 endangered, threatened, or of special concern:

- 9984 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 9985 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 9986 3. Common snook (*Centropomus undecimalis*);
- 9987 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 9988 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 9989 6. Leatherback turtle (*Dermochelys coriacea*);
- 9990 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
 9991 *imbracata*);
- 9992 8. Atlantic ridley turtle (*Lepidochelys kemp*); or
- 9993 9. West Indian manatee (*Trichechus manatus latirostris*),

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9995 | an additional penalty of \$100 for each unit of marine life or
 9996 | part thereof.

9997 | (f) For a second or subsequent conviction within 24 months
 9998 | for any violation of the same law or rule involving the taking
 9999 | or harvesting of more than 100 pounds of any finfish, an
 10000 | additional penalty of \$5 for each pound of illegal finfish.

10001 | (g) For any violation involving the taking, harvesting, or
 10002 | possession of more than 1,000 pounds of any illegal finfish, an
 10003 | additional penalty equivalent to the wholesale value of the
 10004 | illegal finfish.

10005 | (h) Permits issued to any commercial harvester by the
 10006 | commission to take or harvest saltwater products, or any license
 10007 | issued pursuant to s. 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~ may be
 10008 | suspended or revoked by the commission, pursuant to the
 10009 | provisions and procedures of s. 120.60, for any major violation
 10010 | prescribed in this subsection:

- 10011 | 1. Upon a first conviction, for up to 30 calendar days.
- 10012 | 2. Upon a second conviction which occurs within 12 months
 10013 | after a prior violation, for up to 90 calendar days.
- 10014 | 3. Upon a third conviction which occurs within 24 months
 10015 | after a prior conviction, for up to 180 calendar days.
- 10016 | 4. Upon a fourth conviction which occurs within 36 months
 10017 | after a prior conviction, for a period of 6 months to 3 years.

10018 | (i) Upon the arrest and conviction for a major violation
 10019 | involving stone crabs, the licenseholder must show just cause
 10020 | why his or her license should not be suspended or revoked. For
 10021 | the purposes of this paragraph, a "major violation" means a
 10022 | major violation as prescribed for illegal stone crabs; any

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10023 single violation involving possession of more than 25 stone
 10024 crabs during the closed season or possession of 25 or more
 10025 whole-bodied or egg-bearing stone crabs; any violation for trap
 10026 molestation, trap robbing, or pulling traps at night; or any
 10027 combination of violations in any 3-consecutive-year period
 10028 wherein more than 75 illegal stone crabs in the aggregate are
 10029 involved.

10030 (j) Upon the arrest and conviction for a major violation
 10031 involving spiny lobster, the licenseholder must show just cause
 10032 why his or her license should not be suspended or revoked. For
 10033 the purposes of this paragraph, a "major violation" means a
 10034 major violation as prescribed for illegal spiny lobster; any
 10035 single violation involving possession of more than 25 spiny
 10036 lobster during the closed season or possession of more than 25
 10037 wrung spiny lobster tails or more than 25 egg-bearing or
 10038 stripped spiny lobster; any violation for trap molestation, trap
 10039 robbing, or pulling traps at night; or any combination of
 10040 violations in any 3-consecutive-year period wherein more than 75
 10041 illegal spiny lobster in the aggregate are involved.

10042 (k) Upon the arrest and conviction for a major violation
 10043 involving blue crabs, the licenseholder shall show just cause
 10044 why his or her saltwater products license should not be
 10045 suspended or revoked. This paragraph shall not apply to an
 10046 individual fishing with no more than five traps. For the
 10047 purposes of this paragraph, a "major violation" means a major
 10048 violation as prescribed for illegal blue crabs, any single
 10049 violation wherein 50 or more illegal blue crabs are involved;
 10050 any violation for trap molestation, trap robbing, or pulling

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10051 traps at night; or any combination of violations in any 3-
 10052 consecutive-year period wherein more than 100 illegal blue crabs
 10053 in the aggregate are involved.

10054 (l) Upon the conviction for a major violation involving
 10055 finfish, the licenseholder must show just cause why his or her
 10056 saltwater products license should not be suspended or revoked.
 10057 For the purposes of this paragraph, a major violation is
 10058 prescribed for the taking and harvesting of illegal finfish, any
 10059 single violation involving the possession of more than 100
 10060 pounds of illegal finfish, or any combination of violations in
 10061 any 3-consecutive-year period wherein more than 200 pounds of
 10062 illegal finfish in the aggregate are involved.

10063 (m) For a violation involving the taking or harvesting of
 10064 any marine life species, as those species are defined by rule of
 10065 the commission, the harvest of which is prohibited, or the
 10066 taking or harvesting of such a species out of season, or with an
 10067 illegal gear or chemical, or any violation involving the
 10068 possession of 25 or more individual specimens of marine life
 10069 species, or any combination of violations in any 3-year period
 10070 involving more than 70 such specimens in the aggregate, the
 10071 suspension or revocation of the licenseholder's marine life
 10072 endorsement as provided in paragraph (h).

10073
 10074 The penalty provisions of this subsection apply to commercial
 10075 harvesters and wholesale and retail dealers as defined in s.
 10076 379.362 ~~370.07~~. Any other person who commits a major violation
 10077 under this subsection commits a Level Three violation under s.
 10078 379.401 ~~372.83~~. Notwithstanding the provisions of s. 948.01, no

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10079 court may suspend, defer, or withhold adjudication of guilt or
 10080 imposition of sentence for any major violation prescribed in
 10081 this subsection. The proceeds from the penalties assessed
 10082 pursuant to this subsection shall be deposited into the Marine
 10083 Resources Conservation Trust Fund to be used for marine
 10084 fisheries research ~~or into the commission's Federal Law~~
 10085 ~~Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

10086 (3) PENALTIES FOR USE OF ILLEGAL NETS.--

10087 (a) It is a major violation pursuant to this section,
 10088 punishable as provided in paragraph (b) for any person, firm, or
 10089 corporation to be simultaneously in possession of any species of
 10090 mullet in excess of the recreational daily bag limit and any
 10091 gill or other entangling net as defined in s. 16(c), Art. X of
 10092 the State Constitution. Simultaneous possession under this
 10093 provision shall include possession of mullet and gill or other
 10094 entangling nets on separate vessels or vehicles where such
 10095 vessels or vehicles are operated in coordination with one
 10096 another including vessels towed behind a main vessel. This
 10097 subsection does not prohibit a resident of this state from
 10098 transporting on land, from Alabama to this state, a commercial
 10099 quantity of mullet together with a gill net if:

10100 1. The person possesses a valid commercial fishing license
 10101 that is issued by the State of Alabama and that allows the
 10102 person to use a gill net to legally harvest mullet in commercial
 10103 quantities from Alabama waters.

10104 2. The person possesses a trip ticket issued in Alabama
 10105 and filled out to match the quantity of mullet being

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10106 transported, and the person is able to present such trip ticket
 10107 immediately upon entering this state.

10108 3. The mullet are to be sold to a wholesale saltwater
 10109 products dealer located in Escambia County or Santa Rosa County,
 10110 which dealer also possesses a valid seafood dealer's license
 10111 issued by the State of Alabama. The dealer's name must be
 10112 clearly indicated on the trip ticket.

10113 4. The mullet being transported are totally removed from
 10114 any net also being transported.

10115 (b)1. A flagrant violation of any rule or statute which
 10116 implements s. 16(b), Art. X of the State Constitution shall be
 10117 considered a felony of the third degree, punishable as provided
 10118 in s. 775.082 or s. 775.083. For purposes of this paragraph, a
 10119 flagrant violation shall be the illegal possession or use of a
 10120 monofilament net or a net with a mesh area larger than 2,000
 10121 square feet. A violation means any judicial disposition other
 10122 than acquittal or dismissal.

10123 2. In addition to being subject to the other penalties
 10124 provided in this chapter, any violation of s. 16(b), Art. X of
 10125 the State Constitution, or any statute or rule of the commission
 10126 which implements the gear prohibitions and restrictions
 10127 specified therein shall be considered a major violation; and any
 10128 person, firm, or corporation receiving any judicial disposition
 10129 other than acquittal or dismissal of such violation shall be
 10130 subject to the following additional penalties:

10131 a. For a first major violation within a 7-year period, a
 10132 civil penalty of \$2,500 and suspension of all saltwater products

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10133 license privileges for 90 calendar days following final
 10134 disposition shall be imposed.

10135 b. For a second major violation under this subparagraph
 10136 charged within 7 years of a previous judicial disposition, which
 10137 results in a second judicial disposition other than acquittal or
 10138 dismissal, a civil penalty of \$5,000 and suspension of all
 10139 saltwater products license privileges for 12 months shall be
 10140 imposed.

10141 c. For a third or subsequent major violation under this
 10142 subparagraph, charged within a 7-year period, resulting in a
 10143 third or subsequent judicial disposition other than acquittal or
 10144 dismissal, a civil penalty of \$5,000, lifetime revocation of the
 10145 saltwater products license, and forfeiture of all gear and
 10146 equipment used in the violation shall be imposed.

10147 d. For a first flagrant violation under this subparagraph,
 10148 a civil penalty of \$5,000 and a suspension of all saltwater
 10149 license privileges for 12 months shall be imposed. For a second
 10150 or subsequent flagrant violation under this subparagraph, a
 10151 civil penalty of \$5,000, a lifetime revocation of the saltwater
 10152 products license, and the forfeiture of all gear and equipment
 10153 used in the violation shall be imposed.

10154
 10155 A court may suspend, defer, or withhold adjudication of guilt or
 10156 imposition of sentence only for any first violation of s. 16,
 10157 Art. X of the State Constitution, or any rule or statute
 10158 implementing its restrictions, determined by a court only after
 10159 consideration of competent evidence of mitigating circumstances
 10160 to be a nonflagrant or minor violation of those restrictions

10161 upon the use of nets. Any violation of s. 16, Art. X of the
 10162 State Constitution, or any rule or statute implementing its
 10163 restrictions, occurring within a 7-year period commencing upon
 10164 the conclusion of any judicial proceeding resulting in any
 10165 outcome other than acquittal shall be punished as a second,
 10166 third, or subsequent violation accordingly.

10167 (c) During the period of suspension or revocation of
 10168 saltwater license privileges under this subsection, the licensee
 10169 shall not participate in the taking or harvesting, or attempt
 10170 the taking or harvesting, of saltwater products from any vessel
 10171 within the waters of the state; be aboard any vessel on which a
 10172 commercial quantity of saltwater products is possessed through
 10173 an activity requiring a license pursuant to this section; or
 10174 engage in any other activity requiring a license, permit, or
 10175 certificate issued pursuant to this chapter. Any person who is
 10176 convicted of violating this paragraph:

10177 1. Upon a first or second conviction, is guilty of a
 10178 misdemeanor of the first degree, punishable as provided in s.
 10179 775.082 or s. 775.083.

10180 2. Upon a third or subsequent conviction, is guilty of a
 10181 felony of the third degree, punishable as provided in s.
 10182 775.082, s. 775.083, or s. 775.084.

10183 (d) Upon reinstatement of saltwater license privileges
 10184 suspended pursuant to a violation of this subsection, a licensee
 10185 owning or operating a vessel containing or otherwise
 10186 transporting in or on Florida waters any gill net or other
 10187 entangling net, or containing or otherwise transporting in
 10188 nearshore and inshore Florida waters any net containing more

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10189 | than 500 square feet of mesh area shall remain restricted for a
 10190 | period of 12 months following reinstatement, to operating under
 10191 | the following conditions:

10192 | 1. Vessels subject to this reinstatement period shall be
 10193 | restricted to the corridors established by commission rule.

10194 | 2. A violation of the reinstatement period provisions
 10195 | shall be punishable pursuant to paragraphs (1)(a) and (b).

10196 | (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
 10197 | CERTAIN FINFISH.--

10198 | (a) It is a major violation under this section for any
 10199 | person to be in possession of any species of trout, snook, or
 10200 | redfish which is three fish in excess of the recreational or
 10201 | commercial daily bag limit.

10202 | (b) A commercial harvester who violates this subsection
 10203 | shall be punished as provided under paragraph (3)(b). Any other
 10204 | person who violates this subsection commits a Level Three
 10205 | violation under s. 379.401 ~~372.83~~.

10206 | (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
 10207 | HARVESTED PRODUCTS.--In addition to other penalties authorized
 10208 | in this chapter, any violation of s. 379.361 ~~370.06~~ or s.
 10209 | 379.362 ~~370.07~~, or rules of the commission implementing s.
 10210 | 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~, involving the purchase of
 10211 | saltwater products by a commercial wholesale dealer, retail
 10212 | dealer, or restaurant facility for public consumption from an
 10213 | unlicensed person, firm, or corporation, or the purchase or sale
 10214 | of any saltwater product known to be taken in violation of s.
 10215 | 16, Art. X of the State Constitution, or rule or statute
 10216 | implementing the provisions thereof, by a commercial wholesale

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10217 dealer, retail dealer, or restaurant facility, for public
 10218 consumption, is a major violation, and the commission may assess
 10219 the following penalties:

10220 (a) For a first violation, the commission may assess a
 10221 civil penalty of up to \$2,500 and may suspend the wholesale or
 10222 retail dealer's license privileges for up to 90 calendar days.

10223 (b) For a second violation occurring within 12 months of a
 10224 prior violation, the commission may assess a civil penalty of up
 10225 to \$5,000 and may suspend the wholesale or retail dealer's
 10226 license privileges for up to 180 calendar days.

10227 (c) For a third or subsequent violation occurring within a
 10228 24-month period, the commission shall assess a civil penalty of
 10229 \$5,000 and shall suspend the wholesale or retail dealer's
 10230 license privileges for up to 24 months.

10231
 10232 Any proceeds from the civil penalties assessed pursuant to this
 10233 subsection shall be deposited into the Marine Resources
 10234 Conservation Trust Fund and shall be used as follows: 40 percent
 10235 for administration and processing purposes and 60 percent for
 10236 law enforcement purposes.

10237 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
 10238 HARVEST.--It is a major violation and punishable as provided in
 10239 this subsection for any unlicensed person, firm, or corporation
 10240 who is required to be licensed under this chapter as a
 10241 commercial harvester or a wholesale or retail dealer to sell or
 10242 purchase any saltwater product or to harvest or attempt to
 10243 harvest any saltwater product with intent to sell the saltwater
 10244 product.

10245 (a) Any person, firm, or corporation who sells or
 10246 purchases any saltwater product without having purchased the
 10247 licenses required by this chapter for such sale is subject to
 10248 penalties as follows:

10249 1. A first violation is a misdemeanor of the second
 10250 degree, punishable as provided in s. 775.082 or s. 775.083.

10251 2. A second violation is a misdemeanor of the first
 10252 degree, punishable as provided in s. 775.082 or s. 775.083, and
 10253 such person may also be assessed a civil penalty of up to \$2,500
 10254 and is subject to a suspension of all license privileges under
 10255 this chapter ~~and chapter 372~~ for a period not exceeding 90 days.

10256 3. A third violation is a misdemeanor of the first degree,
 10257 punishable as provided in s. 775.082 or s. 775.083, with a
 10258 mandatory minimum term of imprisonment of 6 months, and such
 10259 person may also be assessed a civil penalty of up to \$5,000 and
 10260 is subject to a suspension of all license privileges under this
 10261 chapter ~~and chapter 372~~ for a period not exceeding 6 months.

10262 4. A third violation within 1 year after a second
 10263 violation is a felony of the third degree, punishable as
 10264 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10265 term of imprisonment of 1 year, and such person shall be
 10266 assessed a civil penalty of \$5,000 and all license privileges
 10267 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10268 5. A fourth or subsequent violation is a felony of the
 10269 third degree, punishable as provided in s. 775.082 or s.
 10270 775.083, with a mandatory minimum term of imprisonment of 1
 10271 year, and such person shall be assessed a civil penalty of

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10272 \$5,000 and all license privileges under this chapter ~~and chapter~~
 10273 ~~372~~ shall be permanently revoked.

10274 (b) Any person whose license privileges under this chapter
 10275 have been permanently revoked and who thereafter sells or
 10276 purchases or who attempts to sell or purchase any saltwater
 10277 product commits a felony of the third degree, punishable as
 10278 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10279 term of imprisonment of 1 year, and such person shall also be
 10280 assessed a civil penalty of \$5,000. All property involved in
 10281 such offense shall be forfeited pursuant to s. 379.337 ~~370.061~~.

10282 (c) Any commercial harvester or wholesale or retail dealer
 10283 whose license privileges under this chapter are under suspension
 10284 and who during such period of suspension sells or purchases or
 10285 attempts to sell or purchase any saltwater product shall be
 10286 assessed the following penalties:

10287 1. A first violation, or a second violation occurring more
 10288 than 12 months after a first violation, is a first degree
 10289 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
 10290 and such commercial harvester or wholesale or retail dealer may
 10291 be assessed a civil penalty of up to \$2,500 and an additional
 10292 suspension of all license privileges under this chapter ~~and~~
 10293 ~~chapter 372~~ for a period not exceeding 90 days.

10294 2. A second violation occurring within 12 months of a
 10295 first violation is a third degree felony, punishable as provided
 10296 in ss. 775.082 and 775.083, with a mandatory minimum term of
 10297 imprisonment of 1 year, and such commercial harvester or
 10298 wholesale or retail dealer may be assessed a civil penalty of up
 10299 to \$5,000 and an additional suspension of all license privileges

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10300 | under this chapter ~~and chapter 372~~ for a period not exceeding
 10301 | 180 days. All property involved in such offense shall be
 10302 | forfeited pursuant to s. 379.337 ~~370.061~~.

10303 | 3. A third violation within 24 months of the second
 10304 | violation or subsequent violation is a third degree felony,
 10305 | punishable as provided in ss. 775.082 and 775.083, with a
 10306 | mandatory minimum term of imprisonment of 1 year, and such
 10307 | commercial harvester or wholesale or retail dealer shall be
 10308 | assessed a mandatory civil penalty of up to \$5,000 and an
 10309 | additional suspension of all license privileges under this
 10310 | chapter ~~and chapter 372~~ for a period not exceeding 24 months.
 10311 | All property involved in such offense shall be forfeited
 10312 | pursuant to s. 379.337 ~~370.061~~.

10313 | (d) Any commercial harvester who harvests or attempts to
 10314 | harvest any saltwater product with intent to sell the saltwater
 10315 | product without having purchased a saltwater products license
 10316 | with the requisite endorsements is subject to penalties as
 10317 | follows:

10318 | 1. A first violation is a misdemeanor of the second
 10319 | degree, punishable as provided in s. 775.082 or s. 775.083.

10320 | 2. A second violation is a misdemeanor of the first
 10321 | degree, punishable as provided in s. 775.082 or s. 775.083, and
 10322 | such commercial harvester may also be assessed a civil penalty
 10323 | of up to \$2,500 and is subject to a suspension of all license
 10324 | privileges under this chapter ~~and chapter 372~~ for a period not
 10325 | exceeding 90 days.

10326 | 3. A third violation is a misdemeanor of the first degree,
 10327 | punishable as provided in s. 775.082 or s. 775.083, with a

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10328 | mandatory minimum term of imprisonment of 6 months, and such
 10329 | commercial harvester may also be assessed a civil penalty of up
 10330 | to \$5,000 and is subject to a suspension of all license
 10331 | privileges under this chapter ~~and chapter 372~~ for a period not
 10332 | exceeding 6 months.

10333 | 4. A third violation within 1 year after a second
 10334 | violation is a felony of the third degree, punishable as
 10335 | provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10336 | term of imprisonment of 1 year, and such commercial harvester
 10337 | shall also be assessed a civil penalty of \$5,000 and all license
 10338 | privileges under this chapter ~~and chapter 372~~ shall be
 10339 | permanently revoked.

10340 | 5. A fourth or subsequent violation is a felony of the
 10341 | third degree, punishable as provided in s. 775.082 or s.
 10342 | 775.083, with a mandatory minimum term of imprisonment of 1
 10343 | year, and such commercial harvester shall also be assessed a
 10344 | mandatory civil penalty of \$5,000 and all license privileges
 10345 | under this chapter ~~and chapter 372~~ shall be permanently revoked.

10346 |
 10347 | For purposes of this subsection, a violation means any judicial
 10348 | disposition other than acquittal or dismissal.

10349 | (7) ~~(11)~~ REVOCATION OF LICENSES.--Any person licensed under
 10350 | this chapter who has been convicted of taking aquaculture
 10351 | species raised at a certified facility shall have his or her
 10352 | license revoked for 5 years by the commission pursuant to the
 10353 | provisions and procedures of s. 120.60.

10354 | (8) ~~(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
 10355 | purposes of imposing license or permit suspensions or

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10356 | revocations authorized by this chapter, the license or permit
 10357 | under which the violation was committed is subject to suspension
 10358 | or revocation by the commission. For purposes of assessing
 10359 | monetary civil or administrative penalties authorized by this
 10360 | chapter, the commercial harvester cited and subsequently
 10361 | receiving a judicial disposition of other than dismissal or
 10362 | acquittal in a court of law is subject to the monetary penalty
 10363 | assessment by the commission. However, if the license or
 10364 | permitholder of record is not the commercial harvester receiving
 10365 | the citation and judicial disposition, the license or permit may
 10366 | be suspended or revoked only after the license or permitholder
 10367 | has been notified by the commission that the license or permit
 10368 | has been cited in a major violation and is now subject to
 10369 | suspension or revocation should the license or permit be cited
 10370 | for subsequent major violations.

10371 | Section 174. Section 372.84, Florida Statutes, is
 10372 | renumbered as section 379.408, Florida Statutes, to read:

10373 | 379.408 ~~372.84~~ Forfeiture or denial of licenses and
 10374 | permits.--Any person convicted as aforesaid shall forfeit to the
 10375 | state any license or permit that may have been issued to her or
 10376 | him under the provisions of this law, or other law of this state
 10377 | relating to game shall forthwith surrender the same to the
 10378 | court. If such violation occurs in the open season, relating to
 10379 | game, no license or permit shall be issued under the provisions
 10380 | of this law to such person at any time during the remainder of
 10381 | such open season, or if such violation occurs during the closed
 10382 | season no license shall be issued to such person for the open
 10383 | season on game next following.

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10384 Section 175. Section 372.663, Florida Statutes, is
 10385 renumbered as section 379.409, Florida Statutes, to read:
 10386 379.409 ~~372.663~~ Illegal killing, possessing, or capturing
 10387 of alligators or other crocodilia or eggs; confiscation of
 10388 equipment.--

10389 (1) It is unlawful to intentionally kill, injure, possess,
 10390 or capture, or attempt to kill, injure, possess, or capture, an
 10391 alligator or other crocodilian, or the eggs of an alligator or
 10392 other crocodilian, unless authorized by the rules of the Fish
 10393 and Wildlife Conservation Commission. Any person who violates
 10394 this section is guilty of a felony of the third degree,
 10395 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 10396 in addition to such other punishment as may be provided by law.
 10397 Any equipment, including but not limited to weapons, vehicles,
 10398 boats, and lines, used by a person in the commission of a
 10399 violation of any law, rule, regulation, or order relating to
 10400 alligators or other crocodilia or the eggs of alligators or
 10401 other crocodilia shall, upon conviction of such person, be
 10402 confiscated by the Fish and Wildlife Conservation Commission and
 10403 disposed of according to rules and regulations of the
 10404 commission. The arresting officer shall promptly make a return
 10405 of the seizure, describing in detail the property seized and the
 10406 facts and circumstances under which it was seized, including the
 10407 names of all persons known to the officer who have an interest
 10408 in the property.

10409 (2) The commission shall promptly fix the value of the
 10410 property and make return to the clerk of the circuit court of
 10411 the county wherein same was seized. Upon proper showing that any

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10412 such property is owned by, or titled in the name of, any
 10413 innocent party, such property shall be promptly returned to such
 10414 owner.

10415 (3) The provisions of this section shall not vitiate any
 10416 valid lien, retain title contract, or chattel mortgage on such
 10417 property in effect as of the time of such seizure.

10418 Section 176. Section 372.0725, Florida Statutes, is
 10419 renumbered as section 379.411, Florida Statutes, to read:

10420 379.411 ~~372.0725~~ Killing or wounding of any species
 10421 designated as endangered, threatened, or of special concern;
 10422 criminal penalties.--It is unlawful for a person to
 10423 intentionally kill or wound any fish or wildlife of a species
 10424 designated by the Fish and Wildlife Conservation Commission as
 10425 endangered, threatened, or of special concern, or to
 10426 intentionally destroy the eggs or nest of any such fish or
 10427 wildlife, except as provided for in the rules of the commission.
 10428 Any person who violates this provision with regard to an
 10429 endangered or threatened species is guilty of a felony of the
 10430 third degree, punishable as provided in s. 775.082, s. 775.083,
 10431 or s. 775.084.

10432 Section 177. Section 372.671, Florida Statutes, is
 10433 renumbered as section 379.4115, Florida Statutes, and amended to
 10434 read:

10435 379.4115 ~~372.671~~ Florida or wild panther; killing
 10436 prohibited; penalty.--

10437 (1) It is unlawful for a person to kill a member of the
 10438 Florida "endangered species," as defined in s. 379.2291(3)
 10439 ~~372.072(3)~~, known as the Florida panther (*Felis concolor coryi*).

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10440 (2) It is unlawful for a person to kill any member of the
 10441 species of panther (*Felis concolor*) occurring in the wild.

10442 (3) A person convicted of unlawfully killing a Florida
 10443 panther, or unlawfully killing any member of the species of
 10444 panther occurring in the wild, is guilty of a felony of the
 10445 third degree, punishable as provided in s. 775.082, s. 775.083,
 10446 or s. 775.084.

10447 Section 178. Section 370.1121, Florida Statutes, is
 10448 renumbered as section 379.413, Florida Statutes, and amended to
 10449 read:

10450 379.413 ~~370.1121~~ Bonefish; penalties regulation.--

10451 ~~(1) It is unlawful to take or attempt to take any bonefish~~
 10452 ~~(*Albula vulpes*) from any of the waters of the state for the~~
 10453 ~~purpose of sale or exchange while fishing with any net, seine,~~
 10454 ~~or similar device.~~

10455 ~~(2) It is unlawful for any wholesale or retail fish dealer~~
 10456 ~~to possess, buy, sell, or store any bonefish or permit any~~
 10457 ~~bonefish to be possessed, sold, or stored on, in, or about the~~
 10458 ~~premises where such wholesale or retail fish business is carried~~
 10459 ~~on or conducted. It shall be unlawful for any person, firm, or~~
 10460 ~~corporation to buy or sell bonefish in any form.~~

10461 ~~(3)~~ A commercial harvester or wholesale or retail
 10462 saltwater products dealer who violates commission rules
 10463 pertaining to bonefish s.370.1121 ~~this section~~ shall be punished
 10464 under s. 379.407 ~~370.021~~. Any other person who violates this
 10465 section commits a Level Two violation under s. 379.401 ~~372.83~~.

10466 Section 179. Section 379.414, Florida Statutes, is created
 10467 to read:

10468 379.414 Additional penalties for saltwater products
 10469 dealers violating records requirements.--
 10470 (1) The commission may revoke, suspend, or deny the
 10471 renewal of the license of any saltwater products dealer for
 10472 failure to make and keep records as required by s. 379.362, for
 10473 failure to make required reports, for failure or refusal to
 10474 permit the examination of required records, or for falsifying
 10475 any such record. In addition to other applicable penalties, the
 10476 commission may impose against any person, firm, or corporation
 10477 who is determined to have violated any provision of s. 379.362
 10478 or any provisions of any commission rules adopted pursuant to s.
 10479 379.407, the following additional penalties:
 10480 (a) For the first violation, a civil penalty of up to
 10481 \$1,000;
 10482 (b) For a second violation committed within 24 months of
 10483 any previous violation, a civil penalty of up to \$2,500; and
 10484 (c) For a third or subsequent violation committed within
 10485 36 months of any previous two violations, a civil penalty of up
 10486 to \$5,000.
 10487 (2) The proceeds of all civil penalties collected pursuant
 10488 to this section shall be deposited into the Marine Resources
 10489 Conservation Trust Fund and shall be used for administration,
 10490 auditing, and law enforcement purposes.
 10491 Section 180. Paragraph (a) of subsection (1) of section
 10492 72.011, Florida Statutes, is amended to read:
 10493 72.011 Jurisdiction of circuit courts in specific tax
 10494 matters; administrative hearings and appeals; time for
 10495 commencing action; parties; deposits.--

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10496 (1) (a) A taxpayer may contest the legality of any
 10497 assessment or denial of refund of tax, fee, surcharge, permit,
 10498 interest, or penalty provided for under s. 125.0104, s.
 10499 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
 10500 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
 10501 chapter 212, chapter 213, chapter 220, chapter 221, s.
 10502 379.362(3) ~~370.07(3)~~, chapter 376, s. 403.717, s. 403.718, s.
 10503 403.7185, s. 538.09, s. 538.25, chapter 550, chapter 561,
 10504 chapter 562, chapter 563, chapter 564, chapter 565, chapter 624,
 10505 or s. 681.117 by filing an action in circuit court; or,
 10506 alternatively, the taxpayer may file a petition under the
 10507 applicable provisions of chapter 120. However, once an action
 10508 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
 10509 120.57, or s. 120.80(14) (b), no action relating to the same
 10510 subject matter may be filed by the taxpayer in circuit court,
 10511 and judicial review shall be exclusively limited to appellate
 10512 review pursuant to s. 120.68; and once an action has been
 10513 initiated in circuit court, no action may be brought under
 10514 chapter 120.

10515 Section 181. Section 97.05831, Florida Statutes, is
 10516 amended to read:

10517 97.05831 Voter registration applications made available to
 10518 the Fish and Wildlife Conservation Commission.--As required in
 10519 s. 379.352 ~~372.561~~, each supervisor of elections shall supply
 10520 voter registration applications to the Fish and Wildlife
 10521 Conservation Commission and its subagents, as needed.

10522 Section 182. Subsection (4) of section 125.01, Florida
 10523 Statutes, is amended to read:

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10524 125.01 Powers and duties.--

10525 (4) The legislative and governing body of a county shall
 10526 not have the power to regulate the taking or possession of
 10527 saltwater fish, as defined in s. 379.101 ~~370.01~~, with respect to
 10528 the method of taking, size, number, season, or species. However,
 10529 this subsection does not prohibit a county from prohibiting, for
 10530 reasons of protecting the public health, safety, or welfare,
 10531 saltwater fishing from real property owned by that county, nor
 10532 does it prohibit the imposition of excise taxes by county
 10533 ordinance.

10534 Section 183. Subsections (1) and (4) of section 142.01,
 10535 Florida Statutes, are amended to read:

10536 142.01 Fine and forfeiture fund; clerk of the circuit
 10537 court.--There shall be established by the clerk of the circuit
 10538 court in each county of this state a separate fund to be known
 10539 as the fine and forfeiture fund for use by the clerk of the
 10540 circuit court in performing court-related functions. The fund
 10541 shall consist of the following:

10542 (1) Fines and penalties pursuant to ss. 28.2402(2),
 10543 34.045(2), 316.193, 327.35, 327.72, 379.2203(1) ~~372.72(1)~~, and
 10544 775.083(1).

10545 (4) Proceeds from forfeited bail bonds, unclaimed bonds,
 10546 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
 10547 379.2203(1) ~~372.72(1)~~, and 903.26(3)(a).

10548
 10549 Notwithstanding the provisions of this section, all fines and
 10550 forfeitures arising from operation of the provisions of s.
 10551 318.1215 shall be disbursed in accordance with that section.

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10552 Section 184. Paragraph (c) of subsection (5) of section
 10553 161.053, Florida Statutes, is amended to read:

10554 161.053 Coastal construction and excavation; regulation on
 10555 county basis.--

10556 (5) Except in those areas where local zoning and building
 10557 codes have been established pursuant to subsection (4), a permit
 10558 to alter, excavate, or construct on property seaward of
 10559 established coastal construction control lines may be granted by
 10560 the department as follows:

10561 (c) The department may condition the nature, timing, and
 10562 sequence of construction of permitted activities to provide
 10563 protection to nesting sea turtles and hatchlings and their
 10564 habitat, pursuant to s. 379.2431 ~~370.12~~, and to native salt-
 10565 resistant vegetation and endangered plant communities.

10566 Section 185. Subsection (11) of section 201.15, Florida
 10567 Statutes, is amended to read:

10568 201.15 Distribution of taxes collected.--All taxes
 10569 collected under this chapter shall be distributed as follows and
 10570 shall be subject to the service charge imposed in s. 215.20(1),
 10571 except that such service charge shall not be levied against any
 10572 portion of taxes pledged to debt service on bonds to the extent
 10573 that the amount of the service charge is required to pay any
 10574 amounts relating to the bonds:

10575 (11) From the moneys specified in paragraphs (1)(e) and
 10576 (2)(a) and prior to deposit of any moneys into the General
 10577 Revenue Fund, \$30 million shall be paid into the State Treasury
 10578 to the credit of the Ecosystem Management and Restoration Trust
 10579 Fund in fiscal year 2000-2001 and each fiscal year thereafter,

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10580 to be used for the preservation and repair of the state's
 10581 beaches as provided in ss. 161.091-161.212, \$2 million shall be
 10582 paid into the State Treasury to the credit of the Marine
 10583 Resources Conservation Trust Fund to be used for marine mammal
 10584 care as provided in s. 379.208(3) ~~370.0603(3)~~, and \$300,000
 10585 shall be paid into the State Treasury to the credit of the
 10586 General Inspection Trust Fund in fiscal year 2006-2007 and each
 10587 fiscal year thereafter, to be used to fund oyster management and
 10588 restoration programs as provided in s. 379.362(3) ~~370.07(3)~~.

10589 Section 186. Paragraph (b) of subsection (8) of section
 10590 212.06, Florida Statutes, is amended to read:

10591 212.06 Sales, storage, use tax; collectible from dealers;
 10592 "dealer" defined; dealers to collect from purchasers;
 10593 legislative intent as to scope of tax.--

10594 (8)

10595 (b) The presumption that tangible personal property used
 10596 in another state, territory of the United States, or the
 10597 District of Columbia for 6 months or longer before being
 10598 imported into this state was not purchased for use in this state
 10599 does not apply to any boat for which a saltwater fishing license
 10600 fee is required to be paid pursuant to s. 379.354(7) ~~372.57(7)~~,
 10601 either directly or indirectly, for the purpose of taking,
 10602 attempting to take, or possessing any saltwater fish for
 10603 noncommercial purposes. Use tax shall apply and be due on such a
 10604 boat as provided in this paragraph, and proof of payment of such
 10605 tax must be presented prior to the first such licensure of the
 10606 boat, registration of the boat pursuant to chapter 328, and
 10607 titling of the boat pursuant to chapter 328. A boat that is

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10608 first licensed within 1 year after purchase shall be subject to
 10609 use tax on the full amount of the purchase price; a boat that is
 10610 first licensed in the second year after purchase shall be
 10611 subject to use tax on 90 percent of the purchase price; a boat
 10612 that is first licensed in the third year after purchase shall be
 10613 subject to use tax on 80 percent of the purchase price; a boat
 10614 that is first licensed in the fourth year after purchase shall
 10615 be subject to use tax on 70 percent of the purchase price; a
 10616 boat that is first licensed in the fifth year after purchase
 10617 shall be subject to use tax on 60 percent of the purchase price;
 10618 and a boat that is first licensed in the sixth year after
 10619 purchase, or later, shall be subject to use tax on 50 percent of
 10620 the purchase price. If the purchaser fails to provide the
 10621 purchase invoice on such boat, the fair market value of the boat
 10622 at the time of importation into this state shall be used to
 10623 compute the tax.

10624 Section 187. Paragraph (h) of subsection (5) of section
 10625 212.08, Florida Statutes, is amended to read:

10626 212.08 Sales, rental, use, consumption, distribution, and
 10627 storage tax; specified exemptions.--The sale at retail, the
 10628 rental, the use, the consumption, the distribution, and the
 10629 storage to be used or consumed in this state of the following
 10630 are hereby specifically exempt from the tax imposed by this
 10631 chapter.

10632 (5) EXEMPTIONS; ACCOUNT OF USE.--

10633 (h) Business property used in an enterprise zone.--

10634 1. Business property purchased for use by businesses
 10635 located in an enterprise zone which is subsequently used in an

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10636 enterprise zone shall be exempt from the tax imposed by this
 10637 chapter. This exemption inures to the business only through a
 10638 refund of previously paid taxes. A refund shall be authorized
 10639 upon an affirmative showing by the taxpayer to the satisfaction
 10640 of the department that the requirements of this paragraph have
 10641 been met.

10642 2. To receive a refund, the business must file under oath
 10643 with the governing body or enterprise zone development agency
 10644 having jurisdiction over the enterprise zone where the business
 10645 is located, as applicable, an application which includes:

10646 a. The name and address of the business claiming the
 10647 refund.

10648 b. The identifying number assigned pursuant to s. 290.0065
 10649 to the enterprise zone in which the business is located.

10650 c. A specific description of the property for which a
 10651 refund is sought, including its serial number or other permanent
 10652 identification number.

10653 d. The location of the property.

10654 e. The sales invoice or other proof of purchase of the
 10655 property, showing the amount of sales tax paid, the date of
 10656 purchase, and the name and address of the sales tax dealer from
 10657 whom the property was purchased.

10658 f. Whether the business is a small business as defined by
 10659 s. 288.703(1).

10660 g. If applicable, the name and address of each permanent
 10661 employee of the business, including, for each employee who is a
 10662 resident of an enterprise zone, the identifying number assigned

10663 pursuant to s. 290.0065 to the enterprise zone in which the
 10664 employee resides.

10665 3. Within 10 working days after receipt of an application,
 10666 the governing body or enterprise zone development agency shall
 10667 review the application to determine if it contains all the
 10668 information required pursuant to subparagraph 2. and meets the
 10669 criteria set out in this paragraph. The governing body or agency
 10670 shall certify all applications that contain the information
 10671 required pursuant to subparagraph 2. and meet the criteria set
 10672 out in this paragraph as eligible to receive a refund. If
 10673 applicable, the governing body or agency shall also certify if
 10674 20 percent of the employees of the business are residents of an
 10675 enterprise zone, excluding temporary and part-time employees.
 10676 The certification shall be in writing, and a copy of the
 10677 certification shall be transmitted to the executive director of
 10678 the Department of Revenue. The business shall be responsible for
 10679 forwarding a certified application to the department within the
 10680 time specified in subparagraph 4.

10681 4. An application for a refund pursuant to this paragraph
 10682 must be submitted to the department within 6 months after the
 10683 tax is due on the business property that is purchased.

10684 5. The amount refunded on purchases of business property
 10685 under this paragraph shall be the lesser of 97 percent of the
 10686 sales tax paid on such business property or \$5,000, or, if no
 10687 less than 20 percent of the employees of the business are
 10688 residents of an enterprise zone, excluding temporary and part-
 10689 time employees, the amount refunded on purchases of business
 10690 property under this paragraph shall be the lesser of 97 percent

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10691 of the sales tax paid on such business property or \$10,000. A
 10692 refund approved pursuant to this paragraph shall be made within
 10693 30 days of formal approval by the department of the application
 10694 for the refund. No refund shall be granted under this paragraph
 10695 unless the amount to be refunded exceeds \$100 in sales tax paid
 10696 on purchases made within a 60-day time period.

10697 6. The department shall adopt rules governing the manner
 10698 and form of refund applications and may establish guidelines as
 10699 to the requisites for an affirmative showing of qualification
 10700 for exemption under this paragraph.

10701 7. If the department determines that the business property
 10702 is used outside an enterprise zone within 3 years from the date
 10703 of purchase, the amount of taxes refunded to the business
 10704 purchasing such business property shall immediately be due and
 10705 payable to the department by the business, together with the
 10706 appropriate interest and penalty, computed from the date of
 10707 purchase, in the manner provided by this chapter.

10708 Notwithstanding this subparagraph, business property used
 10709 exclusively in:

- 10710 a. Licensed commercial fishing vessels,
- 10711 b. Fishing guide boats, or
- 10712 c. Ecotourism guide boats

10713
 10714 that leave and return to a fixed location within an area
 10715 designated under s. 379.2353 ~~370.28~~ are eligible for the
 10716 exemption provided under this paragraph if all requirements of
 10717 this paragraph are met. Such vessels and boats must be owned by
 10718 a business that is eligible to receive the exemption provided

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10719 | under this paragraph. This exemption does not apply to the
 10720 | purchase of a vessel or boat.

10721 | 8. The department shall deduct an amount equal to 10
 10722 | percent of each refund granted under the provisions of this
 10723 | paragraph from the amount transferred into the Local Government
 10724 | Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
 10725 | for the county area in which the business property is located
 10726 | and shall transfer that amount to the General Revenue Fund.

10727 | 9. For the purposes of this exemption, "business property"
 10728 | means new or used property defined as "recovery property" in s.
 10729 | 168(c) of the Internal Revenue Code of 1954, as amended, except:

10730 | a. Property classified as 3-year property under s.
 10731 | 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

10732 | b. Industrial machinery and equipment as defined in sub-
 10733 | subparagraph (b)6.a. and eligible for exemption under paragraph
 10734 | (b);

10735 | c. Building materials as defined in sub-subparagraph
 10736 | (g)8.a.; and

10737 | d. Business property having a sales price of under \$5,000
 10738 | per unit.

10739 | 10. This paragraph expires on the date specified in s.
 10740 | 290.016 for the expiration of the Florida Enterprise Zone Act.

10741 | Section 188. Paragraph (o) of subsection (1) of section
 10742 | 213.053, Florida Statutes, is amended to read:

10743 | 213.053 Confidentiality and information sharing.--

10744 | (1) This section applies to:

10745 | (o) Section 379.362(3) ~~370.07(3)~~, Apalachicola Bay oyster
 10746 | surcharge;

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10747 Section 189. Paragraph (u) of subsection (4) of section
 10748 215.20, Florida Statutes, is amended to read:

10749 215.20 Certain income and certain trust funds to
 10750 contribute to the General Revenue Fund.--

10751 (4) The income of a revenue nature deposited in the
 10752 following described trust funds, by whatever name designated, is
 10753 that from which the appropriations authorized by subsection (3)
 10754 shall be made:

10755 (u) Within the Fish and Wildlife Conservation Commission:

- 10756 1. The Conservation and Recreation Lands Program Trust
 10757 Fund.
- 10758 2. The Florida Panther Research and Management Trust Fund.
- 10759 3. The Land Acquisition Trust Fund.
- 10760 4. The Marine Resources Conservation Trust Fund, with the
 10761 exception of those fees collected for recreational saltwater
 10762 fishing licenses as provided in s. 379.354 ~~372.57~~.

10763
 10764 The enumeration of the foregoing moneys or trust funds shall not
 10765 prohibit the applicability thereto of s. 215.24 should the
 10766 Governor determine that for the reasons mentioned in s. 215.24
 10767 the money or trust funds should be exempt herefrom, as it is the
 10768 purpose of this law to exempt income from its force and effect
 10769 when, by the operation of this law, federal matching funds or
 10770 contributions or private grants to any trust fund would be lost
 10771 to the state.

10772 Section 190. Subsection (6) of section 290.004, Florida
 10773 Statutes, is amended to read:

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10774 290.004 Definitions relating to Florida Enterprise Zone
 10775 Act.--As used in ss. 290.001-290.016:

10776 (6) "Rural enterprise zone" means an enterprise zone that
 10777 is nominated by a county having a population of 75,000 or fewer,
 10778 or a county having a population of 100,000 or fewer which is
 10779 contiguous to a county having a population of 75,000 or fewer,
 10780 or by a municipality in such a county, or by such a county and
 10781 one or more municipalities. An enterprise zone designated in
 10782 accordance with s. 290.0065(5)(b) or s. 379.2353 ~~370.28~~ is
 10783 considered to be a rural enterprise zone.

10784 Section 191. Paragraph (b) of subsection (1) and paragraph
 10785 (b) of subsection (24) and of section 320.08058, Florida
 10786 Statutes, are amended to read:

10787 320.08058 Specialty license plates.--

10788 (1) MANATEE LICENSE PLATES.--

10789 (b) The manatee license plate annual use fee must be
 10790 deposited into the Save the Manatee Trust Fund, created within
 10791 the Fish and Wildlife Conservation Commission, and shall be used
 10792 only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

10793 (24) CONSERVE WILDLIFE LICENSE PLATES.--

10794 (b) The proceeds of the Conserve Wildlife license plate
 10795 annual use fee shall be forwarded to the Wildlife Foundation of
 10796 Florida, Inc., a citizen support organization created pursuant
 10797 to s. 379.223 ~~372.0215~~.

10798 1. Notwithstanding s. 320.08062, up to 10 percent of the
 10799 proceeds from the annual use fee may be used for marketing the
 10800 Conserve Wildlife license plate and administrative costs

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10801 directly related to the management and distribution of the
 10802 proceeds.

10803 2. The remaining proceeds from the annual use fee shall be
 10804 used for programs and activities of the Fish and Wildlife
 10805 Conservation Commission that contribute to the health and well-
 10806 being of Florida black bears and other wildlife diversity.

10807 Section 192. Paragraph (a) of subsection (5) of section
 10808 327.02, Florida Statutes, is amended to read:

10809 327.02 Definitions of terms used in this chapter and in
 10810 chapter 328.--As used in this chapter and in chapter 328, unless
 10811 the context clearly requires a different meaning, the term:

10812 (5) "Commercial vessel" means:

10813 (a) Any vessel primarily engaged in the taking or landing
 10814 of saltwater fish or saltwater products or freshwater fish or
 10815 freshwater products, or any vessel licensed pursuant to s.
 10816 379.361 ~~370.06~~ from which commercial quantities of saltwater
 10817 products are harvested, from within and without the waters of
 10818 this state for sale either to the consumer, retail dealer, or
 10819 wholesale dealer.

10820 Section 193. Subsection (2) of section 327.41, Florida
 10821 Statutes, is amended to read:

10822 327.41 Uniform waterway regulatory markers.--

10823 (2) Any county or municipality which has been granted a
 10824 restricted area designation, pursuant to s. 327.46, for a
 10825 portion of the Florida Intracoastal Waterway within its
 10826 jurisdiction or which has adopted a restricted area by ordinance
 10827 pursuant to s. 327.22, s. 327.60, or s. 379.2431(2)(p)
 10828 ~~370.12(2)(p)~~, or any other governmental entity which has legally

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10829 established a restricted area, may apply to the commission for
 10830 permission to place regulatory markers within the restricted
 10831 area.

10832 Section 194. Paragraph (k) of subsection (1) of section
 10833 327.73, Florida Statutes, is amended to read:

10834 327.73 Noncriminal infractions.--

10835 (1) Violations of the following provisions of the vessel
 10836 laws of this state are noncriminal infractions:

10837 (k) Violations relating to restricted areas and speed
 10838 limits:

10839 1. Established by the commission pursuant to s. 327.46.

10840 2. Established by local governmental authorities pursuant
 10841 to s. 327.22 or s. 327.60.

10842 3. Speed limits established pursuant to s. 379.2431(2)
 10843 ~~370.12(2)~~.

10844
 10845 Any person cited for a violation of any such provision shall be
 10846 deemed to be charged with a noncriminal infraction, shall be
 10847 cited for such an infraction, and shall be cited to appear
 10848 before the county court. The civil penalty for any such
 10849 infraction is \$50, except as otherwise provided in this section.

10850 Any person who fails to appear or otherwise properly respond to
 10851 a uniform boating citation shall, in addition to the charge
 10852 relating to the violation of the boating laws of this state, be
 10853 charged with the offense of failing to respond to such citation
 10854 and, upon conviction, be guilty of a misdemeanor of the second
 10855 degree, punishable as provided in s. 775.082 or s. 775.083. A

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10856 written warning to this effect shall be provided at the time
 10857 such uniform boating citation is issued.

10858 Section 195. Subsection (1) of section 328.66, Florida
 10859 Statutes, is amended to read:

10860 328.66 County and municipality optional registration
 10861 fee.--

10862 (1) Any county may impose an annual registration fee on
 10863 vessels registered, operated, or stored in the water within its
 10864 jurisdiction. This fee shall be 50 percent of the applicable
 10865 state registration fee. However, the first \$1 of every
 10866 registration imposed under this subsection shall be remitted to
 10867 the state for deposit in the Save the Manatee Trust Fund created
 10868 within the Fish and Wildlife Conservation Commission, and shall
 10869 be used only for the purposes specified in s. 379.2431(4)
 10870 ~~370.12(4)~~. All other moneys received from such fee shall be
 10871 expended for the patrol, regulation, and maintenance of the
 10872 lakes, rivers, and waters and for other boating-related
 10873 activities of such municipality or county. A municipality that
 10874 was imposing a registration fee before April 1, 1984, may
 10875 continue to levy such fee, notwithstanding the provisions of
 10876 this section.

10877 Section 196. Subsections (11) and (16) of section 328.72,
 10878 Florida Statutes, are amended to read:

10879 328.72 Classification; registration; fees and charges;
 10880 surcharge; disposition of fees; fines; marine turtle stickers.--

10881 (11) VOLUNTARY CONTRIBUTIONS.--The application form for
 10882 boat registration shall include a provision to allow each
 10883 applicant to indicate a desire to pay an additional voluntary

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10884 contribution to the Save the Manatee Trust Fund to be used for
 10885 the purposes specified in s. 379.2431(4) ~~370.12(4)~~. This
 10886 contribution shall be in addition to all other fees and charges.
 10887 The amount of the request for a voluntary contribution solicited
 10888 shall be \$2 or \$5 per registrant. A registrant who provides a
 10889 voluntary contribution of \$5 or more shall be given a sticker or
 10890 emblem by the tax collector to display, which signifies support
 10891 for the Save the Manatee Trust Fund. All voluntary contributions
 10892 shall be deposited in the Save the Manatee Trust Fund and shall
 10893 be used for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.
 10894 The form shall also include language permitting a voluntary
 10895 contribution of \$5 per applicant, which contribution shall be
 10896 transferred into the Election Campaign Financing Trust Fund. A
 10897 statement providing an explanation of the purpose of the trust
 10898 fund shall also be included.

10899 (16) MARINE TURTLE STICKER.--The Department of Highway
 10900 Safety and Motor Vehicles shall offer for sale with vessel
 10901 registrations a waterproof sticker in the shape of a marine
 10902 turtle at an additional cost of \$5, the proceeds of which shall
 10903 be deposited in the Marine Resources Conservation Trust Fund to
 10904 be used for marine turtle protection, research, and recovery
 10905 efforts pursuant to the provisions of s. 379.2431(1) ~~370.12(1)~~.

10906 Section 197. Paragraph (a) of subsection (1) and
 10907 subsection (2) of section 328.76, Florida Statutes, are amended
 10908 to read:

10909 328.76 Marine Resources Conservation Trust Fund; vessel
 10910 registration funds; appropriation and distribution.--

10911 (1) Except as otherwise specified in this subsection and
 10912 less \$1.4 million for any administrative costs which shall be
 10913 deposited in the Highway Safety Operating Trust Fund, in each
 10914 fiscal year beginning on or after July 1, 2001, all funds
 10915 collected from the registration of vessels through the
 10916 Department of Highway Safety and Motor Vehicles and the tax
 10917 collectors of the state, except for those funds designated as
 10918 the county portion pursuant to s. 328.72(1), shall be deposited
 10919 in the Marine Resources Conservation Trust Fund for recreational
 10920 channel marking; public launching facilities; law enforcement
 10921 and quality control programs; aquatic weed control; manatee
 10922 protection, recovery, rescue, rehabilitation, and release; and
 10923 marine mammal protection and recovery. The funds collected
 10924 pursuant to s. 328.72(1) shall be transferred as follows:

10925 (a) In each fiscal year, an amount equal to \$1.50 for each
 10926 commercial and recreational vessel registered in this state
 10927 shall be transferred by the Department of Highway Safety and
 10928 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 10929 used only for the purposes specified in s. 379.2431(4)
 10930 ~~370.12(4)~~.

10931 (2) All funds collected pursuant to s. 379.361(2)
 10932 ~~370.06(2)~~ shall be deposited in the Marine Resources
 10933 Conservation Trust Fund. Such funds shall be used to pay the
 10934 cost of implementing the saltwater products license program.
 10935 Additional proceeds from the licensing revenue shall be
 10936 distributed among the following program functions:

10937 (a) No more than 15 percent shall go to marine law
 10938 enforcement;

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10939 (b) Twenty-five percent shall go to the Florida Saltwater
 10940 Products Promotion Trust Fund within the Department of
 10941 Agriculture and Consumer Services, on a monthly basis, for the
 10942 purpose of providing marketing and extension services including
 10943 industry information and education; and

10944 (c) The remainder shall go to the Fish and Wildlife
 10945 Conservation Commission, for use in marine research and
 10946 statistics development, including quota management.

10947 Section 198. Subsection (5) of section 373.046, Florida
 10948 Statutes, is amended to read:

10949 373.046 Interagency agreements.--

10950 (5) Notwithstanding the provisions of s. 403.927, when any
 10951 operating agreement is developed pursuant to subsection (4), the
 10952 department shall have regulatory responsibility under part IV of
 10953 this chapter for aquaculture activities that meet or exceed the
 10954 thresholds for aquaculture general permits authorized pursuant
 10955 to ss. 379.2523 ~~370.26~~ and 403.814.

10956 Section 199. Paragraph (h) of subsection (2) of section
 10957 403.41315, Florida Statutes, is amended to read:

10958 403.41315 Comprehensive illegal dumping, litter, and
 10959 marine debris control and prevention.--

10960 (2) The comprehensive illegal dumping, litter, and marine
 10961 debris control and prevention program at a minimum must include
 10962 the following:

10963 (h) The prohibition of balloon releases as authorized
 10964 under s. 379.233 ~~372.995~~.

10965 Section 200. Paragraph (f) of subsection (2) of section
 10966 403.813, Florida Statutes, is amended to read:

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10967 403.813 Permits issued at district centers; exceptions.--
 10968 (2) A permit is not required under this chapter, chapter
 10969 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 10970 chapter 25270, 1949, Laws of Florida, for activities associated
 10971 with the following types of projects; however, except as
 10972 otherwise provided in this subsection, nothing in this
 10973 subsection relieves an applicant from any requirement to obtain
 10974 permission to use or occupy lands owned by the Board of Trustees
 10975 of the Internal Improvement Trust Fund or any water management
 10976 district in its governmental or proprietary capacity or from
 10977 complying with applicable local pollution control programs
 10978 authorized under this chapter or other requirements of county
 10979 and municipal governments:

10980 (f) The performance of maintenance dredging of existing
 10981 manmade canals, channels, intake and discharge structures, and
 10982 previously dredged portions of natural water bodies within
 10983 drainage rights-of-way or drainage easements which have been
 10984 recorded in the public records of the county, where the spoil
 10985 material is to be removed and deposited on a self-contained,
 10986 upland spoil site which will prevent the escape of the spoil
 10987 material into the waters of the state, provided that no more
 10988 dredging is to be performed than is necessary to restore the
 10989 canals, channels, and intake and discharge structures, and
 10990 previously dredged portions of natural water bodies, to original
 10991 design specifications or configurations, provided that the work
 10992 is conducted in compliance with s. 379.2431(2)(d) ~~370.12(2)(d)~~,
 10993 provided that no significant impacts occur to previously
 10994 undisturbed natural areas, and provided that control devices for

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10995 | return flow and best management practices for erosion and
 10996 | sediment control are utilized to prevent bank erosion and
 10997 | scouring and to prevent turbidity, dredged material, and toxic
 10998 | or deleterious substances from discharging into adjacent waters
 10999 | during maintenance dredging. Further, for maintenance dredging
 11000 | of previously dredged portions of natural water bodies within
 11001 | recorded drainage rights-of-way or drainage easements, an entity
 11002 | that seeks an exemption must notify the department or water
 11003 | management district, as applicable, at least 30 days prior to
 11004 | dredging and provide documentation of original design
 11005 | specifications or configurations where such exist. This
 11006 | exemption applies to all canals and previously dredged portions
 11007 | of natural water bodies within recorded drainage rights-of-way
 11008 | or drainage easements constructed prior to April 3, 1970, and to
 11009 | those canals and previously dredged portions of natural water
 11010 | bodies constructed on or after April 3, 1970, pursuant to all
 11011 | necessary state permits. This exemption does not apply to the
 11012 | removal of a natural or manmade barrier separating a canal or
 11013 | canal system from adjacent waters. When no previous permit has
 11014 | been issued by the Board of Trustees of the Internal Improvement
 11015 | Trust Fund or the United States Army Corps of Engineers for
 11016 | construction or maintenance dredging of the existing manmade
 11017 | canal or intake or discharge structure, such maintenance
 11018 | dredging shall be limited to a depth of no more than 5 feet
 11019 | below mean low water. The Board of Trustees of the Internal
 11020 | Improvement Trust Fund may fix and recover from the permittee an
 11021 | amount equal to the difference between the fair market value and
 11022 | the actual cost of the maintenance dredging for material removed

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11023 during such maintenance dredging. However, no charge shall be
 11024 exacted by the state for material removed during such
 11025 maintenance dredging by a public port authority. The removing
 11026 party may subsequently sell such material; however, proceeds
 11027 from such sale that exceed the costs of maintenance dredging
 11028 shall be remitted to the state and deposited in the Internal
 11029 Improvement Trust Fund.

11030 Section 201. Paragraph (a) of subsection (5) and paragraph
 11031 (a) of subsection (18) of section 597.010, Florida Statutes, are
 11032 amended to read:

11033 597.010 Shellfish regulation; leases.--

11034 (5) LEASES IN PERPETUITY; RENT.--

11035 (a) All leases issued previously under the provisions of
 11036 s. 379.2525 ~~370.16~~ shall be enforced under the authority of this
 11037 chapter, notwithstanding any other law to the contrary, and
 11038 shall continue in perpetuity under such restrictions as stated
 11039 in the lease agreement. The annual rental fee charged for all
 11040 leases shall consist of the minimum rate of \$15 per acre, or any
 11041 fraction of an acre, per year and shall be adjusted on January
 11042 1, 1995, and every 5 years thereafter, based on the 5-year
 11043 average change in the Consumer Price Index. Rent shall be paid
 11044 in advance of January 1 of each year or in the case of a new
 11045 lease at the time of signing, regardless of who holds the lease.

11046 (18) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
 11047 REEFS; LICENSES, ETC.; PENALTY.--

11048 (a) It is unlawful to use a dredge or any means or
 11049 implement other than hand tongs in removing oysters from the
 11050 natural or artificial state reefs or beds. This restriction

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11051 shall apply to all areas of Apalachicola Bay for all shellfish
 11052 harvesting, excluding private grounds leased or granted by the
 11053 state prior to July 1, 1989, if the lease or grant specifically
 11054 authorizes the use of implements other than hand tongs for
 11055 harvesting. Except in Apalachicola Bay, upon the payment of \$25
 11056 annually, for each vessel or boat using a dredge or machinery in
 11057 the gathering of clams or mussels, a special activity license
 11058 may be issued by the Fish and Wildlife Conservation Commission
 11059 pursuant to subsection (15) or s. 379.361 ~~370.06~~ for such use to
 11060 such person.

11061 Section 202. Paragraphs (a), (d), and (e) of subsection
 11062 (4) of section 777.04, Florida Statutes, are amended to read:

11063 777.04 Attempts, solicitation, and conspiracy.--

11064 (4) (a) Except as otherwise provided in ss. 104.091(2),
 11065 379.2431(1) ~~370.12(1)~~, 828.125(2), 849.25(4), 893.135(5), and
 11066 921.0022, the offense of criminal attempt, criminal
 11067 solicitation, or criminal conspiracy is ranked for purposes of
 11068 sentencing under chapter 921 and determining incentive gain-time
 11069 eligibility under chapter 944 one level below the ranking under
 11070 s. 921.0022 or s. 921.0023 of the offense attempted, solicited,
 11071 or conspired to. If the criminal attempt, criminal solicitation,
 11072 or criminal conspiracy is of an offense ranked in level 1 or
 11073 level 2 under s. 921.0022 or s. 921.0023, such offense is a
 11074 misdemeanor of the first degree, punishable as provided in s.
 11075 775.082 or s. 775.083.

11076 (d) Except as otherwise provided in s. 104.091(2), s.
 11077 379.2431(1) ~~370.12(1)~~, s. 828.125(2), or s. 849.25(4), if the
 11078 offense attempted, solicited, or conspired to is a:

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11079 | 1. Felony of the second degree;
 11080 | 2. Burglary that is a felony of the third degree; or
 11081 | 3. Felony of the third degree ranked in level 3, 4, 5, 6,
 11082 | 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,
 11083 |
 11084 | the offense of criminal attempt, criminal solicitation, or
 11085 | criminal conspiracy is a felony of the third degree, punishable
 11086 | as provided in s. 775.082, s. 775.083, or s. 775.084.
 11087 | (e) Except as otherwise provided in s. 104.091(2), s.
 11088 | 379.2431(1) ~~370.12(1)~~, s. 849.25(4), or paragraph (d), if the
 11089 | offense attempted, solicited, or conspired to is a felony of the
 11090 | third degree, the offense of criminal attempt, criminal
 11091 | solicitation, or criminal conspiracy is a misdemeanor of the
 11092 | first degree, punishable as provided in s. 775.082 or s.
 11093 | 775.083.
 11094 | Section 203. Paragraph (h) of subsection (2) of section
 11095 | 810.09, Florida Statutes, is amended to read:
 11096 | 810.09 Trespass on property other than structure or
 11097 | conveyance.--
 11098 | (2)
 11099 | (h) Any person who in taking or attempting to take any
 11100 | animal described in s. 379.101(19) or (20) ~~372.001(10) or (11)~~,
 11101 | or in killing, attempting to kill, or endangering any animal
 11102 | described in s. 585.01(13) knowingly propels or causes to be
 11103 | propelled any potentially lethal projectile over or across
 11104 | private land without authorization commits trespass, a felony of
 11105 | the third degree, punishable as provided in s. 775.082, s.
 11106 | 775.083, or s. 775.084. For purposes of this paragraph, the term

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11107 "potentially lethal projectile" includes any projectile launched
 11108 from any firearm, bow, crossbow, or similar tensile device. This
 11109 section does not apply to any governmental agent or employee
 11110 acting within the scope of his or her official duties.

11111 Section 204. Paragraphs (b) and (c) of subsection (3) of
 11112 section 921.0022, Florida Statutes, are amended to read:

11113 921.0022 Criminal Punishment Code; offense severity
 11114 ranking chart.--

11115 (3) OFFENSE SEVERITY RANKING CHART

11116 (b) LEVEL 2

11117

Florida Statute	Felony Degree	Description
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11118

<u>379.2431</u> (1) (e) 3. 370.12(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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11119

<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.
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11120

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.
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11122	517.07	3rd	Registration of securities and furnishing of prospectus required.
11123	590.28(1)	3rd	Willful, malicious, or intentional burning.
11124	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
11125	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
11126	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
11127	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
11128	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
11129	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.

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11130	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
11131	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
11132	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
11133	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
11134	817.52 (3)	3rd	Failure to redeliver hired vehicle.
11135	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
11136	817.60 (5)	3rd	Dealing in credit cards of another.
11137	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
	817.61	3rd	Fraudulent use of credit cards over

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11138			\$100 or more within 6 months.
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
11139			
	831.01	3rd	Forgery.
11140			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
11141			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
11142			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
11143			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
11144			
	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
11145			
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
11146			

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11147	843.08	3rd	Falsely impersonating an officer.
11148	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.
11149	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
11150	(c) LEVEL 3		
11151	Florida Statute	Felony Degree	Description
11152	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
11153	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
11154	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
11155	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
11156			

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11157	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
11158	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
11159	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
11160	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
11161	327.35 (2) (b)	3rd	Felony BUI.
11162	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
11163	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
	<u>379.2431 (1) (e) 5.</u> 370.12 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed,

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			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.
11164	<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.
11165	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
11166	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
11167	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
11168	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
11169	624.401(4)(a)	3rd	Transacting insurance without a

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11170			certificate of authority.
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
11171			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
11172			
	697.08	3rd	Equity skimming.
11173			
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
11174			
	796.05(1)	3rd	Live on earnings of a prostitute.
11175			
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
11176			
	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
11177			
	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
11178			

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11179	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
11180	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
11181	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
11182	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
11183	817.233	3rd	Burning to defraud insurer.
11184	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
11185	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
11186	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

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			insurance card.
11187	817.413 (2)	3rd	Sale of used goods as new.
11188	817.505 (4)	3rd	Patient brokering.
11189	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
11190	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
11191	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
11192	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
11193	843.19	3rd	Injure, disable, or kill police dog or horse.
11194	860.15 (3)	3rd	Overcharging for repairs and parts.
11195	870.01 (2)	3rd	Riot; inciting or encouraging.
11196			

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11197	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
11198	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.
11199	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.
11200	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled

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11201			substance.
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
11202			
	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
11203			
	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
11204			
	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.
11205			
	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.
11206			

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11207	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
11208	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
11209	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
11210	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
11211	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
11212	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
11213	Section 205. Paragraph (e) of subsection (6) of section		
11214	932.7055, Florida Statutes, is amended to read:		
11215	932.7055 Disposition of liens and forfeited property.--		

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11216 (6) If the seizing agency is a state agency, all remaining
 11217 proceeds shall be deposited into the General Revenue Fund.

11218 However, if the seizing agency is:

11219 (e) The Fish and Wildlife Conservation Commission, the
 11220 proceeds accrued pursuant to the provisions of the Florida
 11221 Contraband Forfeiture Act shall be deposited into the State Game
 11222 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395
 11223 ~~372.73, 372.9901, and 372.9904~~, into the Marine Resources
 11224 Conservation Trust Fund as provided in s. 379.337 ~~370.061, or~~
 11225 ~~into the commission's Federal Law Enforcement Trust Fund as~~
 11226 ~~provided in s. 372.107, as applicable.~~

11227 Section 206. Sections 370.081, 370.0821, 370.09, 370.1105,
 11228 370.15, 370.154, 370.155, 372.001, 372.0225, 372.107, 372.27,
 11229 372.667, 372.85, 372.98, 372.981, and 372.993, Florida Statutes,
 11230 are repealed.

11231 Section 207. This act shall take effect July 1, 2008.