

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,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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.

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

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 includes:

253        (a) For purposes of part VII of this chapter, with the  
254 exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,  
255 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,  
256 379.3762, and 379.377, and for purposes of s. 379.355, citizens  
257 of the United States who have continuously resided in this  
258 state, next preceding the making of their application for  
259 hunting, fishing, or other license, for the following period of  
260 time, to wit: For 1 year in the state and 6 months in the county  
261 when applied to all fish and game laws not related to freshwater  
262 fish and game.

263        (b) For purposes of part VI of this chapter, with the  
264 exception of s. 379.355, and for purposes of ss. 379.363,  
265 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,  
266 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,  
267 any person who has continually resided in the state for 6 months  
268 or any member of the United States Armed Forces who is stationed  
269 in the state.

270        ~~(31)-(22)~~ "Resident alien" shall mean those persons who  
271 have continuously resided in this state for at least 1 year and  
272 6 months in the county and can provide documentation from the  
273 Bureau of Citizenship and Immigration Services evidencing  
274 permanent residency status in the United States. For the  
275 purposes of this chapter, a "resident alien" shall be considered  
276 a "resident."

277           ~~(32)-(23)~~ "Restricted species" means any species of  
 278 saltwater products which the state by law, or the Fish and  
 279 Wildlife Conservation Commission by rule, has found it necessary  
 280 to so designate. The term includes a species of saltwater  
 281 products designated by the commission as restricted within a  
 282 geographical area or during a particular time period of each  
 283 year. Designation as a restricted species does not confer the  
 284 authority to sell a species pursuant to s. 379.361 ~~370.06~~ if the  
 285 law or rule prohibits the sale of the species.

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

296           ~~(34)-(25)~~ "Saltwater fish" means:

297           ~~(a)~~ Any saltwater species of finfish of the classes  
 298 Agnatha, Chondrichthyes, or Osteichthyes and marine  
 299 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,  
 300 or of the phylum Echinodermata, but does not include nonliving  
 301 shells or echinoderms; and

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

304        ~~(35)-(26)~~ "Saltwater license privileges," except where  
 305 otherwise provided by law, means any license, endorsement,  
 306 certificate, or permit issued pursuant to this chapter.

307        ~~(36)-(27)~~ "Saltwater products" means any species of  
 308 saltwater fish, marine plant, or echinoderm, except shells, and  
 309 salted, cured, canned, or smoked seafood.

310        ~~(37)-(28)~~ "Shellfish" shall include oysters, clams, and  
 311 whelks.

312        (38) "Take" means taking, attempting to take, pursuing,  
 313 hunting, molesting, capturing, or killing any wildlife or  
 314 freshwater or saltwater fish, or their nests or eggs, by any  
 315 means, whether or not such actions result in obtaining  
 316 possession of such wildlife or freshwater or saltwater fish or  
 317 their nests or eggs.

318        ~~(39)-(29)~~ "Transport" shall include shipping, transporting,  
 319 carrying, importing, exporting, receiving or delivering for  
 320 shipment, transportation or carriage or export.

321        Section 4. Section 372.01, Florida Statutes, is renumbered  
 322 as section 379.102, Florida Statutes, to read:

323        379.102 ~~372.01~~ Fish and Wildlife Conservation  
 324 Commission.--

325        (1) The Fish and Wildlife Conservation Commission shall  
 326 consist of seven members who shall be appointed by the Governor,  
 327 subject to confirmation by the Senate, for staggered terms of 5  
 328 years.

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

332 the members of the commission. In case the said office of chair  
 333 becomes vacant by removal or otherwise, the same may be filled  
 334 for the unexpired term at any time by the commission from its  
 335 members.

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

339 Section 5. Section 372.021, Florida Statutes, is  
 340 renumbered as section 379.1025, Florida Statutes, to read:

341 379.1025 ~~372.021~~ Powers, duties, and authority of  
 342 commission; rules, regulations, and orders.--The Fish and  
 343 Wildlife Conservation Commission may exercise the powers,  
 344 duties, and authority granted by s. 9, Art. IV of the  
 345 Constitution of Florida, and as otherwise authorized by the  
 346 Legislature by the adoption of rules, regulations, and orders in  
 347 accordance with chapter 120.

348 Section 6. Section 372.03, Florida Statutes, is renumbered  
 349 as section 379.104, Florida Statutes, to read:

350 379.10255 ~~372.03~~ Headquarters of commission.--The Fish and  
 351 Wildlife Conservation Commission is located at the state  
 352 capital, and, when suitable adequate office space cannot be  
 353 provided in the State Capitol Building, or other buildings owned  
 354 by the state, the commission may rent or lease suitable office  
 355 space in Tallahassee. Said commission may also rent or lease  
 356 suitable and adequate space in other cities and towns of the  
 357 state for branch or division offices and headquarters and  
 358 storerooms for equipment and supplies, as the business of the

359 | commission may require or necessitate, payment for said rented  
 360 | or leased premises to be made from the State Game Trust Fund.

361 | Section 7. Section 372.05, Florida Statutes, is renumbered  
 362 | as section 379.103, Florida Statutes, to read:

363 | 379.103 ~~372.05~~ Duties of executive director.--The  
 364 | executive director of the Fish and Wildlife Conservation  
 365 | Commission shall:

366 | (1) Keep full and correct minutes of the proceedings of  
 367 | said commission at its meetings, which minutes shall be open for  
 368 | public inspection.

369 | (2) Purchase such supplies and employ such help and  
 370 | assistants as may be reasonably necessary in the performance of  
 371 | the executive director's duties.

372 | (3) Have full authority to represent the commission in its  
 373 | dealings with other state departments, county commissioners, and  
 374 | the federal government.

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

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

382 | Section 8. Section 372.002, Florida Statutes, is  
 383 | renumbered as section 379.104, Florida Statutes, to read:

384 | 379.104 ~~372.002~~ Right to hunt and fish.--The Legislature  
 385 | recognizes that hunting, fishing, and the taking of game are a  
 386 | valued part of the cultural heritage of Florida and should be

387 forever preserved for Floridians. The Legislature further  
 388 recognizes that these activities play an important part in the  
 389 state's economy and in the conservation, preservation, and  
 390 management of the state's natural areas and resources.  
 391 Therefore, the Legislature intends that the citizens of Florida  
 392 have a right to hunt, fish, and take game, subject to the  
 393 regulations and restrictions prescribed by general law and by s.  
 394 9, Art. IV of the State Constitution.

395 Section 9. Section 372.705, Florida Statutes, is  
 396 renumbered as section 379.105, Florida Statutes, and amended to  
 397 read:

398 379.105 ~~372.705~~ Harassment of hunters, trappers, or  
 399 fishers.--

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

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

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

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

410 Section 10. Section 370.023, Florida Statutes, is  
 411 renumbered as section 379.106, Florida Statutes, to read:

412 379.106 ~~370.023~~ Administration of commission grant  
 413 programs.--

414 (1) The Fish and Wildlife Conservation Commission is  
415 authorized to establish grant programs that are consistent with  
416 statutory authority and legislative appropriations. The  
417 commission is further authorized to receive funds from any legal  
418 source for purposes of matching state dollars or for passing  
419 through the agency as grants to other entities whether or not  
420 matching funds or in-kind matches are required.

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

434 (3) The commission is authorized to preaudit or postaudit  
435 account books and other documentation of a grant recipient to  
436 assure that grant funds have been used in accordance with the  
437 terms of the grant and state rules and statutes. When such audit  
438 reveals that moneys have not been spent in accordance with grant  
439 requirements, the commission may withhold moneys or recover  
440 moneys previously paid. A grant recipient will be allowed a  
441 maximum of 60 days to submit any additional pertinent

442 | documentation to offset the amount identified as being due the  
 443 | commission.

444 |       Section 11. Section 372.101, Florida Statutes, is  
 445 | renumbered as section 379.201, Florida Statutes, to read:

446 |       379.201 ~~372.101~~ Administrative Trust Fund.--

447 |       (1) The Administrative Trust Fund is created within the  
 448 | Fish and Wildlife Conservation Commission.

449 |       (2) The fund is established for use as a depository for  
 450 | funds to be used for management activities that are  
 451 | commissionwide in nature and funded by indirect cost earnings or  
 452 | assessments against trust funds. Moneys to be credited to the  
 453 | trust fund include indirect cost reimbursements from grantors,  
 454 | administrative assessments against trust funds, interest  
 455 | earnings, and other appropriate administrative fees.

456 |       (3) In accordance with s. 19(f)(2), Art. III of the State  
 457 | Constitution, the Administrative Trust Fund shall, unless  
 458 | terminated sooner, be terminated on July 1, 2009. Before its  
 459 | scheduled termination, the trust fund shall be reviewed as  
 460 | provided in s. 215.3206(1) and (2).

461 |       Section 12. Section 372.127, Florida Statutes, is  
 462 | renumbered as section 379.202, Florida Statutes, to read:

463 |       379.202 ~~372.127~~ Conservation and Recreation Lands Program  
 464 | Trust Fund of the Fish and Wildlife Conservation Commission.--

465 |       (1) There is created a Conservation and Recreation Lands  
 466 | Program Trust Fund within the Fish and Wildlife Conservation  
 467 | Commission. The purpose of the trust fund is to provide for the  
 468 | management of conservation and recreation lands by the  
 469 | commission. Funds may be appropriated to the trust fund from the

470 Conservation and Recreation Lands Trust Fund in the Department  
 471 of Environmental Protection, as created by s. 259.032(2), or  
 472 from such other sources as the Legislature may determine.

473 (2) Notwithstanding the provisions of s. 216.301 and  
 474 pursuant to s. 216.351, any balance in the trust fund at the end  
 475 of any fiscal year shall remain in the trust fund at the end of  
 476 the year and shall be available for carrying out the purposes of  
 477 the trust fund.

478 Section 13. Section 372.106, Florida Statutes, is  
 479 renumbered as section 379.203, Florida Statutes, and amended to  
 480 read:

481 379.203 ~~372.106~~ Dedicated License Trust Fund.--

482 (1) There is established within the Fish and Wildlife  
 483 Conservation Commission the Dedicated License Trust Fund. The  
 484 fund shall be credited with moneys collected pursuant to s.  
 485 379.354 ~~372.57~~ for 5-year licenses and permits and replacement  
 486 5-year licenses.

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

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

496 (3) The fund shall be exempt from the provisions of s.  
 497 215.20.

498 Section 14. Section 372.102, Florida Statutes, is  
 499 renumbered as section 379.204, Florida Statutes, to read:

500 379.204 ~~372.102~~ Federal Grants Trust Fund.--

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

503 (2) The fund is established for use as a depository for  
 504 funds to be used for allowable grant activities funded by  
 505 restricted program revenues. Moneys to be credited to the trust  
 506 fund shall consist of grants and funding from the Federal  
 507 Government, interest earnings, and cash advances from other  
 508 trust funds.

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

514 Section 15. Section 372.672, Florida Statutes, is  
 515 renumbered as section 379.205, Florida Statutes, to read:

516 379.205 ~~372.672~~ Florida Panther Research and Management  
 517 Trust Fund.--

518 (1) There is established within the Fish and Wildlife  
 519 Conservation Commission the Florida Panther Research and  
 520 Management Trust Fund to be used exclusively for the purposes of  
 521 this section.

522 (2) Money from the fund shall be spent only for the  
 523 following purposes:

524 (a) To manage and protect existing Florida panther  
 525 populations by increasing panther food sources where food is a

526 limiting factor, determining conflicts between public use and  
 527 panther survival, maintaining sufficient genetic variability in  
 528 existing populations, and undertaking management and enforcement  
 529 activities that protect panther habitat.

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

532 (c) To reestablish Florida panthers into areas of suitable  
 533 habitat, where feasible, by assessing the necessity of a captive  
 534 breeding program for purposes of reintroduction of the panthers  
 535 into the suitable habitat; selecting potential sites for  
 536 reintroduction and investigating associated human sociological  
 537 aspects; and assessing the potential for panther habitat  
 538 acquisition.

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

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

544 Section 16. Section 372.103, Florida Statutes, is  
 545 renumbered as section 379.206, Florida Statutes, to read:

546 379.206 ~~372.103~~ Grants and Donations Trust Fund.--

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

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

553 donations from private and public nonfederal sources, interest  
 554 earnings, and cash advances from other trust funds.

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

560 Section 17. Section 372.105, Florida Statutes, is  
 561 renumbered as section 379.207, Florida Statutes, and amended to  
 562 read:

563 379.207 ~~372.105~~ Lifetime Fish and Wildlife Trust Fund.--

564 (1) There is established within the Fish and Wildlife  
 565 Conservation Commission the Lifetime Fish and Wildlife Trust  
 566 Fund to be used for the purpose of supporting fish and wildlife  
 567 conservation programs of the state in accordance with this  
 568 section.

569 (2) The principal of the fund shall be derived from the  
 570 following:

571 (a) Proceeds of any gifts, grants, and contributions to  
 572 the state which are specifically designated for inclusion in the  
 573 fund.

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

576 (3) The fund is declared to constitute a special trust  
 577 derived from a contractual relationship between the state and  
 578 the members of the public whose investments contribute to the  
 579 fund. In recognition of such special trust, the following

580 limitations and restrictions are placed on expenditures from the  
581 funds:

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

584 (b) The interest income received and accruing from the  
585 investments of proceeds from the sale of lifetime freshwater  
586 fishing licenses and lifetime hunting licenses shall be spent in  
587 furtherance of the commission's management, protection, and  
588 conservation of wild animal life and freshwater aquatic life as  
589 set forth in s. 9, Art. IV of the State Constitution and this  
590 chapter and as otherwise authorized by the Legislature.

591 (c) The interest income received and accruing from the  
592 investments of proceeds from the sale of lifetime saltwater  
593 fishing licenses shall be expended for marine law enforcement,  
594 marine research, and marine fishery enhancement.

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

605 (e) Any limitations or restrictions specified by the  
606 donors on the uses of the interest income derived from gifts,

607 grants, and voluntary contributions shall be respected but shall  
 608 not be binding.

609 (f) The fund shall be exempt from the provisions of s.  
 610 215.20.

611 (4) In the event of a future dissolution or reorganization  
 612 of the Fish and Wildlife Conservation Commission, any state  
 613 agency which succeeds the commission or assumes its  
 614 constitutional or statutory responsibilities shall, through its  
 615 agency head acting ex officio, assume the trusteeship of the  
 616 fund and shall be bound by all the limitations and restrictions  
 617 placed by this section on expenditures from the fund. No repeal  
 618 or modification of this chapter or s. 9, Art. IV of the State  
 619 Constitution shall alter the fundamental purposes to which the  
 620 fund may be applied. No dissolution or reorganization of the  
 621 Fish and Wildlife Conservation Commission shall invalidate any  
 622 lifetime license issued in accordance with this section.

623 Section 18. Section 370.0603, Florida Statutes, is  
 624 renumbered as section 379.208, Florida Statutes, and amended to  
 625 read:

626 379.208 ~~370.0603~~ Marine Resources Conservation Trust Fund;  
 627 purposes.--

628 (1) The Marine Resources Conservation Trust Fund within  
 629 the Fish and Wildlife Conservation Commission shall serve as a  
 630 broad-based depository for funds from various marine-related and  
 631 boating-related activities and shall be administered by the  
 632 commission for the purposes of:

633 (a) Funding for marine research.

634 (b) Funding for fishery enhancement, including, but not  
 635 limited to, fishery statistics development, artificial reefs,  
 636 and fish hatcheries.

637 (c) Funding for marine law enforcement.

638 (d) Funding for administration of licensing programs for  
 639 recreational fishing, saltwater products sales, and related  
 640 information and education activities.

641 (e) Funding for the operations of the Fish and Wildlife  
 642 Conservation Commission.

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

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

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

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

652 (j) Funding for the stone crab trap reduction program  
 653 under s. 379.365 ~~370.13~~, the blue crab effort management program  
 654 under s. 379.366 ~~370.135~~, the spiny lobster trap certificate  
 655 program under s. 379.3671 ~~370.142~~, and the trap retrieval  
 656 program under s. 379.2424 ~~370.143~~.

657 (2) The Marine Resources Conservation Trust Fund shall  
 658 receive the proceeds from:

659 (a) All license fees collected pursuant to ss. 379.361 and  
 660 379.362 ~~370.06~~ and ~~370.07~~.

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

663 (c) All fees collected under ss. 379.2424, 379.355,  
 664 379.357, 379.365, 379.3671, and 379.366 ~~370.063, 370.13,~~  
 665 ~~370.135, 370.142, 370.143, and 372.5704.~~

666 (d) All fines and penalties under ss. 379.365, 379.366  
 667 379.3671, and 379.407 ~~370.021, 370.13, 370.135, and 370.142.~~

668 (e) Other revenues as provided by law.

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

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

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

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

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

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

696 (a) To provide additional water-related law enforcement  
 697 positions within the Fish and Wildlife Conservation Commission  
 698 primarily for the purpose of enforcing laws designed to protect  
 699 manatee populations. Law enforcement positions funded under this  
 700 provision shall be assigned to counties having the highest  
 701 incidence of manatee deaths and injuries.

702 (b) For the placement of uniform waterway markers on state  
 703 waters.

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

707 (d) To implement and administer programs related to  
 708 boating safety and education, manatee technical avoidance  
 709 technology, and economic development initiatives to promote  
 710 boating in the state, including competitive grants programs as  
 711 provided in s. 327.47.

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

715  
716 Funds not used in one fiscal year must be carried over for use  
717 in subsequent years.

718 Section 19. Section 372.991, Florida Statutes, is  
719 renumbered as section 379.209, Florida Statutes, to read:

720 379.209 ~~372.991~~ Nongame Wildlife Trust Fund.--

721 (1) The Legislature recognizes the value of maintaining  
722 ecologically healthy and stable populations of a wide diversity  
723 of fish and wildlife species and recognizes the need for  
724 monitoring, research, management, and public awareness of all  
725 wildlife species in order to guarantee that self-sustaining  
726 populations be conserved. The Legislature further recognizes  
727 that research and management for game species traditionally have  
728 been supported by licenses and fees collected by the Fish and  
729 Wildlife Conservation Commission for consumptive uses of  
730 wildlife and that no such support mechanism is available for  
731 species not commonly pursued for sport or profit. It is the  
732 intent of the Legislature that the funds provided herein be  
733 spent to identify and meet the needs of nongame wildlife as a  
734 first priority with the ultimate goal of establishing an  
735 integrated approach to the management and conservation of all  
736 native fish, wildlife, and plants.

737 (2) (a) There is established within the Fish and Wildlife  
738 Conservation Commission the Nongame Wildlife Trust Fund. The  
739 fund shall be credited with moneys collected pursuant to ss.  
740 319.32(3) and 320.02(8). Additional funds may be provided from  
741 legislative appropriations and by donations from interested

742 individuals and organizations. The commission shall designate an  
 743 identifiable unit to administer the trust fund.

744 (b) Proceeds from the trust fund shall be used for the  
 745 following purposes:

746 1. Documentation of population trends of nongame wildlife  
 747 and assessment of wildlife habitat, in coordination with the  
 748 database of Florida natural areas inventory.

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

751 3. Public education programs.

752 (3) The commission may enter into cooperative agreements  
 753 or memoranda of understanding with related agencies to  
 754 coordinate nongame programs.

755 Section 20. Section 372.09, Florida Statutes, is  
 756 renumbered as section 379.211, Florida Statutes, to read:

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

770 Section 21. Section 372.074, Florida Statutes, is  
 771 renumbered as section 379.212, Florida Statutes, to read:  
 772 379.212 ~~372.074~~ Fish and Wildlife Habitat Program.--

773 (1) (a) There is established within the Fish and Wildlife  
 774 Conservation Commission the Fish and Wildlife Habitat Program  
 775 for the purpose of acquiring, assisting other agencies or local  
 776 governments in acquiring, or managing lands important to the  
 777 conservation of fish and wildlife.

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

783 (c) Where acquisition pursuant to this section will result  
 784 in state ownership of land, title shall be vested in the Board  
 785 of Trustees of the Internal Improvement Trust Fund as required  
 786 in chapter 253. Land acquisition pursuant to this section shall  
 787 be voluntary, negotiated acquisition and, where title is to be  
 788 vested in the Board of Trustees of the Internal Improvement  
 789 Trust Fund, is subject to the acquisition procedures of s.  
 790 253.025.

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

794 (2) Moneys which may be deposited into the Land  
 795 Acquisition Trust Fund for the purposes of this section may  
 796 include, but not be limited to, donations, grants, development-  
 797 of-regional-impact wildlife mitigation contributions, or

798 legislative appropriations. Preservation 2000 acquisition moneys  
 799 and Conservation and Recreation Lands management moneys shall  
 800 not be deposited into this fund.

801 Section 22. Section 372.5701, Florida Statutes, is  
 802 renumbered as section 379.2201, Florida Statutes, and amended to  
 803 read:

804 379.2201 ~~372.5701~~ Deposit of license fees; allocation of  
 805 federal funds.--

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

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

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

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

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

820 (2) The proceeds from recreational saltwater fishing  
 821 license fees paid by fishers shall only be appropriated to the  
 822 commission.

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

826 fisheries management and research in proportion to the numbers  
 827 of resident fresh and saltwater anglers as determined by the  
 828 most current data on license sales. Unless otherwise provided by  
 829 federal law, the commission, at a minimum, shall provide the  
 830 following:

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

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

837 Section 23. Section 372.5702, Florida Statutes, is  
 838 renumbered as section 379.2202, Florida Statutes, and amended to  
 839 read:

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

852 Section 24. Section 372.72, Florida Statutes, is  
 853 renumbered as section 379.2203, Florida Statutes, and amended to  
 854 read:

855 379.2203 ~~372.72~~ Disposition of fines, penalties, and  
 856 forfeitures.--

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

863 (2) All moneys collected from fines, penalties, or  
 864 forfeitures of bail of persons convicted of violations of rules,  
 865 regulations, or orders of the Fish and Wildlife Conservation  
 866 Commission concerning endangered or threatened species or of  
 867 violation of s. 379.3014, s. 379.409, or s. 379.4115 ~~s. 372.662,~~  
 868 ~~s. 372.663, s. 372.667, or s. 372.671~~ shall be remitted by the  
 869 clerk of the court to the Department of Revenue to be deposited  
 870 in the Nongame Wildlife Trust Fund.

871 Section 25. Section 372.5712, Florida Statutes, is  
 872 renumbered as section 379.2211, Florida Statutes, and amended to  
 873 read:

874 379.2211 ~~372.5712~~ Florida waterfowl permit revenues.--

875 (1) The commission shall expend the revenues generated  
 876 from the sale of the Florida waterfowl permit as provided in s.  
 877 379.354(8)(a) ~~372.57(8)(a)~~ or that pro rata portion of any  
 878 license that includes waterfowl hunting privileges, as provided  
 879 in s. 379.354(4)(h), (i), and (j) and (9)(a)3. ~~372.57(4)(h),~~

880 ~~(i), and (j) and (9)(a)3.~~ as follows: A maximum of 5 percent of  
 881 the gross revenues shall be expended for administrative costs; a  
 882 maximum of 25 percent of the gross revenues shall be expended  
 883 for waterfowl research approved by the commission; and a maximum  
 884 of 70 percent of the gross revenues shall be expended for  
 885 projects approved by the commission, in consultation with the  
 886 Waterfowl Advisory Council, for the purpose of protecting and  
 887 propagating migratory waterfowl and for the development,  
 888 restoration, maintenance, and preservation of wetlands within  
 889 the state.

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

898 Section 26. Section 372.5715, Florida Statutes, is  
 899 renumbered as section 379.2212, Florida Statutes, and amended to  
 900 read:

901 379.2212 ~~372.5715~~ Florida wild turkey permit revenues.--

902 (1) The commission shall expend the revenues generated  
 903 from the sale of the turkey permit as provided for in s.  
 904 379.354(8)(b) ~~372.57(8)(b)~~ or that pro rata portion of any  
 905 license that includes turkey hunting privileges as provided for  
 906 in s. 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for  
 907 research and management of wild turkeys.

908           (2) The intent of this section is to expand wild turkey  
 909 research and management and to increase wild turkey populations  
 910 in the state without detracting from other programs. The  
 911 commission shall prepare an annual report documenting the use of  
 912 funds generated under the provisions of this section, to be  
 913 submitted to the Governor, the Speaker of the House of  
 914 Representatives, and the President of the Senate on or before  
 915 September 1 of each year.

916           Section 27. Section 372.573, Florida Statutes, is  
 917 renumbered as section 379.2213, Florida Statutes, and amended to  
 918 read:

919           379.2213 ~~372.573~~ Management area permit revenues.--The  
 920 commission shall expend the revenue generated from the sale of  
 921 the management area permit as provided for in s. 379.354(8)(g)  
 922 ~~372.57(8)(g)~~ or that pro rata portion of any license that  
 923 includes management area privileges as provided for in s.  
 924 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for the  
 925 lease, management, and protection of lands for public hunting,  
 926 fishing, and other outdoor recreation.

927           Section 28. Section 372.12, Florida Statutes, is  
 928 renumbered as section 379.2222, Florida Statutes, to read:

929           379.2222 ~~372.12~~ Acquisition of state game lands.--The Fish  
 930 and Wildlife Conservation Commission, with the approval of the  
 931 Governor, may acquire, in the name of the state, lands and  
 932 waters suitable for the protection and propagation of game,  
 933 fish, nongame birds, or fur-bearing animals, or for hunting  
 934 purposes, game farms, by purchase, lease, gift or otherwise to  
 935 be known as state game lands. The said commission may erect such

936 buildings and fences as may be deemed necessary to properly  
 937 maintain and protect such lands, or for propagation of game,  
 938 nongame birds, freshwater fish, or fur-bearing animals. The  
 939 title of land acquired by purchase, lease, gift or otherwise,  
 940 shall be approved by the Department of Legal Affairs. The deed  
 941 to such lands shall be deposited as are deeds to other state  
 942 lands. No property acquired under this section shall be exempt  
 943 from state, county, or district taxation.

944 Section 29. Section 372.121, Florida Statutes, is  
 945 renumbered as section 379.2223, Florida Statutes, to read:

946 379.2223 ~~372.121~~ Control and management of state game  
 947 lands.--

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

961 (2) Any person violating or otherwise failing to comply  
 962 with any rule or regulation so adopted commits a misdemeanor of

963 the second degree, punishable as provided in s. 775.082 or s.  
 964 775.083.

965 Section 30. Section 372.19, Florida Statutes, is  
 966 renumbered as section 379.2224, Florida Statutes, to read:

967 379.2224 ~~372.19~~ Preserves, refuges, etc., not tax-  
 968 exempt.--No property acquired by purchase, lease, gift, contract  
 969 to purchase or lease, or otherwise, under the provisions of this  
 970 chapter, as state game lands, or any private lands used as game  
 971 refuges, shooting grounds, privileges, hatcheries or breeding  
 972 grounds for fish, game, birds or fur-bearing animals, except  
 973 state-owned lands being used for the protection of game, fish or  
 974 fur-bearing animals under the provisions of this chapter, shall  
 975 be exempt from state, county or district taxation. Any contract,  
 976 lease, gift or purchase of land for such purposes which attempts  
 977 to exempt or partially exempt such property from taxation shall  
 978 be null and void and of no effect.

979 Section 31. Section 372.025, Florida Statutes, is  
 980 renumbered as section 379.2225, Florida Statutes, to read:

981 379.2225 ~~372.025~~ Everglades recreational sites;  
 982 definitions.--

983 (1) PURPOSE.--It is the intent of the Legislature to  
 984 provide for the development and management of recreational sites  
 985 in the water conservation areas of the Florida Everglades when  
 986 such development:

987 (a) Can be accomplished without endangering the water  
 988 quality and quantity of supply and where environmental impact  
 989 will be minimal.

990 (b) Is located on the exterior fringes of the Everglades  
 991 to discourage extensive uncontrolled use of the interior  
 992 regions.

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

995 (d) Offers recreational potential for nature trails, bird  
 996 study, picnic areas, boating, fishing, hunting, and target  
 997 shooting.

998 (e) Is located where proper management and law enforcement  
 999 can be provided.

1000 (2) DEFINITIONS.--As used in this section:

1001 (a) "Commission" means the Fish and Wildlife Conservation  
 1002 Commission.

1003 (b) "Indian reservations" means lands as designated by  
 1004 chapter 285.

1005 (c) "Development of recreational sites" means any  
 1006 improvements to existing facilities or sites and also such new  
 1007 selection and improvements as are needed for the various  
 1008 recreational activities as herein provided.

1009 (3) RECREATIONAL SITES.--The Fish and Wildlife  
 1010 Conservation Commission is directed to develop, manage, and  
 1011 enforce laws on certain recreational sites in the water  
 1012 conservation areas of the Everglades from funds to be  
 1013 appropriated by the Legislature.

1014 (4) No recreational site will be developed on any Indian  
 1015 reservations as created by chapter 285 without first obtaining  
 1016 written approval for such development from the Indians of the  
 1017 particular reservation lands affected.

1018 Section 32. Section 372.0215, Florida Statutes, is  
 1019 renumbered as section 379.223, Florida Statutes, to read:  
 1020 379.223 ~~372.0215~~ Citizen support organizations; use of  
 1021 state property; audit.--

1022 (1) The Fish and Wildlife Conservation Commission may  
 1023 authorize the establishment of citizen support organizations to  
 1024 provide assistance, funding, and promotional support for the  
 1025 programs of the commission. For purposes of this section, the  
 1026 term "citizen support organization" means an organization which:

1027 (a) Is a corporation not for profit incorporated pursuant  
 1028 to the provisions of chapter 617 and approved by the Department  
 1029 of State.

1030 (b) Is organized and operated to conduct programs and  
 1031 activities; raise funds; request and receive grants, gifts, and  
 1032 bequests of money; acquire, receive, hold, invest, and  
 1033 administer in its own name securities, funds, or real or  
 1034 personal property; and make expenditures for the benefit of the  
 1035 commission or an individual program unit of the commission;  
 1036 except that such organization may not receive funds from the  
 1037 commission or the Fish and Wildlife Research Institute by grant,  
 1038 gift, or contract unless specifically authorized by the  
 1039 Legislature.

1040 (c) The commission has determined acts in a manner that is  
 1041 consistent with the goals of the commission and the best  
 1042 interests of the state.

1043 (d) Is approved in writing by the commission to operate  
 1044 for the benefit of the commission. Such approval must be stated

1045 in a letter of agreement from the executive director of the  
1046 commission.

1047 (2) (a) The Fish and Wildlife Conservation Commission may  
1048 permit a citizen support organization to use commission  
1049 property, facilities, and personnel free of charge. A citizen  
1050 support organization may use commission property, facilities,  
1051 and personnel if such use is consistent with the approved  
1052 purpose of that citizen support organization and if such use  
1053 does not unreasonably interfere with the general public's use of  
1054 commission property, facilities, and personnel for established  
1055 purposes.

1056 (b) The commission may prescribe conditions upon the use  
1057 by a citizen support organization of commission property,  
1058 facilities, or personnel.

1059 (c) The commission may not permit the use of any property,  
1060 facilities, or personnel of the state by a citizen support  
1061 organization that does not provide equal membership and  
1062 employment opportunities to all persons regardless of race,  
1063 color, national origin, religion, sex, or age.

1064 (3) Each citizen support organization shall provide for an  
1065 annual financial audit in accordance with s. 215.981. The  
1066 identity of a donor or prospective donor to a citizen support  
1067 organization who desires to remain anonymous and all information  
1068 identifying such donor or prospective donor are confidential and  
1069 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
1070 of the State Constitution. Such anonymity shall be maintained in  
1071 the auditor's report.

1072 Section 33. Section 370.06091, Florida Statutes, is  
 1073 renumbered as section 379.224, Florida Statutes, to read:

1074 379.224 ~~370.06091~~ Memorandum of agreement relating to Fish  
 1075 and Wildlife Research Institute.--A memorandum of agreement will  
 1076 be developed between the Department of Environmental Protection  
 1077 and the Fish and Wildlife Conservation Commission which will  
 1078 detail the responsibilities of the Fish and Wildlife Research  
 1079 Institute to the department, to include, at a minimum, the  
 1080 following services:

- 1081 (1) Environmental monitoring and assessment.
- 1082 (2) Restoration research and development of restoration  
 1083 technology.
- 1084 (3) Technical support and response for oil spills, ship  
 1085 groundings, major marine species die-offs, hazardous spills, and  
 1086 natural disasters.

1087 Section 34. Section 370.103, Florida Statutes, is  
 1088 renumbered as section 379.2251, Florida Statutes, to read:

1089 379.2251 ~~370.103~~ Agreements with Federal Government for  
 1090 the preservation of saltwater fisheries; authority of  
 1091 commission.--The Fish and Wildlife Conservation Commission is  
 1092 authorized and empowered to enter into cooperative agreements  
 1093 with the Federal Government or agencies thereof for the purpose  
 1094 of preserving saltwater fisheries within and without state  
 1095 waters and for the purpose of protecting against overfishing,  
 1096 waste, depletion, or any abuse whatsoever. Such authority  
 1097 includes the authority to enter into cooperative agreements  
 1098 whereby officers of the Fish and Wildlife Conservation  
 1099 Commission are empowered to enforce federal statutes and rules

1100 | pertaining to fisheries management. When differences between  
 1101 | state and federal laws occur, state laws shall take precedence.

1102 | Section 35. Section 370.18, Florida Statutes, is  
 1103 | renumbered as section 379.2252, Florida Statutes, to read:

1104 | 379.2252 ~~370.18~~ Compacts and agreements; generally.--The  
 1105 | Fish and Wildlife Conservation Commission may enter into  
 1106 | agreements of reciprocity with the fish commissioners or other  
 1107 | departments or other proper officials of other states, whereby  
 1108 | the citizens of the state may be permitted to take or catch  
 1109 | shrimp or prawn from the waters under the jurisdiction of such  
 1110 | other states, upon similar agreements to allow such nonresidents  
 1111 | or aliens to fish for or catch seafood products within the  
 1112 | jurisdiction of the state regardless of residence.

1113 | Section 36. Section 370.19, Florida Statutes, is  
 1114 | renumbered as section 379.2253, Florida Statutes, to read:

1115 | 379.2253 ~~370.19~~ Atlantic States Marine Fisheries Compact;  
 1116 | implementing legislation.--

1117 | (1) FORM.--The Governor of this state is hereby authorized  
 1118 | and directed to execute a compact on behalf of the State of  
 1119 | Florida with any one or more of the States of Maine, New  
 1120 | Hampshire, Massachusetts, Rhode Island, Connecticut, New York,  
 1121 | New Jersey, Delaware, Maryland, Virginia, North Carolina, South  
 1122 | Carolina, and Georgia, and with such other states as may enter  
 1123 | into the compact, legally joining therein in the form  
 1124 | substantially as follows:

1125 |  
 1126 | ATLANTIC STATES MARINE FISHERIES  
 1127 | COMPACT

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The contracting states solemnly agree:

ARTICLE I

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

ARTICLE II

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

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## ARTICLE III

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

## ARTICLE IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and

1184 physical waste of the fisheries, marine, shell and anadromous,  
1185 of the Atlantic seaboard. The commission shall have power to  
1186 recommend the coordination of the exercise of the police powers  
1187 of the several states within their respective jurisdictions to  
1188 promote the preservation of those fisheries and their protection  
1189 against overfishing, waste, depletion or any abuse whatsoever  
1190 and to assure a continuing yield from the fisheries resources of  
1191 the aforementioned states.

1192 To that end the commission shall draft and, after  
1193 consultation with the advisory committee hereinafter authorized,  
1194 recommend to the governors and legislatures of the various  
1195 signatory states legislation dealing with the conservation of  
1196 the marine, shell and anadromous fisheries of the Atlantic  
1197 seaboard. The commission shall, more than one month prior to any  
1198 regular meeting of the legislature in any signatory state,  
1199 present to the governor of the state its recommendations  
1200 relating to enactments to be made by the legislature of that  
1201 state in furthering the intents and purposes of this compact.

1202 The commission shall consult with and advise the pertinent  
1203 administrative agencies in the states party hereto with regard  
1204 to problems connected with the fisheries and recommend the  
1205 adoption of such regulations as it deems advisable.

1206 The commission shall have power to recommend to the states  
1207 party hereto the stocking of the waters of such states with fish  
1208 and fish eggs or joint stocking by some or all of the states  
1209 party hereto and when two or more of the states shall jointly  
1210 stock waters the commission shall act as the coordinating agency  
1211 for such stocking.

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ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries

1240 Commission cooperating with the research agencies in each state  
 1241 for that purpose. Representatives of the said Fish and Wildlife  
 1242 Service shall attend the meetings of the commission.

1243 An advisory committee to be representative of the  
 1244 commercial fishers and the saltwater anglers and such other  
 1245 interests of each state as the commission deems advisable shall  
 1246 be established by the commission as soon as practicable for the  
 1247 purpose of advising the commission upon such recommendations as  
 1248 it may desire to make.

1249

1250 ARTICLE VIII

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1252 When any state other than those named specifically in  
 1253 Article II of this compact shall become a party thereto for the  
 1254 purpose of conserving its anadromous fish in accordance with the  
 1255 provisions of Article II the participation of such state in the  
 1256 action of the commission shall be limited to such species of  
 1257 anadromous fish.

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1259 ARTICLE IX

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1261 Nothing in this compact shall be construed to limit the  
 1262 powers of any signatory state or to repeal or prevent the  
 1263 enactment of any legislation or the enforcement of any  
 1264 requirement by any signatory state imposing additional  
 1265 conditions to conserve its fisheries.

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1267 ARTICLE X

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

ARTICLE XI

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, provided no state shall contribute less than \$200 per annum and the annual contribution of each state above the minimum shall be figured to the nearest \$100.

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

Schedule of Initial Annual  
State Contributions

Maine.....	\$700
New Hampshire.....	200
Massachusetts.....	2,300

1296	Rhode Island.....	300
1297	Connecticut.....	400
1298	New York.....	1,300
1299	New Jersey.....	800
1300	Delaware.....	200
1301	Maryland.....	700
1302	Virginia.....	1,300
1303	North Carolina.....	600
1304	South Carolina.....	200
1305	Georgia.....	200
1306	Florida.....	1,500

ARTICLE XII

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

(2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from this state. The first commissioner from this state shall be the Executive Director of the Fish and Wildlife Conservation Commission, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife

1324 Conservation Commission, and his or her successor as  
1325 commissioner shall be his or her successor as executive  
1326 director. The second commissioner from this state shall be a  
1327 legislator appointed on a rotating basis by the President of the  
1328 Senate or the Speaker of the House of Representatives, beginning  
1329 with the appointment of a member of the Senate, and the term of  
1330 any such commissioner shall terminate at the time he or she  
1331 ceases to hold said legislative office. The Governor (subject to  
1332 confirmation by the Senate), shall appoint a citizen as a third  
1333 commissioner who shall have a knowledge of, and interest in, the  
1334 marine fisheries problem. The term of said commissioner shall be  
1335 3 years and the commissioner shall hold office until a successor  
1336 shall be appointed and qualified. Vacancies occurring in the  
1337 office of such commissioner from any reason or cause shall be  
1338 filled by appointment by the Governor (subject to confirmation  
1339 by the Senate), for the unexpired term. The Executive Director  
1340 of the Fish and Wildlife Conservation Commission as ex officio  
1341 commissioner may delegate, from time to time, to any deputy or  
1342 other subordinate in his or her department or office, the power  
1343 to be present and participate, including voting, as his or her  
1344 representative or substitute at any meeting of or hearing by or  
1345 other proceeding of the commission. The terms of each of the  
1346 initial three members shall begin at the date of the appointment  
1347 of the appointive commissioner, provided the said compact shall  
1348 then have gone into effect in accordance with Article II of the  
1349 compact; otherwise, they shall begin upon the date upon which  
1350 said compact shall become effective in accordance with said

1351 Article II. Any commissioner may be removed from office by the  
 1352 Governor upon charges and after a hearing.

1353 (3) POWERS OF COMMISSION AND COMMISSIONERS.--There is  
 1354 hereby granted to the commission and the commissioners thereof  
 1355 all the powers provided for in the said compact and all the  
 1356 powers necessary or incidental to the carrying out of said  
 1357 compact in every particular. All officers of the State of  
 1358 Florida are hereby authorized and directed to do all things  
 1359 falling within their respective provinces and jurisdiction  
 1360 necessary or incidental to the carrying out of said compact in  
 1361 every particular; it being hereby declared to be the policy of  
 1362 the State of Florida to perform and carry out the said compact  
 1363 and to accomplish the purposes thereof. All officers, bureaus,  
 1364 departments and persons of and in the state government or  
 1365 administration of the State of Florida are hereby authorized and  
 1366 directed at convenient times and upon request of the said  
 1367 commission to furnish the said commission with information and  
 1368 data possessed by them or any of them and to aid said commission  
 1369 by loan of personnel or other means lying within their legal  
 1370 rights respectively.

1371 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein  
 1372 granted to the commission shall be regarded as in aid of and  
 1373 supplemental to and in no case a limitation upon any of the  
 1374 powers vested in said commission by other laws of the State of  
 1375 Florida or by the laws of the States of Maine, New Hampshire,  
 1376 Massachusetts, Connecticut, Rhode Island, New York, New Jersey,  
 1377 Delaware, Maryland, Virginia, North Carolina, South Carolina,

1378 Georgia and Florida or by the Congress or the terms of said  
 1379 compact.

1380 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--

1381 (a) The commission shall keep accurate accounts of all  
 1382 receipts and disbursements and shall report to the Governor and  
 1383 the Legislature of the State of Florida on or before the 10th  
 1384 day of December in each year, setting forth in detail the  
 1385 transactions conducted by it during the 12 months preceding  
 1386 December 1 of that year and shall make recommendations for any  
 1387 legislative action deemed by it advisable, including amendments  
 1388 to the statutes of the State of Florida which may be necessary  
 1389 to carry out the intent and purposes of the compact between the  
 1390 signatory states.

1391 (b) The Department of Financial Services is authorized and  
 1392 empowered from time to time to examine the accounts and books of  
 1393 the commission, including its receipts, disbursements and such  
 1394 other items referring to its financial standing as such  
 1395 department deems proper and to report the results of such  
 1396 examination to the governor of such state.

1397 (6) APPROPRIATION FOR EXPENSES OF COMMISSION.--The sum of  
 1398 \$600, annually, or so much thereof as may be necessary, is  
 1399 hereby appropriated out of any moneys in the State Treasury not  
 1400 otherwise appropriated, for the expenses of the commission  
 1401 created by the compact authorized by this law. The moneys hereby  
 1402 appropriated shall be paid out of the State Treasury on the  
 1403 audit and warrant of the Chief Financial Officer upon vouchers  
 1404 certified by the chair of the commission in the manner  
 1405 prescribed by law.

1406 Section 37. Section 370.20, Florida Statutes, is  
 1407 renumbered as section 379.2254, Florida Statutes, to read:  
 1408 379.2254 ~~370.20~~ Gulf States Marine Fisheries Compact;  
 1409 implementing legislation.--

1410 (1) FORM.--The Governor of this state is hereby authorized  
 1411 and directed to execute the compact on behalf of the State of  
 1412 Florida with any one or more of the States of Alabama,  
 1413 Mississippi, Louisiana and Texas, and with such other state as  
 1414 may enter into a compact, legal joining therein in the form  
 1415 substantially as follows:

1416  
 1417 GULF STATES MARINE FISHERIES  
 1418 COMPACT

1419  
 1420 The contracting states solemnly agree:

1421  
 1422 ARTICLE I

1423  
 1424 Whereas the gulf coast states have the proprietary interest  
 1425 in and jurisdiction over fisheries in the waters within their  
 1426 respective boundaries, it is the purpose of this compact to  
 1427 promote the better utilization of the fisheries, marine, shell  
 1428 and anadromous, of the seaboard of the Gulf of Mexico, by the  
 1429 development of a joint program for the promotion and protection  
 1430 of such fisheries and the prevention of the physical waste of  
 1431 the fisheries from any cause.

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 1433 ARTICLE II

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

ARTICLE III

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

1462 a knowledge of and interest in the marine fisheries, to be  
1463 appointed by the governor. This commission shall be a body  
1464 corporate with the powers and duties set forth herein.

1465

1466 ARTICLE IV

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1468 The duty of the said commission shall be to make inquiry  
1469 and ascertain from time to time such methods, practices,  
1470 circumstances and conditions as may be disclosed for bringing  
1471 about the conservation and the prevention of the depletion and  
1472 physical waste of the fisheries, marine, shell and anadromous,  
1473 of the gulf coast. The commission shall have power to recommend  
1474 the coordination of the exercise of the police powers of the  
1475 several states within their respective jurisdiction to promote  
1476 the preservation of these fisheries and their protection against  
1477 overfishing, waste, depletion or any abuse whatsoever and to  
1478 assure a continuing yield from the fishery resources of the  
1479 aforementioned states.

1480 To that end the commission shall draft and recommend to the  
1481 governors and the legislatures of the various signatory states,  
1482 legislation dealing with the conservation of the marine, shell  
1483 and anadromous fisheries of the gulf seaboard. The commission  
1484 shall from time to time present to the governor of each  
1485 compacting state its recommendations relating to enactments to  
1486 be presented to the legislature of the state in furthering the  
1487 interest and purposes of this compact.

1488 The commission shall consult with and advise the pertinent  
1489 administrative agencies in the states party hereto with regard

1490 to problems connected with the fisheries and recommend the  
1491 adoption of such regulations as it deems advisable.

1492 The commission shall have power to recommend to the states  
1493 party hereto the stocking of the waters of such states with fish  
1494 and fish eggs or joint stocking by some or all of the states  
1495 party hereto and when two or more states shall jointly stock  
1496 waters the commission shall act as the coordinating agency for  
1497 such stocking.

1498

1499 ARTICLE V

1500

1501 The commission shall elect from its number a chair and vice  
1502 chair and shall appoint and at its pleasure remove or discharge  
1503 such officers and employees as may be required to carry the  
1504 provisions of this compact into effect and shall fix and  
1505 determine their duties, qualifications and compensation. Said  
1506 commission shall adopt rules and regulations for the conduct of  
1507 its business. It may establish and maintain one or more offices  
1508 for the transaction of its business and may meet at any time or  
1509 place but must meet at least once a year.

1510

1511 ARTICLE VI

1512

1513 No action shall be taken by the commission in regard to its  
1514 general affairs except by the affirmative vote of a majority of  
1515 the whole number of compacting states. No recommendation shall  
1516 be made by the commission in regard to any species of fish  
1517 except by the affirmative vote of a majority of the compacting

1518 states which have an interest in such species. The commission  
1519 shall define which shall be an interest.

1520

1521 ARTICLE VII

1522

1523 The Fish and Wildlife Service of the Department of the  
1524 Interior of the Government of the United States shall act as the  
1525 primary research agency of the Gulf States Marine Fisheries  
1526 Commission cooperating with the research agencies in each state  
1527 for that purpose. Representatives of the said fish and wildlife  
1528 service shall attend the meetings of the commission. An advisory  
1529 committee to be representative of the commercial salt water  
1530 fishers and the salt water anglers and such other interests of  
1531 each state as the commissioners deem advisable may be  
1532 established by the commissioners from each state for the purpose  
1533 of advising those commissioners upon such recommendations as it  
1534 may desire to make.

1535

1536 ARTICLE VIII

1537

1538 When any state other than those named specifically in  
1539 article II of this compact shall become a party hereto for the  
1540 purpose of conserving its anadromous fish or marine species in  
1541 accordance with the provisions of article II, the participation  
1542 of such state in the action of the commission shall be limited  
1543 to such species of fish.

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1545 ARTICLE IX

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

#### ARTICLE X

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

#### ARTICLE XI

1573 Continued absence of representation or of any  
 1574 representative on the commission from any state party hereto  
 1575 shall be brought to the attention of the governor thereof.

1576

1577 ARTICLE XII

1578

1579 The operating expenses of the Gulf States Marine Fisheries  
 1580 Commission shall be borne by the states party hereto. Such  
 1581 initial appropriations as are set forth below shall be made  
 1582 available yearly until modified as hereinafter provided:

1583	Florida.....	\$3,500
1584	Alabama.....	1,000
1585	Mississippi.....	1,000
1586	Louisiana.....	5,000
1587	Texas.....	2,500
1588	Total.....	\$13,000

1589

1590 The proration and total cost per annum of \$13,000, above-  
 1591 mentioned, is estimated only, for initial operations, and may be  
 1592 changed when found necessary by the commission and approved by  
 1593 the legislatures of the respective states. Each state party  
 1594 hereto agrees to provide in the manner most acceptable to it,  
 1595 the travel costs and necessary expenses of its commissioners and  
 1596 other representatives to and from meetings of the commission or  
 1597 its duly constituted sections or committees.

1598

1599 ARTICLE XIII

1600

1601           This compact shall continue in force and remain binding  
1602 upon each compacting state until renounced by act of the  
1603 legislature of such state, in such form as it may choose;  
1604 provided that such renunciation shall not become effective until  
1605 6 months after the effective date of the action taken by the  
1606 legislature. Notice of such renunciation shall be given to the  
1607 other states party hereto by the secretary of state of the  
1608 compacting state so renouncing upon passage of the act.

1609           (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In pursuance  
1610 of article III of said compact, there shall be three members  
1611 (hereinafter called commissioners) of the Gulf States Marine  
1612 Fisheries Commission (hereafter called commission) from the  
1613 State of Florida. The first commissioner from the State of  
1614 Florida shall be the Executive Director of the Fish and Wildlife  
1615 Conservation Commission, ex officio, and the term of any such ex  
1616 officio commissioner shall terminate at the time he or she  
1617 ceases to hold said office of Executive Director of the Fish and  
1618 Wildlife Conservation Commission, and his or her successor as  
1619 commissioner shall be his or her successor as executive  
1620 director. The second commissioner from the State of Florida  
1621 shall be a legislator appointed on a rotating basis by the  
1622 President of the Senate or the Speaker of the House of  
1623 Representatives, beginning with the appointment of a member of  
1624 the House of Representatives, and the term of any such  
1625 commissioner shall terminate at the time he or she ceases to  
1626 hold said legislative office. The Governor (subject to  
1627 confirmation by the Senate) shall appoint a citizen as a third  
1628 commissioner who shall have a knowledge of and interest in the

1629 marine fisheries problem. The term of said commissioner shall be  
 1630 3 years and the commissioner shall hold office until a successor  
 1631 shall be appointed and qualified. Vacancies occurring in the  
 1632 office of such commissioner from any reason or cause shall be  
 1633 filled by appointment by the Governor (subject to confirmation  
 1634 by the Senate) for the unexpired term. The Executive Director of  
 1635 the Fish and Wildlife Conservation Commission, as ex officio  
 1636 commissioner, may delegate, from time to time, to any deputy or  
 1637 other subordinate in his or her department or office, the power  
 1638 to be present and participate, including voting, as his or her  
 1639 representative or substitute at any meeting of or hearing by or  
 1640 other proceeding of the commission. The terms of each of the  
 1641 initial three members shall begin at the date of the appointment  
 1642 of the appointive commissioner, provided the said compact shall  
 1643 then have gone into effect in accordance with article II of the  
 1644 compact; otherwise they shall begin upon the date upon which  
 1645 said compact shall become effective in accordance with said  
 1646 article II.

1647 Any commissioner may be removed from office by the Governor  
 1648 upon charges and after a hearing.

1649 (3) COMMISSION; POWERS.--There is hereby granted to the  
 1650 commission and the commissioners thereof all the powers provided  
 1651 for in the said compact and all the powers necessary or  
 1652 incidental to the carrying out of said compact in every  
 1653 particular. All officers of the State of Florida are hereby  
 1654 authorized and directed to do all things falling within their  
 1655 respective provinces and jurisdiction necessary or incidental to  
 1656 the carrying out of said compact in every particular; it being

1657 hereby declared to be the policy of the State of Florida to  
 1658 perform and carry out the said compact and to accomplish the  
 1659 purposes thereof. All officers, bureaus, departments and persons  
 1660 of and in the state government or administration of the State of  
 1661 Florida are hereby authorized and directed at convenient times  
 1662 and upon request of the said commission to furnish the said  
 1663 commission with information and data possessed by them or any of  
 1664 them and to aid said commission by loan of personnel or other  
 1665 means lying within their legal rights respectively.

1666 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein  
 1667 granted to the commissioner shall be regarded as in aid of and  
 1668 supplemental to and in no case a limitation upon any of the  
 1669 powers vested in said commission by other laws of the State of  
 1670 Florida or by the laws of the States of Alabama, Mississippi,  
 1671 Louisiana, Texas and Florida or by the Congress or the terms of  
 1672 said compact.

1673 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--The  
 1674 commission shall keep accurate accounts of all receipts and  
 1675 disbursements and shall report to the Governor and the  
 1676 Legislature of the State of Florida on or before the 10th day of  
 1677 December in each year, setting forth in detail the transactions  
 1678 conducted by it during the 12 months preceding December 1 of  
 1679 that year and shall make recommendations for any legislative  
 1680 action deemed by it advisable, including amendments to the  
 1681 statutes of the State of Florida which may be necessary to carry  
 1682 out the intent and purposes of the compact between the signatory  
 1683 states.

1684           The Department of Financial Services is authorized and  
 1685 empowered from time to time to examine the accounts and books of  
 1686 the commission, including its receipts, disbursements and such  
 1687 other items referring to its financial standing as such  
 1688 department deems proper and to report the results of such  
 1689 examination to the governor of such state.

1690           Section 38. Section 372.831, Florida Statutes, is  
 1691 renumbered as section 379.2255, Florida Statutes, and amended to  
 1692 read:

1693           379.2255 ~~372.831~~ Wildlife Violator Compact Act.--The  
 1694 Wildlife Violator Compact is created and entered into with all  
 1695 other jurisdictions legally joining therein in the form  
 1696 substantially as follows:

1697  
 1698                                   ARTICLE I  
 1699                                   Findings and Purpose

- 1700
- 1701           (1) The participating states find that:
- 1702           (a) Wildlife resources are managed in trust by the
- 1703 respective states for the benefit of all residents and visitors.
- 1704           (b) The protection of the wildlife resources of a state is
- 1705 materially affected by the degree of compliance with state
- 1706 statutes, laws, regulations, ordinances, and administrative
- 1707 rules relating to the management of such resources.
- 1708           (c) The preservation, protection, management, and
- 1709 restoration of wildlife contributes immeasurably to the
- 1710 aesthetic, recreational, and economic aspects of such natural
- 1711 resources.

1712 (d) Wildlife resources are valuable without regard to  
 1713 political boundaries; therefore, every person should be required  
 1714 to comply with wildlife preservation, protection, management,  
 1715 and restoration laws, ordinances, and administrative rules and  
 1716 regulations of the participating states as a condition precedent  
 1717 to the continuance or issuance of any license to hunt, fish,  
 1718 trap, or possess wildlife.

1719 (e) Violation of wildlife laws interferes with the  
 1720 management of wildlife resources and may endanger the safety of  
 1721 persons and property.

1722 (f) The mobility of many wildlife law violators  
 1723 necessitates the maintenance of channels of communication among  
 1724 the various states.

1725 (g) In most instances, a person who is cited for a  
 1726 wildlife violation in a state other than his or her home state  
 1727 is:

- 1728 1. Required to post collateral or a bond to secure  
 1729 appearance for a trial at a later date;
- 1730 2. Taken into custody until the collateral or bond is  
 1731 posted; or
- 1732 3. Taken directly to court for an immediate appearance.

1733 (h) The purpose of the enforcement practices set forth in  
 1734 paragraph (g) is to ensure compliance with the terms of a  
 1735 wildlife citation by the cited person who, if permitted to  
 1736 continue on his or her way after receiving the citation, could  
 1737 return to his or her home state and disregard his or her duty  
 1738 under the terms of the citation.

1739 (i) In most instances, a person receiving a wildlife  
1740 citation in his or her home state is permitted to accept the  
1741 citation from the officer at the scene of the violation and  
1742 immediately continue on his or her way after agreeing or being  
1743 instructed to comply with the terms of the citation.

1744 (j) The practices described in paragraph (g) cause  
1745 unnecessary inconvenience and, at times, a hardship for the  
1746 person who is unable at the time to post collateral, furnish a  
1747 bond, stand trial, or pay a fine, and thus is compelled to  
1748 remain in custody until some alternative arrangement is made.

1749 (k) The enforcement practices described in paragraph (g)  
1750 consume an undue amount of time of law enforcement agencies.

1751 (2) It is the policy of the participating states to:

1752 (a) Promote compliance with the statutes, laws,  
1753 ordinances, regulations, and administrative rules relating to  
1754 the management of wildlife resources in their respective states.

1755 (b) Recognize a suspension of the wildlife license  
1756 privileges of any person whose license privileges have been  
1757 suspended by a participating state and treat such suspension as  
1758 if it had occurred in each respective state.

1759 (c) Allow a violator, except as provided in subsection (2)  
1760 of Article III, to accept a wildlife citation and, without  
1761 delay, proceed on his or her way, whether or not the violator is  
1762 a resident of the state in which the citation was issued, if the  
1763 violator's home state is party to this compact.

1764 (d) Report to the appropriate participating state, as  
1765 provided in the compact manual, any conviction recorded against  
1766 any person whose home state was not the issuing state.

1767 (e) Allow the home state to recognize and treat  
 1768 convictions recorded against its residents, which convictions  
 1769 occurred in a participating state, as though they had occurred  
 1770 in the home state.

1771 (f) Extend cooperation to its fullest extent among the  
 1772 participating states for enforcing compliance with the terms of  
 1773 a wildlife citation issued in one participating state to a  
 1774 resident of another participating state.

1775 (g) Maximize the effective use of law enforcement  
 1776 personnel and information.

1777 (h) Assist court systems in the efficient disposition of  
 1778 wildlife violations.

1779 (3) The purpose of this compact is to:

1780 (a) Provide a means through which participating states may  
 1781 join in a reciprocal program to effectuate the policies  
 1782 enumerated in subsection (2) in a uniform and orderly manner.

1783 (b) Provide for the fair and impartial treatment of  
 1784 wildlife violators operating within participating states in  
 1785 recognition of the violator's right to due process and the  
 1786 sovereign status of a participating state.

1787

1788 ARTICLE II  
 1789 Definitions

1790

1791 As used in this compact, the term:

1792 (1) "Citation" means any summons, complaint, summons and  
 1793 complaint, ticket, penalty assessment, or other official  
 1794 document issued to a person by a wildlife officer or other peace

1795 officer for a wildlife violation which contains an order  
1796 requiring the person to respond.

1797 (2) "Collateral" means any cash or other security  
1798 deposited to secure an appearance for trial in connection with  
1799 the issuance by a wildlife officer or other peace officer of a  
1800 citation for a wildlife violation.

1801 (3) "Compliance" with respect to a citation means the act  
1802 of answering a citation through an appearance in a court or  
1803 tribunal, or through the payment of fines, costs, and  
1804 surcharges, if any.

1805 (4) "Conviction" means a conviction that results in  
1806 suspension or revocation of a license, including any court  
1807 conviction, for any offense related to the preservation,  
1808 protection, management, or restoration of wildlife which is  
1809 prohibited by state statute, law, regulation, ordinance, or  
1810 administrative rule. The term also includes the forfeiture of  
1811 any bail, bond, or other security deposited to secure appearance  
1812 by a person charged with having committed any such offense, the  
1813 payment of a penalty assessment, a plea of nolo contendere, or  
1814 the imposition of a deferred or suspended sentence by the court.

1815 (5) "Court" means a court of law, including magistrate's  
1816 court and the justice of the peace court.

1817 (6) "Home state" means the state of primary residence of a  
1818 person.

1819 (7) "Issuing state" means the participating state that  
1820 issues a wildlife citation to the violator.

1821 (8) "License" means any license, permit, or other public  
1822 document that conveys to the person to whom it was issued the

1823 privilege of pursuing, possessing, or taking any wildlife  
 1824 regulated by statute, law, regulation, ordinance, or  
 1825 administrative rule of a participating state; any privilege to  
 1826 obtain such license, permit, or other public document; or any  
 1827 statutory exemption from the requirement to obtain such license,  
 1828 permit, or other public document. However, when applied to a  
 1829 license, permit, or privilege issued or granted by the State of  
 1830 Florida, only a license or permit issued under s. 379.354  
 1831 ~~372.57~~, or a privilege granted under s. 379.353 ~~372.562~~, shall  
 1832 be considered a license.

1833 (9) "Licensing authority" means the department or division  
 1834 within each participating state which is authorized by law to  
 1835 issue or approve licenses or permits to hunt, fish, trap, or  
 1836 possess wildlife.

1837 (10) "Participating state" means any state that enacts  
 1838 legislation to become a member of this wildlife compact.

1839 (11) "Personal recognizance" means an agreement by a  
 1840 person made at the time of issuance of the wildlife citation  
 1841 that such person will comply with the terms of the citation.

1842 (12) "State" means any state, territory, or possession of  
 1843 the United States, the District of Columbia, the Commonwealth of  
 1844 Puerto Rico, the Provinces of Canada, and other countries.

1845 (13) "Suspension" means any revocation, denial, or  
 1846 withdrawal of any or all license privileges, including the  
 1847 privilege to apply for, purchase, or exercise the benefits  
 1848 conferred by any license.

1849 (14) "Terms of the citation" means those conditions and  
 1850 options expressly stated upon the citation.

1851 (15) "Wildlife" means all species of animals, including,  
 1852 but not limited to, mammals, birds, fish, reptiles, amphibians,  
 1853 mollusks, and crustaceans, which are defined as "wildlife" and  
 1854 are protected or otherwise regulated by statute, law,  
 1855 regulation, ordinance, or administrative rule in a participating  
 1856 state. Species included in the definition of "wildlife" vary  
 1857 from state to state and the determination of whether a species  
 1858 is "wildlife" for the purposes of this compact shall be based on  
 1859 local law.

1860 (16) "Wildlife law" means any statute, law, regulation,  
 1861 ordinance, or administrative rule developed and enacted for the  
 1862 management of wildlife resources and the uses thereof.

1863 (17) "Wildlife officer" means any individual authorized by  
 1864 a participating state to issue a citation for a wildlife  
 1865 violation.

1866 (18) "Wildlife violation" means any cited violation of a  
 1867 statute, law, regulation, ordinance, or administrative rule  
 1868 developed and enacted for the management of wildlife resources  
 1869 and the uses thereof.

1870

1871 ARTICLE III

1872 Procedures for Issuing State

1873

1874 (1) When issuing a citation for a wildlife violation, a  
 1875 wildlife officer shall issue a citation to any person whose  
 1876 primary residence is in a participating state in the same manner  
 1877 as though the person were a resident of the issuing state and  
 1878 shall not require such person to post collateral to secure

1879 appearance, subject to the exceptions noted in subsection (2),  
 1880 if the officer receives the recognizance of such person that he  
 1881 will comply with the terms of the citation.

1882 (2) Personal recognizance is acceptable if not prohibited  
 1883 by local law; by policy, procedure, or regulation of the issuing  
 1884 agency; or by the compact manual and if the violator provides  
 1885 adequate proof of identification to the wildlife officer.

1886 (3) Upon conviction or failure of a person to comply with  
 1887 the terms of a wildlife citation, the appropriate official shall  
 1888 report the conviction or failure to comply to the licensing  
 1889 authority of the participating state in which the wildlife  
 1890 citation was issued. The report shall be made in accordance with  
 1891 procedures specified by the issuing state and must contain  
 1892 information as specified in the compact manual as minimum  
 1893 requirements for effective processing by the home state.

1894 (4) Upon receipt of the report of conviction or  
 1895 noncompliance pursuant to subsection (3), the licensing  
 1896 authority of the issuing state shall transmit to the licensing  
 1897 authority of the home state of the violator the information in  
 1898 the form and content prescribed in the compact manual.

1900 ARTICLE IV

1901 Procedure for Home State

1902  
 1903 (1) Upon receipt of a report from the licensing authority  
 1904 of the issuing state reporting the failure of a violator to  
 1905 comply with the terms of a citation, the licensing authority of  
 1906 the home state shall notify the violator and shall initiate a

1907 suspension action in accordance with the home state's suspension  
 1908 procedures and shall suspend the violator's license privileges  
 1909 until satisfactory evidence of compliance with the terms of the  
 1910 wildlife citation has been furnished by the issuing state to the  
 1911 home state licensing authority. Due-process safeguards shall be  
 1912 accorded.

1913 (2) Upon receipt of a report of conviction from the  
 1914 licensing authority of the issuing state, the licensing  
 1915 authority of the home state shall enter such conviction in its  
 1916 records and shall treat such conviction as though it occurred in  
 1917 the home state for purposes of the suspension of license  
 1918 privileges.

1919 (3) The licensing authority of the home state shall  
 1920 maintain a record of actions taken and shall make reports to  
 1921 issuing states as provided in the compact manual.

1923 ARTICLE V

1924 Reciprocal Recognition of Suspension

1925  
 1926 (1) Each participating state may recognize the suspension  
 1927 of license privileges of any person by any other participating  
 1928 state as though the violation resulting in the suspension had  
 1929 occurred in that state and would have been the basis for  
 1930 suspension of license privileges in that state.

1931 (2) Each participating state shall communicate suspension  
 1932 information to other participating states in the form and  
 1933 content contained in the compact manual.

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ARTICLE VI

Applicability of Other Laws

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

ARTICLE VII

Compact Administrator Procedures

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

1963 (2) Each member of the board of compact administrators  
 1964 shall be entitled to one vote. No action of the board shall be  
 1965 binding unless taken at a meeting at which a majority of the  
 1966 total number of the board's votes are cast in favor thereof.  
 1967 Action by the board shall be only at a meeting at which a  
 1968 majority of the participating states are represented.

1969 (3) The board shall elect annually from its membership a  
 1970 chairman and vice chairman.

1971 (4) The board shall adopt bylaws not inconsistent with the  
 1972 provisions of this compact or the laws of a participating state  
 1973 for the conduct of its business and shall have the power to  
 1974 amend and rescind its bylaws.

1975 (5) The board may accept for any of its purposes and  
 1976 functions under this compact any and all donations and grants of  
 1977 moneys, equipment, supplies, materials, and services,  
 1978 conditional or otherwise, from any state, the United States, or  
 1979 any governmental agency, and may receive, use, and dispose of  
 1980 the same.

1981 (6) The board may contract with, or accept services or  
 1982 personnel from, any governmental or intergovernmental agency,  
 1983 individual, firm, corporation, or private nonprofit organization  
 1984 or institution.

1985 (7) The board shall formulate all necessary procedures and  
 1986 develop uniform forms and documents for administering the  
 1987 provisions of this compact. All procedures and forms adopted  
 1988 pursuant to board action shall be contained in a compact manual.

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ARTICLE VIII

Entry into Compact and Withdrawal

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

(2)

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

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

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

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

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

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

(3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice must be

2019 | directed to the compact administrator of each member state. The  
 2020 | withdrawal of any state does not affect the validity of this  
 2021 | compact as to the remaining participating states.

2022 |

2023 | ARTICLE IX

2024 | Amendments to the Compact

2025 |

2026 | (1) This compact may be amended from time to time.

2027 | Amendments shall be presented in resolution form to the chairman

2028 | of the board of compact administrators and shall be initiated by

2029 | one or more participating states.

2030 | (2) Adoption of an amendment shall require endorsement by

2031 | all participating states and shall become effective 30 days

2032 | after the date of the last endorsement.

2033 |

2034 | ARTICLE X

2035 | Construction and Severability

2036 |

2037 | This compact shall be liberally construed so as to effectuate

2038 | the purposes stated herein. The provisions of this compact are

2039 | severable and if any phrase, clause, sentence, or provision of

2040 | this compact is declared to be contrary to the constitution of

2041 | any participating state or of the United States, or if the

2042 | applicability thereof to any government, agency, individual, or

2043 | circumstance is held invalid, the validity of the remainder of

2044 | this compact shall not be affected thereby. If this compact is

2045 | held contrary to the constitution of any participating state,

2046 | the compact shall remain in full force and effect as to the

2047 remaining states and in full force and effect as to the  
 2048 participating state affected as to all severable matters.

2049

2050 ARTICLE XI

2051 Title

2052

2053 This compact shall be known as the "Wildlife Violator  
 2054 Compact."

2055 Section 39. Section 372.8311, Florida Statutes, is  
 2056 renumbered as section 379.2256, Florida Statutes, and amended to  
 2057 read:

2058 379.2256 ~~372.8311~~ Compact licensing and enforcement  
 2059 authority; administrative review.--

2060 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of  
 2061 this act and the interstate Wildlife Violator Compact, the Fish  
 2062 and Wildlife Conservation Commission is the licensing authority  
 2063 for the State of Florida and shall enforce the interstate  
 2064 Wildlife Violator Compact and shall do all things within the  
 2065 commission's jurisdiction which are necessary to effectuate the  
 2066 purposes and the intent of the compact. The commission may  
 2067 execute a resolution of ratification to formalize the State of  
 2068 Florida's entry into the compact. Upon adoption of the Wildlife  
 2069 Violator Compact, the commission may adopt rules to administer  
 2070 the provisions of the compact.

2071 (2) ADMINISTRATIVE REVIEW.--Any action committed or  
 2072 omitted by the Fish and Wildlife Conservation Commission under  
 2073 or in the enforcement of the Wildlife Violator Compact created  
 2074 in s. 379.2255 ~~372.831~~ is subject to review under chapter 120.

2075 Section 40. Section 372.74, Florida Statutes, is  
 2076 renumbered as section 379.2257, Florida Statutes, to read:  
 2077 379.2257 ~~372.74~~ Cooperative agreements with U. S. Forest  
 2078 Service; penalty.--The Fish and Wildlife Conservation Commission  
 2079 is authorized and empowered:

2080 (1) To enter into cooperative agreements with the United  
 2081 States Forest Service for the development of game, bird, fish,  
 2082 reptile, or fur-bearing animal management and demonstration  
 2083 projects on and in the Osceola National Forest in Columbia and  
 2084 Baker Counties, and in the Ocala National Forest in Marion,  
 2085 Lake, and Putnam Counties and in the Apalachicola National  
 2086 Forest in Liberty County. Provided, however, that no such  
 2087 cooperative agreements shall become effective in any county  
 2088 concerned until confirmed by the board of county commissioners  
 2089 of such county expressed through appropriate resolution.

2090 (2) In cooperation with the United States Forest Service,  
 2091 to make, adopt, promulgate, amend, and repeal rules and  
 2092 regulations, consistent with law, for the further or better  
 2093 control of hunting, fishing, and control of wildlife in the  
 2094 above National Forests or parts thereof; to shorten seasons and  
 2095 reduce bag limits, or shorten or close seasons on any species of  
 2096 game, bird, fish, reptile, or fur-bearing animal within the  
 2097 limits prescribed by the Florida law, in the above enumerated  
 2098 National Forests or parts thereof, when it shall find after  
 2099 investigation that such action is necessary to assure the  
 2100 maintenance of an adequate supply of wildlife.

2101 (3) To fix a charge not to exceed \$5, for persons 18 years  
 2102 of age and over, and not to exceed \$2 for persons under the age

2103 of 18 years, over and above the license fee for hunting now  
 2104 required by law. This additional fee is to apply only on areas  
 2105 covered by above cooperative agreements. The proceeds from this  
 2106 additional license fee shall be used in the development,  
 2107 propagation of wildlife, and protection of the areas covered by  
 2108 the cooperative agreements as the commission and the United  
 2109 States Forest Service may deem proper. Nothing in this section  
 2110 shall be construed as authorizing the commission to change any  
 2111 penalty prescribed by law or to change the amount of general  
 2112 license fees or the general authority conferred by licenses  
 2113 prescribed by law.

2114 (4) In addition to the requirements of chapter 120, notice  
 2115 of the making, adoption, and promulgation of the above rules and  
 2116 regulations shall be given by posting said notices, or copies of  
 2117 the rules and regulations, in the offices of the county judges  
 2118 and in the post offices within the area to be affected and  
 2119 within 10 miles thereof. In addition to the posting of said  
 2120 notices, as aforesaid, copies of said notices or of said rules  
 2121 and regulations shall also be published in newspapers published  
 2122 at the county seats of Baker, Columbia, Marion, Lake, Putnam,  
 2123 and Liberty Counties, or so many thereof as have newspapers,  
 2124 once not more than 35 nor less than 28 days and once not more  
 2125 than 21 nor less than 14 days prior to the opening of the state  
 2126 hunting season in said areas. Any person violating any rules or  
 2127 regulations promulgated by the commission to cover these areas  
 2128 under cooperative agreements between the Fish and Wildlife  
 2129 Conservation Commission and the United States Forest Service,  
 2130 none of which shall be in conflict with the laws of Florida,

2131 shall be guilty of a misdemeanor of the second degree,  
 2132 punishable as provided in s. 775.082 or s. 775.083.

2133 Section 41. Section 372.77, Florida Statutes, is  
 2134 renumbered as section 379.2258, Florida Statutes, to read:

2135 379.2258 ~~372.77~~ Assent to provisions of Act of Congress of  
 2136 September 2, 1937.--

2137 (1) The state hereby assents to the provisions of the Act  
 2138 of Congress entitled "An Act to provide that the United States  
 2139 shall aid the States in Wildlife Restoration Projects, and for  
 2140 other purposes," approved September 2, 1937 (Pub. L. No. 415,  
 2141 75th Congress), and the Fish and Wildlife Conservation  
 2142 Commission is hereby authorized, empowered, and directed to  
 2143 perform such acts as may be necessary to the conduct and  
 2144 establishment of cooperative wildlife restoration projects, as  
 2145 defined in said Act of Congress, in compliance with said act and  
 2146 rules and regulations promulgated by the Secretary of  
 2147 Agriculture thereunder.

2148 (2) From and after the passage of this section it shall be  
 2149 unlawful to divert any funds accruing to the state from license  
 2150 fees paid by hunters for any purpose other than the  
 2151 administration of the Fish and Wildlife Conservation Commission  
 2152 of the state.

2153 Section 42. Section 372.7701, Florida Statutes, is  
 2154 renumbered as section 379.2259, Florida Statutes, and amended to  
 2155 read:

2156 379.2259 ~~372.7701~~ Assent to federal acts.--

2157 (1) The state hereby assents to the provisions of the  
 2158 Federal Aid in Fish Restoration Act of August 9, 1950, as

2159 | amended. The Fish and Wildlife Conservation Commission shall  
 2160 | perform such activities as are necessary to conduct wildlife and  
 2161 | sportfish restoration projects, as defined in such Act of  
 2162 | Congress and in compliance with the act and rules adopted  
 2163 | thereunder by the United States Department of the Interior.  
 2164 | Furthermore, the commission shall develop and implement programs  
 2165 | to manage, protect, restore, and conserve marine mammals and the  
 2166 | marine fishery and shall develop and implement similar programs  
 2167 | for wild animal life and freshwater aquatic life.

2168 |         (2) Revenues from fees paid by hunters and sport fishers  
 2169 | may not be diverted to purposes other than the administration of  
 2170 | fish and wildlife programs by the Fish and Wildlife Conservation  
 2171 | Commission. Administration of the state fish and wildlife  
 2172 | programs includes only those functions of fish and wildlife  
 2173 | management as are the responsibility of and under the authority  
 2174 | of the Fish and Wildlife Conservation Commission.

2175 |         (3) This section shall be construed in harmony with s.  
 2176 | 379.2258 ~~372.77~~.

2177 |         Section 43. Section 370.21, Florida Statutes, is  
 2178 | renumbered as section 379.226, Florida Statutes, and amended to  
 2179 | read:

2180 |         379.226 ~~370.21~~ Florida Territorial Waters Act; alien-owned  
 2181 | commercial fishing vessels; prohibited acts; enforcement.--

2182 |         (1) This act may be known and cited as the "Florida  
 2183 | Territorial Waters Act."

2184 |         (2) It is the purpose of this act to exercise and exert  
 2185 | full sovereignty and control of the territorial waters of the  
 2186 | state.

2187 (3) No license shall be issued by the Fish and Wildlife  
 2188 Conservation Commission under s. 379.361 ~~370.06~~, to any vessel  
 2189 owned in whole or in part by any alien power, which subscribes  
 2190 to the doctrine of international communism, or any subject or  
 2191 national thereof, who subscribes to the doctrine of  
 2192 international communism, or any individual who subscribes to the  
 2193 doctrine of international communism, or who shall have signed a  
 2194 treaty of trade, friendship and alliance or a nonaggression pact  
 2195 with any communist power. The commission shall grant or withhold  
 2196 said licenses where other alien vessels are involved on the  
 2197 basis of reciprocity and retorsion, unless the nation concerned  
 2198 shall be designated as a friendly ally or neutral by a formal  
 2199 suggestion transmitted to the Governor of Florida by the  
 2200 Secretary of State of the United States. Upon the receipt of  
 2201 such suggestion licenses shall be granted under s. 379.361  
 2202 ~~370.06~~, without regard to reciprocity and retorsion, to vessels  
 2203 of such nations.

2204 (4) It is unlawful for any unlicensed alien vessel to take  
 2205 by any means whatsoever, attempt to take, or having so taken to  
 2206 possess, any natural resource of the state's territorial waters,  
 2207 as such waters are described by Art. II of the State  
 2208 Constitution.

2209 (5) It is the duty of all harbormasters of the state to  
 2210 prevent the use of any port facility in a manner which they  
 2211 reasonably suspect may assist in the violation of this act.  
 2212 Harbormasters shall endeavor by all reasonable means, which may  
 2213 include the inspection of nautical logs, to ascertain from  
 2214 masters of newly arrived vessels of all types other than

2215 warships of the United States, the presence of alien commercial  
2216 fishing vessels within the territorial waters of the state, and  
2217 shall transmit such information promptly to the Fish and  
2218 Wildlife Conservation Commission and such law enforcement  
2219 agencies of the state as the situation may indicate.

2220 Harbormasters shall request assistance from the United States  
2221 Coast Guard in appropriate cases to prevent unauthorized  
2222 departure from any port facility.

2223 (6) All licensed harbor pilots are required to promptly  
2224 transmit any knowledge coming to their attention regarding  
2225 possible violations of this act to the harbormaster of the port  
2226 or the appropriate law enforcement officials.

2227 (7) All law enforcement agencies of the state, including  
2228 but not limited to sheriffs and officers of the Fish and  
2229 Wildlife Conservation Commission, are empowered and directed to  
2230 arrest the masters and crews of vessels who are reasonably  
2231 believed to be in violation of this law, and to seize and detain  
2232 such vessels, their equipment and catch. Such arresting officers  
2233 shall take the offending crews or property before the court  
2234 having jurisdiction of such offenses. All such agencies are  
2235 directed to request assistance from the United States Coast  
2236 Guard in the enforcement of this act when having knowledge of  
2237 vessels operating in violation or probable violation of this act  
2238 within their jurisdictions when such agencies are without means  
2239 to effectuate arrest and restraint of vessels and their crews.

2240 (8) The fine or imprisonment of persons and confiscation  
2241 proceedings against vessels, gear and catch prescribed for  
2242 violations of this chapter, shall be imposed for violation of

2243 | this act; provided that nothing herein shall authorize the  
 2244 | repurchase of property for a nominal sum by the owner upon proof  
 2245 | of lack of complicity in the violation or undertaking.

2246 |         (9) No crew member or master seeking bona fide political  
 2247 | asylum shall be fined or imprisoned hereunder.

2248 |         (10) Harbormasters and law enforcement agencies are  
 2249 | authorized to request assistance from the Civil Air Patrol in  
 2250 | the surveillance of suspect vessels. Aircraft of the Division of  
 2251 | Forestry of the Department of Agriculture and Consumer Services  
 2252 | or other state or county agencies which are conveniently located  
 2253 | and not otherwise occupied may be similarly utilized.

2254 |         Section 44. Section 370.06092, Florida Statutes, is  
 2255 | renumbered as section 379.2271, Florida Statutes, to read:

2256 |         379.2271 ~~370.06092~~ Harmful-Algal-Bloom Task Force.--

2257 |         (1) There is established a Harmful-Algal-Bloom Task Force  
 2258 | for the purpose of determining research, monitoring, control,  
 2259 | and mitigation strategies for red tide and other harmful algal  
 2260 | blooms in Florida waters. The Fish and Wildlife Research  
 2261 | Institute shall appoint to the task force scientists, engineers,  
 2262 | economists, members of citizen groups, and members of  
 2263 | government. The task force shall determine research and  
 2264 | monitoring priorities and control and mitigation strategies and  
 2265 | make recommendations to the Fish and Wildlife Research Institute  
 2266 | for using funds as provided in this act.

2267 |         (2) The Harmful-Algal-Bloom Task Force shall:

2268 |         (a) Review the status and adequacy of information for  
 2269 | monitoring physical, chemical, biological, economic, and public  
 2270 | health factors affecting harmful algal blooms in Florida;

2271 (b) Develop research and monitoring priorities for harmful  
 2272 algal blooms in Florida, including detection, prediction,  
 2273 mitigation, and control;

2274 (c) Develop recommendations that can be implemented by  
 2275 state and local governments to develop a response plan and to  
 2276 predict, mitigate, and control the effects of harmful algal  
 2277 blooms; and

2278 (d) Make recommendations to the Fish and Wildlife Research  
 2279 Institute for research, detection, monitoring, prediction,  
 2280 mitigation, and control of harmful algal blooms in Florida.

2281 Section 45. Section 370.06093, Florida Statutes, is  
 2282 renumbered as section 379.2272, Florida Statutes, to read:

2283 379.2272 ~~370.06093~~ Harmful-algal-bloom program;  
 2284 implementation; goals; funding.--

2285 (1)(a) The Fish and Wildlife Research Institute shall  
 2286 implement a program designed to increase the knowledge of  
 2287 factors that control harmful algal blooms, including red tide,  
 2288 and to gain knowledge to be used for the early detection of  
 2289 factors precipitating harmful algal blooms for accurate  
 2290 prediction of the extent and seriousness of harmful algal blooms  
 2291 and for undertaking successful efforts to control and mitigate  
 2292 the effects of harmful algal blooms.

2293 (b) The Legislature intends that this program enhance and  
 2294 address areas that are not adequately covered in the cooperative  
 2295 federal-state program known as Ecology and Oceanography of  
 2296 Harmful Algal Blooms (ECO HAB-Florida), which includes the  
 2297 University of South Florida, the Mote Marine Laboratory, and the  
 2298 Fish and Wildlife Research Institute.

2299 (c) The goal of this program is to enable resource  
 2300 managers to assess the potential for public health damage and  
 2301 economic damage from a given bloom and to undertake control and  
 2302 mitigation efforts through the development and application of an  
 2303 integrated detection and prediction network for monitoring and  
 2304 responding to the development and movement of harmful algal  
 2305 blooms in Florida marine and estuarine waters.

2306 (2) A financial disbursement program is created within the  
 2307 Fish and Wildlife Research Institute to implement the provisions  
 2308 of this act. Under the program, the institute shall provide  
 2309 funding and technical assistance to government agencies,  
 2310 research universities, coastal local governments, and  
 2311 organizations with scientific and technical expertise for the  
 2312 purposes of harmful-algal-bloom research, economic impact study,  
 2313 monitoring, detection, control, and mitigation. The program may  
 2314 be funded from state, federal, and private contributions.

2315 Section 46. Section 372.97, Florida Statutes, is  
 2316 renumbered as section 379.2281, Florida Statutes, to read:

2317 379.2281 ~~372.97~~ Jim Woodruff Dam; reciprocity  
 2318 agreements.--The Fish and Wildlife Conservation Commission of  
 2319 the state is hereby authorized to enter into an agreement of the  
 2320 reciprocity with the game and fish commissioners or the  
 2321 appropriate officials or departments of the State of Georgia and  
 2322 the State of Alabama relative to the taking of game and  
 2323 freshwater fish from the waters of the lake created by the Jim  
 2324 Woodruff Dam by permitting reciprocal license privileges.

2325 Section 47. Section 372.971, Florida Statutes, is  
 2326 renumbered as section 379.2282, Florida Statutes, to read:

2327           379.2282 ~~372.971~~ St. Marys River; reciprocity  
 2328 agreements.--The Fish and Wildlife Conservation Commission of  
 2329 the state is hereby authorized to enter into an agreement of  
 2330 reciprocity with the game and fish commissioner or the  
 2331 appropriate officials or departments of the State of Georgia  
 2332 relative to the taking of game and freshwater fish from the  
 2333 waters of the St. Marys River by permitting reciprocal agreement  
 2334 license privileges.

2335           Section 48. Section 372.072, Florida Statutes, is  
 2336 renumbered as 379.2291, Florida Statutes, to read:

2337           379.2291 ~~372.072~~ Endangered and Threatened Species Act.--

2338           (1) SHORT TITLE.--This section may be cited as the  
 2339 "Florida Endangered and Threatened Species Act."

2340           (2) DECLARATION OF POLICY.--The Legislature recognizes  
 2341 that the State of Florida harbors a wide diversity of fish and  
 2342 wildlife and that it is the policy of this state to conserve and  
 2343 wisely manage these resources, with particular attention to  
 2344 those species defined by the Fish and Wildlife Conservation  
 2345 Commission, the Department of Environmental Protection, or the  
 2346 United States Department of Interior, or successor agencies, as  
 2347 being endangered or threatened. As Florida has more endangered  
 2348 and threatened species than any other continental state, it is  
 2349 the intent of the Legislature to provide for research and  
 2350 management to conserve and protect these species as a natural  
 2351 resource.

2352           (3) DEFINITIONS.--As used in this section:

2353           (a) "Fish and wildlife" means any member of the animal  
 2354 kingdom, including, but not limited to, any mammal, fish, bird,

2355 amphibian, reptile, mollusk, crustacean, arthropod, or other  
 2356 invertebrate.

2357 (b) "Endangered species" means any species of fish and  
 2358 wildlife naturally occurring in Florida, whose prospects of  
 2359 survival are in jeopardy due to modification or loss of habitat;  
 2360 overutilization for commercial, sporting, scientific, or  
 2361 educational purposes; disease; predation; inadequacy of  
 2362 regulatory mechanisms; or other natural or manmade factors  
 2363 affecting its continued existence.

2364 (c) "Threatened species" means any species of fish and  
 2365 wildlife naturally occurring in Florida which may not be in  
 2366 immediate danger of extinction, but which exists in such small  
 2367 populations as to become endangered if it is subjected to  
 2368 increased stress as a result of further modification of its  
 2369 environment.

2370 (4) INTERAGENCY COORDINATION.--

2371 (a) The commission shall be responsible for research and  
 2372 management of freshwater and upland species and for research and  
 2373 management of marine species.

2374 (b) Recognizing that citizen awareness is a key element in  
 2375 the success of this plan, the commission and the Department of  
 2376 Education are encouraged to work together to develop a public  
 2377 education program with emphasis on, but not limited to, both  
 2378 public and private schools.

2379 (c) The commission, in consultation with the Department of  
 2380 Agriculture and Consumer Services, the Department of Community  
 2381 Affairs, or the Department of Transportation, may establish

2382 reduced speed zones along roads, streets, and highways to  
2383 protect endangered species or threatened species.

2384 (5) ANNUAL REPORT.--The director of the commission shall,  
2385 at least 30 days prior to each annual session of the  
2386 Legislature, transmit to the Governor and Cabinet, the President  
2387 of the Senate, the Speaker of the House of Representatives, and  
2388 the chairs of the appropriate Senate and House committees, a  
2389 revised and updated plan for management and conservation of  
2390 endangered and threatened species, including criteria for  
2391 research and management priorities; a description of the  
2392 educational program; statewide policies pertaining to protection  
2393 of endangered and threatened species; additional legislation  
2394 which may be required; and the recommended level of funding for  
2395 the following year, along with a progress report and budget  
2396 request.

2397 (6) MEASURABLE BIOLOGICAL GOALS.--Measurable biological  
2398 goals that define manatee recovery developed by the commission,  
2399 working in conjunction with the United States Fish and Wildlife  
2400 Service, shall be used by the commission in its development of  
2401 management plans or work plans. In addition to other criteria,  
2402 these measurable biological goals shall be used by the  
2403 commission when evaluating existing and proposed protection  
2404 rules, and in determining progress in achieving manatee  
2405 recovery. Not later than July 1, 2005, the commission shall  
2406 develop rules to define how measurable biological goals will be  
2407 used by the commission when evaluating the need for additional  
2408 manatee protection rules.

2409 Section 49. Section 372.073, Florida Statutes, is  
 2410 renumbered as section 379.2292, Florida Statutes, and amended to  
 2411 read:

2412 379.2292 ~~372.073~~ Endangered and Threatened Species Reward  
 2413 Program. --

2414 (1) There is established within the Fish and Wildlife  
 2415 Conservation Commission the Endangered and Threatened Species  
 2416 Reward Program, to be funded from the Nongame Wildlife Trust  
 2417 Fund. The commission may post rewards to persons responsible for  
 2418 providing information leading to the arrest and conviction of  
 2419 persons illegally killing or wounding or wrongfully possessing  
 2420 any of the endangered and threatened species listed on the  
 2421 official Florida list of such species maintained by the  
 2422 commission or the arrest and conviction of persons who violate  
 2423 s. 379.4115 ~~s. 372.667~~ ~~or s. 372.671~~. Additional funds may be  
 2424 provided by donations from interested individuals and  
 2425 organizations. The reward program is to be administered by the  
 2426 commission. The commission shall establish a schedule of  
 2427 rewards.

2428 (2) The commission may expend funds only for the following  
 2429 purposes:

2430 (a) The payment of rewards to persons, other than law  
 2431 enforcement officers, commission personnel, and members of their  
 2432 immediate families, for information as specified in subsection  
 2433 (1); or

2434 (b) The promotion of public recognition and awareness of  
 2435 the Endangered and Threatened Species Reward Program.

2436 Section 50. Section 372.771, Florida Statutes, is  
 2437 renumbered as section 379.23, Florida Statutes, to read:  
 2438 379.23 ~~372.771~~ Federal conservation of fish and wildlife;  
 2439 limited jurisdiction.--

2440 (1) Consent of the State of Florida is hereby given, to  
 2441 the United States for acquisition of lands, waters, or lands and  
 2442 waters or interests therein, for the purpose of managing,  
 2443 protecting and propagating fish and wildlife and for other  
 2444 conservation uses in the state, providing prior notice has been  
 2445 given by the Federal Government to the Board of Trustees of the  
 2446 Internal Improvement Trust Fund, the board of county  
 2447 commissioners of the county where the lands proposed for  
 2448 purchase are located, of such proposed action stating the  
 2449 specific use to be made of and the specific location and  
 2450 description of such lands desired by the Federal Government for  
 2451 any such conservation use, and that such plans for acquisition  
 2452 and use of said lands be approved by the Board of Trustees of  
 2453 the Internal Improvement Trust Fund, the board of county  
 2454 commissioners of the county where the lands proposed for  
 2455 purchase are located; provided further that nothing herein  
 2456 contained shall be construed to give the consent of the State of  
 2457 Florida to the acquisition by the United States of lands,  
 2458 waters, or lands and waters, or interests therein, through  
 2459 exercise of the power of eminent domain; provided further that  
 2460 the provisions of this act shall not apply to lands owned by the  
 2461 several counties or by public corporations.

2462 (2) The United States may exercise concurrent jurisdiction  
 2463 over lands so acquired and carry out the intent and purpose of

2464 the authority except that the existing laws of Florida relating  
 2465 to the Department of Environmental Protection or the Fish and  
 2466 Wildlife Conservation Commission shall prevail relating to any  
 2467 area under their supervision.

2468 Section 51. Section 372.265, Florida Statutes, is  
 2469 renumbered as section 379.231, Florida Statutes, and amended to  
 2470 read:

2471 379.231 ~~372.265~~ Regulation of foreign animals.--

2472 (1) It is unlawful to import for sale or use, or to  
 2473 release within this state, any species of the animal kingdom not  
 2474 indigenous to Florida without having obtained a permit to do so  
 2475 from the Fish and Wildlife Conservation Commission.

2476 (2) The Fish and Wildlife Conservation Commission is  
 2477 authorized to issue or deny such a permit upon the completion of  
 2478 studies of the species made by it to determine any detrimental  
 2479 effect the species might have on the ecology of the state.

2480 (3) A person in violation of this section commits a Level  
 2481 Three violation under s. 379.401 ~~372.83~~.

2482 Section 52. Section 370.03, Florida Statutes, is  
 2483 renumbered as section 379.232, Florida Statutes, to read:

2484 379.232 ~~370.03~~ Water bottoms.--

2485 (1) OWNERSHIP.--All beds and bottoms of navigable rivers,  
 2486 bayous, lagoons, lakes, bays, sounds, inlets, oceans, gulfs and  
 2487 other bodies of water within the jurisdiction of Florida shall  
 2488 be the property of the state except such as may be held under  
 2489 some grant or alienation heretofore made. No grant, sale or  
 2490 conveyance of any water bottom, except conditional leases and  
 2491 dispositions hereinafter provided for, shall hereafter be made

2492 by the state, the Board of Trustees of the Internal Improvement  
2493 Trust Fund, the Department of Agriculture and Consumer Services,  
2494 or any other official or political corporation. Persons who have  
2495 received, or may hereafter receive permits to do business in  
2496 this state, with their factories, shucking plants and shipping  
2497 depots located in this state, may enjoy the right of fishing for  
2498 oysters and clams from the natural reefs and bedding oysters and  
2499 clams on leased bedding grounds, and shall have the right to  
2500 employ such boats, vessels, or labor and assistants as they may  
2501 need. Provided that no oysters shall be transported unshucked  
2502 and in the shells, out of the state, except for use in what is  
2503 commonly known as the "half-shell trade." When the oyster meats  
2504 have been separated from the shells it shall be permissible to  
2505 ship the meats out of the state for further processing and for  
2506 canning or packing. It shall be unlawful to transport oysters  
2507 out of the state, unshucked and in the shells, for processing or  
2508 packing.

2509 (2) CONTROL.--The Department of Environmental Protection  
2510 has exclusive power and control over all water bottoms, not held  
2511 under some grant or alienation heretofore made, including such  
2512 as may revert to the state by cancellation or otherwise, and may  
2513 lease the same to any person irrespective of residence or  
2514 citizenship, upon such terms, conditions and restrictions as  
2515 said division may elect to impose, without limitation as to area  
2516 to any one person, for the purpose of granting exclusive right  
2517 to plant oysters or clams thereon and for the purpose of  
2518 fishing, taking, catching, bedding and raising oysters, clams  
2519 and other shellfish. No such lessee shall re-lease, sublease,

2520 | sell or transfer any such water bottom or property; provided,  
 2521 | that nothing herein contained shall be construed as giving said  
 2522 | department authority to lease sponge beds.

2523 |         (3) FEES FOR BOTTOM LEASES, ETC.--The department shall  
 2524 | charge and receive a fee of \$2 for each lease granted, and in  
 2525 | all other cases, not specifically provided by this chapter, the  
 2526 | same fees as are allowed clerks of the circuit court for like  
 2527 | services. All fees shall be paid by the party served.

2528 |         (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All grants  
 2529 | prior to June 1, 1913, made in pursuance of heretofore existing  
 2530 | laws, where the person receiving such grant, the person's heirs  
 2531 | or assigns, have bona fide complied with the requirements of  
 2532 | said law, are hereby confirmed; provided, that if any material  
 2533 | or natural oyster or clam reefs or beds on such granted premises  
 2534 | are 100 square yards in area and contained natural oysters and  
 2535 | clams (coon oysters not included) in sufficient quantity to have  
 2536 | been resorted to by the general public for the purpose of  
 2537 | gathering oysters or clams to sell for a livelihood, at the time  
 2538 | they were planted by such grantee, his or her heirs or assigns,  
 2539 | such reefs or beds are declared to be the property of the state;  
 2540 | and when such beds or reefs exist within the territory  
 2541 | heretofore granted as above set forth, or that may hereafter be  
 2542 | leased, such grantee or lessee shall mark the boundaries of such  
 2543 | oyster and clam reefs or beds as may be designated by the  
 2544 | department as natural oyster or clam reefs or beds, clearly  
 2545 | defining the boundaries of the same, and shall post notice or  
 2546 | other device, as shall be required by the department, giving  
 2547 | notice to the public that such oyster or clam beds or reefs are

2548 the property of the state, which said notice shall be maintained  
 2549 from September 1 to June 1 of each and every year, on each  
 2550 oyster bed or reef and on each clam bed for such period of each  
 2551 year as the board may direct, at the expense of the grantee or  
 2552 lessee. The department shall investigate all grants heretofore  
 2553 made, and where, in its opinion, the lessee or grantee has not  
 2554 bona fide complied with the law under which he or she received  
 2555 his or her grant or lease, and the department is authorized and  
 2556 required to institute legal proceedings to vacate the same, in  
 2557 order to use such lands for the benefit of the public, subject  
 2558 to the same dispositions as other bottoms.

2559 Section 53. Section 372.995, Florida Statutes, is  
 2560 renumbered as section 379.233, Florida Statutes, to read:

2561 379.233 ~~372.995~~ Release of balloons.--

2562 (1) The Legislature finds that the release into the  
 2563 atmosphere of large numbers of balloons inflated with lighter-  
 2564 than-air gases poses a danger and nuisance to the environment,  
 2565 particularly to wildlife and marine animals.

2566 (2) It is unlawful for any person, firm, or corporation to  
 2567 intentionally release, organize the release, or intentionally  
 2568 cause to be released within a 24-hour period 10 or more balloons  
 2569 inflated with a gas that is lighter than air except for:

2570 (a) Balloons released by a person on behalf of a  
 2571 governmental agency or pursuant to a governmental contract for  
 2572 scientific or meteorological purposes;

2573 (b) Hot air balloons that are recovered after launching;

2574 (c) Balloons released indoors; or

2575 (d) Balloons that are either biodegradable or  
 2576 photodegradable, as determined by rule of the Fish and Wildlife  
 2577 Conservation Commission, and which are closed by a hand-tied  
 2578 knot in the stem of the balloon without string, ribbon, or other  
 2579 attachments. In the event that any balloons are released  
 2580 pursuant to the exemption established in this paragraph, the  
 2581 party responsible for the release shall make available to any  
 2582 law enforcement officer evidence of the biodegradability or  
 2583 photodegradability of said balloons in the form of a certificate  
 2584 executed by the manufacturer. Failure to provide said evidence  
 2585 shall be prima facie evidence of a violation of this act.

2586 (3) Any person who violates subsection (2) is guilty of a  
 2587 noncriminal infraction, punishable by a fine of \$250.

2588 (4) Any person may petition the circuit court to enjoin  
 2589 the release of 10 or more balloons if that person is a citizen  
 2590 of the county in which the balloons are to be released.

2591 Section 54. Subsection (7) of section 370.021, Florida  
 2592 Statutes, is renumbered as section 379.2341, Florida Statutes,  
 2593 and amended to read:

2594 379.2341 Publications by the commission.--

2595 ~~(7)~~ The commission is given authority, from time to time  
 2596 in its discretion, to cause the statutory laws under its  
 2597 jurisdiction, together with any rules promulgated by it, to be  
 2598 published in pamphlet form for free distribution in this state.  
 2599 The commission is authorized to make charges for technical and  
 2600 educational publications and mimeographed material of use for  
 2601 educational or reference purposes. Such charges shall be made at  
 2602 the discretion of the commission. Such charges may be sufficient

2603 to cover cost of preparation, printing, publishing, and  
 2604 distribution. All moneys received for publications shall be  
 2605 deposited into the fund from which the cost of the publication  
 2606 was paid. The commission is further authorized to enter into  
 2607 agreements with persons, firms, corporations, governmental  
 2608 agencies, and other institutions whereby publications may be  
 2609 exchanged reciprocally in lieu of payments for said  
 2610 publications.

2611 Section 55. Section 372.0222, Florida Statutes, is  
 2612 renumbered as section 379.2342, Florida Statutes, to read:

2613 379.2342 ~~372.0222~~ Private publication agreements;  
 2614 advertising; costs of production.--

2615 (1) The Fish and Wildlife Conservation Commission may  
 2616 enter into agreements to secure the private publication of  
 2617 public information brochures, pamphlets, audiotapes, videotapes,  
 2618 and related materials for distribution without charge to the  
 2619 public and, in furtherance thereof, is authorized to:

2620 (a) Enter into agreements with private vendors for the  
 2621 publication or production of such public information materials,  
 2622 whereby the costs of publication or production will be borne in  
 2623 whole or in part by the vendor or the vendor shall provide  
 2624 additional compensation in return for the right of the vendor to  
 2625 select, sell, and place advertising which publicizes products or  
 2626 services related to and harmonious with the subject matter of  
 2627 the publication.

2628 (b) Retain the right, by agreement, to approve all  
 2629 elements of any advertising placed in such public information  
 2630 materials, including the form and content thereof.

2631 (2) (a) Beginning January 1, 2005, the commission, with the  
2632 advice and assistance of the Florida Wildlife Magazine Advisory  
2633 Council, shall publish the Florida Wildlife Magazine. The  
2634 magazine shall be published at least on a quarterly basis in  
2635 hard-copy format and shall be available to the public by  
2636 subscription and retail distribution. The primary focus of the  
2637 magazine shall be to promote the heritage of hunting and fishing  
2638 in Florida. The magazine shall also disseminate information  
2639 regarding other outdoor recreational opportunities available to  
2640 Floridians and visitors.

2641 (b) In order to offset the cost of publication and  
2642 distribution of the magazine, the commission, with the advice  
2643 and assistance of the Florida Wildlife Magazine Advisory  
2644 Council, is authorized to sell advertising for placement in the  
2645 magazine. The commission shall have the right to approve all  
2646 elements of any advertising placed in the magazine, including  
2647 the form and content thereof. The magazine shall include a  
2648 statement providing that the inclusion of advertising in the  
2649 magazine does not constitute an endorsement by the state or the  
2650 commission of the products or services so advertised. The  
2651 commission may charge an annual magazine subscription fee of up  
2652 to \$25, a 2-year magazine subscription fee of up to \$45, and a  
2653 3-year magazine subscription fee of up to \$60. The commission  
2654 may charge a retail per copy fee of up to \$7. The provisions of  
2655 chapter 287 do not apply to the sale of advertising for  
2656 placement in the magazine. All revenues generated by the  
2657 magazine shall be credited to the State Game Trust Fund.

2658 (c) The Florida Wildlife Magazine Advisory Council is  
 2659 created within the commission to advise and make recommendations  
 2660 to the commission regarding development, publication, and sale  
 2661 of the Florida Wildlife Magazine. In order to accomplish this  
 2662 purpose, the council shall provide recommendations to the  
 2663 commission regarding:

- 2664 1. The content of articles included in each edition of the  
 2665 magazine.
- 2666 2. Advertising proposed for each edition of the magazine.
- 2667 3. Strategies to improve distribution and circulation of  
 2668 the magazine.
- 2669 4. Cost-reduction measures regarding publication of the  
 2670 magazine.

2671 (d) The Florida Wildlife Magazine Advisory Council shall  
 2672 consist of seven members appointed by the commission, and  
 2673 initial appointments shall be made no later than August 1, 2004.  
 2674 When making initial appointments to the council and filling  
 2675 vacancies, the commission shall appoint members to represent the  
 2676 following interests: hunting; saltwater fishing; freshwater  
 2677 fishing; recreational boating; recreational use of off-road  
 2678 vehicles; hiking, biking, bird watching, or similar passive  
 2679 activities; general business interests; and magazine publishing.

2680 (e) Two of the initial appointees shall serve 2-year  
 2681 terms, two of the initial appointees shall serve 3-year terms,  
 2682 and three of the initial appointees shall serve 4-year terms.  
 2683 Subsequent to the expiration of the initial terms, advisory  
 2684 council appointees shall serve 4-year terms.

2685 (f) The members of the advisory council shall elect a  
2686 chair annually.

2687 (g) The council shall meet at least quarterly at the call  
2688 of its chair, at the request of a majority of its membership, or  
2689 at the request of the commission. A majority of the council  
2690 shall constitute a quorum for the transaction of business.

2691 (h) The commission shall provide the council with  
2692 clerical, expert, technical, or other services. All expenses of  
2693 the council shall be paid from appropriations made by the  
2694 Legislature to the commission. All vouchers shall be approved by  
2695 the executive director before submission to the Chief Financial  
2696 Officer for payment.

2697 (i) Members of the council shall serve without  
2698 compensation but shall receive per diem and reimbursement for  
2699 travel expenses as provided in s. 112.061.

2700 (j) Advisory council members may be reappointed. Advisory  
2701 council members shall serve at the pleasure of the commission.

2702 (3) Any public information materials produced pursuant to  
2703 this section and containing advertising of any kind shall  
2704 include a statement providing that the inclusion of advertising  
2705 in such material does not constitute an endorsement by the state  
2706 or commission of the products or services so advertised.

2707 (4) The Fish and Wildlife Conservation Commission may  
2708 enter into agreements with private vendors for vendor  
2709 advertisement for the purpose of offsetting expenses relating to  
2710 license issuance, and, in furtherance thereof, is authorized to:

2711 (a) Retain the right, by agreement, to approve all  
2712 elements of such advertising, including the form or content.

2713 (b) Require that any advertising of any kind contracted  
2714 pursuant to this section shall include a statement providing  
2715 that the advertising does not constitute an endorsement by the  
2716 state or commission of the products or services to be so  
2717 advertised.

2718 (5) The commission shall collect, edit, publish, and print  
2719 pamphlets, papers, manuscripts, documents, books, monographs,  
2720 and other materials relating to fish and wildlife conservation  
2721 and may establish and impose a reasonable charge for such  
2722 materials to cover costs of production and distribution in whole  
2723 or part and may contract for the marketing, sale, and  
2724 distribution of such publications and materials; except that no  
2725 charge shall be imposed for materials designed to provide the  
2726 public with essential information concerning fish and wildlife  
2727 regulations and matters of public safety.

2728 (6) The commission shall provide services and information  
2729 designed to inform Floridians and visitors about Florida's  
2730 unique and diverse fish, game, and wildlife, and make it  
2731 available by means of commonly used media. For the  
2732 accomplishment of those purposes, the commission may make  
2733 expenditures to:

2734 (a) Encourage and cooperate with public and private  
2735 organizations or groups to publicize to residents and visitors  
2736 the diversity of fish, game, and wildlife, and related  
2737 recreation opportunities of the state, including the  
2738 establishment of and expenditure for a program of cooperative  
2739 advertising or sponsorships, or partnerships with the public and

2740 private organizations and groups in accordance with rules  
2741 adopted by the commission under chapter 120.

2742 (b) Charge and collect a reasonable fee for researching or  
2743 compiling information or other services which, in its judgment,  
2744 should not be free to those requesting the information,  
2745 research, handling, material, publication, or other services.  
2746 Any amounts of money received by the commission from such  
2747 sources shall be restored to the appropriations of the  
2748 commission, and any unexpended funds shall be deposited into the  
2749 State Game Trust Fund and made available to the commission for  
2750 use in performing its duties, powers, and purposes.

2751 (c) Charge and collect registration fees at conferences,  
2752 seminars, and other meetings conducted in furtherance of the  
2753 duties, powers, and purposes of the commission. Any funds  
2754 collected under this paragraph which remain unexpended after the  
2755 expenses of the conference, seminar, or meeting have been paid  
2756 shall be deposited into the State Game Trust Fund and made  
2757 available to the commission for use in performing its duties,  
2758 powers, and purposes.

2759 (d) Purchase and distribute promotional items to increase  
2760 public awareness regarding boating safety and other programs  
2761 that promote public safety or resource conservation.

2762 (7) Notwithstanding the provisions of part I of chapter  
2763 287, the commission may adopt rules for the purpose of entering  
2764 into contracts that are primarily for promotional and  
2765 advertising services and promotional events which may include  
2766 the authority to negotiate costs with offerors of such services  
2767 and commodities who have been determined to be qualified on the

2768 basis of technical merit, creative ability, and professional  
 2769 competency.

2770 Section 56. Section 370.1103, Florida Statutes, is  
 2771 renumbered as section 379.2351, Florida Statutes, to read:

2772 379.2351 ~~370.1103~~ Land-based commercial and recreational  
 2773 fishing activities; legislative findings and purpose;  
 2774 definitions; legal protection; local ordinances; prohibited  
 2775 activity.--

2776 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature  
 2777 finds that commercial and recreational fishing constitute  
 2778 activities of statewide importance and that the continuation of  
 2779 commercial and recreational fishing will benefit the health and  
 2780 welfare of the people of this state. The Legislature further  
 2781 finds that commercial and recreational fishing operations  
 2782 conducted in developing and urbanizing areas are potentially  
 2783 subject to curtailment as a result of local government zoning  
 2784 and nuisance ordinances which may unreasonably force the closure  
 2785 of productive commercial and recreational fishing operations. It  
 2786 is the purpose of this act to prevent the curtailment or  
 2787 abolishment of commercial and recreational fishing operations  
 2788 solely because the area in which they are located has changed in  
 2789 character or the operations are displeasing to neighboring  
 2790 residents.

2791 (2) DEFINITIONS.--As used in this act, "commercial fishing  
 2792 operation" means any type of activity conducted on land,  
 2793 requiring the location or storage of commercial fishing  
 2794 equipment such as fishing vessels, fishing gear, docks, piers,  
 2795 loading areas, landing areas, and cold storage facilities,

2796 including any activity necessary to prepare finfish or shellfish  
 2797 for refrigeration. This definition does not include operations  
 2798 with the sole or primary function of processing seafood.

2799 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL  
 2800 FISHING OPERATIONS.--No commercial or recreational fishing  
 2801 operation shall be declared a public or private nuisance solely  
 2802 because of a change in ownership or a change in the character of  
 2803 the property in or around the locality of the operation.

2804 (4) LOCAL ORDINANCE.--No local governing authority shall  
 2805 adopt any ordinance that declares any commercial or recreational  
 2806 fishing operation to be a nuisance solely because it is a  
 2807 commercial or recreational fishing operation, or any zoning  
 2808 ordinance that unreasonably forces the closure of any commercial  
 2809 or recreational fishing operation. Nothing in this act shall  
 2810 prevent a local government from regulating commercial and  
 2811 recreational fishing operations, including by requiring the use  
 2812 of methods, structures, or appliances where such use will  
 2813 prevent, ameliorate, or remove conditions which create or may  
 2814 create a nuisance or, pursuant to the applicable local zoning  
 2815 code, by declaring a commercial or recreational fishing  
 2816 operation to be a nonconforming use.

2817 (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This act  
 2818 shall not be construed to permit an existing commercial or  
 2819 recreational fishing operation to change to a larger operation  
 2820 with regard to emitting more noise or odor, where such change  
 2821 violates local ordinances or regulations or creates a nuisance.

2822 Section 57. Section 370.27, Florida Statutes, is  
 2823 renumbered as section 379.2352, Florida Statutes, to read:

2824           379.2352 ~~370.27~~ State employment; priority consideration  
 2825 for qualified displaced employees of the saltwater fishing  
 2826 industry.--All state agencies must give priority consideration  
 2827 to any job applicant who is able to document the loss of full-  
 2828 time employment in the commercial saltwater fishing industry as  
 2829 a result of the adoption of the constitutional amendment  
 2830 limiting the use of nets to harvest marine species, provided the  
 2831 applicant meets the minimum requirements for the position  
 2832 sought.

2833           Section 58. Section 370.28, Florida Statutes, is  
 2834 renumbered as section 379.2353, Florida Statutes, to read:

2835           379.2353 ~~370.28~~ Enterprise zone designation; communities  
 2836 adversely impacted by net limitations.--

2837           (1) The Office of Tourism, Trade, and Economic Development  
 2838 is directed to identify communities suffering adverse impacts  
 2839 from the adoption of the constitutional amendment limiting the  
 2840 use of nets to harvest marine species.

2841           (2) (a) Such communities having a population of fewer than  
 2842 7,500 persons and such communities in rural and coastal counties  
 2843 with a county population of fewer than 25,000 may apply to the  
 2844 Office of Tourism, Trade, and Economic Development by August 15,  
 2845 1996, for the designation of an area as an enterprise zone. The  
 2846 community must comply with the requirements of s. 290.0055,  
 2847 except that, for a community having a total population of 7,500  
 2848 persons or more but fewer than 20,000 persons, the selected area  
 2849 may not exceed 5 square miles. Notwithstanding the provisions of  
 2850 s. 290.0065, limiting the total number of enterprise zones  
 2851 designated and the number of enterprise zones within a

2852 population category, the Office of Tourism, Trade, and Economic  
2853 Development may designate an enterprise zone in eight of the  
2854 identified communities. The governing body having jurisdiction  
2855 over such area shall create an enterprise zone development  
2856 agency pursuant to s. 290.0056 and submit a strategic plan  
2857 pursuant to s. 290.0057. Enterprise zones designated pursuant to  
2858 this section shall be effective January 1, 1997. Any enterprise  
2859 zone designated under this paragraph having an effective date on  
2860 or before January 1, 2005, shall continue to exist until  
2861 December 31, 2005, but shall cease to exist on December 31,  
2862 2005. Any enterprise zone redesignated on or after January 1,  
2863 2006, must do so in accordance with the Florida Enterprise Zone  
2864 Act.

2865 (b) Notwithstanding any provisions of this section to the  
2866 contrary, communities in coastal counties with a county  
2867 population greater than 20,000, which can demonstrate that the  
2868 community has historically been a fishing community and has  
2869 therefore had a direct adverse impact from the adoption of the  
2870 constitutional amendment limiting the use of nets, shall also be  
2871 eligible to apply for designation of an area as an enterprise  
2872 zone. The community must comply with the requirements of s.  
2873 290.0055, except s. 290.0055(3). Such communities shall apply to  
2874 the Office of Tourism, Trade, and Economic Development by August  
2875 15, 1996. The office may designate one enterprise zone under  
2876 this paragraph, which shall be effective January 1, 1997, and  
2877 which shall be in addition to the eight zones authorized under  
2878 paragraph (a). Any enterprise zone designated under this  
2879 paragraph having an effective date on or before January 1, 2005,

2880 shall continue to exist until December 31, 2005, but shall cease  
2881 to exist on that date. Any enterprise zone redesignated on or  
2882 after January 1, 2006, must do so in accordance with the Florida  
2883 Enterprise Zone Act. The governing body having jurisdiction over  
2884 such area shall create an enterprise zone development agency  
2885 pursuant to s. 290.0056 and submit a strategic plan pursuant to  
2886 s. 290.0057.

2887 (3) For the purpose of nominating and designating areas  
2888 pursuant to subsection (2), the requirements set out in s.  
2889 290.0058(2) shall not apply.

2890 (4) Notwithstanding the time limitations contained in  
2891 chapters 212 and 220, a business eligible to receive tax credits  
2892 under this section from January 1, 1997, to June 1, 1998, must  
2893 submit an application for the tax credits by December 1, 1998.  
2894 All other requirements of the enterprise zone program apply to  
2895 such a business.

2896 Section 59. Subsection (9) of section 370.021, Florida  
2897 Statutes, is renumbered as section 379.236, Florida Statutes,  
2898 and amended to read:

2899 379.236 Retention, destruction, and reproduction of  
2900 commission records.--

2901 ~~(9)~~ Records and documents of the commission created in  
2902 compliance with and in the implementation of this chapter or  
2903 former chapter 371 shall be retained by the commission as  
2904 specified in record retention schedules established under the  
2905 general provisions of chapters 119 and 257. Such records  
2906 retained by the Department of Environmental Protection on July

2907 1, 1999, shall be transferred to the commission. Further, the  
 2908 commission is authorized to:

2909 (1)~~(a)~~ Destroy, or otherwise dispose of, those records and  
 2910 documents in conformity with the approved retention schedules.

2911 (2)~~(b)~~ Photograph, microphotograph, or reproduce such  
 2912 records and documents on film, as authorized and directed by the  
 2913 approved retention schedules, whereby each page will be exposed  
 2914 in exact conformity with the original records and documents  
 2915 retained in compliance with the provisions of this section.  
 2916 Photographs or microphotographs in the form of film or print of  
 2917 any records, made in compliance with the provisions of this  
 2918 section, shall have the same force and effect as the originals  
 2919 thereof would have and shall be treated as originals for the  
 2920 purpose of their admissibility in evidence. Duly certified or  
 2921 authenticated reproductions of such photographs or  
 2922 microphotographs shall be admitted in evidence equally with the  
 2923 original photographs or microphotographs. The impression of the  
 2924 seal of the commission on a certificate made pursuant to the  
 2925 provisions hereof and signed by the executive director of the  
 2926 commission shall entitle the same to be received in evidence in  
 2927 all courts and in all proceedings in this state and shall be  
 2928 prima facie evidence of all factual matters set forth in the  
 2929 certificate. A certificate may relate to one or more records, as  
 2930 set forth in the certificate, or in a schedule continued on an  
 2931 attachment to the certificate.

2932 (3)~~(c)~~ Furnish certified copies of such records for a fee  
 2933 of \$1 which shall be deposited in the Marine Resources  
 2934 Conservation Trust Fund.

2935 Section 60. Subsection (10) of section 370.021, Florida  
 2936 Statutes, renumbered as section 379.237, Florida Statutes, and  
 2937 amended to read:

2938 379.237 Courts of equity may enjoin.--

2939 ~~(10) COURTS OF EQUITY MAY ENJOIN.~~ Courts of equity in  
 2940 this state have jurisdiction to enforce the conservation laws of  
 2941 this state by injunction.

2942 Section 61. Part II of chapter 379, Florida Statutes,  
 2943 consisting of sections 379.2401, 379.2402, 379.2411, 379.2412,  
 2944 379.2413, 379.2421, 379.2422, 379.2423, 379.2424, 379.2425,  
 2945 379.2431, 379.2432, 379.2433, 379.244, 379.245, 379.246,  
 2946 379.247, 379.248, 379.249, 379.25, 379.2511, 379.2512, 379.2521,  
 2947 379.2522, 379.2523, 379.2524, and 379.2525, is created to read:

2948 PART II

2949 MARINE LIFE

2950  
 2951 Section 62. Section 370.025, Florida Statutes, is  
 2952 renumbered as section 379.2401, Florida Statutes, to read:

2953 379.2401 ~~370.025~~ Marine fisheries; policy and standards.--

2954 (1) The Legislature hereby declares the policy of the  
 2955 state to be management and preservation of its renewable marine  
 2956 fishery resources, based upon the best available information,  
 2957 emphasizing protection and enhancement of the marine and  
 2958 estuarine environment in such a manner as to provide for optimum  
 2959 sustained benefits and use to all the people of this state for  
 2960 present and future generations.

2961 (2) The commission is instructed to make recommendations  
 2962 annually to the Governor and the Legislature regarding marine

2963 fisheries research priorities and funding. All administrative  
 2964 and enforcement responsibilities which are unaffected by the  
 2965 specific provisions of this act are the responsibility of the  
 2966 commission.

2967 (3) All rules relating to saltwater fisheries adopted by  
 2968 the commission shall be consistent with the following standards:

2969 (a) The paramount concern of conservation and management  
 2970 measures shall be the continuing health and abundance of the  
 2971 marine fisheries resources of this state.

2972 (b) Conservation and management measures shall be based  
 2973 upon the best information available, including biological,  
 2974 sociological, economic, and other information deemed relevant by  
 2975 the commission.

2976 (c) Conservation and management measures shall permit  
 2977 reasonable means and quantities of annual harvest, consistent  
 2978 with maximum practicable sustainable stock abundance on a  
 2979 continuing basis.

2980 (d) When possible and practicable, stocks of fish shall be  
 2981 managed as a biological unit.

2982 (e) Conservation and management measures shall assure  
 2983 proper quality control of marine resources that enter commerce.

2984 (f) State marine fishery management plans shall be  
 2985 developed to implement management of important marine fishery  
 2986 resources.

2987 (g) Conservation and management decisions shall be fair  
 2988 and equitable to all the people of this state and carried out in  
 2989 such a manner that no individual, corporation, or entity  
 2990 acquires an excessive share of such privileges.

2991 (h) Federal fishery management plans and fishery  
 2992 management plans of other states or interstate commissions  
 2993 should be considered when developing state marine fishery  
 2994 management plans. Inconsistencies should be avoided unless it is  
 2995 determined that it is in the best interest of the fisheries or  
 2996 residents of this state to be inconsistent.

2997 Section 63. Section 370.0607, Florida Statutes, is  
 2998 renumbered as section 379.2402, Florida Statutes, to read:

2999 379.2402 ~~370.0607~~ Marine information system.--The Fish and  
 3000 Wildlife Conservation Commission shall establish by rule a  
 3001 marine information system in conjunction with the licensing  
 3002 program to gather marine fisheries data.

3003 Section 64. Section 370.101, Florida Statutes, is  
 3004 renumbered as section 379.2411, Florida Statutes, and amended to  
 3005 read:

3006 379.2411 ~~370.101~~ Saltwater fish; regulations.--

3007 (1) The Fish and Wildlife Conservation Commission is  
 3008 authorized to establish weight equivalencies when minimum  
 3009 lengths of saltwater fish are established by law, in those cases  
 3010 where the fish are artificially cultivated.

3011 (2) A special activity license may be issued by the  
 3012 commission pursuant to s. 379.361 ~~370.06~~ for catching and  
 3013 possession of fish protected by law after it has first  
 3014 established that such protected specimens are to be used as  
 3015 stock for artificial cultivation.

3016 (3) A permit may not be issued pursuant to subsection (2)  
 3017 until the commission determines that the artificial cultivation  
 3018 activity complies with the provisions of ss. 253.67-253.75 and

3019 any other specific provisions contained within this chapter  
 3020 regarding leases, licenses, or permits for maricultural  
 3021 activities of each saltwater fish, so that the public interest  
 3022 in such fish stocks is fully protected.

3023 Section 65. Section 370.102, Florida Statutes, is  
 3024 renumbered as section 379.2412, Florida Statutes, and amended to  
 3025 read:

3026 379.2412 ~~370.102~~ State preemption of power to  
 3027 regulate.--The power to regulate the taking or possession of  
 3028 saltwater fish, as defined in s. 379.101 ~~370.01~~, is expressly  
 3029 reserved to the state. This section does not prohibit a local  
 3030 government from prohibiting, for reasons of protecting the  
 3031 public health, safety, or welfare, saltwater fishing from real  
 3032 property owned by that local government.

3033 Section 66. Section 370.11, Florida Statutes, is  
 3034 renumbered as section 379.2413, Florida Statutes, and amended to  
 3035 read:

3036 379.2413 Catching food fish for the purposes of making oil  
 3037 ~~370.11 Fish; regulation.--~~

3038 ~~(1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL~~  
 3039 ~~PROHIBITED.~~ No person shall take any food fish from the waters  
 3040 under the jurisdiction of the state, for the purpose of making  
 3041 oil, fertilizer or compost therefrom. Purse seines may be used,  
 3042 for the taking of nonfood fish for the purpose of making oil,  
 3043 fertilizer or compost.

3044 ~~(2) REGULATION; FISH; TARPON, ETC. No person may sell,~~  
 3045 ~~offer for sale, barter, exchange for merchandise, transport for~~  
 3046 ~~sale, either within or without the state, offer to purchase or~~

3047 ~~purchase any species of fish known as tarpon (Tarpon atlanticus)~~  
 3048 ~~provided, however, any one person may carry out of the state as~~  
 3049 ~~personal baggage or transport within or out of the state not~~  
 3050 ~~more than two tarpon if they are not being transported for sale.~~  
 3051 ~~The possession of more than two tarpon by any one person is~~  
 3052 ~~unlawful; provided, however, any person may catch an unlimited~~  
 3053 ~~number of tarpon if they are immediately returned uninjured to~~  
 3054 ~~the water and released where the same are caught. No common~~  
 3055 ~~carrier in the state shall knowingly receive for transportation~~  
 3056 ~~or transport, within or without the state, from any one person~~  
 3057 ~~for shipment more than two tarpon, except as hereinafter~~  
 3058 ~~provided. It is expressly provided that any lawful established~~  
 3059 ~~taxidermist, in the conduct of taxidermy, may be permitted to~~  
 3060 ~~move or transport any reasonable number of tarpon at any time~~  
 3061 ~~and in any manner he or she may desire, as specimens for~~  
 3062 ~~mounting; provided, however, satisfactory individual ownership~~  
 3063 ~~of the fish so moved or transported can be established by such~~  
 3064 ~~taxidermist at any time upon demand. Common carriers shall~~  
 3065 ~~accept for shipment tarpon from a taxidermist when statement of~~  
 3066 ~~individual ownership involved accompanies bill of lading or~~  
 3067 ~~other papers controlling the shipment. The Fish and Wildlife~~  
 3068 ~~Conservation Commission may, in its discretion, upon application~~  
 3069 ~~issue permits for the taking and transporting of tarpon for~~  
 3070 ~~scientific purposes.~~

3071 Section 67. Section 370.08, Florida Statutes, is  
 3072 renumbered as section 379.2421, Florida Statutes, and amended to  
 3073 read:

3074 379.2421 ~~370.08~~ Fishers and equipment; regulation.--

3075 (1) ILLEGAL POSSESSION OF SEINES AND NETS.--No person may  
 3076 have in his or her custody or possession in any county of this  
 3077 state any fishing seine or net, the use of which for fishing  
 3078 purposes in such county is prohibited by law. Such possession  
 3079 shall be evidence of a violation of this subsection by both the  
 3080 owner thereof and the person using or possessing said net. The  
 3081 provisions of this subsection shall not apply to shrimp nets, to  
 3082 pound nets or purse nets when used in taking menhaden fish, to  
 3083 seines used exclusively for taking herring, or to legal beach  
 3084 seines used in the open gulf or Atlantic Ocean if the possession  
 3085 of such nets is not prohibited in the county where found.

3086 (2) STOP NETTING DEFINED; PROHIBITION.--

3087 (a) It is unlawful for any person to obstruct any river,  
 3088 creek, canal, pass, bayou or other waterway in this state by  
 3089 placing or setting therein any screen, net, seine, rack, wire or  
 3090 other device, or to use, set, or place any net or seine or  
 3091 similar device of any kind, either singularly or in rotation or  
 3092 one behind another in any manner whatsoever so as to prevent the  
 3093 free passage of fish.

3094 (b) It is unlawful for any person, while fishing or  
 3095 attempting to fish for shrimp or saltwater fish, to attach or  
 3096 otherwise secure a frame net, trawl net, trap net, or similar  
 3097 device to any state road bridge or associated structure situated  
 3098 over any saltwater body or to use more than one such net or  
 3099 device while fishing from such bridge or structure. For the  
 3100 purposes of this paragraph, a "frame net" is any net similar to  
 3101 a hoop net, the mouth of which is held open by a frame, with a  
 3102 trailing mesh net, of any size. Cast nets, dip nets, and similar

3103 devices are specifically excluded from the operation of this  
 3104 paragraph.

3105 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS, ETC.--No  
 3106 person may take food fish within or without the waters of this  
 3107 state with a purse seine, purse gill net, or other net using  
 3108 rings or other devices on the lead line thereof, through which a  
 3109 purse line is drawn, or pound net, or have any food fish so  
 3110 taken in his or her possession for sale or shipment. The  
 3111 provisions of this section shall not apply to shrimp nets or to  
 3112 pound nets or purse seines when used for the taking of tuna or  
 3113 menhaden fish only.

3114 (4) RETURN OF FISH TO WATER.--All persons taking food fish  
 3115 from any of the waters of this state by use of seines, nets, or  
 3116 other fishing devices and not using any of such fish because of  
 3117 size or other reasons shall immediately release and return such  
 3118 fish alive to the water from which taken and no such fish may be  
 3119 placed or deposited on any bank, shore, beach or other place out  
 3120 of the water.

3121 ~~(5) THROWING EXPLOSIVES OR USE OF FIREARMS IN WATER FOR~~  
 3122 ~~PURPOSE OF KILLING FOOD FISH PROHIBITED. No person may throw or~~  
 3123 ~~cause to be thrown, into any of the waters of this state, any~~  
 3124 ~~dynamite, lime, other explosives or discharge any firearms~~  
 3125 ~~whatsoever for the purpose of killing food fish therein. The~~  
 3126 ~~landing ashore or possession on the water by any person of any~~  
 3127 ~~food fish that has been damaged by explosives or the landing of~~  
 3128 ~~headless jewfish or grouper, if the grouper is taken for~~  
 3129 ~~commercial use, is prima facie evidence of violation of this~~  
 3130 ~~section.~~

3131            (5)~~(6)~~ SEINES, POCKET BUNTS.--In any counties where seines  
 3132 are not prohibited on the open gulf or Atlantic Ocean, such  
 3133 seines may have a pocket bunt on the middle of the seine of a  
 3134 mesh size less than that provided by law.

3135            (6)~~(7)~~ ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

3136            ~~(a) It is unlawful for any person to place poisons, drugs,~~  
 3137 ~~or other chemicals in the marine waters of this state unless~~  
 3138 ~~that person has first obtained a special activity license for~~  
 3139 ~~such use pursuant to s. 370.06 from the Fish and Wildlife~~  
 3140 ~~Conservation Commission.~~

3141            ~~(b)~~ Upon application on forms furnished by the commission,  
 3142 the commission may issue a license to use poisons, drugs, or  
 3143 other chemicals in the marine waters of this state for the  
 3144 purpose of capturing live marine species. The application and  
 3145 license shall specify the area in which collecting will be done;  
 3146 the drugs, chemicals, or poisons to be used; and the maximum  
 3147 amounts and concentrations at each sampling.

3148            (7)~~(8)~~ PENALTIES.--A commercial harvester who violates  
 3149 this section shall be punished under s. 379.407 ~~370.021~~. Any  
 3150 other person who violates this section commits a Level Two  
 3151 violation under s. 379.401 ~~372.83~~.

3152            Section 68. Section 370.093, Florida Statutes, is  
 3153 renumbered as section 379.2422, Florida Statutes, and amended to  
 3154 read:

3155            379.2422 ~~370.093~~ Illegal use of nets.--

3156            (1) It is unlawful to take or harvest, or to attempt to  
 3157 take or harvest, any marine life in Florida waters with any net

3158 that is not consistent with the provisions of s. 16, Art. X of  
 3159 the State Constitution.

3160 (2) (a) Beginning July 1, 1998, it is also unlawful to take  
 3161 or harvest, or to attempt to take or harvest, any marine life in  
 3162 Florida waters with any net, as defined in subsection (3) and  
 3163 any attachments to such net, that combined are larger than 500  
 3164 square feet and have not been expressly authorized for such use  
 3165 by rule of the Fish and Wildlife Conservation Commission. The  
 3166 use of currently legal shrimp trawls and purse seines outside  
 3167 nearshore and inshore Florida waters shall continue to be legal  
 3168 until the commission implements rules regulating those types of  
 3169 gear.

3170 (b) The use of gill or entangling nets of any size is  
 3171 prohibited, as such nets are defined in s. 16, Art. X of the  
 3172 State Constitution. Any net constructed wholly or partially of  
 3173 monofilament or multistrand monofilament material, other than a  
 3174 hand thrown cast net, or a handheld landing or dip net, shall be  
 3175 considered to be an entangling net within the prohibition of s.  
 3176 16, Art. X of the State Constitution unless specifically  
 3177 authorized by rule of the commission. Multistrand monofilament  
 3178 material shall not be defined to include nets constructed of  
 3179 braided or twisted nylon, cotton, linen twine, or polypropylene  
 3180 twine.

3181 (c) This subsection shall not be construed to apply to  
 3182 aquaculture activities licenses issued pursuant to s. 379.2523  
 3183 ~~370.26~~.

3184 (3) As used in s. 16, Art. X of the State Constitution and  
 3185 this subsection, the term "net" or "netting" must be broadly

3186 construed to include all manner or combination of mesh or  
 3187 webbing or any other solid or semisolid fabric or other material  
 3188 used to comprise a device that is used to take or harvest marine  
 3189 life.

3190 (4) Upon the arrest of any person for violation of this  
 3191 subsection, the arresting officer shall seize the nets illegally  
 3192 used. Upon conviction of the offender, the arresting authority  
 3193 shall destroy the nets.

3194 (5) Any person who violates this section shall be punished  
 3195 as provided in s. 379.407(3) ~~370.021(3)~~.

3196 (6) The Fish and Wildlife Conservation Commission is  
 3197 granted authority to adopt rules pursuant to s. 379.2401 ~~370.025~~  
 3198 implementing this section and the prohibitions and restrictions  
 3199 of s. 16, Art. X of the State Constitution.

3200 Section 69. Section 370.092, Florida Statutes, is  
 3201 renumbered as section 379.2423, Florida Statutes, and amended to  
 3202 read:

3203 379.2423 ~~370.092~~ Carriage of proscribed nets across  
 3204 Florida waters.--

3205 (1) This section applies to all vessels containing or  
 3206 otherwise transporting in or on Florida waters any gill net or  
 3207 other entangling net and to all vessels containing or otherwise  
 3208 transporting in or on Florida waters any net containing more  
 3209 than 500 square feet of mesh area the use of which is restricted  
 3210 or prohibited by s. 16, Art. X of the State Constitution. This  
 3211 section does not apply to vessels containing or otherwise  
 3212 transporting in or on Florida waters dry nets which are rolled,

3213 | folded, or otherwise properly stowed in sealed containers so as  
 3214 | to make their immediate use as fishing implements impracticable.

3215 |       (2) Every vessel containing or otherwise transporting in  
 3216 | or on Florida waters any gill net or other entangling net and  
 3217 | every vessel containing or otherwise transporting in or on  
 3218 | nearshore and inshore Florida waters any net containing more  
 3219 | than 500 square feet of mesh area shall proceed as directly,  
 3220 | continuously, and expeditiously as possible from the place where  
 3221 | the vessel is regularly docked, moored, or otherwise stored to  
 3222 | waters where the use of said nets is lawful and from waters  
 3223 | where the use of said nets is lawful back to the place where the  
 3224 | vessel is regularly docked, moored, or otherwise stored or back  
 3225 | to the licensed wholesale dealer where the catch is to be sold.  
 3226 | Exceptions shall be provided for docked vessels, for vessels  
 3227 | which utilize nets in a licensed aquaculture operation, and for  
 3228 | vessels containing trawl nets as long as the trawl's doors or  
 3229 | frame are not deployed in the water. Otherwise, hovering,  
 3230 | drifting, and other similar activities inconsistent with the  
 3231 | direct, continuous, and expeditious transit of such vessels  
 3232 | shall be evidence of the unlawful use of such nets. The presence  
 3233 | of fish in such a net is not evidence of the unlawful use of the  
 3234 | net if the vessel is otherwise in compliance with this section.

3235 |       (3) Notwithstanding subsections (1) and (2), unless  
 3236 | authorized by rule of the Fish and Wildlife Conservation  
 3237 | Commission, it is a major violation under this section,  
 3238 | punishable as provided in s. 379.407(3) ~~370.021(3)~~, for any  
 3239 | person, firm, or corporation to possess any gill or entangling  
 3240 | net, or any seine net larger than 500 square feet in mesh area,

3241 on any airboat or on any other vessel less than 22 feet in  
 3242 length and on any vessel less than 25 feet if primary power of  
 3243 the vessel is mounted forward of the vessel center point. Gill  
 3244 or entangling nets shall be as defined in s. 16, Art. X of the  
 3245 State Constitution, s. 379.2422(2)(b) ~~370.093(2)(b)~~, or in a  
 3246 rule of the Fish and Wildlife Conservation Commission  
 3247 implementing s. 16, Art. X of the State Constitution. Vessel  
 3248 length shall be determined in accordance with current United  
 3249 States Coast Guard regulations specified in the Code of Federal  
 3250 Regulations or as titled by the State of Florida. The Marine  
 3251 Fisheries Commission is directed to initiate by July 1, 1998,  
 3252 rulemaking to adjust by rule the use of gear on vessels longer  
 3253 than 22 feet where the primary power of the vessel is mounted  
 3254 forward of the vessel center point in order to prevent the  
 3255 illegal use of gill and entangling nets in state waters and to  
 3256 provide reasonable opportunities for the use of legal net gear  
 3257 in adjacent federal waters.

3258 (4) The Fish and Wildlife Conservation Commission shall  
 3259 adopt rules to prohibit the possession and sale of mullet taken  
 3260 in illegal gill or entangling nets. Violations of such rules  
 3261 shall be punishable as provided in s. 379.407(3) ~~370.021(3)~~.

3262 (5) The commission has authority to adopt rules pursuant  
 3263 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 3264 section.

3265 Section 70. Subsection (1) of section 370.143, Florida  
 3266 Statutes, is renumbered as section 379.2424, Florida Statutes,  
 3267 and amended to read:

3268           379.2424 Retrieval of spiny lobster, stone crab, blue  
 3269 crab, and black sea bass traps during closed season; commission  
 3270 authority.--

3271           ~~(1)~~ The Fish and Wildlife Conservation Commission is  
 3272 authorized to implement a trap retrieval program for retrieval  
 3273 of spiny lobster, stone crab, blue crab, and black sea bass  
 3274 traps remaining in the water during the closed season for each  
 3275 species. The commission is authorized to contract with outside  
 3276 agents for the program operation.

3277           Section 71. Section 370.172, Florida Statutes, is  
 3278 renumbered as section 379.2425, Florida Statutes, to read:

3279           379.2425 ~~370.172~~ Spearfishing; definition; limitations;  
 3280 penalty.--

3281           (1) For the purposes of this section, "spearfishing" means  
 3282 the taking of any saltwater fish through the instrumentality of  
 3283 a spear, gig, or lance operated by a person swimming at or below  
 3284 the surface of the water.

3285           (2) (a) Spearfishing is prohibited within the boundaries of  
 3286 the John Pennekamp Coral Reef State Park, the waters of Collier  
 3287 County, and the area in Monroe County known as Upper Keys, which  
 3288 includes all salt waters under the jurisdiction of the Fish and  
 3289 Wildlife Conservation Commission beginning at the county line  
 3290 between Dade and Monroe Counties and running south, including  
 3291 all of the keys down to and including Long Key.

3292           (b) For the purposes of this subsection, the possession in  
 3293 the water of a spear, gig, or lance by a person swimming at or  
 3294 below the surface of the water in a prohibited area is prima

3295 | facie evidence of a violation of the provisions of this  
 3296 | subsection regarding spearfishing.

3297 |         (3) The Fish and Wildlife Conservation Commission shall  
 3298 | have the power to establish restricted areas when it is  
 3299 | determined that safety hazards exist or when needs are  
 3300 | determined by biological findings. Restricted areas shall be  
 3301 | established only after an investigation has been conducted and  
 3302 | upon application by the governing body of the county or  
 3303 | municipality in which the restricted areas are to be located and  
 3304 | one publication in a local newspaper of general circulation in  
 3305 | said county or municipality in addition to any other notice  
 3306 | required by law. Prior to promulgation of regulations, the local  
 3307 | governing body of the area affected shall agree to post and  
 3308 | maintain notices in the area affected.

3309 |         Section 72. Section 370.12, Florida Statutes, is  
 3310 | renumbered as section 379.2431, Florida Statutes, and amended to  
 3311 | read:

3312 |         379.2431 ~~370.12~~ Marine animals; regulation.--

3313 |         (1) PROTECTION OF MARINE TURTLES.--

3314 |         (a) This subsection may be cited as the "Marine Turtle  
 3315 | Protection Act."

3316 |         (b) The Legislature intends, pursuant to the provisions of  
 3317 | this subsection, to ensure that the Fish and Wildlife  
 3318 | Conservation Commission has the appropriate authority and  
 3319 | resources to implement its responsibilities under the recovery  
 3320 | plans of the United States Fish and Wildlife Service for the  
 3321 | following species of marine turtle:

3322 |         1. Atlantic loggerhead turtle (*Caretta caretta*).

- 3323 |           2. Atlantic green turtle (*Chelonia mydas*).
- 3324 |           3. Leatherback turtle (*Dermochelys coriacea*).
- 3325 |           4. Atlantic hawksbill turtle (*Eretmochelys imbricata*).
- 3326 |           5. Atlantic ridley turtle (*Lepidochelys kemp*).
- 3327 |           (c) As used in this subsection, the following phrases have
- 3328 | the following meanings:
- 3329 |           1. A "properly accredited person" is:
- 3330 |           a. Students of colleges or universities whose studies with
- 3331 | saltwater animals are under the direction of their teacher or
- 3332 | professor; or
- 3333 |           b. Scientific or technical faculty of public or private
- 3334 | colleges or universities; or
- 3335 |           c. Scientific or technical employees of private research
- 3336 | institutions and consulting firms; or
- 3337 |           d. Scientific or technical employees of city, county,
- 3338 | state, or federal research or regulatory agencies; or
- 3339 |           e. Members in good standing or recognized and properly
- 3340 | chartered conservation organizations, the Audubon Society, or
- 3341 | the Sierra Club; or
- 3342 |           f. Persons affiliated with aquarium facilities or museums,
- 3343 | or contracted as an agent therefor, which are open to the public
- 3344 | with or without an admission fee; or
- 3345 |           g. Persons without specific affiliations listed above, but
- 3346 | who are recognized by the commission for their contributions to
- 3347 | marine conservation such as scientific or technical
- 3348 | publications, or through a history of cooperation with the
- 3349 | commission in conservation programs such as turtle nesting

3350 surveys, or through advanced educational programs such as high  
 3351 school marine science centers.

3352 2. "Take" means an act that actually kills or injures  
 3353 marine turtles, and includes significant habitat modification or  
 3354 degradation that kills or injures marine turtles by  
 3355 significantly impairing essential behavioral patterns, such as  
 3356 breeding, feeding, or sheltering.

3357 (d) Except as authorized in this paragraph, or unless  
 3358 otherwise provided by the Federal Endangered Species Act or its  
 3359 implementing regulations, a person, firm, or corporation may  
 3360 not:

3361 1. Knowingly possess the eggs of any marine turtle species  
 3362 described in this subsection.

3363 2. Knowingly take, disturb, mutilate, destroy, cause to be  
 3364 destroyed, transfer, sell, offer to sell, molest, or harass any  
 3365 marine turtles or the eggs or nest of any marine turtles  
 3366 described in this subsection.

3367 3. The commission may issue a special permit or loan  
 3368 agreement to any person, firm, or corporation, to enable the  
 3369 holder to possess a marine turtle or parts thereof, including  
 3370 nests, eggs, or hatchlings, for scientific, education, or  
 3371 exhibition purposes, or for conservation activities such as the  
 3372 relocation of nests, eggs, or marine turtles away from  
 3373 construction sites. Notwithstanding other provisions of law, the  
 3374 commission may issue such special permit or loan agreement to  
 3375 any properly accredited person as defined in paragraph (c) for  
 3376 the purposes of marine turtle conservation.

3377           4. The commission shall have the authority to adopt rules  
 3378 pursuant to chapter 120 to prescribe terms, conditions, and  
 3379 restrictions for marine turtle conservation, and to permit the  
 3380 possession of marine turtles or parts thereof.

3381           (e)1. Any person, firm, or corporation that commits any  
 3382 act prohibited in paragraph (d) involving any egg of any marine  
 3383 turtle species described in this subsection shall pay a penalty  
 3384 of \$100 per egg in addition to other penalties provided in this  
 3385 paragraph.

3386           2. Any person, firm, or corporation that illegally  
 3387 possesses 11 or fewer of any eggs of any marine turtle species  
 3388 described in this subsection commits a first degree misdemeanor,  
 3389 punishable as provided in ss. 775.082 and 775.083.

3390           3. For a second or subsequent violation of subparagraph  
 3391 2., any person, firm, or corporation that illegally possesses 11  
 3392 or fewer of any eggs of any marine turtle species described in  
 3393 this subsection commits a third degree felony, punishable as  
 3394 provided in s. 775.082, s. 775.083, or s. 775.084.

3395           4. Any person, firm, or corporation that illegally  
 3396 possesses more than 11 of any eggs of any marine turtle species  
 3397 described in this subsection commits a third degree felony,  
 3398 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3399           5. Any person, firm, or corporation that illegally takes,  
 3400 disturbs, mutilates, destroys, causes to be destroyed,  
 3401 transfers, sells, offers to sell, molests, or harasses any  
 3402 marine turtle species, or the eggs or nest of any marine turtle  
 3403 species as described in this subsection, commits a third degree

3404 felony, punishable as provided in s. 775.082, s. 775.083, or s.  
 3405 775.084.

3406 6. Notwithstanding s. 777.04, any person, firm, or  
 3407 corporation that solicits or conspires with another person,  
 3408 firm, or corporation, to commit an act prohibited by this  
 3409 subsection commits a felony of the third degree, punishable as  
 3410 provided in s. 775.082, s. 775.083, or s. 775.084.

3411 7. The proceeds from the penalties assessed pursuant to  
 3412 this paragraph shall be deposited into the Marine Resources  
 3413 Conservation Trust Fund.

3414 (f) Any application for a Department of Environmental  
 3415 Protection permit or other type of approval for an activity that  
 3416 affects marine turtles or their nests or habitat shall be  
 3417 subject to conditions and requirements for marine turtle  
 3418 protection as part of the permitting or approval process.

3419 (g) The Department of Environmental Protection may  
 3420 condition the nature, timing, and sequence of construction of  
 3421 permitted activities to provide protection to nesting marine  
 3422 turtles and hatchlings and their habitat pursuant to the  
 3423 provisions of s. 161.053(5). When the department is considering  
 3424 a permit for a beach restoration, beach renourishment, or inlet  
 3425 sand transfer project and the applicant has had an active marine  
 3426 turtle nest relocation program or the applicant has agreed to  
 3427 and has the ability to administer a program, the department must  
 3428 not restrict the timing of the project. Where appropriate, the  
 3429 department, in accordance with the applicable rules of the Fish  
 3430 and Wildlife Conservation Commission, shall require as a  
 3431 condition of the permit that the applicant relocate and monitor

3432 all turtle nests that would be affected by the beach  
3433 restoration, beach renourishment, or sand transfer activities.  
3434 Such relocation and monitoring activities shall be conducted in  
3435 a manner that ensures successful hatching. This limitation on  
3436 the department's authority applies only on the Atlantic coast of  
3437 Florida.

3438 (h) The department shall recommend denial of a permit  
3439 application if the activity would result in a "take" as defined  
3440 in this subsection, unless, as provided for in the federal  
3441 Endangered Species Act and its implementing regulations, such  
3442 taking is incidental to, and not the purpose of, the carrying  
3443 out of an otherwise lawful activity.

3444 (i) The department shall give special consideration to  
3445 beach preservation and beach nourishment projects that restore  
3446 habitat of endangered marine turtle species. Nest relocation  
3447 shall be considered for all such projects in urbanized areas.  
3448 When an applicant for a beach restoration, beach renourishment,  
3449 or inlet sand transfer project has had an active marine turtle  
3450 nest relocation program or the applicant has agreed to have and  
3451 has the ability to administer a program, the department in  
3452 issuing a permit for a project must not restrict the timing of  
3453 the project. Where appropriate, the department, in accordance  
3454 with the applicable rules of the Fish and Wildlife Conservation  
3455 Commission, shall require as a condition of the permit that the  
3456 applicant relocate and monitor all turtle nests that would be  
3457 affected by the beach restoration, beach renourishment, or sand  
3458 transfer activities. Such relocation and monitoring activities  
3459 shall be conducted in a manner that ensures successful hatching.

3460 This limitation on the department's authority applies only on  
 3461 the Atlantic coast of Florida.

3462 (2) PROTECTION OF MANATEES OR SEA COWS.--

3463 (a) This subsection shall be known and may be cited as the  
 3464 "Florida Manatee Sanctuary Act."

3465 (b) The State of Florida is hereby declared to be a refuge  
 3466 and sanctuary for the manatee, the "Florida state marine  
 3467 mammal." The protections extended to and authorized on behalf of  
 3468 the manatee by this act are independent of, and therefore are  
 3469 not contingent upon, its status as a state or federal listed  
 3470 species.

3471 (c) Whenever the Fish and Wildlife Conservation Commission  
 3472 is satisfied that the interest of science will be subserved, and  
 3473 that the application for a permit to possess a manatee or sea  
 3474 cow (*Trichechus manatus*) is for a scientific or propagational  
 3475 purpose and should be granted, and after concurrence by the  
 3476 United States Department of the Interior, the commission may  
 3477 grant to any person making such application a special permit to  
 3478 possess a manatee or sea cow, which permit shall specify the  
 3479 exact number which shall be maintained in captivity.

3480 (d) Except as may be authorized by the terms of a valid  
 3481 state permit issued pursuant to paragraph (c) or by the terms of  
 3482 a valid federal permit, it is unlawful for any person at any  
 3483 time, by any means, or in any manner intentionally or  
 3484 negligently to annoy, molest, harass, or disturb or attempt to  
 3485 molest, harass, or disturb any manatee; injure or harm or  
 3486 attempt to injure or harm any manatee; capture or collect or  
 3487 attempt to capture or collect any manatee; pursue, hunt, wound,

3488 or kill or attempt to pursue, hunt, wound, or kill any manatee;  
 3489 or possess, literally or constructively, any manatee or any part  
 3490 of any manatee.

3491 (e) Any gun, net, trap, spear, harpoon, boat of any kind,  
 3492 aircraft, automobile of any kind, other motorized vehicle,  
 3493 chemical, explosive, electrical equipment, scuba or other  
 3494 subaquatic gear, or other instrument, device, or apparatus of  
 3495 any kind or description used in violation of any provision of  
 3496 paragraph (d) may be forfeited upon conviction. The foregoing  
 3497 provisions relating to seizure and forfeiture of vehicles,  
 3498 vessels, equipment, or supplies do not apply when such vehicles,  
 3499 vessels, equipment, or supplies are owned by, or titled in the  
 3500 name of, innocent parties; and such provisions shall not vitiate  
 3501 any valid lien, retain title contract, or chattel mortgage on  
 3502 such vehicles, vessels, equipment, or supplies if such lien,  
 3503 retain title contract, or chattel mortgage is property of public  
 3504 record at the time of the seizure.

3505 (f)1. Except for emergency rules adopted under s. 120.54,  
 3506 all proposed rules of the commission for which a notice of  
 3507 intended agency action is filed proposing to govern the speed  
 3508 and operation of motorboats for purposes of manatee protection  
 3509 shall be submitted to the counties in which the proposed rules  
 3510 will take effect for review by local rule review committees.

3511 2. No less than 60 days prior to filing a notice of rule  
 3512 development in the Florida Administrative Weekly, as provided in  
 3513 s. 120.54(3)(a), the commission shall notify the counties for  
 3514 which a rule to regulate the speed and operation of motorboats  
 3515 for the protection of manatees is proposed. A county so notified

3516 shall establish a rule review committee or several counties may  
 3517 combine rule review committees.

3518 3. The county commission of each county in which a rule to  
 3519 regulate the speed and operation of motorboats for the  
 3520 protection of manatees is proposed shall designate a rule review  
 3521 committee. The designated voting membership of the rule review  
 3522 committee must be comprised of waterway users, such as fishers,  
 3523 boaters, water skiers, other waterway users, as compared to the  
 3524 number of manatee and other environmental advocates. A county  
 3525 commission may designate an existing advisory group as the rule  
 3526 review committee. With regard to each committee, fifty percent  
 3527 of the voting members shall be manatee advocates and other  
 3528 environmental advocates, and fifty percent of the voting members  
 3529 shall be waterway users.

3530 4. The county shall invite other state, federal, county,  
 3531 municipal, or local agency representatives to participate as  
 3532 nonvoting members of the local rule review committee.

3533 5. The county shall provide logistical and administrative  
 3534 staff support to the local rule review committee and may request  
 3535 technical assistance from commission staff.

3536 6. Each local rule review committee shall elect a chair  
 3537 and recording secretary from among its voting members.

3538 7. Commission staff shall submit the proposed rule and  
 3539 supporting data used to develop the rule to the local rule  
 3540 review committees.

3541 8. The local rule review committees shall have 60 days  
 3542 from the date of receipt of the proposed rule to submit a  
 3543 written report to commission members and staff. The local rule

3544 review committees may use supporting data supplied by the  
3545 commission, as well as public testimony which may be collected  
3546 by the committee, to develop the written report. The report may  
3547 contain recommended changes to proposed manatee protection zones  
3548 or speed zones, including a recommendation that no rule be  
3549 adopted, if that is the decision of the committee.

3550 9. Prior to filing a notice of proposed rulemaking in the  
3551 Florida Administrative Weekly as provided in s. 120.54(3)(a),  
3552 the commission staff shall provide a written response to the  
3553 local rule review committee reports to the appropriate counties,  
3554 to the commission members, and to the public upon request.

3555 10. In conducting a review of the proposed manatee  
3556 protection rule, the local rule review committees may address  
3557 such factors as whether the best available scientific  
3558 information supports the proposed rule, whether seasonal zones  
3559 are warranted, and such other factors as may be necessary to  
3560 balance manatee protection and public access to and use of the  
3561 waters being regulated under the proposed rule.

3562 11. The written reports submitted by the local rule review  
3563 committees shall contain a majority opinion. If the majority  
3564 opinion is not unanimous, a minority opinion shall also be  
3565 included.

3566 12. The members of the commission shall fully consider any  
3567 timely submitted written report submitted by a local rule review  
3568 committee prior to authorizing commission staff to move forward  
3569 with proposed rulemaking and shall fully consider any timely  
3570 submitted subsequent reports of the committee prior to adoption  
3571 of a final rule. The written reports of the local rule review

3572 committees and the written responses of the commission staff  
3573 shall be part of the rulemaking record and may be submitted as  
3574 evidence regarding the committee's recommendations in any  
3575 proceeding relating to a rule proposed or adopted pursuant to  
3576 this subsection.

3577 13. The commission is relieved of any obligations  
3578 regarding the local rule review committee process created in  
3579 this paragraph if a timely noticed county commission fails to  
3580 timely designate the required rule review committee.

3581 (g) In order to protect manatees or sea cows from harmful  
3582 collisions with motorboats or from harassment, the Fish and  
3583 Wildlife Conservation Commission is authorized, in addition to  
3584 all other authority, to provide a permitting agency with  
3585 comments regarding the expansion of existing, or the  
3586 construction of new, marine facilities and mooring or docking  
3587 slips, by the addition or construction of five or more powerboat  
3588 slips. The commission shall adopt rules under chapter 120  
3589 regulating the operation and speed of motorboat traffic only  
3590 where manatee sightings are frequent and the best available  
3591 scientific information, as well as other available, relevant,  
3592 and reliable information, which may include but is not limited  
3593 to, manatee surveys, observations, available studies of food  
3594 sources, and water depths, supports the conclusions that  
3595 manatees inhabit these areas on a regular basis:

3596 1. In Lee County: the entire Orange River, including the  
3597 Tice Florida Power and Light Corporation discharge canal and  
3598 adjoining waters of the Caloosahatchee River within 1 mile of  
3599 the confluence of the Orange and Caloosahatchee Rivers.

3600           2. In Brevard County: those portions of the Indian River  
 3601 within three-fourths of a mile of the Orlando Utilities  
 3602 Commission Delespine power plant effluent and the Florida Power  
 3603 and Light Frontenac power plant effluents.

3604           3. In Indian River County: the discharge canals of the  
 3605 Vero Beach Municipal Power Plant and connecting waters within  
 3606 11/4 miles thereof.

3607           4. In St. Lucie County: the discharge of the Henry D. King  
 3608 Municipal Electric Station and connecting waters within 1 mile  
 3609 thereof.

3610           5. In Palm Beach County: the discharges of the Florida  
 3611 Power and Light Riviera Beach power plant and connecting waters  
 3612 within 11/2 miles thereof.

3613           6. In Broward County: the discharge canal of the Florida  
 3614 Power and Light Port Everglades power plant and connecting  
 3615 waters within 11/2 miles thereof and the discharge canal of the  
 3616 Florida Power and Light Fort Lauderdale power plant and  
 3617 connecting waters within 2 miles thereof. For purposes of  
 3618 ensuring the physical safety of boaters in a sometimes turbulent  
 3619 area, the area from the easternmost edge of the authorized  
 3620 navigation project of the intracoastal waterway east through the  
 3621 Port Everglades Inlet is excluded from this regulatory zone.

3622           7. In Citrus County: headwaters of the Crystal River,  
 3623 commonly referred to as King's Bay, and the Homosassa River.

3624           8. In Volusia County: Blue Springs Run and connecting  
 3625 waters of the St. Johns River within 1 mile of the confluence of  
 3626 Blue Springs and the St. Johns River; and Thompson Creek,  
 3627 Strickland Creek, Dodson Creek, and the Tomoka River.

3628           9. In Hillsborough County: that portion of the Alafia  
 3629 River from the main shipping channel in Tampa Bay to U.S.  
 3630 Highway 41.

3631           10. In Sarasota County: the Venice Inlet and connecting  
 3632 waters within 1 mile thereof, including Lyons Bay, Donna Bay,  
 3633 Roberts Bay, and Hatchett Creek, excluding the waters of the  
 3634 intracoastal waterway and the right-of-way bordering the  
 3635 centerline of the intracoastal waterway.

3636           11. In Collier County: within the Port of Islands, within  
 3637 section 9, township 52 south, range 28 east, and certain  
 3638 unsurveyed lands, all east-west canals and the north-south  
 3639 canals to the southerly extent of the intersecting east-west  
 3640 canals which lie southerly of the centerline of U.S. Highway 41.

3641           12. In Manatee County: that portion of the Manatee River  
 3642 east of the west line of section 17, range 19 east, township 34  
 3643 south; the Braden River south of the north line and east of the  
 3644 west line of section 29, range 18 east, township 34 south; Terra  
 3645 Ceia Bay and River, east of the west line of sections 26 and 35  
 3646 of range 17 east, township 33 south, and east of the west line  
 3647 of section 2, range 17 east, township 34 south; and Bishop  
 3648 Harbor east of the west line of section 13, range 17 east,  
 3649 township 33 south.

3650           13. In Miami-Dade County: those portions of Black Creek  
 3651 lying south and east of the water control dam, including all  
 3652 boat basins and connecting canals within 1 mile of the dam.

3653           (h) The Fish and Wildlife Conservation Commission shall  
 3654 adopt rules pursuant to chapter 120 regulating the operation and  
 3655 speed of motorboat traffic only where manatee sightings are

3656 frequent and the best available scientific information, as well  
3657 as other available, relevant, and reliable information, which  
3658 may include but is not limited to, manatee surveys,  
3659 observations, available studies of food sources, and water  
3660 depths, supports the conclusion that manatees inhabit these  
3661 areas on a regular basis within that portion of the Indian River  
3662 between the St. Lucie Inlet in Martin County and the Jupiter  
3663 Inlet in Palm Beach County and within the Loxahatchee River in  
3664 Palm Beach and Martin Counties, including the north and  
3665 southwest forks thereof.

3666 (i) The commission shall adopt rules pursuant to chapter  
3667 120 regulating the operation and speed of motorboat traffic only  
3668 where manatee sightings are frequent and the best available  
3669 scientific information, as well as other available, relevant,  
3670 and reliable information, which may include but is not limited  
3671 to, manatee surveys, observations, available studies of food  
3672 sources, and water depths, supports the conclusion that manatees  
3673 inhabit these areas on a regular basis within the Withlacoochee  
3674 River and its tributaries in Citrus and Levy Counties. The  
3675 specific areas to be regulated include the Withlacoochee River  
3676 and the U.S. 19 bridge westward to a line between U.S. Coast  
3677 Guard markers number 33 and number 34 at the mouth of the river,  
3678 including all side channels and coves along that portion of the  
3679 river; Bennets' Creek from its beginning to its confluence with  
3680 the Withlacoochee River; Bird's Creek from its beginning to its  
3681 confluence with the Withlacoochee River; and the two dredged  
3682 canal systems on the north side of the Withlacoochee River  
3683 southwest of Yankeetown.

3684 (j) If any new power plant is constructed or other source  
3685 of warm water discharge is discovered within the state which  
3686 attracts a concentration of manatees or sea cows, the commission  
3687 is directed to adopt rules pursuant to chapter 120 regulating  
3688 the operation and speed of motorboat traffic within the area of  
3689 such discharge. Such rules shall designate a zone which is  
3690 sufficient in size, and which shall remain in effect for a  
3691 sufficient period of time, to protect the manatees or sea cows.

3692 (k) It is the intent of the Legislature to allow the Fish  
3693 and Wildlife Conservation Commission to post and regulate boat  
3694 speeds only where the best available scientific information, as  
3695 well as other available, relevant, and reliable information,  
3696 which may include but is not limited to, manatee surveys,  
3697 observations, available studies of food sources, and water  
3698 depth, supports the conclusion that manatees inhabit these areas  
3699 on a periodic basis. It is not the intent of the Legislature to  
3700 permit the commission to post and regulate boat speeds generally  
3701 throughout the waters of the state, thereby unduly interfering  
3702 with the rights of fishers, boaters, and water skiers using the  
3703 areas for recreational and commercial purposes. The Legislature  
3704 further intends that the commission may identify and designate  
3705 limited lanes or corridors providing for reasonable motorboat  
3706 speeds within waters of the state whenever such lanes and  
3707 corridors are consistent with manatee protection.

3708 (l) The commission shall adopt rules pursuant to chapter  
3709 120 regulating the operation and speed of motorboat traffic all  
3710 year around within Turkey Creek and its tributaries and within

3711 Manatee Cove in Brevard County. The specific areas to be  
3712 regulated consist of:

3713 1. A body of water which starts at Melbourne-Tillman  
3714 Drainage District structure MS-1, section 35, township 28 south,  
3715 range 37 east, running east to include all natural waters and  
3716 tributaries of Turkey Creek, section 26, township 28 south,  
3717 range 37 east, to the confluence of Turkey Creek and the Indian  
3718 River, section 24, township 28 south, range 37 east, including  
3719 all lagoon waters of the Indian River bordered on the west by  
3720 Palm Bay Point, the north by Castaway Point, the east by the  
3721 four immediate spoil islands, and the south by Cape Malabar,  
3722 thence northward along the shoreline of the Indian River to Palm  
3723 Bay Point.

3724 2. A triangle-shaped body of water forming a cove  
3725 (commonly referred to as Manatee Cove) on the east side of the  
3726 Banana River, with northern boundaries beginning and running  
3727 parallel to the east-west cement bulkhead located 870 feet south  
3728 of SR 520 Relief Bridge in Cocoa Beach and with western  
3729 boundaries running in line with the City of Cocoa Beach channel  
3730 markers 121 and 127 and all waters east of these boundaries in  
3731 section 34, township 24 south, range 37 east; the center  
3732 coordinates of this cove are 28°20'14" north, 80°35'17" west.

3733 (m) The commission shall promulgate regulations pursuant  
3734 to chapter 120 relating to the operation and speed of motor boat  
3735 traffic in port waters with due regard to the safety  
3736 requirements of such traffic and the navigational hazards  
3737 related to the movement of commercial vessels.

3738 (n) The commission may designate by rule adopted pursuant  
3739 to chapter 120 other portions of state waters where manatees are  
3740 frequently sighted and the best available scientific  
3741 information, as well as other available, relevant, and reliable  
3742 information, which may include but is not limited to, manatee  
3743 surveys, observations, available studies of food sources, and  
3744 water depths, supports the conclusion that manatees inhabit such  
3745 waters periodically. Upon designation of such waters, the  
3746 commission shall adopt rules pursuant to chapter 120 to regulate  
3747 motorboat speed and operation which are necessary to protect  
3748 manatees from harmful collisions with motorboats and from  
3749 harassment. The commission may adopt rules pursuant to chapter  
3750 120 to protect manatee habitat, such as seagrass beds, within  
3751 such waters from destruction by boats or other human activity.  
3752 Such rules shall not protect noxious aquatic plants subject to  
3753 control under s. 369.20.

3754 (o) The commission may designate, by rule adopted pursuant  
3755 to chapter 120, limited areas as a safe haven for manatees to  
3756 rest, feed, reproduce, give birth, or nurse undisturbed by human  
3757 activity. Access by motor boat to private residences, boat  
3758 houses, and boat docks through these areas by residents, and  
3759 their authorized guests, who must cross one of these areas to  
3760 have water access to their property is permitted when the  
3761 motorboat is operated at idle speed, no wake.

3762 (p) Except in the marked navigation channel of the Florida  
3763 Intracoastal Waterway as defined in s. 327.02 and the area  
3764 within 100 feet of such channel, a local government may  
3765 regulate, by ordinance, motorboat speed and operation on waters

3766 within its jurisdiction where the best available scientific  
 3767 information, as well as other available, relevant, and reliable  
 3768 information, which may include but is not limited to, manatee  
 3769 surveys, observations, available studies of food sources, and  
 3770 water depths, supports the conclusion that manatees inhabit  
 3771 these areas on a regular basis. However, such an ordinance may  
 3772 not take effect until it has been reviewed and approved by the  
 3773 commission. If the commission and a local government disagree on  
 3774 the provisions of an ordinance, a local manatee protection  
 3775 committee must be formed to review the technical data of the  
 3776 commission and the United States Fish and Wildlife Service, and  
 3777 to resolve conflicts regarding the ordinance. The manatee  
 3778 protection committee must be comprised of:

- 3779 1. A representative of the commission;
- 3780 2. A representative of the county;
- 3781 3. A representative of the United States Fish and Wildlife  
 3782 Service;
- 3783 4. A representative of a local marine-related business;
- 3784 5. A representative of the Save the Manatee Club;
- 3785 6. A local fisher;
- 3786 7. An affected property owner; and
- 3787 8. A representative of the Florida Marine Patrol.

3788  
 3789 If local and state regulations are established for the same  
 3790 area, the more restrictive regulation shall prevail.

3791 (q) The commission shall evaluate the need for use of  
 3792 fenders to prevent crushing of manatees between vessels (100' or  
 3793 larger) and bulkheads or wharves in counties where manatees have

3794 | been crushed by such vessels. For areas in counties where  
 3795 | evidence indicates that manatees have been crushed between  
 3796 | vessels and bulkheads or wharves, the commission shall:

3797 |         1. Adopt rules pursuant to chapter 120 requiring use of  
 3798 | fenders for construction of future bulkheads or wharves; and

3799 |         2. Implement a plan and time schedule to require  
 3800 | retrofitting of existing bulkheads or wharves consistent with  
 3801 | port bulkhead or wharf repair or replacement schedules.

3802 |  
 3803 | The fenders shall provide sufficient standoff from the bulkhead  
 3804 | or wharf under maximum operational compression to ensure that  
 3805 | manatees cannot be crushed between the vessel and the bulkhead  
 3806 | or wharf.

3807 |         (r) Any violation of a restricted area established by this  
 3808 | subsection, or established by rule pursuant to chapter 120 or  
 3809 | ordinance pursuant to this subsection, shall be considered a  
 3810 | violation of the boating laws of this state and shall be charged  
 3811 | on a uniform boating citation as provided in s. 327.74, except  
 3812 | as otherwise provided in paragraph (s). Any person who refuses  
 3813 | to post a bond or accept and sign a uniform boating citation  
 3814 | shall, as provided in s. 327.73(3), be guilty of a misdemeanor  
 3815 | of the second degree, punishable as provided in s. 775.082 or s.  
 3816 | 775.083.

3817 |         (s) Except as otherwise provided in this paragraph, any  
 3818 | person violating the provisions of this subsection or any rule  
 3819 | or ordinance adopted pursuant to this subsection commits a  
 3820 | misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)  
 3821 | ~~370.021(1)(a) or (b)~~.

3822           1. Any person operating a vessel in excess of a posted  
 3823 speed limit shall be guilty of a civil infraction, punishable as  
 3824 provided in s. 327.73, except as provided in subparagraph 2.

3825           2. This paragraph does not apply to persons violating  
 3826 restrictions governing "No Entry" zones or "Motorboat  
 3827 Prohibited" zones, who, if convicted, shall be guilty of a  
 3828 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)  
 3829 ~~370.021(1)(a) or (b)~~, or, if such violation demonstrates blatant  
 3830 or willful action, may be found guilty of harassment as  
 3831 described in paragraph (d).

3832           3. A person may engage in any activity otherwise  
 3833 prohibited by this subsection or any rule or ordinance adopted  
 3834 pursuant to this subsection if the activity is reasonably  
 3835 necessary in order to prevent the loss of human life or a vessel  
 3836 in distress due to weather conditions or other reasonably  
 3837 unforeseen circumstances, or in order to render emergency  
 3838 assistance to persons or a vessel in distress.

3839           (t)1. In order to protect manatees and manatee habitat,  
 3840 the counties identified in the Governor and Cabinet's October  
 3841 1989 Policy Directive shall develop manatee protection plans  
 3842 consistent with commission criteria based upon "Schedule K" of  
 3843 the directive, and shall submit such protection plans for review  
 3844 and approval by the commission. Any manatee protection plans not  
 3845 submitted by July 1, 2004, and any plans not subsequently  
 3846 approved by the commission shall be addressed pursuant to  
 3847 subparagraph 2.

3848           2. No later than January 1, 2005, the Fish and Wildlife  
 3849 Conservation Commission shall designate any county it has

3850 identified as a substantial risk county for manatee mortality as  
 3851 a county that must complete a manatee protection plan by July 1,  
 3852 2006. The commission is authorized to adopt rules pursuant to s.  
 3853 120.54 for identifying substantial risk counties and  
 3854 establishing criteria for approval of manatee protection plans  
 3855 for counties so identified. Manatee protection plans shall  
 3856 include the following elements at a minimum: education about  
 3857 manatees and manatee habitat; boater education; an assessment of  
 3858 the need for new or revised manatee protection speed zones;  
 3859 local law enforcement; and a boat facility siting plan to  
 3860 address expansion of existing and the development of new  
 3861 marinas, boat ramps, and other multislip boating facilities.

3862 3. Counties required to adopt manatee protection plans  
 3863 under this paragraph shall incorporate the boating facility  
 3864 siting element of those protection plans within their respective  
 3865 comprehensive plans.

3866 4. Counties that have already adopted approved manatee  
 3867 protection plans, or that adopt subsequently approved manatee  
 3868 protection plans by the effective date of this act, are in  
 3869 compliance with the provisions of this paragraph so long as they  
 3870 incorporate their approved boat facility siting plan into the  
 3871 appropriate element of their local comprehensive plan no later  
 3872 than July 1, 2003.

3873 (u)1. Existing state manatee protection rules shall be  
 3874 given great weight in determining whether additional rules are  
 3875 necessary in a region where the measurable goals developed  
 3876 pursuant to s. 379.2291 ~~372.072~~ have been achieved. However, the  
 3877 commission may amend existing rules or adopt new rules to

3878 address risks or circumstances in a particular area or waterbody  
 3879 to protect manatees.

3880 2. As used in this paragraph, the term "region" means one  
 3881 of the four geographic areas defined by the United States Fish  
 3882 and Wildlife Service in the Florida Manatee Recovery Plan, 3rd  
 3883 revision (October 30, 2001).

3884 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It is  
 3885 unlawful to catch, attempt to catch, molest, injure, kill, or  
 3886 annoy, or otherwise interfere with the normal activity and well-  
 3887 being of, mammalian dolphins (porpoises), except as may be  
 3888 authorized by a federal permit.

3889 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

3890 (a) Each fiscal year the Save the Manatee Trust Fund shall  
 3891 be available to fund an impartial scientific benchmark census of  
 3892 the manatee population in the state. Weather permitting, the  
 3893 study shall be conducted annually by the Fish and Wildlife  
 3894 Conservation Commission and the results shall be made available  
 3895 to the President of the Senate, the Speaker of the House of  
 3896 Representatives, and the Governor and Cabinet for use in the  
 3897 evaluation and development of manatee protection measures. In  
 3898 addition, the Save the Manatee Trust Fund shall be available for  
 3899 annual funding of activities of public and private organizations  
 3900 and those of the commission intended to provide manatee and  
 3901 marine mammal protection and recovery effort; manufacture and  
 3902 erection of informational and regulatory signs; production,  
 3903 publication, and distribution of educational materials;  
 3904 participation in manatee and marine mammal research programs,  
 3905 including carcass salvage and other programs; programs intended

3906 to assist the recovery of the manatee as an endangered species,  
 3907 assist the recovery of the endangered or threatened marine  
 3908 mammals, and prevent the endangerment of other species of marine  
 3909 mammals; and other similar programs intended to protect and  
 3910 enhance the recovery of the manatee and other species of marine  
 3911 mammals.

3912 (b) By December 1 each year, the Fish and Wildlife  
 3913 Conservation Commission shall provide the President of the  
 3914 Senate and the Speaker of the House of Representatives a written  
 3915 report, enumerating the amounts and purposes for which all  
 3916 proceeds in the Save the Manatee Trust Fund for the previous  
 3917 fiscal year are expended, in a manner consistent with those  
 3918 recovery tasks enumerated within the manatee recovery plan as  
 3919 required by the Endangered Species Act.

3920 (c) When the federal and state governments remove the  
 3921 manatee from status as an endangered or threatened species, the  
 3922 annual allocation may be reduced.

3923 (d) Up to 10 percent of the annual use fee deposited in  
 3924 the Save the Manatee Trust Fund from the sale of the manatee  
 3925 license plate authorized in s. 320.08058 may be used to promote  
 3926 and market the license plate issued by the Department of Highway  
 3927 Safety and Motor Vehicles after June 30, 2007.

3928 ~~(e) During the 2007-2008 fiscal year, the annual use fee~~  
 3929 ~~deposited into the Save the Manatee Trust Fund from the sale of~~  
 3930 ~~the manatee license plate authorized in s. 320.08058 may be used~~  
 3931 ~~by the commission to buy back any manatee license plates not~~  
 3932 ~~issued by the Department of Highway Safety and Motor Vehicles.~~  
 3933 ~~This paragraph expires July 1, 2008.~~

3934 Section 73. Section 370.1201, Florida Statutes, is  
3935 renumbered as section, 379.2432, Florida Statutes, to read:  
3936 379.2432 ~~370.1201~~ Manatee protection; intent; conduct of  
3937 studies; initiatives and plans.--It is the intent of the  
3938 Legislature that the commission request the necessary funding  
3939 and staffing through a general revenue budget request to ensure  
3940 that manatees receive the maximum protection possible. The  
3941 Legislature recognizes that strong manatee protection depends  
3942 upon consistently achieving a high degree of compliance with  
3943 existing and future rules. The commission shall conduct  
3944 standardized studies to determine levels of public compliance  
3945 with manatee protection rules, and shall use the results of the  
3946 studies, together with other relevant information, to develop  
3947 and implement strategic law enforcement initiatives and boater  
3948 education plans. Drawing upon information obtained from the  
3949 compliance studies and the implementation of enforcement  
3950 initiatives together with boater education plans, the commission  
3951 shall identify any impediments in consistently achieving high  
3952 levels of compliance, and adjust their enforcement and boater  
3953 education efforts accordingly.

3954 Section 74. Section 370.1202, Florida Statutes, is  
3955 renumbered as section 379.2433, Florida Statutes, to read:  
3956 379.2433 ~~370.1202~~ Enhanced manatee protection study.--  
3957 (1) The Fish and Wildlife Conservation Commission shall  
3958 implement and administer an enhanced manatee protection study  
3959 designed to increase knowledge of the factors that determine the  
3960 size and distribution of the manatee population in the waters of  
3961 the state. The enhanced study shall be used by the commission in

3962 its mission to provide manatees with the maximum protection  
3963 possible, while also allowing maximum recreational use of the  
3964 state's waterways. The goal of the enhanced study is to collect  
3965 data that will enable resource managers and state and local  
3966 policymakers, in consultation with the public, to develop and  
3967 implement sound science-based policies to improve manatee  
3968 habitat, establish manatee protection zones, and maximize the  
3969 size of safe boating areas for recreational use of state waters  
3970 without endangering the manatee population.

3971 (2) (a) As part of the enhanced manatee protection study,  
3972 the Legislature intends that the commission shall contract with  
3973 Mote Marine Laboratory to conduct a manatee habitat and  
3974 submerged aquatic vegetation assessment that specifically  
3975 considers:

3976 1. Manatee populations that congregate in the warm water  
3977 discharge sites at power plants in the state and the potential  
3978 risks for disease resulting from increased congregation of  
3979 manatees at these sites;

3980 2. Development of research, monitoring, and submerged  
3981 aquatic vegetation restoration priorities for manatee habitat in  
3982 and near the warm water discharge sites at power plants in the  
3983 state; and

3984 3. The potential impacts on manatees and manatee habitat  
3985 if power plants that provide warm water discharge sites where  
3986 manatees congregate are closed, including how closure will  
3987 affect the size and health of submerged aquatic vegetation  
3988 areas.

3989 (b) The Mote Marine Laboratory must submit an interim  
3990 report on the manatee habitat and submerged aquatic vegetation  
3991 assessment to the Governor, the Legislature, and the commission  
3992 by September 1, 2006. The interim report must detail the  
3993 progress of the assessment. The final report, due to the  
3994 Governor, the Legislature, and the commission by January 1,  
3995 2007, must detail the results of the assessment and include  
3996 recommendations for protection of manatee habitat in warm water  
3997 discharge sites at power plants in the state.

3998 (c) The commission shall ensure that funds allocated to  
3999 implement the manatee habitat and submerged aquatic vegetation  
4000 assessment are expended in a manner that is consistent with the  
4001 requirements of this subsection. The commission may require an  
4002 annual audit of the expenditures made by Mote Marine Laboratory.  
4003 Copies of any audit requested under this subsection must be  
4004 provided to the appropriate substantive and appropriations  
4005 committees of the Senate and the House of Representatives as  
4006 they become available.

4007 (3) As part of the enhanced manatee protection study, the  
4008 Legislature intends that the commission must conduct a signage  
4009 and boat speed assessment to evaluate the effectiveness of  
4010 manatee protection signs and sign placement and to assess boat  
4011 speeds. The commission shall evaluate existing data on manatee  
4012 mortality before and after existing manatee protection zones  
4013 were established, boater compliance and comprehension of  
4014 regulatory signs and buoys, changes in boating traffic patterns,  
4015 and manatee distribution and behavior. The commission shall also  
4016 provide recommendations on innovative marker designs that are in

4017 compliance with the federal aids to navigation system. The  
 4018 signage and boat speed assessment must address:

4019 (a) The effectiveness of signs and buoys to warn boaters  
 4020 of manatee slow-speed zones, with a goal of developing federally  
 4021 approved standards for marking manatee protection zones;

4022 (b) A determination of where buoys may be used in place of  
 4023 pilings for boating safety purposes; and

4024 (c) An evaluation of higher speed travel corridors in  
 4025 manatee zones to determine the most effective speed to balance  
 4026 safe boating, recreational use, vessel operating  
 4027 characteristics, and manatee protection.

4028  
 4029 The commission shall complete its signage and boat speed  
 4030 assessment by January 1, 2007, and must submit a report of its  
 4031 findings to the Governor, the President of the Senate, and the  
 4032 Speaker of the House of Representatives by February 1, 2007. The  
 4033 report must detail the results of the assessment and identify  
 4034 specific recommendations for developing state and local policies  
 4035 relating to the appropriate placement of signs, including  
 4036 innovative markers, in manatee slow-speed zones.

4037 (4) The commission is authorized to develop and implement  
 4038 the use of genetic tagging to improve its ability to assess the  
 4039 status and health of the manatee population, including the  
 4040 health and reproductive capacity of manatees, estimating annual  
 4041 survival rates through mark recapture studies, determining  
 4042 migration patterns, and determining maternity and paternity. The  
 4043 development and use of genetic tagging may be done in  
 4044 cooperation with federal agencies or other entities, such as

4045 genetic laboratories at schools within the State University  
 4046 System.

4047 Section 75. Section 370.10, Florida Statutes, is  
 4048 renumbered as section 379.244, Florida Statutes, to read:

4049 379.244 ~~370.10~~ Crustacea, marine animals, fish;  
 4050 regulations; general provisions.--

4051 (1) OWNERSHIP OF FISH, SPONGES, ETC.--All fish, shellfish,  
 4052 sponges, oysters, clams, and crustacea found within the rivers,  
 4053 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets,  
 4054 and other bodies of water within the jurisdiction of the state,  
 4055 and within the Gulf of Mexico and the Atlantic Ocean within the  
 4056 jurisdiction of the state, excluding all privately owned  
 4057 enclosed fish ponds not exceeding 150 acres, are the property of  
 4058 the state and may be taken and used by its citizens and persons  
 4059 not citizens, subject to the reservations and restrictions  
 4060 imposed by these statutes. No water bottoms owned by the state  
 4061 shall ever be sold, transferred, dedicated, or otherwise  
 4062 conveyed without reserving in the people the absolute right to  
 4063 fish thereon, except as otherwise provided in these statutes.

4064 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,  
 4065 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION  
 4066 PURPOSES.--Notwithstanding any other provisions of general or  
 4067 special law to the contrary, the Fish and Wildlife Conservation  
 4068 Commission may authorize, upon such terms, conditions, and  
 4069 restrictions as it may prescribe by rule, any properly  
 4070 accredited person to harvest or possess indigenous or  
 4071 nonindigenous saltwater species for experimental, scientific,  
 4072 education, and exhibition purposes or to harvest or possess

4073 reasonable quantities of aquacultural species for brood stock.  
 4074 Such authorizations may allow collection of specimens without  
 4075 regard to, and not limited to, size, seasonal closure,  
 4076 collection method, reproductive state, or bag limit.  
 4077 Authorizations issued under the provisions of this section may  
 4078 be suspended or revoked by the Fish and Wildlife Conservation  
 4079 Commission if it finds that the person has violated this  
 4080 section, Fish and Wildlife Conservation Commission rules or  
 4081 orders, or terms or conditions of the authorization or has  
 4082 submitted false or inaccurate information in his or her  
 4083 application.

4084 Section 76. Section 370.1405, Florida Statutes, is  
 4085 renumbered as section 379.245, Florida Statutes, and amended to  
 4086 read:

4087 379.245 ~~370.1405~~ Spiny lobster reports by dealers during  
 4088 closed season required.--

4089 (1) Within 3 days after the commencement of the closed  
 4090 season for the taking of spiny lobster, each and every seafood  
 4091 dealer, either retail or wholesale, intending to possess whole  
 4092 spiny lobster, spiny lobster tails, or spiny lobster meat during  
 4093 closed season shall submit to the Fish and Wildlife Conservation  
 4094 Commission, on forms provided by the commission, a sworn report  
 4095 of the quantity, in pounds, of whole spiny lobster, spiny  
 4096 lobster tails, and spiny lobster meat in the dealer's name or  
 4097 possession as of the date the season closed. This report shall  
 4098 state the location and number of pounds of whole spiny lobster,  
 4099 spiny lobster tails, and spiny lobster meat. The commission  
 4100 shall not accept any reports not delivered or postmarked by

4101 midnight of the 3rd calendar day after the commencement of the  
 4102 closed season, and any stocks of spiny lobster reported therein  
 4103 are declared a nuisance and may be seized by the commission.

4104 (2) Failure to submit a report as described in subsection  
 4105 (1) or reporting a greater or lesser amount of whole spiny  
 4106 lobster, spiny lobster tails, or spiny lobster meat than is  
 4107 actually in the dealer's possession or name is a major violation  
 4108 of this chapter, punishable as provided in s. 379.407(1),  
 4109 379.414 ~~370.021(1)~~, ~~s. 370.07(6)(b)~~, or both. The commission  
 4110 shall seize the entire supply of unreported or falsely reported  
 4111 whole spiny lobster, spiny lobster tails, or spiny lobster meat,  
 4112 and shall carry the same before the court for disposal. The  
 4113 dealer shall post a cash bond in the amount of the fair value of  
 4114 the entire quantity of unreported or falsely reported spiny  
 4115 lobster as determined by the judge. After posting the cash bond,  
 4116 the dealer shall have 24 hours to transport said products  
 4117 outside the limits of Florida for sale as provided by s. 379.337  
 4118 ~~370.061~~. Otherwise, the product shall be declared a nuisance and  
 4119 disposed of by the commission according to law.

4120 (3) All dealers having reported stocks of spiny lobster  
 4121 may sell or offer to sell such stocks of spiny lobster; however,  
 4122 such dealers shall submit an additional report on the last day  
 4123 of each month during the duration of the closed season. Reports  
 4124 shall be made on forms supplied by the commission. Each dealer  
 4125 shall state on this report the number of pounds brought forward  
 4126 from the previous report period, the number of pounds sold  
 4127 during the report period, the number of pounds, if any, acquired  
 4128 from a licensed wholesale dealer during the report period, and

4129 | the number of pounds remaining on hand. In every case, the  
4130 | amount of spiny lobster sold plus the amount reported on hand  
4131 | shall equal the amount acquired plus the amount reported  
4132 | remaining on hand in the last submitted report. Copies of  
4133 | records or invoices documenting the number of pounds acquired  
4134 | during the closed season must be maintained by the wholesale or  
4135 | retail dealer and shall be kept available for inspection by the  
4136 | commission for a period not less than 3 years from the date of  
4137 | the recorded transaction. Reports postmarked later than midnight  
4138 | on the 3rd calendar day of each month during the duration of the  
4139 | closed season will not be accepted by the commission. Dealers  
4140 | for which late supplementary reports are not accepted by the  
4141 | commission must show just cause why their entire stock of whole  
4142 | spiny lobster, spiny lobster tails, or spiny lobster meat should  
4143 | not be seized by the commission. Whenever a dealer fails to  
4144 | timely submit the monthly supplementary report as described in  
4145 | this subsection, the dealer may be subject to the following  
4146 | civil penalties:

4147 |       (a) For a first violation, the commission shall assess a  
4148 | civil penalty of \$500.

4149 |       (b) For a second violation within the same spiny lobster  
4150 | closed season, the commission shall assess a civil penalty of  
4151 | \$1,000.

4152 |       (c) For a third violation within the same spiny lobster  
4153 | closed season, the commission shall assess a civil penalty of  
4154 | \$2,500 and may seize said dealer's entire stock of whole spiny  
4155 | lobster, spiny lobster tails, or spiny lobster meat and carry  
4156 | the same before the court for disposal. The dealer shall post a

4157 cash bond in the amount of the fair value of the entire  
 4158 remaining quantity of spiny lobster as determined by the judge.  
 4159 After posting the cash bond, a dealer shall have 24 hours to  
 4160 transport said products outside the limits of Florida for sale  
 4161 as provided by s. 379.337 ~~370.061~~. Otherwise, the product shall  
 4162 be declared a nuisance and disposed of by the commission  
 4163 according to law.

4164 (4) All seafood dealers shall at all times during the  
 4165 closed season make their stocks of whole spiny lobster, spiny  
 4166 lobster tails, or spiny lobster meat available for inspection by  
 4167 the commission.

4168 (5) Each wholesale and retail dealer in whole spiny  
 4169 lobster, spiny lobster tails, or spiny lobster meat shall keep  
 4170 throughout the period of the spiny lobster closed season copies  
 4171 of the bill of sale or invoice covering each transaction  
 4172 involving whole spiny lobster, spiny lobster tails, or spiny  
 4173 lobster meat. Such invoices and bills shall be kept available at  
 4174 all times for inspection by the commission.

4175 (6) The Fish and Wildlife Conservation Commission may  
 4176 adopt rules incorporating by reference such forms as are  
 4177 necessary to administer this section.

4178 Section 77. Section 370.151, Florida Statutes, is  
 4179 renumbered as section 379.246, Florida Statutes, and amended to  
 4180 read:

4181 379.246 ~~370.151~~ Tortugas shrimp beds; gifted and loan  
 4182 property penalties.--

4183 ~~(1) It is the intention of the Legislature that action~~  
 4184 ~~should be taken to conserve the supply of shrimp in the large~~

4185 ~~shrimp beds which lie in and around the coast of the Lower Keys~~  
4186 ~~of Florida and in the vicinity of the islands of Dry Tortugas in~~  
4187 ~~the Florida Keys, hereinafter referred to as the "Tortugas~~  
4188 ~~Shrimp Bed," and which furnish more than 50 percent of the~~  
4189 ~~shrimp in waters adjacent to the coast of Florida. It is further~~  
4190 ~~the sense of this Legislature that the shrimp industry is a~~  
4191 ~~valuable industry to the economy of this state and deserves~~  
4192 ~~adequate protection.~~

4193 (1)~~(2)~~~~(a)~~ The Fish and Wildlife Conservation Commission is  
4194 authorized to take title in the name of the state to any vessel  
4195 or vessels suitable for use in carrying out the inspection and  
4196 patrol of the Tortugas Bed which may be offered as a gift to the  
4197 state by any person, firm, corporation, or association in the  
4198 shrimp industry for the purpose of carrying out the provisions  
4199 of this section. In the event such title is taken to such vessel  
4200 or vessels, the commission is authorized to operate and keep  
4201 said vessel or vessels in proper repair.

4202 (2)~~(b)~~ The commission is further authorized to accept the  
4203 temporary loan of any vessel or vessels, suitable for use in  
4204 carrying out the provisions of this section, for periods not  
4205 exceeding 1 year. However, the state shall not assume any  
4206 liability to the owner or owners of said vessels for any damage  
4207 done by said vessels to other vessels, persons, or property. In  
4208 the operation of said loaned vessels, upkeep and repair shall  
4209 consist only of minor repairs and routine maintenance. The owner  
4210 or owners shall carry full marine insurance coverage on said  
4211 loaned vessel or vessels for the duration of the period during  
4212 which said vessels are operated by the state.

4213 ~~(3) The owner or master of any vessel not equipped with~~  
 4214 ~~live shrimp bait tanks dragging shrimp nets in the above defined~~  
 4215 ~~area without a live bait shrimping license for this area is~~  
 4216 ~~guilty of a violation of this section. A third or any subsequent~~  
 4217 ~~violation by any person under this subsection within a 3 year~~  
 4218 ~~period shall be a felony of the third degree, punishable as~~  
 4219 ~~provided in ss. 775.082 and 775.083.~~

4220 Section 78. Section 370.153, Florida Statutes, is  
 4221 renumbered as section 379.247, Florida Statutes, and amended to  
 4222 read:

4223 379.247 ~~370.153~~ Regulation of shrimp fishing; Clay, Duval,  
 4224 Nassau, Putnam, Flagler, and St. Johns Counties.--

4225 (1) DEFINITIONS.--When used in this section, unless the  
 4226 context clearly requires otherwise:

4227 (a) "Inland waters" means all creeks, rivers, bayous,  
 4228 bays, inlets, and canals.

4229 (b) "Sample" means one or more shrimp taken from an  
 4230 accurately defined part of the area defined.

4231 (c) "Series" means 10 or more samples taken within a  
 4232 period of not more than 1 week, each sample being taken at a  
 4233 different station within the pattern.

4234 (d) "Pattern" means 10 or more stations.

4235 (e) "Station" means a single location on the water of the  
 4236 areas defined.

4237 (f) "Licensed live bait shrimp producer" means any  
 4238 individual licensed by the Fish and Wildlife Conservation  
 4239 Commission to employ the use of any trawl for the taking of live

4240 bait shrimp within the inland waters of Nassau, Duval, St.  
 4241 Johns, Putnam, Flagler, or Clay Counties.

4242 (g) "Licensed dead shrimp producer" means any individual  
 4243 licensed by the Fish and Wildlife Conservation Commission to  
 4244 employ the use of any trawl for the taking of shrimp within the  
 4245 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or  
 4246 Clay Counties.

4247 (2) SHRIMPING PROHIBITED.--It is unlawful to employ the  
 4248 use of any trawl or other net, except a common cast net,  
 4249 designed for or capable of taking shrimp, within the inland  
 4250 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay  
 4251 Counties, except as hereinafter provided.

4252 (3) LIVE BAIT SHRIMP PRODUCTION.--

4253 (a) A live bait shrimp production license shall be issued  
 4254 by the Fish and Wildlife Conservation Commission upon the  
 4255 receipt of an application by a person intending to use a boat,  
 4256 not to exceed 35 feet in length in Duval, St. Johns, Putnam,  
 4257 Flagler, and Clay Counties and not to exceed 45 feet in length  
 4258 in Nassau County, for live shrimp production within the inland  
 4259 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay  
 4260 Counties and the payment of a fee of \$250. The annual fee of  
 4261 \$250 shall be collected by the commission for the issuance of  
 4262 the license during a 60-day period beginning June 1 of each  
 4263 year. The design of the application and permit shall be  
 4264 determined by the commission. The proceeds of the fee imposed by  
 4265 this paragraph shall be used by the Fish and Wildlife  
 4266 Conservation Commission for the purposes of enforcement of  
 4267 marine resource laws.

4268 (b) The Executive Director of the Fish and Wildlife  
 4269 Conservation Commission, or his or her designated  
 4270 representative, may by order close certain areas to live bait  
 4271 shrimp production when sampling procedures justify the closing  
 4272 based upon sound conservation practices. The revocation of any  
 4273 order to close has the effect of opening the area.

4274 (c)1. Each licensed live bait shrimp producer who stores  
 4275 his or her catch for sale or sells his or her catch shall  
 4276 either:

4277 a. Maintain onshore facilities which have been annually  
 4278 checked and approved by the local commission office to assure  
 4279 the facilities' ability to maintain the catch alive when the  
 4280 live bait shrimp producer produces for his or her own facility;  
 4281 or

4282 b. Sell his or her catch only to persons who have onshore  
 4283 facilities that have been annually checked and approved by the  
 4284 local commission office to assure the facilities' ability to  
 4285 maintain the catch alive, when the producer sells his or her  
 4286 catch to an onshore facility. The producer shall provide the  
 4287 commission with the wholesale number of the facility to which  
 4288 the shrimp have been sold and shall submit this number on a form  
 4289 designed and approved by the commission.

4290 2. All persons who maintain onshore facilities as  
 4291 described in this paragraph, whether the facilities are  
 4292 maintained by the licensed live bait shrimp producer or by  
 4293 another party who purchases shrimp from live bait shrimp  
 4294 producers, shall keep records of their transactions in  
 4295 conformance with the provisions of s. 379.362(6) ~~370.07(6)~~.

4296 (d) All commercial trawling in Clay, Duval, and St. Johns  
 4297 Counties shall be restricted to the inland waters of the St.  
 4298 Johns River proper in the area north of the Acosta Bridge in  
 4299 Jacksonville and at least 100 yards from the nearest shoreline.

4300 (e) A live shrimp producer must also be a licensed  
 4301 wholesale dealer. Such person shall not sell live bait shrimp  
 4302 unless he or she produces a live bait shrimp production license  
 4303 at the time of sale.

4304 (f) The commission shall rename the Live Bait Shrimp  
 4305 Production License as the Commercial Live Shrimp Production  
 4306 License.

4307 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as a  
 4308 commercial dead shrimp producer provided that:

4309 (a) A dead shrimp production permit is procured from the  
 4310 Fish and Wildlife Conservation Commission upon the receipt by  
 4311 the commission of a properly filled out and approved application  
 4312 by a person intending to use a boat, not to exceed 35 feet in  
 4313 length in Duval, St. Johns, Putnam, and Clay Counties, and not  
 4314 to exceed 45 feet in length in Nassau County, for dead shrimp  
 4315 production within the inland waters of Nassau County and the  
 4316 inland waters of the St. Johns River of Duval, Putnam, St.  
 4317 Johns, Flagler, or Clay Counties, which permit shall cost \$250  
 4318 and shall be required for each vessel used for dead shrimp  
 4319 production. The design of the application and permit shall be  
 4320 determined by the Fish and Wildlife Conservation Commission. The  
 4321 proceeds of the fees imposed by this paragraph shall be  
 4322 deposited into the account of the Marine Resources Conservation

4323 Trust Fund to be used by the commission for the purpose of  
 4324 enforcement of marine resource laws.

4325 (b) All commercial trawling in the St. Johns River proper  
 4326 shall be restricted to the area north of the Acosta Bridge in  
 4327 Jacksonville and at least 100 yards from the nearest shoreline.

4328 (c) All commercial shrimping activities shall be allowed  
 4329 during daylight hours from Tuesday through Friday each week.

4330 (d) No person holding a dead shrimp production permit  
 4331 issued pursuant to this subsection shall simultaneously hold a  
 4332 permit for noncommercial trawling under the provisions of  
 4333 subsection (5). The number of permits issued by the commission  
 4334 for commercial trawling or dead shrimp production in any one  
 4335 year shall be limited to those active in the base year, 1976,  
 4336 and renewed annually since 1976. All permits for dead shrimp  
 4337 production issued pursuant to this section shall be inheritable  
 4338 or transferable to an immediate family member and annually  
 4339 renewable by the holder thereof. Such inheritance or transfer  
 4340 shall be valid upon being registered with the commission. Each  
 4341 permit not renewed shall expire and shall not be renewed under  
 4342 any circumstances.

4343 (e) It is illegal for any person to sell dead shrimp  
 4344 caught in the inland waters of Nassau, Duval, Clay, Putnam, and  
 4345 St. Johns Counties, unless the seller is in possession of a dead  
 4346 shrimp production license issued pursuant to this subsection.

4347 (f) It is illegal for any person to purchase shrimp for  
 4348 consumption or bait from any seller (with respect to shrimp  
 4349 caught in the inland waters of Nassau, Duval, Clay, Putnam, and  
 4350 St. Johns Counties (St. Johns River)) who does not produce his

4351 or her dead shrimp production license prior to the sale of the  
 4352 shrimp.

4353 (g) In addition to any other penalties provided for in  
 4354 this section, any person who violates the provisions of this  
 4355 subsection shall have his or her license revoked by the  
 4356 commission.

4357 (h) The commission shall rename the Dead Shrimp Production  
 4358 License as the Commercial Food Shrimp Production License.

4359 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling is  
 4360 authorized by the Fish and Wildlife Conservation Commission, any  
 4361 person may trawl for shrimp in the St. Johns River for his or  
 4362 her own use as food under the following conditions:

4363 (a) Each person who desires to trawl for shrimp for use as  
 4364 food shall obtain a noncommercial trawling permit from the local  
 4365 office of the Fish and Wildlife Conservation Commission upon  
 4366 filling out an application on a form prescribed by the  
 4367 commission and upon paying a fee for the permit, which shall  
 4368 cost \$50.

4369 (b) All trawling shall be restricted to the confines of  
 4370 the St. Johns River proper in the area north of the Acosta  
 4371 Bridge in Jacksonville and at least 100 yards from the nearest  
 4372 shoreline.

4373 (c) No shrimp caught by a person licensed under the  
 4374 provisions of this subsection may be sold or offered for sale.

4375 (6) SAMPLING PROCEDURE.--

4376 (a) The Executive Director of the Fish and Wildlife  
 4377 Conservation Commission shall have samples taken at established  
 4378 stations within patterns at frequent intervals.

4379 (b) No area may be closed to live bait shrimp production  
 4380 unless a series of samples has been taken and it has been  
 4381 determined that the shrimp are undersized or that continued  
 4382 shrimping in this area would have an adverse effect on  
 4383 conservation. Standards for size may be established by rule of  
 4384 the commission.

4385 (c) No area may be opened to dead shrimp production unless  
 4386 a series of samples has been taken and it has been determined  
 4387 that the shrimp are of legal size. Legal-sized shrimp shall be  
 4388 defined as not more than 47 shrimp with heads on, or 70 shrimp  
 4389 with heads off, per pound.

4390 (7) LICENSE POSSESSION.--The operator of a boat employing  
 4391 the use of any trawl for shrimp production must be in possession  
 4392 of a current shrimp production license issued to him or her  
 4393 pursuant to the provisions of this section.

4394 (8) USE OF TRAWL; LIMITATION.--

4395 (a) The use of a trawl by either a live bait shrimp  
 4396 producer or dead shrimp producer shall be limited to the  
 4397 daylight hours, and the taking of dead shrimp shall not take  
 4398 place on Saturdays, Sundays, or legal state holidays.

4399 (b) The use of a trawl by either a live bait shrimp  
 4400 producer or dead shrimp producer within 100 yards of any  
 4401 shoreline is prohibited. The Fish and Wildlife Conservation  
 4402 Commission, by rule or order, may define the area or areas where  
 4403 this subsection shall apply.

4404 (c)1. It is unlawful to employ the use of any trawl  
 4405 designed for, or capable of, taking shrimp within 1/4 mile of

4406 any natural or manmade inlet in Duval County or St. Johns  
 4407 County.

4408 2. It is unlawful for anyone to trawl in the Trout River  
 4409 west of the bridge on U.S. 17 in Duval County.

4410 (9) CREDITS.--Fees paid pursuant to paragraphs (3)(a) and  
 4411 (4)(a) of this section shall be credited against the saltwater  
 4412 products license fee.

4413 Section 79. Section 370.17, Florida Statutes, is  
 4414 renumbered as section 379.248, Florida Statutes, and amended to  
 4415 read:

4416 379.248 ~~370.17~~ Sponges; regulation.--

4417 (1) NONRESIDENT LICENSE; SPONGE FISHING.--Any nonresident  
 4418 of the state, who desires to engage in the business or  
 4419 occupation of sponge fishing, either for that person or any  
 4420 other person, shall, before entering into said business or  
 4421 occupation, procure a nonresident saltwater products license  
 4422 issued in the name of an individual or to a valid boat  
 4423 registration pursuant to s. 379.361 ~~370.06~~.

4424 (2) USE AND SIZE OF HOOKS.--Any person engaged in  
 4425 gathering sponges by use of a hook shall use a hook 5 inches  
 4426 wide for the purpose of removing sponges from the bottom, and no  
 4427 hook of other dimensions may be used.

4428 (3) TAKING, POSSESSING COMMERCIAL; SIZE.--

4429 (a) No person may take, by any means or method, from the  
 4430 waters of the Gulf of Mexico, the straits of this state or the  
 4431 other waters within the territorial limits of this state, any  
 4432 commercial sponges, measuring, when wet, less than 5 inches in  
 4433 their maximum diameter.

4434 (b) To make effective the foregoing subsection it is  
4435 further provided that no person may land, cure, deliver, offer  
4436 for sale, sell, or have in his or her possession, within the  
4437 territorial limits of this state, or upon any boat, vessel, or  
4438 vehicle, other than those operated interstate by common  
4439 carriers, within the territorial limits of this state, any  
4440 commercial sponges measuring, when wet, less than 5 inches in  
4441 their maximum diameter.

4442 (c) The presence of commercial sponges within the  
4443 territorial limits of this state, or upon any boat, vessel, or  
4444 vehicle, other than those operated interstate by common  
4445 carriers, within the territorial limits of this state,  
4446 measuring, when wet, less than 5 inches in their maximum  
4447 diameter, shall be evidence that the person having such sponges  
4448 in his or her possession has violated this section.

4449 (4) POWERS OF THE COMMISSION.--The commission is  
4450 authorized and empowered to make, promulgate, and put into  
4451 effect all rules and regulations which the commission may  
4452 consider and decide to be necessary to accomplish the purpose of  
4453 this chapter for the taking and cultivation of sponges,  
4454 including the power and authority to determine and fix, in its  
4455 discretion, the seasons and period of time within which public  
4456 state grounds may be closed to the taking, possessing, buying,  
4457 selling, or transporting of sponges from the sponge cultivation  
4458 districts herein provided for and to regulate and prescribe the  
4459 means and methods to be employed in the harvesting thereof;  
4460 however, notice of all rules, regulations, and orders, and all  
4461 revisions and amendments thereto, prescribing closed seasons or

4462 | prescribing the means and methods of harvesting sponges adopted  
 4463 | by the commission shall be published in a newspaper of general  
 4464 | circulation in the conservation district affected within 10 days  
 4465 | from the adoption thereof, in addition to any notice required by  
 4466 | chapter 120.

4467 | (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE  
 4468 | SERVICE.--The commission shall cooperate with the United States  
 4469 | Fish and Wildlife Service, under existing federal laws, rules  
 4470 | and regulations, and is authorized to accept donations, grants  
 4471 | and matching funds from said federal government under such  
 4472 | conditions as are reasonable and proper, for the purposes of  
 4473 | carrying out this chapter, and the commission is further  
 4474 | authorized to accept any and all donations including funds and  
 4475 | loan of vessels.

4476 | (6) PENALTY.--Any person violating any of the foregoing  
 4477 | provisions shall, for the second offense, be guilty of a felony  
 4478 | of the third degree, punishable as provided in s. 775.082, s.  
 4479 | 775.083, or s. 775.084, and by the confiscation of all boats,  
 4480 | tackle and equipment used in the commission of such violation.

4481 | Section 80. Section 370.25, Florida Statutes, is  
 4482 | renumbered as section 379.249, Florida Statutes, to read:

4483 | 379.249 ~~370.25~~ Artificial reef program; grants and  
 4484 | financial and technical assistance to local governments.--

4485 | (1) An artificial reef program is created within the  
 4486 | commission to enhance saltwater opportunities and to promote  
 4487 | proper management of fisheries resources associated with  
 4488 | artificial reefs for the public interest. Under the program, the  
 4489 | commission may provide grants and financial and technical

4490 assistance to coastal local governments, state universities, and  
4491 nonprofit corporations qualified under s. 501(c)(3) of the  
4492 Internal Revenue Code for the siting and development of  
4493 artificial reefs as well as for monitoring and evaluating such  
4494 reefs and their recreational, economic, and biological  
4495 effectiveness. The commission is authorized to accept title, on  
4496 behalf of the state, to vessels for use in the artificial reef  
4497 program as offshore artificial reefs. The program may be funded  
4498 from state, federal, and private contributions.

4499 (2) The commission may adopt by rule procedures for  
4500 submitting an application for financial assistance and criteria  
4501 for allocating available funds.

4502 (3) The commission may adopt by rule criteria for siting,  
4503 constructing, managing, and evaluating the effectiveness of  
4504 artificial reefs placed in state or adjacent federal waters and  
4505 criteria implementing the transfer of vessel titles to the state  
4506 for use as an offshore artificial reef.

4507 (4) The commission may adopt by rule criteria for  
4508 determining the eligibility of nonprofit corporations qualified  
4509 under s. 501(c)(3) of the Internal Revenue Code to apply for and  
4510 receive funds available for artificial reef development or  
4511 evaluation. The criteria must include, but are not limited to,  
4512 the following:

4513 (a) The corporation must show proof that it is a nonprofit  
4514 corporation qualified under s. 501(c)(3) of the Internal Revenue  
4515 Code.

4516 (b) The corporation must state in its articles of  
 4517 incorporation or bylaws that one of its objectives is the  
 4518 development or monitoring of artificial reefs.

4519 (5) The commission's artificial reef program shall track  
 4520 all artificial-reef-development activities statewide, and  
 4521 maintain a computer database of these activities for the public  
 4522 interest and to facilitate long-range planning and coordination  
 4523 within the commission and among local governments.

4524 (6) It is unlawful for any person to:

4525 (a) Place artificial-reef-construction materials in state  
 4526 waters outside zones permitted under the terms and conditions  
 4527 defined in any artificial-reef permits issued by the United  
 4528 States Army Corps of Engineers or by the Department of  
 4529 Environmental Protection.

4530 (b) Store, possess, or transport on or across state waters  
 4531 any materials reasonably suited for artificial-reef construction  
 4532 and stored in a manner providing ready access for use and  
 4533 placement as an artificial reef, unless a valid cargo manifest  
 4534 issued by the commission or a commission-certified inspector is  
 4535 onboard the transporting vessel. The manifest will serve as  
 4536 authorization to use a valid permitted site or land-based  
 4537 staging area, will validate that the type of artificial-reef  
 4538 construction material being transported is permissible for use  
 4539 at the permitted site, and will describe and quantify the  
 4540 artificial-reef material being transported. The manifest will  
 4541 also include the latitude and longitude coordinates of the  
 4542 proposed deployment location, the valid permit number, and a  
 4543 copy of the permit conditions for the permitted site. The

4544 manifest must be available for inspection by any authorized law  
 4545 enforcement officer or commission employee.

4546 (7) (a) An initial violation of subsection (6) is a  
 4547 misdemeanor of the first degree, punishable as provided in s.  
 4548 775.082 or s. 775.083. A subsequent violation of subsection (6)  
 4549 which is committed within 12 months after a previous violation  
 4550 of that subsection is a felony of the third degree, punishable  
 4551 as provided in s. 775.082, s. 775.083, or s. 775.084.

4552 (b) If a violation of subsection (6) occurs, a law  
 4553 enforcement officer may terminate a vessel's voyage and order  
 4554 the vessel operator to return immediately to port. Failure or  
 4555 refusal to comply with an order to return to port constitutes a  
 4556 felony of the third degree, punishable as provided in s.  
 4557 775.082, s. 775.083, or s. 775.084. The vessel operator must  
 4558 immediately dispose of the materials on shore according to  
 4559 applicable waste disposal laws.

4560 (c) If, at the time of the violation, the vessel that is  
 4561 involved in the violation:

4562 1. Is moored at a land-based facility, the registered  
 4563 owner of the vessel is responsible for the violation.

4564 2. Is underway or anchored, the captain or operator of the  
 4565 vessel and the registered owner of the vessel are jointly  
 4566 responsible for the violation.

4567 (d) In addition to the penalties imposed in this  
 4568 subsection, the commission shall assess civil penalties of up to  
 4569 \$5,000 against any person convicted of violating subsection (6)  
 4570 and may seek the suspension or revocation of the vessel  
 4571 registration, existing reef-construction permits, or other state

4572 marine licenses held by the violator. For the purposes of this  
 4573 section, conviction includes any judicial disposition other than  
 4574 acquittal or dismissal.

4575 Section 81. Section 370.23, Florida Statutes, is  
 4576 renumbered as section 379.25, Florida Statutes, to read:

4577 379.25 ~~370.23~~ Sale of unlawfully landed product;  
 4578 jurisdiction.--It is unlawful for any person to bring to port,  
 4579 sell, or offer to sell any saltwater life landed in violation of  
 4580 the provisions of this chapter. Any person committing such a  
 4581 violation and docking his or her vessel at any port in the  
 4582 state, whether or not such product was landed in the territorial  
 4583 waters of the state, shall be deemed to have submitted himself  
 4584 or herself to the jurisdiction of the courts of this state for  
 4585 the purpose of the enforcement of the provisions of this  
 4586 chapter.

4587 Section 82. Section 370.1601, Florida Statutes, is  
 4588 renumbered as section 379.2511, Florida Statutes, and amended to  
 4589 read:

4590 379.2511 ~~370.1601~~ Lease of state-owned water bottoms for  
 4591 growing oysters and clams.--Effective July 1, 1988, persons  
 4592 wishing to lease state-owned water bottoms for the purpose of  
 4593 growing oysters and clams shall no longer be required to apply  
 4594 under the provisions of s. 379.2525 ~~370.16~~; such leases shall be  
 4595 issued pursuant to the provisions of ss. 253.67-253.75.

4596 Section 83. Section 370.161, Florida Statutes, is  
 4597 renumbered as section 379.2512, Florida Statutes, to read:

4598 379.2512 ~~370.161~~ Oyster bottom land grants made pursuant  
 4599 to ch. 3293.--

4600 (1) All grants previously issued by the several boards of  
 4601 county commissioners under the authority of chapter 3293, 1881,  
 4602 Laws of Florida, shall be subject to provisions of s. 597.010,  
 4603 relating to the marking of such lands, the payment of rents, the  
 4604 cultivation of such lands and the forfeiture provisions.

4605 (2) Any grantee of lands referred to in subsection (1)  
 4606 shall mark such lands and begin cultivation thereof as set forth  
 4607 in s. 597.010, within 90 days after the effective date of this  
 4608 act. The rentals prescribed by s. 597.010, shall be payable  
 4609 immediately upon the effective date of this act and in  
 4610 accordance with the provisions of said section.

4611 (3) If any grantee shall fail to comply with the  
 4612 provisions of this act his or her grant shall become null and  
 4613 void and the lands shall return to the ownership and  
 4614 jurisdiction of the state.

4615 Section 84. Section 370.027, Florida Statutes, is  
 4616 renumbered as section 379.2521, Florida Statutes, and amended to  
 4617 read:

4618 379.2521 ~~370.027~~ Rulemaking authority with respect to  
 4619 marine life.--Marine aquaculture producers shall be regulated by  
 4620 the Department of Agriculture and Consumer Services. The Fish  
 4621 and Wildlife Conservation Commission shall adopt rules, by March  
 4622 1, 2000, to regulate the sale of farmed red drum and spotted sea  
 4623 trout. These rules shall specifically provide for the protection  
 4624 of the wild resource, without restricting a certified  
 4625 aquaculture producer pursuant to s. 597.004 from being able to  
 4626 sell farmed fish. To that extent, these rules must only require  
 4627 that farmed fish be kept separate from wild fish and be fed

4628 commercial feed; that farmed fish be placed in sealed  
 4629 containers; that these sealed containers must have the name,  
 4630 address, telephone number and aquaculture certificate number,  
 4631 issued pursuant to s. 597.004, of the farmer clearly and  
 4632 indelibly placed on the container; and that this information  
 4633 must accompany the fish to the ultimate point of sale. Marine  
 4634 aquaculture products produced by a marine aquaculture producer,  
 4635 certified pursuant to s. 597.004, are exempt from Fish and  
 4636 Wildlife Conservation Commission resource management rules, with  
 4637 the exception of such rules governing any fish of the genus  
 4638 *Centropomus* (snook). By July 1, 2000, the Fish and Wildlife  
 4639 Conservation Commission shall develop procedures to allow  
 4640 persons possessing a valid aquaculture certificate of  
 4641 registration to sell and transport live snook produced in  
 4642 private ponds or private hatcheries as brood stock, to stock  
 4643 private ponds, or for aquarium display consistent with the  
 4644 provisions of rules adopted by the Department of Agriculture and  
 4645 Consumer Services rule 39-23.009, Florida Administrative Code.

4646 Section 85. Section 370.1603, Florida Statutes, is  
 4647 renumbered as section 379.2522, Florida Statutes, and amended to  
 4648 read:

4649 379.2522 ~~370.1603~~ Oysters produced in and outside state;  
 4650 labeling; tracing; rules.--

4651 (1) No wholesale or retail dealer, as defined in s.  
 4652 379.362 (1) ~~370.07(1)~~, shall sell any oysters produced outside  
 4653 this state unless they are labeled as such, or unless it is  
 4654 otherwise reasonably made known to the purchaser that the  
 4655 oysters were not produced in this state.

4656 (2) The Department of Agriculture and Consumer Services  
 4657 shall promulgate rules whereby oysters produced in Florida  
 4658 waters can be traced to the location from which they were  
 4659 harvested. A wholesale or retail dealer may not sell any oysters  
 4660 produced in this state unless they are labeled so that they may  
 4661 be traced to the point of harvesting.

4662 Section 86. Section 370.26, Florida Statutes, is  
 4663 renumbered as section 379.2523, Florida Statutes, and amended to  
 4664 read:

4665 379.2523 ~~370.26~~ Aquaculture definitions; marine  
 4666 aquaculture products, producers, and facilities.--

4667 (1) As used in this section, the term:

4668 (a) "Marine aquaculture facility" means a facility built  
 4669 and operated for the purpose of producing marine aquaculture  
 4670 products. Marine aquaculture facilities contain culture systems  
 4671 such as, but not limited to, ponds, tanks, raceways, cages, and  
 4672 bags used for commercial production, propagation, growout, or  
 4673 product enhancement of marine products. Marine aquaculture  
 4674 facilities specifically do not include:

4675 1. Facilities that maintain marine aquatic organisms  
 4676 exclusively for the purpose of shipping, distribution,  
 4677 marketing, or wholesale and retail sales;

4678 2. Facilities that maintain marine aquatic organisms for  
 4679 noncommercial, education, exhibition, or scientific purposes;

4680 3. Facilities in which the activity does not require an  
 4681 aquaculture certification pursuant to s. 597.004; or

4682 4. Facilities used by marine aquarium hobbyists.

4683 (b) "Marine aquaculture producer" means a person holding  
 4684 an aquaculture certificate pursuant to s. 597.004 to produce  
 4685 marine aquaculture products.

4686 (c) "Marine aquaculture product" means any product derived  
 4687 from marine aquatic organisms that are owned and propagated,  
 4688 grown, or produced under controlled conditions by a person  
 4689 holding an aquaculture certificate pursuant to s. 597.004. Such  
 4690 product does not include organisms harvested from the wild for  
 4691 depuration, wet storage, or relayed for the purpose of  
 4692 controlled purification. Marine aquaculture products are  
 4693 considered saltwater products for the purposes of this chapter,  
 4694 except the holder of an aquaculture certificate is not required  
 4695 to purchase and possess a saltwater products license in order to  
 4696 possess, transport, or sell marine aquaculture products pursuant  
 4697 to s. 379.361 ~~370.06~~. To renew an existing restricted species  
 4698 endorsement, marine aquaculture producers possessing a valid  
 4699 saltwater products license with a restricted species endorsement  
 4700 may apply income from the sales of marine aquaculture products  
 4701 to licensed wholesale dealers. Income from the sales of marine  
 4702 aquaculture products shall not be eligible for the purpose of  
 4703 acquiring a new restricted species endorsement. The holder of an  
 4704 aquaculture certificate must purchase and possess a saltwater  
 4705 products license in order to possess, transport, or sell  
 4706 saltwater products not specifically provided for in s. 597.004.

4707 (2) The Department of Environmental Protection shall  
 4708 encourage the development of aquaculture and the production of  
 4709 aquaculture products. The department shall develop a process  
 4710 consistent with this section that would consolidate permits,

4711 general permits, and other regulatory requirements to streamline  
4712 the permitting process and result in effective regulation of  
4713 aquaculture activities. This process shall provide for a single  
4714 application and application fee for marine aquaculture  
4715 activities which are regulated by the department. Procedures to  
4716 consolidate permitting actions under this section do not  
4717 constitute rules within the meaning of s. 120.52.

4718 (3) Until aquaculture general permits under s. 403.814 can  
4719 be expanded and developed, the department shall establish  
4720 criteria to temporarily permit aquaculture activities that may  
4721 be presumed not to result in adverse environmental impacts. The  
4722 criteria developed pursuant to this subsection do not constitute  
4723 rules within the meaning of s. 120.52. Permit application fees  
4724 under this subsection shall be no more than that established for  
4725 a general permit. The department may delegate to the water  
4726 management districts the regulatory authority for aquaculture  
4727 facilities subject to the temporary general permitting criteria  
4728 of this subsection. During the period prior to development of a  
4729 general permit under s. 403.814, the department shall establish  
4730 a compliance plan based on monitoring results that will assist  
4731 in the development of the general permit.

4732 (4) The department shall request that the Aquaculture  
4733 Review Council identify a working group of industry  
4734 representatives who can provide technical assistance in  
4735 developing aquaculture general permits. The industry  
4736 representatives shall come from the segment of the industry to  
4737 be affected by the specific general permit to be developed. The

4738 working group shall be included in all phases of developing the  
 4739 aquaculture general permits.

4740 (5) The department shall:

4741 (a) Coordinate with the Aquaculture Review Council, the  
 4742 Aquaculture Interagency Coordinating Council, and the Department  
 4743 of Agriculture and Consumer Services when developing criteria  
 4744 for aquaculture general permits.

4745 (b) Permit experimental technologies to collect and  
 4746 evaluate data necessary to reduce or mitigate environmental  
 4747 concerns.

4748 (c) Provide technical expertise and promote the transfer  
 4749 of information that would be beneficial to the development of  
 4750 aquaculture.

4751 (6) The Fish and Wildlife Conservation Commission shall  
 4752 encourage the development of aquaculture in the state through  
 4753 the following:

4754 (a) Providing assistance in developing technologies  
 4755 applicable to aquaculture activities, evaluating practicable  
 4756 production alternatives, and providing management agreements to  
 4757 develop innovative culture practices.

4758 (b) Facilitating aquaculture research on life histories,  
 4759 stock enhancement, and alternative species, and providing  
 4760 research results that would assist in the evaluation,  
 4761 development, and commercial production of candidate species for  
 4762 aquaculture, including:

4763 1. Providing eggs, larvae, fry, and fingerlings to  
 4764 aquaculturists when excess cultured stocks are available from  
 4765 the commission's facilities and the culture activities are

4766 consistent with the commission's stock enhancement projects.  
 4767 Such stocks may be obtained by reimbursing the commission for  
 4768 the cost of production on a per-unit basis. Revenues resulting  
 4769 from the sale of stocks shall be deposited into the trust fund  
 4770 used to support the production of such stocks.

4771 2. Conducting research programs to evaluate candidate  
 4772 species when funding and staff are available.

4773 3. Encouraging the private production of marine fish and  
 4774 shellfish stocks for the purpose of providing such stocks for  
 4775 statewide stock enhancement programs. When such stocks become  
 4776 available, the commission shall reduce or eliminate duplicative  
 4777 production practices that would result in direct competition  
 4778 with private commercial producers.

4779 4. Developing a working group, in cooperation with the  
 4780 Department of Agriculture and Consumer Services, the Aquaculture  
 4781 Review Council, and the Aquaculture Interagency Coordinating  
 4782 Council, to plan and facilitate the development of private  
 4783 marine fish and nonfish hatcheries and to encourage  
 4784 private/public partnerships to promote the production of marine  
 4785 aquaculture products.

4786 (c) Coordinating with public and private research  
 4787 institutions within the state to advance the aquaculture  
 4788 production and sale of sturgeon as a food fish.

4789 (7) The Fish and Wildlife Conservation Commission shall  
 4790 coordinate with the Aquaculture Review Council and the  
 4791 Department of Agriculture and Consumer Services to establish and  
 4792 implement grant programs to provide funding for projects and  
 4793 programs that are identified in the state's aquaculture plan,

4794 pending legislative appropriations. The commission and the  
 4795 Department of Agriculture and Consumer Services shall establish  
 4796 and implement a grant program to make grants available to  
 4797 qualified nonprofit, educational, and research entities or local  
 4798 governments to fund infrastructure, planning, practical and  
 4799 applied research, development projects, production economic  
 4800 analysis, and training and stock enhancement projects, and to  
 4801 make grants available to counties, municipalities, and other  
 4802 state and local entities for applied aquaculture projects that  
 4803 are directed to economic development, pending legislative  
 4804 appropriations.

4805 (8) The Fish and Wildlife Conservation Commission shall  
 4806 provide assistance to the Department of Agriculture and Consumer  
 4807 Services in the development of an aquaculture plan for the  
 4808 state.

4809 Section 87. Section 370.31, Florida Statutes, is  
 4810 renumbered as section 379.2524, Florida Statutes, to read:

4811 379.2524 ~~370.31~~ Commercial production of sturgeon.--

4812 (1) INTENT.--The Legislature finds and declares that there  
 4813 is a need to encourage the continuation and advancement of work  
 4814 being done on aquaculture sturgeon production in keeping with  
 4815 the state's legislative public policy regarding aquaculture  
 4816 provided in chapter 597. It also finds that it is in the state's  
 4817 economic interest to promote the commercial production and stock  
 4818 enhancement of sturgeon. It is therefore the intent of the  
 4819 Legislature to hereby create a Sturgeon Production Working  
 4820 Group.

4821 (2) CREATION.--The Sturgeon Production Working Group is  
 4822 created within the Department of Agriculture and Consumer  
 4823 Services and shall be composed of seven members as follows:

4824 (a) The head of the sturgeon research program or designee  
 4825 from the University of Florida, Institute of Food and  
 4826 Agricultural Sciences. Such member shall be appointed by the  
 4827 University of Florida's Vice President for Agricultural Affairs.

4828 (b) One representative from the Department of  
 4829 Environmental Protection to be appointed by the Secretary of  
 4830 Environmental Protection.

4831 (c) One representative from the Fish and Wildlife  
 4832 Conservation Commission to be appointed by the executive  
 4833 director of the Fish and Wildlife Conservation Commission.

4834 (d) One representative from the Department of Agriculture  
 4835 and Consumer Services to be appointed by the Commissioner of  
 4836 Agriculture.

4837 (e) Two representatives from the aquaculture industry to  
 4838 be appointed by the Aquaculture Review Council.

4839 (f) One representative from a private nonprofit  
 4840 organization involved in sturgeon production work, to be  
 4841 appointed by the Commissioner of Agriculture.

4842 (3) MEETINGS; PROCEDURES; RECORDS.--The working group  
 4843 shall meet at least twice a year and elect, by a quorum, a chair  
 4844 and vice chair.

4845 (a) The chair of the working group shall preside at all  
 4846 meetings and shall call a meeting as often as necessary to carry  
 4847 out the provisions of this section.

4848 (b) The Department of Agriculture and Consumer Services  
 4849 shall keep a complete record of the proceedings of each meeting,  
 4850 which includes the names of the members present at each meeting  
 4851 and the actions taken. The records shall be public records  
 4852 pursuant to chapter 119.

4853 (c) A quorum shall consist of a majority of the group  
 4854 members. Members of the group shall not receive compensation,  
 4855 but shall be entitled to per diem and travel expenses, including  
 4856 attendance at meetings, as allowed public officers and employees  
 4857 pursuant to s. 112.061.

4858 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the  
 4859 Sturgeon Production Working Group is to coordinate the  
 4860 implementation of a state sturgeon production management plan to  
 4861 promote the commercial production and stock enhancement of  
 4862 sturgeon in Florida. In carrying out this purpose, the working  
 4863 group shall:

4864 (a) Establish a state sturgeon production management plan  
 4865 to inform public or private interested parties of how to  
 4866 aquaculturally produce sturgeon for commercial purposes and for  
 4867 stock enhancement. The sturgeon production management plan  
 4868 shall:

4869 1. Provide the regulatory policies for the commercial  
 4870 production of sturgeon meat and roe, including a strategy for  
 4871 obtaining the required permits, licenses, authorizations, or  
 4872 certificates.

4873 2. Provide the management practices for culturing sturgeon  
 4874 and ensure that aquacultural development does not impede the  
 4875 recovery and conservation of wild sturgeon populations.

4876           3. Establish priorities for research needed to support the  
4877 commercial production of sturgeon and the recovery of native  
4878 stocks in the state.

4879           (b) Support management strategies to permit the commercial  
4880 production of native and nonnative sturgeon, including the  
4881 distribution of captive-bred Gulf sturgeon to approved certified  
4882 aquaculture facilities.

4883           (c) Support the development of a cooperative sturgeon  
4884 conservation program to coordinate conservation, habitat, and  
4885 resource management programs for native sturgeon, including an  
4886 evaluation of how stock enhancement can facilitate the  
4887 conservation and recovery of native sturgeon populations.

4888           (d) Seek federal cooperation to implement the sturgeon  
4889 production management plan, including federal designation of  
4890 captive-bred sturgeon as distinct population segments to  
4891 distinguish cultivated stocks from wild native populations.

4892           (e) Develop enforcement guidelines to ensure continued  
4893 protection of wild native sturgeon populations.

4894           (f) In furtherance of the purposes and responsibilities of  
4895 the Sturgeon Production Working Group, the state shall:

4896           1. Establish a program to coordinate conservation and  
4897 aquaculture activities for native sturgeon.

4898           2. Develop a conservation plan for native sturgeon.

4899           3. Initiate the process to petition for delisting captive-  
4900 bred shortnose sturgeon.

4901           4. Initiate the process to petition for delisting captive-  
4902 bred Gulf sturgeon.

4903 (g) Establish a sturgeon broodstock committee composed of  
 4904 fishery scientists, fish farmers, and agency representatives to  
 4905 manage the taking of wild sturgeon for brood fish and spawning.

4906 (h) Establish the Cooperative Broodstock Development and  
 4907 Husbandry Board composed of fishery scientists, fish farmers,  
 4908 and agency representatives to establish standards and criteria  
 4909 for the management and maintenance of captive-reared sturgeon,  
 4910 to collect biological data, and to administer the Cooperative  
 4911 Broodstock Development and Husbandry Program.

4912 Section 88. Section 370.16, Florida Statutes, is  
 4913 renumbered as section 379.2525, Florida Statutes, and amended to  
 4914 read:

4915 379.2525 ~~370.16~~ Noncultured shellfish harvesting.--

4916 (1) PROTECTION OF SHELLFISH AQUACULTURE PRODUCTS.--

4917 (a) The Fish and Wildlife Conservation Commission shall  
 4918 assist in protecting shellfish aquaculture products produced on  
 4919 leased or granted reefs in the hands of lessees or grantees from  
 4920 the state. Harvesting shellfish is prohibited within a distance  
 4921 of 25 feet outside lawfully marked lease boundaries or within  
 4922 setback and access corridors within specifically designated  
 4923 high-density aquaculture lease areas and aquaculture use zones.

4924 (b) The department, in cooperation with the commission,  
 4925 shall provide the Legislature with recommendations as needed for  
 4926 the development and the proper protection of the rights of the  
 4927 state and private holders therein with respect to the oyster and  
 4928 clam business.

4929 (2) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL  
 4930 REEFS; LICENSES, ETC., PENALTY.--

4931 (a) It is unlawful to use a dredge or any means or  
 4932 implement other than hand tongs in removing oysters from the  
 4933 natural or artificial state reefs. This restriction shall apply  
 4934 to all areas of Apalachicola Bay for all shellfish harvesting,  
 4935 excluding private grounds leased or granted by the state prior  
 4936 to July 1, 1989, if the lease or grant specifically authorizes  
 4937 the use of implements other than hand tongs for harvesting.  
 4938 Except in Apalachicola Bay, upon the payment of \$25 annually,  
 4939 for each vessel or boat using a dredge or machinery in the  
 4940 gathering of clams or mussels, a special activity license may be  
 4941 issued by the Fish and Wildlife Conservation Commission pursuant  
 4942 to s. 379.361 ~~370.06~~ for such use to such person.

4943 (b) The use of any mechanical harvesting device other than  
 4944 ordinary hand tongs for taking shellfish for any purpose from  
 4945 public shellfish beds in Apalachicola Bay shall be unlawful.

4946 (c) The possession of any mechanical harvesting device on  
 4947 the waters of Apalachicola Bay from 5 p.m. until sunrise shall  
 4948 be unlawful.

4949 (d) Each vessel used for the transport or deployment of a  
 4950 dredge or scrape shall prominently display the lease or grant  
 4951 number or numbers, in numerals which are at least 12 inches high  
 4952 and 6 inches wide, in such a manner that the lease or grant  
 4953 number or numbers are readily identifiable from both the air and  
 4954 the water.

4955 (e) Oysters may be harvested from natural or public  
 4956 grounds by common hand tongs or by hand, by scuba diving, free  
 4957 diving, leaning from vessels, or wading. In the Apalachicola  
 4958 Bay, this provision shall apply to all shellfish.

4959  
 4960 The commission shall apply other statutes, rules, or conditions  
 4961 necessary to protect the environment and natural resources from  
 4962 improper transport, deployment, and operation of a dredge or  
 4963 scrape. Any violation of this subsection or of any other  
 4964 statutes, rules, or conditions referenced in the special  
 4965 activity license shall be considered a violation of the license  
 4966 and shall result in revocation of the license and forfeiture of  
 4967 the bond submitted to the commission as a prerequisite to the  
 4968 issuance of this license.

4969 (3) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.--Each  
 4970 packer, canner, corporation, firm, commission person, or dealer  
 4971 in fish shall, on the first day of each month, make a return  
 4972 under oath to the Fish and Wildlife Conservation Commission, as  
 4973 to the number of oysters, clams, and shellfish purchased,  
 4974 caught, or handled during the preceding month. Whoever is found  
 4975 guilty of making any false affidavit to any such report is  
 4976 guilty of perjury and punished as provided by law, and any  
 4977 person who fails to make such report shall be punished by a fine  
 4978 not exceeding \$500 or by imprisonment in the county jail not  
 4979 exceeding 6 months.

4980 (4) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND  
 4981 CLAM LAWS, ETC.--Vessels, with their cargoes, violating the  
 4982 provisions of the laws relating to oysters and clams may be  
 4983 seized by anyone duly and lawfully authorized to make arrests  
 4984 under this section or by any sheriff or the sheriff's deputies,  
 4985 and taken into custody, and when not arrested by the sheriff or  
 4986 the sheriff's deputies, delivered to the sheriff of the county

4987 | in which the seizure is made, and shall be liable to forfeiture,  
4988 | on appropriate proceedings being instituted by the Fish and  
4989 | Wildlife Conservation Commission, before the courts of that  
4990 | county. In such case the cargo shall at once be disposed of by  
4991 | the sheriff, for account of whom it may concern. Should the  
4992 | master or any of the crew of said vessel be found guilty of  
4993 | using dredges or other instruments in fishing oysters on natural  
4994 | reefs contrary to law, or fishing on the natural oyster or clam  
4995 | reefs out of season, or unlawfully taking oysters or clams  
4996 | belonging to a lessee, such vessel shall be declared forfeited  
4997 | by the court, and ordered sold and the proceeds of the sale  
4998 | shall be deposited with the Chief Financial Officer to the  
4999 | credit of the General Revenue Fund; any person guilty of such  
5000 | violations shall not be permitted to have any license provided  
5001 | for in this chapter within a period of 1 year from the date of  
5002 | conviction. Pending proceedings such vessel may be released upon  
5003 | the owner furnishing bond, with good and solvent security in  
5004 | double the value of the vessel, conditioned upon its being  
5005 | returned in good condition to the sheriff to abide the judgment  
5006 | of the court.

5007 |       (5) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging of  
5008 | dead shell deposits is prohibited in the state.

5009 |       (6) REQUIREMENTS FOR OYSTER VESSELS.--All vessels used for  
5010 | the harvesting, gathering, or transporting of noncultured  
5011 | oysters for commercial use shall be constructed and maintained  
5012 | to prevent contamination or deterioration of oysters. To this  
5013 | end, all such vessels shall be provided with false bottoms and  
5014 | bulkheads fore and aft to prevent oysters from coming in contact

5015 with any bilge water. No dogs or other animals shall be allowed  
 5016 at any time on vessels used to harvest or transport oysters. A  
 5017 violation of any provision of this subsection shall result in at  
 5018 least the revocation of the violator's license.

5019 Section 89. Part III of chapter 379, Florida Statutes,  
 5020 consisting of section 379.28, is created to read:

5021 PART III  
 5022 FRESHWATER AQUATIC LIFE

5023  
 5024 Section 90. Section 372.26, Florida Statutes, is  
 5025 renumbered as section 379.28, Florida Statutes, and amended to  
 5026 read:

5027 379.28 ~~372.26~~ Imported fish.--

5028 (1) No person shall import into the state or place in any  
 5029 of the fresh waters of the state any freshwater fish of any  
 5030 species without having first obtained a permit from the Fish and  
 5031 Wildlife Conservation Commission. The commission is authorized  
 5032 to issue or deny such a permit upon the completion of studies of  
 5033 the species made by it to determine any detrimental effect the  
 5034 species might have on the ecology of the state.

5035 (2) A person who violates this section commits a Level  
 5036 Three violation under s. 379.401 ~~372.83~~.

5037 Section 91. Part IV of chapter 379, Florida Statutes,  
 5038 consisting of sections 379.3001, 379.3002, 379.3003, 379.3004,  
 5039 379.3011, 379.3012, 379.3013, 379.3014, 379.3015, 379.3016,  
 5040 379.3017, 379.302, 379.303, 379.304, 379.305, 379.3061,  
 5041 379.3062, and 379.3063, is created to read:

5042 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

5071 habitat land acreage available for hunting opportunities on  
5072 commission-managed lands that exists on the effective date of  
5073 this act. The commission shall expeditiously find replacement  
5074 acreage for hunting to compensate for closures of any existing  
5075 hunting land. Replacement lands shall, to the greatest extent  
5076 possible, be located within the same administrative region of  
5077 the commission and shall be consistent with the hunting  
5078 discipline that the commission allowed on the closed land.

5079 (5) Any state agency or water management district that  
5080 owns or manages lands shall assist and coordinate and cooperate  
5081 with the commission to allow hunting on such lands if such lands  
5082 are determined by the commission to be suitable for hunting. To  
5083 ensure no net loss of land acreage available for hunting, state  
5084 agencies and water management districts shall cooperate with the  
5085 commission to open new, additional hunting lands to replace lost  
5086 hunting acreage. However, lands officially designated as units  
5087 within the state park system may not be considered for  
5088 replacement hunting lands and may only be opened for hunting  
5089 when necessary as a wildlife control or management tool as  
5090 determined by the Division of Recreation and Parks in the  
5091 Department of Environmental Protection.

5092 (6) By October 1 of each year, the executive director of  
5093 the commission shall submit to the Legislature a written report  
5094 describing:

5095 (a) The acreage managed by the commission that was closed  
5096 to hunting during the previous fiscal year and the reasons for  
5097 the closures.

5098 (b) The acreage managed by the commission that was opened  
 5099 to hunting to compensate for closures of existing land pursuant  
 5100 to subsection (4).

5101 (7) By October 1 of each year, any state agency or water  
 5102 management district that owns or manages lands shall submit a  
 5103 written report to the commission and the Legislature that  
 5104 includes:

5105 (a) A list of properties that were open for hunting during  
 5106 the previous fiscal year.

5107 (b) A list of properties that were not open for hunting  
 5108 during the previous fiscal year.

5109 (c) The acreage for each property and the county where  
 5110 each property is located, except for right-of-way lands and  
 5111 parcels under 50 acres.

5112 Section 93. Section 372.023, Florida Statutes, is  
 5113 renumbered as section 379.3002, Florida Statutes, to read:

5114 379.3002 ~~372.023~~ J. W. Corbett and Cecil M. Webb Wildlife  
 5115 Management Areas.--

5116 (1) The Fish and Wildlife Conservation Commission of this  
 5117 state is neither authorized nor empowered to do the following as  
 5118 to the J. W. Corbett Wildlife Management Area in Palm Beach  
 5119 County or the Cecil M. Webb Wildlife Management Area without the  
 5120 approval of the Board of Trustees of the Internal Improvement  
 5121 Trust Fund that such action is in the best interest of orderly  
 5122 and economical development of said area, viz.:

5123 (a) To trade, barter, lease, or exchange lands therein for  
 5124 lands of greater acreage contiguous to said wildlife management  
 5125 areas.

5126 (b) To grant easements for construction and maintenance of  
 5127 roads, railroads, canals, ditches, dikes, and utilities,  
 5128 including but not limited to telephone, telegraph, oil, gas,  
 5129 electric power, water, and sewers.

5130 (c) To convey or release all rights in and to the  
 5131 phosphate, minerals, metals, and petroleum that is or may be in,  
 5132 on or under any lands traded, bartered, leased, or exchanged  
 5133 pursuant to paragraph (a).

5134 (2) The Board of Trustees of the Internal Improvement  
 5135 Trust Fund and the State Board of Education and all and every  
 5136 board, state department or state agency of the state having any  
 5137 title, right and interest in or to the land including oil and  
 5138 mineral rights in the lands to be traded, bartered, leased or  
 5139 exchanged within the J. W. Corbett Wildlife Management Area in  
 5140 Palm Beach County, is authorized and empowered to convey this  
 5141 interest of whatsoever nature to the record owner.

5142 (3) Moneys received from the sale of lands within either  
 5143 wildlife management area, less reasonable expenses incident to  
 5144 the sale, shall be used by the Fish and Wildlife Conservation  
 5145 Commission to acquire acreage contiguous to the wildlife  
 5146 management area or lands of equal wildlife value. The sale shall  
 5147 be made directly to the state, notwithstanding the procedures of  
 5148 s. 270.08 to the contrary.

5149 Section 94. Section 372.988, Florida Statutes, is  
 5150 renumbered as section 379.3003, Florida Statutes, and amended to  
 5151 read:

5152 379.3003 ~~372.988~~ Required clothing for persons hunting  
 5153 deer.--It is a Level One violation under s. 379.401 ~~372.83~~ for

5154 any person to hunt deer, or for any person to accompany another  
 5155 person hunting deer, during the open season for the taking of  
 5156 deer on public lands unless each person shall wear a total of at  
 5157 least 500 square inches of daylight fluorescent orange material  
 5158 as an outer garment. Such clothing shall be worn above the  
 5159 waistline and may include a head covering. The provisions of  
 5160 this section shall not apply to any person hunting deer with a  
 5161 bow and arrow during seasons restricted to hunting with a bow  
 5162 and arrow.

5163 Section 95. Section 372.7016, Florida Statutes, is  
 5164 renumbered as section 379.3004, Florida Statutes, and amended to  
 5165 read:

5166 379.3004 ~~372.7016~~ Voluntary Authorized Hunter  
 5167 Identification Program.--

5168 (1) There is created the "Voluntary Authorized Hunter  
 5169 Identification Program" to assist landowners and law enforcement  
 5170 officials in better controlling trespass and illegal or  
 5171 unauthorized hunting. Landowners wishing to participate in the  
 5172 program shall:

5173 (a) Annually notify the sheriff's office in the county in  
 5174 which the land is situated and the respective area supervisor of  
 5175 the Fish and Wildlife Conservation Commission by letter of their  
 5176 desire to participate in the program, and provide a description  
 5177 of their property which they wish to have in the program by  
 5178 township, range, section, partial section, or other geographical  
 5179 description.

5180 (b) Provide a means of identifying authorized hunters as  
 5181 provided in subsection (2).

5182           (2) Any person hunting on private land enrolled in the  
5183 Voluntary Authorized Hunter Identification Program shall have  
5184 readily available on the land at all times when hunting on the  
5185 property written authorization from the owner or his or her  
5186 authorized representative to be on the land for the purpose of  
5187 hunting. The written authorization shall be presented on demand  
5188 to any law enforcement officer, the owner, or the authorized  
5189 agent of the owner.

5190           (a) For purposes of this section, the term "hunting" means  
5191 to be engaged in or reasonably equipped to engage in the pursuit  
5192 or taking by any means of any animal described in s. 379.101  
5193 (19) or (20) ~~372.001(10) or (11)~~, and the term "written  
5194 authorization" means a card, letter, or other written instrument  
5195 which shall include, but need not be limited to, the name of the  
5196 person or entity owning the property, the name and signature of  
5197 the person granting the authorization, a description by  
5198 township, range, section, partial section, or other geographical  
5199 description of the land to which the authorization applies, and  
5200 a statement of the time period during which the authorization is  
5201 valid.

5202           (b) Failure by any person hunting on private land enrolled  
5203 in the program to present written authorization to hunt on said  
5204 land to any law enforcement officer or the owner or  
5205 representative thereof within 7 days of demand shall be prima  
5206 facie evidence of violation of s. 810.09(2)(c), punishable as  
5207 provided in s. 775.082, s. 775.083, or s. 775.084. However, such  
5208 evidence may be contradicted or rebutted by other evidence.

5209 Section 96. Section 372.6671, Florida Statutes, is  
 5210 renumbered as section 379.3011, Florida Statutes, and amended to  
 5211 read:

5212 379.3011 ~~372.6671~~ Alligator trapping program;  
 5213 definitions.--Unless otherwise provided by a specific section or  
 5214 the context otherwise requires, as used in ss. 379.3011,  
 5215 379.3012, 379.3751, and 379.3752 ~~372.6671~~ ~~372.6674~~, the  
 5216 following definitions shall apply:

5217 (1) "Alligator" means a member of the species of alligator  
 5218 (Alligator mississippiensis) but does not mean its eggs.

5219 (2) "Alligator hatchling" means a juvenile alligator as  
 5220 more specifically defined by commission rule.

5221 (3) "Process" or "processing" means the skinning,  
 5222 butchering, or possession of alligators.

5223 Section 97. Section 372.6672, Florida Statutes, is  
 5224 renumbered as section 379.3012, Florida Statutes, to read:

5225 379.3012 ~~372.6672~~ Alligator management and trapping  
 5226 program implementation; commission authority.--

5227 (1) In any alligator management and trapping program that  
 5228 the Fish and Wildlife Conservation Commission shall establish,  
 5229 the commission shall have the authority to adopt all rules  
 5230 necessary for full and complete implementation of such alligator  
 5231 management and trapping program, and, in order to ensure its  
 5232 lawful, safe, and efficient operation in accordance therewith,  
 5233 may:

5234 (a) Regulate the marketing and sale of alligators, their  
 5235 hides, eggs, meat, and byproducts, including the development and  
 5236 maintenance of a state-sanctioned sale.

5237 (b) Regulate the handling and processing of alligators,  
 5238 their eggs, hides, meat, and byproducts, for the lawful, safe,  
 5239 and sanitary handling and processing of same.

5240 (c) Regulate commercial alligator farming facilities and  
 5241 operations for the captive propagation and rearing of alligators  
 5242 and their eggs.

5243 (d) Provide hide-grading services by two or more  
 5244 individuals pursuant to state-sanctioned sales if rules are  
 5245 first promulgated by the commission governing:

5246 1. All grading-related services to be provided pursuant to  
 5247 this section;

5248 2. Criteria for qualifications of persons to serve as  
 5249 hide-graders for grading services to be provided pursuant to  
 5250 this section; and

5251 3. The certification process by which hide-graders  
 5252 providing services pursuant to this section will be certified.

5253 (e) Provide sales-related services by contract pursuant to  
 5254 state-sanctioned sales if rules governing such services are  
 5255 first promulgated by the commission.

5256 (2) All contractors of the commission for the grading,  
 5257 marketing, and sale of alligators and their hides, eggs, meat,  
 5258 and byproducts shall not engage in any act constituting a  
 5259 conflict of interest under part III of chapter 112.

5260 (3) The powers and duties of the commission hereunder  
 5261 shall not be construed so as to supersede the regulatory  
 5262 authority or lawful responsibility of the Department of  
 5263 Agriculture and Consumer Services, the Department of Health, or  
 5264 any local governmental entity regarding the processing or

5265 handling of food products, but shall be deemed supplemental  
5266 thereto.

5267 Section 98. Section 372.6678, Florida Statutes, is  
5268 renumbered as section 379.3013, Florida Statutes, to read:

5269 379.3013 ~~372.6678~~ Alligator study requirements.--The  
5270 commission shall conduct studies of all areas of the state which  
5271 it intends to open to alligator collection permits. The study  
5272 shall include individual wet areas, lakes, and rivers, or  
5273 reasonable numbers of wet areas, lakes, and rivers that may be  
5274 logically grouped. The studies shall determine the safe yield of  
5275 alligators for which collection permits may be issued. The  
5276 studies shall be based upon the best biological information that  
5277 indicates the number of alligators which can be removed from the  
5278 system without long-term adverse impacts on population levels.

5279 Section 99. Section 372.662, Florida Statutes, is  
5280 renumbered as section 379.3014, Florida Statutes, and amended to  
5281 read:

5282 379.3014 ~~372.662~~ Unlawful sale, possession, or  
5283 transporting of alligators or alligator skins.--Whenever the  
5284 sale, possession, or transporting of alligators or alligator  
5285 skins is prohibited by any law of this state, or by the rules,  
5286 regulations, or orders of the Fish and Wildlife Conservation  
5287 Commission adopted pursuant to s. 9, Art. IV of the State  
5288 Constitution, the sale, possession, or transporting of  
5289 alligators or alligator skins is a Level Three violation under  
5290 s. 379.401 ~~372.83~~.

5291 Section 100. Section 372.664, Florida Statutes, is  
5292 renumbered as section 379.3015, Florida Statutes, to read:

5293           379.3015 ~~372.664~~ Prima facie evidence of intent to violate  
 5294 laws protecting alligators.--Except as otherwise provided by  
 5295 rule of the Fish and Wildlife Conservation Commission for the  
 5296 purpose of the limited collection of alligators in designated  
 5297 areas, the display or use of a light in a place where alligators  
 5298 might be known to inhabit in a manner capable of disclosing the  
 5299 presence of alligators, together with the possession of  
 5300 firearms, spear guns, gigs, and harpoons customarily used for  
 5301 the taking of alligators, during the period between 1 hour after  
 5302 sunset and 1 hour before sunrise shall be prima facie evidence  
 5303 of an intent to violate the provisions of law regarding the  
 5304 protection of alligators.

5305           Section 101. Section ~~372.6645~~, Florida Statutes, is  
 5306 renumbered as section 379.3016, Florida Statutes, to read:

5307           379.3016 ~~372.6645~~ Unlawful to sell alligator products;  
 5308 penalty.--

5309           (1) It is unlawful for any person to sell any alligator  
 5310 product manufactured in the form of a stuffed baby alligator or  
 5311 other baby crocodilia.

5312           (2) No person shall sell any alligator product  
 5313 manufactured from a species which has been declared to be  
 5314 endangered by the United States Fish and Wildlife Service or the  
 5315 Fish and Wildlife Conservation Commission.

5316           (3) Any person who violates this section is guilty of a  
 5317 misdemeanor of the first degree, punishable as provided in s.  
 5318 775.082 or s. 775.083.

5319           Section 102. Section ~~372.665~~, Florida Statutes, is  
 5320 renumbered as section 379.3017, Florida Statutes, to read:

5321           379.3017 ~~372.665~~ Word "alligator" or "gator" not to be  
 5322 used in certain sales.--It is unlawful for any person to use the  
 5323 word "gator" or "alligator" in connection with the sale of any  
 5324 product derived or made from the skins of other crocodilia or in  
 5325 connection with the sale of other crocodilia. Any person  
 5326 violating this section shall, upon conviction, be guilty of a  
 5327 misdemeanor.

5328           Section 103. Section 372.16, Florida Statutes, is  
 5329 renumbered as section 379.302, Florida Statutes, and amended to  
 5330 read:

5331           379.302 ~~372.16~~ Private game preserves and farms;  
 5332 regulations; penalties ~~penalty~~.--

5333           (1) Any person owning land in this state may establish,  
 5334 maintain, and operate within the boundaries thereof, a private  
 5335 preserve and farm, not exceeding an area of 640 acres, for the  
 5336 protection, preservation, propagation, rearing, and production  
 5337 of game birds and animals for private and commercial purposes,  
 5338 provided that no two game preserves shall join each other or be  
 5339 connected. ~~Before any private game preserve or farm is~~  
 5340 ~~established, the owner or operator shall secure a license from~~  
 5341 ~~the commission, the fee for which is \$50 per year.~~

5342           (2) All private game preserves or farms established under  
 5343 the provisions of this section shall be fenced in such manner  
 5344 that domestic game thereon may not escape and wild game on  
 5345 surrounding lands may not enter and shall be subject at any time  
 5346 to inspection by the Fish and Wildlife Conservation Commission,  
 5347 or its conservation officers. Such private preserve or farm  
 5348 shall be equipped and operated in such manner as to provide

5349 sufficient food and humane treatment for the game kept thereon.  
5350 Game reared or produced on private game preserves and farms  
5351 shall be considered domestic game and private property and may  
5352 be sold or disposed of as such and shall be the subject of  
5353 larceny. Live game may be purchased, sold, shipped, and  
5354 transported for propagation and restocking purposes only at any  
5355 time. Such game may be sold for food purposes only during the  
5356 open season provided by law for such game. All game killed must  
5357 be killed on the premises of such private game preserve or farm  
5358 and must be killed by means other than shooting, except during  
5359 the open season. All domestic game sold for food purposes must  
5360 be marked or tagged in a manner prescribed by the Fish and  
5361 Wildlife Conservation Commission; and the owner or operator of  
5362 such private game preserve or farm shall report to the said  
5363 commission, on blanks to be furnished by it, each sale or  
5364 shipment of domestic game, such reports showing the quantity and  
5365 kind of game shipped or sold and to whom sold. Such report shall  
5366 be made not later than 5 days following such sale or shipment.  
5367 Game reared or produced as aforesaid may be served as such by  
5368 hotels, restaurants, or other public eating places during the  
5369 open season provided by law on such particular species of game,  
5370 under such regulations as the commission may prescribe.

5371 (3) It is unlawful for any common carrier to knowingly  
5372 transport or receive for transportation any domestic game unless  
5373 the package or container containing such shipment has attached  
5374 thereto a permit for such shipment and such package or container  
5375 shall be marked on the outside showing quantity and kind of game  
5376 enclosed.

5377 (4) Any person violating this section for the first  
 5378 offense commits a misdemeanor of the second degree, punishable  
 5379 as provided in s. 775.082 or s. 775.083, and for a second or  
 5380 subsequent offense commits a misdemeanor of the first degree,  
 5381 punishable as provided in s. 775.082 or s. 775.083. Any person  
 5382 convicted of violating this section shall forfeit to the  
 5383 commission any license issued under this section; and no further  
 5384 license shall be issued to such person for a period of 1 year  
 5385 following such conviction.

5386 Section 104. Subsections (3) and (4) of section 372.922,  
 5387 Florida Statutes, are renumbered as section 379.303, Florida  
 5388 Statutes, and amended to read:

5389 379.303 Classification of wildlife; seizure of captive  
 5390 wildlife.--

5391 (1)~~(3)~~ The commission shall promulgate rules defining  
 5392 Class I, Class II, and Class III types of wildlife. The  
 5393 commission shall also establish rules and requirements necessary  
 5394 to ensure that permits are granted only to persons qualified to  
 5395 possess and care properly for wildlife and that permitted  
 5396 wildlife possessed as personal pets will be maintained in  
 5397 sanitary surroundings and appropriate neighborhoods.

5398 (2)~~(4)~~ In instances where wildlife is seized or taken into  
 5399 custody by the commission, said owner or possessor of such  
 5400 wildlife shall be responsible for payment of all expenses  
 5401 relative to the capture, transport, boarding, veterinary care,  
 5402 or other costs associated with or incurred due to seizure or  
 5403 custody of wildlife. Such expenses shall be paid by said owner  
 5404 or possessor upon any conviction or finding of guilt of a

5405 criminal or noncriminal violation, regardless of adjudication or  
5406 plea entered, of any provision of chapter 828 or this chapter,  
5407 or rule of the commission or if such violation is disposed of  
5408 under s. 921.187. Failure to pay such expense may be grounds for  
5409 revocation or denial of permits to such individual to possess  
5410 wildlife.

5411 Section 105. Subsections (4), (5), (6), (9), and (10) of  
5412 section 372.921, Florida Statutes, are renumbered as section  
5413 379.304, Florida Statutes, and amended to read:

5414 379.304 ~~372.921~~ Exhibition or sale of wildlife.--

5415 (1) ~~(4)~~ Permits issued pursuant to this section and places  
5416 where wildlife is kept or held in captivity shall be subject to  
5417 inspection by officers of the commission at all times. The  
5418 commission shall have the power to release or confiscate any  
5419 specimens of any wildlife, specifically birds, mammals,  
5420 amphibians, or reptiles, whether indigenous to the state or not,  
5421 when it is found that conditions under which they are being  
5422 confined are unsanitary, or unsafe to the public in any manner,  
5423 or that the species of wildlife are being maltreated,  
5424 mistreated, or neglected or kept in any manner contrary to the  
5425 provisions of chapter 828, any such permit to the contrary  
5426 notwithstanding. Before any such wildlife is confiscated or  
5427 released under the authority of this section, the owner thereof  
5428 shall have been advised in writing of the existence of such  
5429 unsatisfactory conditions; the owner shall have been given 30  
5430 days in which to correct such conditions; the owner shall have  
5431 failed to correct such conditions; the owner shall have had an  
5432 opportunity for a proceeding pursuant to chapter 120; and the

5433 commission shall have ordered such confiscation or release after  
5434 careful consideration of all evidence in the particular case in  
5435 question. The final order of the commission shall constitute  
5436 final agency action.

5437 (2)~~(5)~~ In instances where wildlife is seized or taken into  
5438 custody by the commission, said owner or possessor of such  
5439 wildlife shall be responsible for payment of all expenses  
5440 relative to the capture, transport, boarding, veterinary care,  
5441 or other costs associated with or incurred due to seizure or  
5442 custody of wildlife. Such expenses shall be paid by said owner  
5443 or possessor upon any conviction or finding of guilt of a  
5444 criminal or noncriminal violation, regardless of adjudication or  
5445 plea entered, of any provision of chapter 828 or this chapter,  
5446 or rule of the commission or if such violation is disposed of  
5447 under s. 921.187. Failure to pay such expense may be grounds for  
5448 revocation or denial of permits to such individual to possess  
5449 wildlife.

5450 (3)~~(6)~~ Any animal on exhibit of a type capable of  
5451 contracting or transmitting rabies shall be immunized against  
5452 rabies.

5453 (4)~~(9)~~ The commission is authorized to adopt rules  
5454 pursuant to ss. 120.536(1) and 120.54 to implement the  
5455 provisions of this section.

5456 (5)~~(10)~~ A violation of this section is punishable as  
5457 provided by s. 379.401 ~~372.83~~.

5458 Section 106. Section 372.92, Florida Statutes, is  
5459 renumbered as section 379.305, Florida Statutes, and amended to  
5460 read:

5461           379.305 ~~372.92~~ Rules and regulations; penalties.--

5462           (1) The Fish and Wildlife Conservation Commission may  
 5463 prescribe such other rules and regulations as it may deem  
 5464 necessary to prevent the escape of venomous reptiles or reptiles  
 5465 of concern, either in connection of construction of such cages  
 5466 or otherwise to carry out the intent of ss. 379.372-379.374  
 5467 ~~372.86-372.88~~.

5468           (2) A person who knowingly releases a nonnative venomous  
 5469 reptile or reptile of concern to the wild or who through gross  
 5470 negligence allows a nonnative venomous reptile or reptile of  
 5471 concern to escape commits a Level Three violation, punishable as  
 5472 provided in s. 379.4015 ~~372.935~~.

5473           Section 107. Section 372.673, Florida Statutes, is  
 5474 renumbered as section 379.3061, Florida Statutes, to read:

5475           379.3061 ~~372.673~~ Florida Panther Technical Advisory  
 5476 Council.--

5477           (1) The Florida Panther Technical Advisory Council is  
 5478 established within the Fish and Wildlife Conservation  
 5479 Commission. The council shall be appointed by the Governor and  
 5480 shall consist of seven members with technical knowledge and  
 5481 expertise in the research and management of large mammals.

5482           (a) Two members shall represent state or federal agencies  
 5483 responsible for management of endangered species; two members,  
 5484 who must have specific experience in the research and management  
 5485 of large felines or large mammals, shall be appointed from  
 5486 universities, colleges, or associated institutions; and three  
 5487 members, with similar expertise, shall be appointed from the  
 5488 public at large.

5489 (b) As soon as practicable after July 1, 1983, one member  
 5490 representing a state or federal agency and one member appointed  
 5491 from a university, college, or associated institution shall be  
 5492 appointed for terms ending August 1, 1985, and the remaining  
 5493 members shall be appointed for terms ending August 1, 1987.  
 5494 Thereafter, all appointments shall be for 4-year terms. If a  
 5495 vacancy occurs, a member shall be appointed for the remainder of  
 5496 the unexpired term. A member whose term has expired shall  
 5497 continue sitting on the council with full rights until a  
 5498 replacement has been appointed.

5499 (c) Council members shall be reimbursed pursuant to s.  
 5500 112.061 but shall receive no additional compensation or  
 5501 honorarium.

5502 (2) The purposes of the council are:

5503 (a) To serve in an advisory capacity to the Fish and  
 5504 Wildlife Conservation Commission on technical matters of  
 5505 relevance to the Florida panther recovery program, and to  
 5506 recommend specific actions that should be taken to accomplish  
 5507 the purposes of this act.

5508 (b) To review and comment on research and management  
 5509 programs and practices to identify potential harm to the Florida  
 5510 panther population.

5511 (c) To provide a forum for technical review and discussion  
 5512 of the status and development of the Florida panther recovery  
 5513 program.

5514 Section 108. Section 372.5714, Florida Statutes, is  
 5515 renumbered as section 379.3062, Florida Statutes, and amended to  
 5516 read:

5517            379.3062 ~~372.5714~~ Waterfowl Advisory Council.--

5518            (1) There is created a Waterfowl Advisory Council  
 5519 consisting of three members, one appointed by the Governor, one  
 5520 appointed by the Speaker of the House of Representatives, and  
 5521 one appointed by the President of the Senate. Members may be  
 5522 representative of appropriate state agencies, private  
 5523 conservation groups, or private citizens and shall possess  
 5524 knowledge and experience in the area of waterfowl management and  
 5525 protection. Members shall be appointed for 4-year, staggered  
 5526 terms and shall be eligible for reappointment. A vacancy shall  
 5527 be filled by appointment for the remainder of the unexpired  
 5528 term.

5529            (2) The council shall meet at least once a year either in  
 5530 person or by a telephone conference call, shall elect a chair  
 5531 annually to preside over its meetings and perform any other  
 5532 duties directed by the council, and shall maintain minutes of  
 5533 each meeting. All records of council activities shall be kept on  
 5534 file with the Fish and Wildlife Conservation Commission and  
 5535 shall be made available to any interested person. The Fish and  
 5536 Wildlife Conservation Commission shall provide such staff  
 5537 support as is necessary to the council to carry out its duties.  
 5538 Members of the council shall serve without compensation, but  
 5539 shall be reimbursed for per diem and travel expenses as provided  
 5540 in s. 112.061 when carrying out the official business of the  
 5541 council.

5542            (3) It shall be the duty of the council to advise the  
 5543 commission regarding the administration of revenues generated by  
 5544 the sale of the Florida waterfowl permit provided for by s.

5545 379.2211 ~~372.5712~~. In particular, the council shall consult with  
 5546 and advise the commission with respect to the establishment and  
 5547 operation of projects for the protection and propagation of  
 5548 migratory waterfowl and the development, restoration,  
 5549 maintenance, and preservation of wetlands within the state, to  
 5550 be financed by such revenues as specified in said section.

5551 Section 109. Section 372.992, Florida Statutes, is  
 5552 renumbered as section 379.3063, Florida Statutes, to read:

5553 379.3063 ~~372.992~~ Nongame Wildlife Advisory Council.--

5554 (1) There is created the Nongame Wildlife Advisory  
 5555 Council, which shall consist of the following 11 members  
 5556 appointed by the Governor: one representative each from the Fish  
 5557 and Wildlife Conservation Commission, the Department of  
 5558 Environmental Protection, and the United States Fish and  
 5559 Wildlife Services; the director of the Florida Museum of Natural  
 5560 History or her or his designee; one representative from a  
 5561 professional wildlife organization; one representative from a  
 5562 private wildlife institution; one representative from a Florida  
 5563 university or college who has expertise in nongame biology; one  
 5564 representative of business interests from a private consulting  
 5565 firm who has expertise in nongame biology; one representative of  
 5566 a statewide organization of landowner interests; and two members  
 5567 from conservation organizations. All appointments shall be for  
 5568 4-year terms. Members shall be eligible for reappointment.

5569 (2) The council shall recommend to the commission  
 5570 policies, objectives, and specific actions for nongame wildlife  
 5571 research and management.

5572 (3) Members of the council shall receive no compensation  
 5573 but shall be entitled to receive per diem and travel expenses as  
 5574 provided in s. 112.061, while carrying out official business  
 5575 with the council, from funds provided under s. 379.209 ~~372.991~~.

5576 Section 110. Part V of chapter 379, Florida Statutes,  
 5577 consisting of sections 379.33, 379.3311, 379.3312, 379.3313,  
 5578 379.332, 379.333, 379.334, 379.335, 379.336, 379.337, 379.338,  
 5579 379.339, 379.340, 379.341, 379.342, and 379.343, is created to  
 5580 read:

5581 PART V  
 5582 LAW ENFORCEMENT

5583  
 5584 Section 111. Section 370.028, Florida Statutes, is  
 5585 renumbered as section 379.33, Florida Statutes, and amended to  
 5586 read:

5587 379.33 ~~370.028~~ Enforcement of commission rules; penalties  
 5588 for violation of rule.--Rules of the Fish and Wildlife  
 5589 Conservation Commission shall be enforced by any law enforcement  
 5590 officer certified pursuant to s. 943.13. Except as provided  
 5591 under s. 379.401 ~~372.83~~, any person who violates or otherwise  
 5592 fails to comply with any rule adopted by the commission shall be  
 5593 punished pursuant to s. 379.407 (1) ~~370.021(1)~~.

5594 Section 112. Section 372.07, Florida Statutes, is  
 5595 renumbered as section 379.3311, Florida Statutes, to read:

5596 379.3311 ~~372.07~~ Police powers of commission and its  
 5597 agents.--

5598 (1) The Fish and Wildlife Conservation Commission, the  
 5599 executive director and the executive director's assistants

5600 designated by her or him, and each wildlife officer are  
5601 constituted peace officers with the power to make arrests for  
5602 violations of the laws of this state when committed in the  
5603 presence of the officer or when committed on lands under the  
5604 supervision and management of the commission. The general laws  
5605 applicable to arrests by peace officers of this state shall also  
5606 be applicable to said director, assistants, and wildlife  
5607 officers. Such persons may enter upon any land or waters of the  
5608 state for performance of their lawful duties and may take with  
5609 them any necessary equipment, and such entry shall not  
5610 constitute a trespass.

5611 (2) Such officers shall have power and authority to  
5612 enforce throughout the state all laws relating to game, nongame  
5613 birds, fish, and fur-bearing animals and all rules and  
5614 regulations of the Fish and Wildlife Conservation Commission  
5615 relating to wild animal life, marine life, and freshwater  
5616 aquatic life, and in connection with said laws, rules, and  
5617 regulations, in the enforcement thereof and in the performance  
5618 of their duties thereunder, to:

5619 (a) Go upon all premises, posted or otherwise;

5620 (b) Execute warrants and search warrants for the violation  
5621 of said laws;

5622 (c) Serve subpoenas issued for the examination,  
5623 investigation, and trial of all offenses against said laws;

5624 (d) Carry firearms or other weapons, concealed or  
5625 otherwise, in the performance of their duties;

5626 (e) Arrest upon probable cause without warrant any person  
5627 found in the act of violating any of the provisions of said laws

5628 or, in pursuit immediately following such violations, to examine  
 5629 any person, boat, conveyance, vehicle, game bag, game coat, or  
 5630 other receptacle for wild animal life, marine life, or  
 5631 freshwater aquatic life, or any camp, tent, cabin, or roster, in  
 5632 the presence of any person stopping at or belonging to such  
 5633 camp, tent, cabin, or roster, when said officer has reason to  
 5634 believe, and has exhibited her or his authority and stated to  
 5635 the suspected person in charge the officer's reason for  
 5636 believing, that any of the aforesaid laws have been violated at  
 5637 such c

5638 (f) Secure and execute search warrants and in pursuance  
 5639 thereof to enter any building, enclosure, or car and to break  
 5640 open, when found necessary, any apartment, chest, locker, box,  
 5641 trunk, crate, basket, bag, package, or container and examine the  
 5642 contents thereof;

5643 (g) Seize and take possession of all wild animal life,  
 5644 marine life, or freshwater aquatic life taken or in possession  
 5645 or under control of, or shipped or about to be shipped by, any  
 5646 person at any time in any manner contrary to said laws.

5647 (3) It is unlawful for any person to resist an arrest  
 5648 authorized by this section or in any manner to interfere, either  
 5649 by abetting, assisting such resistance, or otherwise interfering  
 5650 with said executive director, assistants, or wildlife officers  
 5651 while engaged in the performance of the duties imposed upon them  
 5652 by law or regulation of the Fish and Wildlife Conservation  
 5653 Commission.

5654 (4) Upon final disposition of any alleged offense for  
 5655 which a citation for any violation of this chapter or the rules

5656 of the commission has been issued, the court shall, within 10  
 5657 days after the final disposition of the action, certify the  
 5658 disposition to the commission.

5659 Section 113. Section 372.071, Florida Statutes, is  
 5660 renumbered as section 379.3312, Florida Statutes, and amended to  
 5661 read:

5662 379.3312 ~~372.071~~ Powers of arrest by agents of Department  
 5663 of Environmental Protection or Fish and Wildlife Conservation  
 5664 Commission.--Any certified law enforcement officer of the  
 5665 Department of Environmental Protection or the Fish and Wildlife  
 5666 Conservation Commission, upon receiving information, relayed to  
 5667 her or him from any law enforcement officer stationed on the  
 5668 ground, on the water, or in the air, that a driver, operator, or  
 5669 occupant of any vehicle, boat, or airboat has violated any  
 5670 section of chapter 327, chapter 328, ~~chapter 370~~, or this  
 5671 chapter, or s. 597.010 or s. 597.020, may arrest the driver,  
 5672 operator, or occupant for violation of said laws when reasonable  
 5673 and proper identification of the vehicle, boat, or airboat and  
 5674 reasonable and probable grounds to believe that the driver,  
 5675 operator, or occupant has committed or is committing any such  
 5676 offense have been communicated to the arresting officer by the  
 5677 other officer stationed on the ground, on the water, or in the  
 5678 air.

5679 Section 114. Subsection(8) of section 370.021, Florida  
 5680 Statutes, is renumbered as section 379.3313, Florida Statutes,  
 5681 and amended to read:

5682 379.3313 Powers of commission law enforcement officers.--  
 5683 ~~(8) POWERS OF OFFICERS.~~

5684        (1) ~~(a)~~ Law enforcement officers of the commission are  
5685        constituted law enforcement officers of this state with full  
5686        power to investigate and arrest for any violation of the laws of  
5687        this state and the rules of the commission under their  
5688        jurisdiction. The general laws applicable to arrests by peace  
5689        officers of this state shall also be applicable to law  
5690        enforcement officers of the commission. Such law enforcement  
5691        officers may enter upon any land or waters of the state for  
5692        performance of their lawful duties and may take with them any  
5693        necessary equipment, and such entry will not constitute a  
5694        trespass. It is lawful for any boat, motor vehicle, or aircraft  
5695        owned or chartered by the commission or its agents or employees  
5696        to land on and depart from any of the beaches or waters of the  
5697        state. Such law enforcement officers have the authority, without  
5698        warrant, to board, inspect, and search any boat, fishing  
5699        appliance, storage or processing plant, fishhouse, spongehouse,  
5700        oysterhouse, or other warehouse, building, or vehicle engaged in  
5701        transporting or storing any fish or fishery products. Such  
5702        authority to search and inspect without a search warrant is  
5703        limited to those cases in which such law enforcement officers  
5704        have reason to believe that fish or any saltwater products are  
5705        taken or kept for sale, barter, transportation, or other  
5706        purposes in violation of laws or rules promulgated under this  
5707        law. Any such law enforcement officer may at any time seize or  
5708        take possession of any saltwater products or contraband which  
5709        have been unlawfully caught, taken, or processed or which are  
5710        unlawfully possessed or transported in violation of any of the  
5711        laws of this state or any rule of the commission. Such law

5712 enforcement officers may arrest any person in the act of  
 5713 violating any of the provisions of this law, the rules of the  
 5714 commission, or any of the laws of this state. It is hereby  
 5715 declared unlawful for any person to resist such arrest or in any  
 5716 manner interfere, either by abetting or assisting such  
 5717 resistance or otherwise interfering, with any such law  
 5718 enforcement officer while engaged in the performance of the  
 5719 duties imposed upon him or her by law or rule of the commission.

5720 (2)~~(b)~~ The Legislature finds that the checking and  
 5721 inspection of saltwater products aboard vessels is critical to  
 5722 good fishery management and conservation and that, because  
 5723 almost all saltwater products are either iced or cooled in  
 5724 closed areas or containers, the enforcement of seasons, size  
 5725 limits, and bag limits can only be effective when inspection of  
 5726 saltwater products so stored is immediate and routine.  
 5727 Therefore, in addition to the authority granted in subsection  
 5728 (1), a law enforcement officer of the commission who has  
 5729 probable cause to believe that the vessel has been used for  
 5730 fishing prior to the inspection shall have full authority to  
 5731 open and inspect all containers or areas where saltwater  
 5732 products are normally kept aboard vessels while such vessels are  
 5733 on the water, such as refrigerated or iced locations, coolers,  
 5734 fish boxes, and bait wells, but specifically excluding such  
 5735 containers that are located in sleeping or living areas of the  
 5736 vessel.

5737 Section 115. Section 372.70, Florida Statutes, is  
 5738 renumbered as section 379.332, Florida Statutes, to read:

5739           379.332 ~~372.70~~ Prosecutions; state attorney to represent  
 5740 state.--

5741           (1) The prosecuting officers of the several courts of  
 5742 criminal jurisdiction of this state shall investigate and  
 5743 prosecute all violations of the laws relating to game,  
 5744 freshwater fish, nongame birds, and fur-bearing animals which  
 5745 may be brought to their attention by the commission or its  
 5746 conservation officers, or which may otherwise come to their  
 5747 knowledge.

5748           (2) The state attorney shall represent the state in any  
 5749 forfeiture proceeding under this chapter. The Department of  
 5750 Legal Affairs shall represent the state in all appeals from  
 5751 judgments of forfeiture to the Supreme Court. The state may  
 5752 appeal any judgment denying forfeiture in whole or in part that  
 5753 may be otherwise adverse to the state.

5754           Section 116. Section 372.701, Florida Statutes, is  
 5755 renumbered as section 379.333, Florida Statutes, to read:

5756           379.333 ~~372.701~~ Arrest by officers of the Fish and  
 5757 Wildlife Conservation Commission; recognizance; cash bond;  
 5758 citation.--

5759           (1) In all cases of arrest by officers of the Fish and  
 5760 Wildlife Conservation Commission and the Department of  
 5761 Environmental Protection, the person arrested shall be delivered  
 5762 forthwith by said officer to the sheriff of the county, or shall  
 5763 obtain from such person arrested a recognizance or, if deemed  
 5764 necessary, a cash bond or other sufficient security conditioned  
 5765 for her or his appearance before the proper tribunal of such

5766 county to answer the charge for which the person has been  
5767 arrested.

5768 (2) All officers of the commission and the department are  
5769 hereby directed to deliver all bonds accepted and approved by  
5770 them to the sheriff of the county in which the offense is  
5771 alleged to have been committed.

5772 (3) Any person so arrested and released on her or his own  
5773 recognizance by an officer and who shall fail to appear or  
5774 respond to the proper citation to appear, shall, in addition to  
5775 the charge relating to wildlife or freshwater fish, be charged  
5776 with that offense of failing to respond to such citation and,  
5777 upon conviction, be punished as for a misdemeanor. A written  
5778 warning to this effect shall be given at the time of arrest of  
5779 such person.

5780 Section 117. Section 372.76, Florida Statutes, is  
5781 renumbered as section 379.334, Florida Statutes, to read:

5782 379.334 ~~372.76~~ Search and seizure authorized and  
5783 limited.--The Fish and Wildlife Conservation Commission and its  
5784 conservation officers shall have authority when they have  
5785 reasonable and probable cause to believe that the provisions of  
5786 this chapter have been violated, to board any vessel, boat, or  
5787 vehicle or to enter any fishhouse or warehouse or other  
5788 building, exclusive of residence, in which game, hides, fur-  
5789 bearing animals, fish, or fish nets are kept and to search for  
5790 and seize any such game, hides, fur-bearing animals, fish, or  
5791 fish nets had or held therein in violation of law. Provided,  
5792 however, that no search without warrant shall be made under any  
5793 of the provisions of this chapter, unless the officer making

5794 such search has such information from a reliable source as would  
 5795 lead a prudent and cautious person to believe that some  
 5796 provision of this chapter is being violated.

5797 Section 118. Section 372.761, Florida Statutes, is  
 5798 renumbered as section 379.335, Florida Statutes, to read:

5799 379.335 ~~372.761~~ Issuance of warrant for search of private  
 5800 dwelling.--

5801 (1) A search warrant may be issued on application by a  
 5802 commissioned officer of the Fish and Wildlife Conservation  
 5803 Commission to search any private dwelling occupied as such when  
 5804 it is being used for the unlawful sale or purchase of wildlife  
 5805 or freshwater fish being unlawfully kept therein. The term  
 5806 "private dwelling" shall be construed to include the room or  
 5807 rooms used and occupied, not transiently but solely as a  
 5808 residence, in an apartment house, hotel, boardinghouse, or  
 5809 lodginghouse. No warrant for the search of any private dwelling  
 5810 shall be issued except upon probable cause supported by sworn  
 5811 affidavit of some creditable witness that she or he has reason  
 5812 to believe that the said conditions exist, which affidavit shall  
 5813 set forth the facts on which such reason for belief is based.

5814 (2) This section shall not be construed as being in  
 5815 conflict with, but is supplemental to, chapter 933.

5816 Section 119. Section 370.22, Florida Statutes, is  
 5817 renumbered as section 379.336, Florida Statutes, to read:

5818 379.336 ~~370.22~~ Venue for proceedings against citizens and  
 5819 residents charged with violations outside state boundaries.--

5820 (1) In any proceeding against a resident or citizen of the  
 5821 state to enforce the provisions of this chapter with respect to

5822 | alleged violations occurring beyond the territorial waters of  
 5823 | the state, the proper venue shall be the county within the state  
 5824 | which is nearest the site of the violation.

5825 |         (2) For the purpose of this section, any person having  
 5826 | embarked from, or having docked his or her vessel in, a port  
 5827 | within this state who violates any provision of this chapter  
 5828 | with respect to the unlawful landing of saltwater life, whether  
 5829 | or not outside the territorial waters of the state, shall be  
 5830 | considered a citizen of the state for the purpose of subjecting  
 5831 | that person to the police powers of the state.

5832 |         Section 120. Section 370.061, Florida Statutes, is  
 5833 | renumbered as section 379.337, Florida Statutes, and amended to  
 5834 | read:

5835 |         379.337 ~~370.061~~ Confiscation, seizure, and forfeiture of  
 5836 | property and products.--

5837 |         (1) SEIZURE, FORFEITURE; PROCEDURE.--Nothing in this  
 5838 | subsection affects the commission's authority to confiscate in  
 5839 | any case illegal saltwater products, illegally taken saltwater  
 5840 | products, or illegal fishing gear in accordance with this  
 5841 | section.

5842 |         (a) Property used in connection with a violation resulting  
 5843 | in a conviction for the illegal taking, or attempted taking,  
 5844 | sale, possession, or transportation of saltwater products is  
 5845 | subject to seizure and forfeiture as part of the commission's  
 5846 | efforts to protect the state's marine life. Saltwater products  
 5847 | and seines, nets, boats, motors, other fishing devices or  
 5848 | equipment, and vehicles or other means of transportation used or  
 5849 | attempted to be used in connection with, as an instrumentality

5850 of, or in aiding and abetting such illegal taking or attempted  
5851 taking are hereby declared to be nuisances.

5852 (b) Upon a conviction of a person in whose possession the  
5853 property was found, the court having jurisdiction over the  
5854 criminal offense, notwithstanding any jurisdictional limitations  
5855 on the amount in controversy, may make a finding that the  
5856 property was used in connection with a saltwater products  
5857 violation and may order such property forfeited to the  
5858 commission.

5859 (c) For purposes of this section, a conviction, except  
5860 with respect to a first time offender under this chapter for  
5861 whom adjudication is withheld, is any disposition other than  
5862 acquittal or dismissal.

5863 (2) SEIZURE, FORFEITURE; NOTICE.--The requirement for a  
5864 conviction before forfeiture of property establishes to the  
5865 exclusion of any reasonable doubt that the property was used in  
5866 connection with the violation resulting in conviction. Prior to  
5867 the issuance of a forfeiture order for any vessel, vehicle, or  
5868 other property under subsection (1), the commission shall seize  
5869 the property and notify the registered owner, if any, that the  
5870 property has been seized by the commission. Except as provided  
5871 in subsection (6), the procedures of chapter 932 do not apply to  
5872 any seizure or forfeiture of property under this section.

5873 (a) Notification of property seized under this section  
5874 must be sent by certified mail to a registered owner within 14  
5875 days after seizure. If the commission, after diligent inquiry,  
5876 cannot ascertain the registered owner, the notice requirement is  
5877 satisfied.

5878 (b) Upon a first conviction for a violation under this  
5879 chapter, the property seized under this section shall be  
5880 returned to the registered owner if the commission fails to  
5881 prove by a preponderance of the evidence before the court having  
5882 jurisdiction over the criminal offense that the registered owner  
5883 aided in, abetted in, participated in, gave consent to, knew of,  
5884 or had reason to know of the violation.

5885 (c) Upon a second or subsequent conviction for a violation  
5886 under this chapter, the burden shall be on the registered owner  
5887 to prove by a preponderance of the evidence before the court  
5888 having jurisdiction over the criminal offense that the  
5889 registered owner in no way aided in, abetted in, participated  
5890 in, knew of, or had reason to know of the second or subsequent  
5891 violation which resulted in seizure of the lawful property.

5892 (d) Any request for a hearing from a registered owner  
5893 asserting innocence to recover property seized under these  
5894 provisions must be sent to the commission's Division of Law  
5895 Enforcement within 21 days after the registered owner's receipt  
5896 of the notice of seizure. If a request for a hearing is not  
5897 timely received, the court shall forfeit to the commission the  
5898 right to, title to, and interest in the property seized, subject  
5899 only to the rights and interests of bona fide lienholders.

5900 (e) If a motor vehicle is seized under this section and is  
5901 subject to any existing liens recorded under s. 319.27, all  
5902 further proceedings shall be governed by the expressed intent of  
5903 the Legislature not to divest any innocent person, firm, or  
5904 corporation holding such a recorded lien of any of its  
5905 reversionary rights in such motor vehicle or of any of its

5906 | rights as prescribed in s. 319.27, and upon any default by the  
 5907 | violator purchaser, the lienholder may foreclose its lien and  
 5908 | take possession of the motor vehicle involved.

5909 |       (3) COURT ORDER OF FORFEITURE.--When any illegal or  
 5910 | illegally used seine, net, trap, or other fishing device or  
 5911 | equipment, or illegally taken, possessed, or transported  
 5912 | saltwater products, are found and taken into custody, and the  
 5913 | owner thereof is not known to the officer finding the item or  
 5914 | items, such officer shall immediately procure from the county  
 5915 | court judge of the county wherein the item or items were found  
 5916 | an order forfeiting the illegally used or illegally taken  
 5917 | saltwater products, seines, nets, traps, boats, motors, or other  
 5918 | fishing devices to the commission.

5919 |       (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property  
 5920 | forfeited under this section may be destroyed, used by the  
 5921 | commission, disposed of by gift to charitable or state  
 5922 | institutions, or sold, with the proceeds derived from the sale  
 5923 | deposited into the Marine Resources Conservation Trust Fund to  
 5924 | be used for law enforcement purposes, ~~or into the commission's~~  
 5925 | ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~  
 5926 | ~~applicable.~~

5927 |       (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER  
 5928 | PRODUCTS; PROCEDURE.--

5929 |       (a) When an arrest is made pursuant to the provisions of  
 5930 | this chapter and illegal, perishable saltwater products or  
 5931 | saltwater products illegally taken or landed are confiscated,  
 5932 | the defendant may post bond or cash deposit in an amount  
 5933 | determined by the judge to be the fair value of such confiscated

5934 products. The defendant shall have 24 hours to transport the  
 5935 products outside the limits of Florida for sale or other  
 5936 disposition. Should no bond or cash deposit be given within the  
 5937 time fixed by the judge, the judge shall order the sale of the  
 5938 confiscated saltwater products at the highest price obtainable.  
 5939 When feasible, at least three bids shall be requested.

5940 (b) Moneys received from the sale of confiscated saltwater  
 5941 products, either by the defendant or by order of the court,  
 5942 shall be received by the judge and shall be remitted to the  
 5943 commission to be deposited into a special escrow account in the  
 5944 State Treasury to be held in trust pending the outcome of the  
 5945 trial of the defendant. If bond is posted by the defendant, it  
 5946 shall also be remitted to the commission to be held in escrow  
 5947 pending the outcome of the trial of the defendant.

5948 (c) In the event of acquittal, the proceeds of a sale or  
 5949 the bond or cash deposit required by this subsection shall be  
 5950 returned to the defendant. In the event of a conviction, the  
 5951 proceeds of a sale or the bond or cash deposit required by this  
 5952 subsection shall be deposited into the Marine Resources  
 5953 Conservation Trust Fund to be used for law enforcement purposes  
 5954 ~~or into the commission's Federal Law Enforcement Trust Fund as~~  
 5955 ~~provided in s. 372.107, as applicable.~~ Such deposit into the  
 5956 Marine Resources Conservation Trust Fund ~~or the Federal Law~~  
 5957 ~~Enforcement Trust Fund~~ shall constitute confiscation.

5958 (d) For purposes of confiscation under this subsection,  
 5959 the term "saltwater products" has the meaning set out in s.  
 5960 379.101(36) ~~370.01(27)~~, except that the term does not include  
 5961 saltwater products harvested under the authority of a

5962 recreational license unless the amount of such harvested  
 5963 products exceeds three times the applicable recreational bag  
 5964 limit for trout, snook, or redfish.

5965 (6) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL  
 5966 FUNDING.--

5967 (a) Any municipal or county law enforcement agency that  
 5968 enforces or assists the commission in enforcing the provisions  
 5969 of this chapter, which results in a forfeiture of property as  
 5970 provided in this section, shall be entitled to receive all or a  
 5971 share of any property based upon its participation in such  
 5972 enforcement.

5973 (b) If a municipal or county law enforcement agency has a  
 5974 marine enforcement unit, any property delivered to any municipal  
 5975 or county law enforcement agency as provided in paragraph (a)  
 5976 may be retained or sold by the municipal or county law  
 5977 enforcement agency, and the property or proceeds shall be used  
 5978 to enforce the provisions of this chapter and chapters 327 and  
 5979 328. If a municipal or county law enforcement agency does not  
 5980 have a marine enforcement unit, such property or proceeds shall  
 5981 be disposed of under the provisions of chapter 932.

5982 (c) Any funds received by a municipal or county law  
 5983 enforcement agency pursuant to this subsection shall be  
 5984 supplemental funds and may not be used as replacement funds by  
 5985 the municipality or county.

5986 Section 121. Section 372.73, Florida Statutes, is  
 5987 renumbered as section 379.338, Florida Statutes, and amended to  
 5988 read:

5989           379.338 ~~372.73~~ Confiscation and disposition of illegally  
 5990 taken game.--All game and freshwater fish seized under the  
 5991 authority of this chapter shall, upon conviction of the offender  
 5992 or sooner if the court so orders, be forfeited and given to some  
 5993 hospital or charitable institution and receipt therefor sent to  
 5994 the Fish and Wildlife Conservation Commission. All furs or hides  
 5995 or fur-bearing animals seized under the authority of this  
 5996 chapter shall, upon conviction of the offender, be forfeited and  
 5997 sent to the commission, which shall sell the same and deposit  
 5998 the proceeds of such sale to the credit of the State Game Trust  
 5999 Fund ~~or into the commission's Federal Law Enforcement Trust Fund~~  
 6000 ~~as provided in s. 372.107, as applicable.~~ If any such hides or  
 6001 furs are seized and the offender is unknown, the court shall  
 6002 order such hides or furs sent to the Fish and Wildlife  
 6003 Conservation Commission, which shall sell such hides and furs  
 6004 and deposit the proceeds of such sale to the credit of the State  
 6005 Game Trust Fund ~~or into the commission's Federal Law Enforcement~~  
 6006 ~~Trust Fund as provided in s. 372.107, as applicable.~~

6007           Section 122. Section 372.9901, Florida Statutes, is  
 6008 renumbered as section 379.339, Florida Statutes, and amended to  
 6009 read:

6010           379.339 ~~372.9901~~ Seizure of illegal hunting devices;  
 6011 disposition; notice; forfeiture.--In order to protect the  
 6012 state's wildlife resources, any vehicle, vessel, animal, gun,  
 6013 light, or other hunting device used or attempted to be used in  
 6014 connection with, as an instrumentality of, or in aiding and  
 6015 abetting in the commission of an offense prohibited by s.  
 6016 379.404 ~~372.99~~ is subject to seizure and forfeiture. The

6017 provisions of chapter 932 do not apply to any seizure or  
6018 forfeiture under this section. For purposes of this section, a  
6019 conviction is any disposition other than acquittal or dismissal.

6020 (1) (a) Upon a first conviction of the person in whose  
6021 possession the property was found, the court having jurisdiction  
6022 over the criminal offense, notwithstanding any jurisdictional  
6023 limitations on the amount in controversy, may make a finding  
6024 that the property was used in connection with a violation of s.  
6025 379.404 ~~372.99~~. Upon such finding, the court may order the  
6026 property forfeited to the commission.

6027 (b) Upon a second or subsequent conviction of a person in  
6028 whose possession the property was found for a violation of s.  
6029 379.404 ~~372.99~~, the court shall order the forfeiture to the  
6030 commission of any property used in connection with that  
6031 violation.

6032 (2) The requirement for a conviction before forfeiture  
6033 establishes, to the exclusion of any reasonable doubt, that the  
6034 property was used in connection with that violation. Prior to  
6035 the issuance of a forfeiture order for any vessel, vehicle, or  
6036 other property under subsection (1), the commission shall seize  
6037 the property and notify the registered owner, if any, that the  
6038 property has been seized by the commission.

6039 (3) Notification of property seized under this section  
6040 must be sent by certified mail to a registered owner within 14  
6041 days after seizure. If the commission, after diligent inquiry,  
6042 cannot ascertain the registered owner, the notice requirement is  
6043 satisfied.

6044 (4) (a) For a first conviction of an offense under s.  
 6045 379.404 ~~372.99~~, property seized by the commission shall be  
 6046 returned to the registered owner if the commission fails to  
 6047 prove by a preponderance of the evidence before the court having  
 6048 jurisdiction over the criminal offense that the registered owner  
 6049 aided in, abetted in, participated in, gave consent to, knew of,  
 6050 or had reason to know of the offense.

6051 (b) Upon a second or subsequent conviction for an offense  
 6052 under s. 379.404 ~~372.99~~, the burden shall be on the registered  
 6053 owner to prove by a preponderance of the evidence before the  
 6054 court having jurisdiction over the criminal offense that the  
 6055 registered owner in no way aided in, abetted in, participated  
 6056 in, knew of, or had reason to know of the second offense which  
 6057 resulted in seizure of the lawful property.

6058 (c) Any request for a hearing from a registered owner  
 6059 asserting innocence to recover property seized under these  
 6060 provisions must be sent to the commission's Division of Law  
 6061 Enforcement within 21 days after the registered owner's receipt  
 6062 of the notice of seizure. If a request for a hearing is not  
 6063 timely received, the court shall forfeit to the commission the  
 6064 right to, title to, and interest in the property seized, subject  
 6065 only to the rights and interests of bona fide lienholders.

6066 (5) All amounts received from the sale or other  
 6067 disposition of the property shall be paid into the State Game  
 6068 Trust Fund ~~or into the commission's Federal Law Enforcement~~  
 6069 ~~Trust Fund as provided in s. 372.107, as applicable.~~ If the  
 6070 property is not sold or converted, it shall be delivered to the  
 6071 executive director of the commission.

6072 Section 123. Section 372.9904, Florida Statutes, is  
 6073 renumbered as section 379.3395, Florida Statutes, and amended to  
 6074 read:

6075 379.3395 ~~372.9904~~ Seizure of illegal transportation  
 6076 devices; disposition; appraisal; forfeiture.--

6077 (1) Any vehicle, vessel, or other transportation device  
 6078 used in the commission of the offense prohibited by s. 379.406  
 6079 ~~372.9903~~, except a vehicle, vessel, or other transportation  
 6080 device duly registered as a common carrier and operated in  
 6081 lawful transaction of business as such carrier, shall be seized  
 6082 by the arresting officer, who shall promptly make return of the  
 6083 seizure and deliver the property to the director of the Fish and  
 6084 Wildlife Conservation Commission. The return shall describe the  
 6085 property seized and recite in detail the facts and circumstances  
 6086 under which it was seized, together with the reason that the  
 6087 property was subject to seizure. The return shall also contain  
 6088 the names of all persons known to the officer to be interested  
 6089 in the property.

6090 (2) The commission, upon receipt of the property, shall  
 6091 promptly fix its value and make return thereof to the clerk of  
 6092 the circuit court of the county wherein the article was seized;  
 6093 after which, on proper showing of ownership of the property by  
 6094 someone other than the person arrested, the property shall be  
 6095 returned by the court to the said owner.

6096 (3) Upon conviction of the violator, the property, if  
 6097 owned by the person convicted, shall be forfeited to the state  
 6098 under the procedure set forth in ss. 379.337 and 379.362 ~~370.061~~  
 6099 ~~and 370.07~~, when not inconsistent with this section. All amounts

6100 received from the sale or other disposition of the property  
 6101 shall be paid into the State Game Trust Fund ~~or into the~~  
 6102 ~~commission's Federal Law Enforcement Trust Fund as provided in~~  
 6103 ~~s. 372.107, as applicable.~~ If the property is not sold or  
 6104 converted, it shall be delivered to the director of the Fish and  
 6105 Wildlife Conservation Commission.

6106 Section 124. Section 372.99021, Florida Statutes, is  
 6107 renumbered as section 379.341, Florida Statutes, to read:

6108 379.341 ~~372.99021~~ Disposition of illegal fishing devices;  
 6109 exercise of police power.--

6110 (1) In all cases of arrest and conviction for use of  
 6111 illegal nets or traps or fishing devices, as provided in this  
 6112 chapter, such illegal net, trap, or fishing device is declared  
 6113 to be a nuisance and shall be seized and carried before the  
 6114 court having jurisdiction of such offense and said court shall  
 6115 order such illegal trap, net, or fishing device forfeited to the  
 6116 commission immediately after trial and conviction of the person  
 6117 in whose possession they were found. When any illegal net, trap,  
 6118 or fishing device is found in the fresh waters of the state, and  
 6119 the owner of same shall not be known to the officer finding the  
 6120 same, such officer shall immediately procure from the county  
 6121 court judge an order forfeiting said illegal net, trap, or  
 6122 fishing device to the commission. The commission may destroy  
 6123 such illegal net, trap, or fishing device, if in its judgment  
 6124 said net, trap, or fishing device is not of value in the work of  
 6125 the department.

6126 (2) When any nets, traps, or fishing devices are found  
 6127 being used illegally as provided in this chapter, the same shall

6128 | be seized and forfeited to the commission as provided in this  
 6129 | chapter.

6130 |         (3) This section is necessary for the more efficient and  
 6131 | proper enforcement of the statutes and laws of this state  
 6132 | prohibiting the illegal use of nets, traps, or fishing devices  
 6133 | and is a lawful exercise of the police power of the state for  
 6134 | the protection of the public welfare, health, and safety of the  
 6135 | people of the state. All the provisions of this section shall be  
 6136 | liberally construed for the accomplishment of these purposes.

6137 |         Section 125. Section 372.9905, Florida Statutes, is  
 6138 | renumbered as section 379.342, Florida Statutes, and amended to  
 6139 | read:

6140 |         379.342 ~~372.9905~~ Applicability of ss. 379.339, 379.340,  
 6141 | 379.404, and 379.406 ~~372.99, 372.9901, 372.9903, and~~  
 6142 | ~~372.9904.~~--The provisions of ss. 379.339, 379.340, 379.404, and  
 6143 | 379.406 ~~372.99, 372.9901, 372.9903, and 372.9904~~ relating to  
 6144 | seizure and forfeiture of animals or of vehicles, vessels, or  
 6145 | other transportation devices do not vitiate any valid lien,  
 6146 | retain title contract, or chattel mortgage on such animals or  
 6147 | vehicles, vessels, or other transportation devices if such lien,  
 6148 | retain title contract, or chattel mortgage is properly of public  
 6149 | record at the time of the seizure.

6150 |         Section 126. Section 372.0715, Florida Statutes, is  
 6151 | renumbered as section 379.343, Florida Statutes, to read:

6152 |         379.343 ~~372.0715~~ Rewards.--The Fish and Wildlife  
 6153 | Conservation Commission is authorized to offer rewards in  
 6154 | amounts of up to \$500 to any person furnishing information  
 6155 | leading to the arrest and conviction of any person who has

6156 inflicted or attempted to inflict bodily injury upon any  
 6157 wildlife officer engaged in the enforcement of the provisions of  
 6158 this chapter or the rules and regulations of the Fish and  
 6159 Wildlife Conservation Commission.

6160 Section 127. Part VI of chapter 379, Florida Statutes,  
 6161 consisting of sections 379.350, 379.3501, 379.3502, 379.3503,  
 6162 379.3504, 379.3511, 379.3512, 379.352, 379.353, 379.354,  
 6163 379.355, 379.356, 379.357, 379.3581, 379.3582, and 379.3582, is  
 6164 created to read:

6165 PART VI

6166 LICENSES FOR RECREATIONAL ACTIVITIES

6167  
 6168 Section 128. Section 372.5711, Florida Statutes, is  
 6169 renumbered as section 379.35, Florida Statutes, to read:

6170 379.35 ~~372.5711~~ Review of fees for licenses and permits;  
 6171 review of exemptions.--The fees for licenses and permits  
 6172 established under this chapter, and exemptions thereto, shall be  
 6173 reviewed by the Legislature during its regular session every 5  
 6174 years beginning in 2000.

6175 Section 129. Section 372.571, Florida Statutes, is  
 6176 renumbered as section 379.3501, Florida Statutes, and amended to  
 6177 read:

6178 379.3501 ~~372.571~~ Expiration of licenses and permits.--Each  
 6179 license or permit issued under this part ~~chapter~~ must be dated  
 6180 when issued. Each license or permit issued under this part  
 6181 ~~chapter~~ remains valid for 12 months after the date of issuance,  
 6182 except for a lifetime license issued pursuant to s. 379.354  
 6183 ~~372.57~~ which is valid from the date of issuance until the death

6184 of the individual to whom the license is issued unless otherwise  
 6185 revoked in accordance with s. 379.401 ~~372.83~~ or s. 379.404  
 6186 ~~372.99~~, or a 5-year license issued pursuant to s. 379.354 ~~372.57~~  
 6187 which is valid for 5 consecutive years from the date of purchase  
 6188 unless otherwise revoked in accordance with s. 379.401 ~~372.83~~ or  
 6189 s. 379.404 ~~372.99~~, or a license issued pursuant to s.  
 6190 379.354(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.  
 6191 ~~372.57(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.,~~  
 6192 which is valid for the period specified on the license. A  
 6193 resident lifetime license or a resident 5-year license that has  
 6194 been purchased by a resident of this state and who subsequently  
 6195 resides in another state shall be honored for activities  
 6196 authorized by that license.

6197 Section 130. Section 372.59, Florida Statutes, is  
 6198 renumbered as section 379.3502, Florida Statutes, and amended to  
 6199 read:

6200 379.3502 ~~372.59~~ License and permit not transferable.--A  
 6201 person may not alter or change in any manner, or loan or  
 6202 transfer to another, unless otherwise provided, any license or  
 6203 permit issued pursuant to the provisions of this chapter, nor  
 6204 may any other person, other than the person to whom it is  
 6205 issued, use the same.

6206 Section 131. Section 372.58, Florida Statutes, is  
 6207 renumbered as section 379.3503, Florida Statutes, and amended to  
 6208 read:

6209 379.3503 ~~372.58~~ False statement in application for license  
 6210 or permit.--Any person who swears or affirms to any false  
 6211 statement in any application for license or permit provided by

6212 this chapter, is guilty of violating this chapter, and shall be  
 6213 subject to the penalty provided in s. 379.401 ~~372.83~~, and any  
 6214 false statement contained in any application for such license or  
 6215 permit renders the license or permit void.

6216 Section 132. Section 372.581, Florida Statutes, is  
 6217 renumbered as section 379.3504, Florida Statutes, and amended to  
 6218 read:

6219 379.3504 ~~372.581~~ Entering false information on licenses or  
 6220 permits.--Whoever knowingly and willfully enters false  
 6221 information on, or allows or causes false information to be  
 6222 entered on or shown upon any license or permit issued under the  
 6223 provisions of this chapter in order to avoid prosecution or to  
 6224 assist another to avoid prosecution, or for any other wrongful  
 6225 purpose shall be punished as provided in s. 379.401 ~~372.83~~.

6226 Section 133. Section 372.574, Florida Statutes, is  
 6227 renumbered as section 379.3511, Florida Statutes, and amended to  
 6228 read:

6229 379.3511 ~~372.574~~ Appointment of subagents for the sale of  
 6230 hunting, fishing, and trapping licenses and permits.--

6231 (1) Subagents shall serve at the pleasure of the  
 6232 commission. The commission may establish, by rule, procedures  
 6233 for the selection and appointment of subagents. The following  
 6234 are requirements for subagents so appointed:

6235 (a) The commission may require each subagent to post an  
 6236 appropriate bond as determined by the commission, using an  
 6237 insurance company acceptable to the commission. In lieu of the  
 6238 bond, the commission may purchase blanket bonds covering all or

6239 selected subagents or may allow a subagent to post other  
 6240 security as required by the commission.

6241 (b) A subagent may sell licenses and permits as authorized  
 6242 by the commission at specific locations within the county and in  
 6243 states as will best serve the public interest and convenience in  
 6244 obtaining licenses and permits. The commission may prohibit  
 6245 subagents from selling certain licenses or permits.

6246 (c) It is unlawful for any person to handle licenses or  
 6247 permits for a fee or compensation of any kind unless he or she  
 6248 has been appointed as a subagent.

6249 (d) Any person who willfully violates any of the  
 6250 provisions of this section commits a misdemeanor of the second  
 6251 degree, punishable as provided in s. 775.082 or s. 775.083.

6252 (e) A subagent may charge and receive as his or her  
 6253 compensation 50 cents for each license or permit sold. This  
 6254 charge is in addition to the sum required by law to be collected  
 6255 for the sale and issuance of each license or permit.

6256 (f) A subagent shall submit payment for and report the  
 6257 sale of licenses and permits to the commission as prescribed by  
 6258 the commission.

6259 (2) The Fish and Wildlife Conservation Commission or any  
 6260 other law enforcement agency may carry out any investigation  
 6261 necessary to secure information required to carry out and  
 6262 enforce this section.

6263 (3) All social security numbers that are provided pursuant  
 6264 to ss. 379.352 and 379.354 ~~372.561 and 372.57~~ and are contained  
 6265 in records of any subagent appointed under this section are  
 6266 confidential as provided in those sections.

6267 Section 134. Section 372.551, Florida Statutes, is  
 6268 renumbered as section 379.3512, Florida Statutes, to read:

6269 379.3512 ~~372.551~~ Competitive bidding for certain sale of  
 6270 licenses and permits and the issuance of authorization  
 6271 numbers.--The commission is authorized to establish the  
 6272 following, using competitive bidding procedures:

6273 (1) A process and a vendor fee for the sale of licenses  
 6274 and permits, and the issuance of authorization numbers, over the  
 6275 telephone.

6276 (2) A process and a vendor fee for the electronic sale of  
 6277 licenses and permits and for the electronic issuance of  
 6278 authorization numbers.

6279 Section 135. Section 372.561, Florida Statutes, is  
 6280 renumbered as section 379.352, Florida Statutes, and amended to  
 6281 read:

6282 379.352 ~~372.561~~ Recreational licenses, permits, and  
 6283 authorization numbers to take wild animal life, freshwater  
 6284 aquatic life, and marine life; issuance; costs; reporting.--

6285 (1) This section applies to all recreational licenses and  
 6286 permits and to any authorization numbers issued by the  
 6287 commission for the use of such recreational licenses or permits.

6288 (2) The commission shall establish forms for the issuance  
 6289 of recreational licenses and permits.

6290 (3) The commission shall issue a license, permit, or  
 6291 authorization number to take wild animal life, freshwater  
 6292 aquatic life, or marine life when an applicant provides proof  
 6293 that she or he is entitled to such license, permit, or  
 6294 authorization number. Each applicant for a recreational license,

6295 permit, or authorization number shall provide her or his social  
 6296 security number on the application form. Disclosure of social  
 6297 security numbers obtained through this requirement shall be  
 6298 limited to the purposes of administration of the Title IV-D  
 6299 program for child support enforcement, use by the commission,  
 6300 and as otherwise provided by law.

6301 (4) Licenses and permits to take wild animal life,  
 6302 freshwater aquatic life, or marine life may be sold by the  
 6303 commission, by any tax collector in the state, or by any  
 6304 subagent authorized under s. 379.3511 ~~372.574~~.

6305 (5) In addition to any license or permit fee, the sum of  
 6306 \$1.50 shall be charged for each license or management area  
 6307 permit, except for replacement licenses, to cover the cost of  
 6308 issuing such license or permit.

6309 (6) (a) The fee established pursuant to subsection (5)  
 6310 shall be distributed as follows:

6311 1. For each hunting license and freshwater fishing license  
 6312 sold by a tax collector, including the combination freshwater  
 6313 fishing and hunting license, the sportsman's license, and the  
 6314 gold sportsman's license, a tax collector may retain \$1.00.

6315 2. For each management area permit sold by a tax  
 6316 collector, a tax collector may retain \$1.00.

6317 3. For each saltwater fishing tag and saltwater fishing  
 6318 license sold by a tax collector, including the combination  
 6319 saltwater fishing and freshwater fishing license and the  
 6320 combination saltwater fishing, freshwater fishing, and hunting  
 6321 license, a tax collector may retain \$1.50.

6322           4. For licenses and management area permits sold by  
6323 subagents, a tax collector may retain 50 cents for each license  
6324 sold in the tax collector's county.

6325           5. Any and all remaining fees shall be deposited in the  
6326 State Game Trust Fund and shall be used to support an automated  
6327 license system and administration of the license program.

6328           (b) Tax collectors shall remit license and permit revenue  
6329 to the commission weekly.

6330           (7) (a) The sum of \$10 shall be charged for each  
6331 replacement lifetime license and \$2 for all other replacement  
6332 licenses and permits. A tax collector may retain \$1.00 for each  
6333 replacement license.

6334           (b) Fees collected from the issuance of replacement  
6335 licenses shall be deposited in the State Game Trust Fund.

6336           (8) At each location where hunting, fishing, or trapping  
6337 licenses or permits are sold, voter registration applications  
6338 shall be displayed and made available to the public. Subagents  
6339 shall ask each person who applies for a hunting, fishing, or  
6340 trapping license or permit if he or she would like a voter  
6341 registration application and may provide such application to the  
6342 license or permit applicant but shall not assist such persons  
6343 with voter registration applications or collect complete or  
6344 incomplete voter registration applications.

6345           (9) Except as provided in subsections (8) and (12), each  
6346 person who applies for a hunting, fishing, or trapping license  
6347 or permit shall be asked if he or she would like the appropriate  
6348 supervisor of elections to provide a voter registration  
6349 application to the applicant at a later date. If at the time a

6350 license is purchased the applicant indicates that he or she  
 6351 would like to receive a voter registration application, the  
 6352 commission shall, within 7 days, make the request available to  
 6353 the appropriate supervisor of elections or voter registration  
 6354 agency so that an application may be sent to the applicant.  
 6355 Supervisors of elections shall mail an application to each  
 6356 person requesting such application within 5 business days after  
 6357 receipt of the request.

6358 (10) The commission may satisfy the requirements of  
 6359 subsection (9) by providing access to an Internet site with the  
 6360 voter registration information included thereon.

6361 (11) When acting in its official capacity pursuant to this  
 6362 section, neither the commission nor a subagent is deemed a  
 6363 third-party registration organization, as defined in s.  
 6364 97.021(36), or a voter registration agency, as defined in s.  
 6365 97.021(40), and is not authorized to solicit, accept, or collect  
 6366 voter registration applications or provide voter registration  
 6367 services.

6368 (12) Each person who applies for a hunting, fishing, or  
 6369 trapping license or permit on the Internet shall be provided a  
 6370 link to the Department of State's online uniform statewide voter  
 6371 registration application.

6372 (13) The commission, any tax collector in this state, or  
 6373 any subagent authorized to sell licenses and permits under s.  
 6374 379.3511 ~~372.574~~ may request and collect donations when selling  
 6375 a recreational license or permit authorized under s. 379.354  
 6376 ~~372.57~~. All donations collected under this subsection shall be  
 6377 deposited into the State Game Trust Fund to be used solely for

6378 the purpose of enhancing youth hunting and youth freshwater and  
 6379 saltwater fishing programs. By January 1, the commission shall  
 6380 provide a complete and detailed annual report on the status of  
 6381 its youth programs and activities performed under this  
 6382 subsection to the Governor, the President of the Senate, and the  
 6383 Speaker of the House of Representatives.

6384 (14) The commission is authorized to adopt rules pursuant  
 6385 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 6386 section.

6387 Section 136. Section 372.562, Florida Statutes, is  
 6388 renumbered as section 379.353, Florida Statutes, and amended to  
 6389 read:

6390 379.353 ~~372.562~~ Recreational licenses and permits;  
 6391 exemptions from fees and requirements.--

6392 (1) Hunting, freshwater fishing, and saltwater fishing  
 6393 licenses and permits shall be issued without fee to any resident  
 6394 who is certified or determined:

6395 (a) To be totally and permanently disabled for purposes of  
 6396 workers' compensation under chapter 440 as verified by an order  
 6397 of a judge of compensation claims or written confirmation by the  
 6398 carrier providing workers' compensation benefits, or to be  
 6399 totally and permanently disabled by the Railroad Retirement  
 6400 Board, by the United States Department of Veterans Affairs or  
 6401 its predecessor, or by any branch of the United States Armed  
 6402 Forces, or who holds a valid identification card issued under  
 6403 the provisions of s. 295.17, upon proof of same. Any license  
 6404 issued under this paragraph after January 1, 1997, expires after

6405 5 years and must be reissued, upon request, every 5 years  
 6406 thereafter.

6407 (b) To be disabled by the United States Social Security  
 6408 Administration, upon proof of same. Any license issued under  
 6409 this paragraph after October 1, 1999, expires after 2 years and  
 6410 must be reissued, upon proof of certification of disability,  
 6411 every 2 years thereafter.

6412  
 6413 A disability license issued after July 1, 1997, and before July  
 6414 1, 2000, retains the rights vested thereunder until the license  
 6415 has expired.

6416 (2) A hunting, freshwater fishing, or saltwater fishing  
 6417 license or permit is not required for:

6418 (a) Any child under 16 years of age, except as otherwise  
 6419 provided in this part ~~chapter~~.

6420 (b) Any person hunting or freshwater fishing on her or his  
 6421 homestead property, or on the homestead property of the person's  
 6422 spouse or minor child; or any minor child hunting or freshwater  
 6423 fishing on the homestead property of her or his parent.

6424 (c) Any resident who is a member of the United States  
 6425 Armed Forces and not stationed in this state, when home on leave  
 6426 for 30 days or less, upon submission of orders.

6427 (d) Any resident freshwater fishing for recreational  
 6428 purposes only, within her or his county of residence with live  
 6429 or natural bait, using poles or lines not equipped with a  
 6430 fishing line retrieval mechanism. This exemption does not apply  
 6431 to residents fishing in a legally established fish management  
 6432 area.

6433 (e) Any person freshwater fishing in a fish pond of 20  
 6434 acres or less that is located entirely within the private  
 6435 property of the fish pond owner.

6436 (f) Any person freshwater fishing in a fish pond that is  
 6437 licensed in accordance with s. 379.356 ~~372.5705~~.

6438 (g) Any person fishing who has been accepted as a client  
 6439 for developmental disabilities services by the Department of  
 6440 Children and Family Services, provided the department furnishes  
 6441 proof thereof.

6442 (h) Any resident saltwater fishing from land or from a  
 6443 structure fixed to the land.

6444 (i) Any person saltwater fishing from a vessel licensed  
 6445 pursuant to s. 379.354(7) ~~372.57(7)~~.

6446 (j) Any person saltwater fishing from a vessel the  
 6447 operator of which is licensed pursuant to s. 379.354(7)  
 6448 ~~372.57(7)~~.

6449 (k) Any person saltwater fishing who holds a valid  
 6450 saltwater products license issued under s. 379.361(2) ~~370.06(2)~~.

6451 (l) Any person saltwater fishing for recreational purposes  
 6452 from a pier licensed under s. 379.354 ~~372.57~~.

6453 (m) Any resident fishing for a saltwater species in fresh  
 6454 water from land or from a structure fixed to land.

6455 (n) Any resident fishing for mullet in fresh water who has  
 6456 a valid Florida freshwater fishing license.

6457 (o) Any resident 65 years of age or older who has in her  
 6458 or his possession proof of age and residency. A no-cost license  
 6459 under this paragraph may be obtained from any tax collector's  
 6460 office upon proof of age and residency and must be in the

6461 possession of the resident during hunting, freshwater fishing,  
 6462 and saltwater fishing activities.

6463 (p) Any employee of the commission who takes freshwater  
 6464 fish, saltwater fish, or game as part of employment with the  
 6465 commission, or any other person authorized by commission permit  
 6466 to take freshwater fish, saltwater fish, or game for scientific  
 6467 or educational purposes.

6468 (q) Any resident recreationally freshwater fishing who  
 6469 holds a valid commercial fishing license issued under s.  
 6470 379.3625(1)(a) ~~372.65(1)(a)~~.

6471 Section 137. Section 372.57, Florida Statutes, is  
 6472 renumbered as section 379.354, Florida Statutes, and amended to  
 6473 read:

6474 379.354 ~~372.57~~ Recreational licenses, permits, and  
 6475 authorization numbers; fees established.--

6476 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER  
 6477 REQUIRED.--Except as provided in s. 379.353 ~~372.562~~, no person  
 6478 shall take game, freshwater or saltwater fish, or fur-bearing  
 6479 animals within this state without having first obtained a  
 6480 license, permit, or authorization number and paid the fees set  
 6481 forth in this chapter. Such license, permit, or authorization  
 6482 number shall authorize the person to whom it is issued to take  
 6483 game, freshwater or saltwater fish, or fur-bearing animals, and  
 6484 participate in outdoor recreational activities in accordance  
 6485 with the laws of the state and rules of the commission.

6486 (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.--

6487 (a) Licenses, permits, and authorization numbers issued  
 6488 under this part ~~chapter~~ are not transferable. Each license and

6489 permit must bear on its face in indelible ink the name of the  
 6490 person to whom it is issued and other information as deemed  
 6491 necessary by the commission. Licenses issued to the owner,  
 6492 operator, or custodian of a vessel that directly or indirectly  
 6493 collects fees for taking or attempting to take or possess  
 6494 saltwater fish for noncommercial purposes must include the  
 6495 vessel registration number or federal documentation number.

6496 (b) The lifetime licenses and 5-year licenses authorized  
 6497 in this section shall be embossed with the name, date of birth,  
 6498 date of issuance, and other pertinent information as deemed  
 6499 necessary by the commission. A certified copy of the applicant's  
 6500 birth certificate shall accompany each application for a  
 6501 lifetime license for a resident 12 years of age or younger.

6502 (c) A positive form of identification is required when  
 6503 using a free license, a lifetime license, a 5-year license, or  
 6504 an authorization number issued under this chapter, or when  
 6505 otherwise required by a license or permit.

6506 (3) PERSONAL POSSESSION REQUIRED.--Each license, permit,  
 6507 or authorization number must be in the personal possession of  
 6508 the person to whom it is issued while such person is taking,  
 6509 attempting to take, or possessing game, freshwater or saltwater  
 6510 fish, or fur-bearing animals. Any person taking, attempting to  
 6511 take, or possessing game, freshwater or saltwater fish, or fur-  
 6512 bearing animals who fails to produce a license, permit, or  
 6513 authorization number at the request of a commission law  
 6514 enforcement officer commits a violation of the law.

6515 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses  
 6516 and fees for residents participating in hunting and fishing  
 6517 activities in this state are as follows:

6518 (a) Annual freshwater fishing license, \$15.50.

6519 (b) Annual saltwater fishing license, \$15.50.

6520 (c) Annual hunting license to take game, \$15.50.

6521 (d) Annual combination hunting and freshwater fishing  
 6522 license, \$31.

6523 (e) Annual combination freshwater fishing and saltwater  
 6524 fishing license, \$31.

6525 (f) Annual combination hunting, freshwater fishing, and  
 6526 saltwater fishing license, \$46.50.

6527 (g) Annual license to take fur-bearing animals, \$25.

6528 However, a resident with a valid hunting license or a no-cost  
 6529 license who is taking fur-bearing animals for noncommercial  
 6530 purposes using guns or dogs only, and not traps or other  
 6531 devices, is not required to purchase this license. Also, a  
 6532 resident 65 years of age or older is not required to purchase  
 6533 this license.

6534 (h) Annual sportsman's license, \$79, except that an annual  
 6535 sportsman's license for a resident 64 years of age or older is  
 6536 \$12. A sportsman's license authorizes the person to whom it is  
 6537 issued to take game and freshwater fish, subject to the state  
 6538 and federal laws, rules, and regulations, including rules of the  
 6539 commission, in effect at the time of the taking. Other  
 6540 authorized activities include activities authorized by a  
 6541 management area permit, a muzzle-loading gun season permit, a

6542 crossbow season permit, a turkey permit, a Florida waterfowl  
6543 permit, and an archery season permit.

6544 (i) Annual gold sportsman's license, \$98.50. The gold  
6545 sportsman's license authorizes the person to whom it is issued  
6546 to take freshwater fish, saltwater fish, and game, subject to  
6547 the state and federal laws, rules, and regulations, including  
6548 rules of the commission, in effect at the time of taking. Other  
6549 authorized activities include activities authorized by a  
6550 management area permit, a muzzle-loading gun season permit, a  
6551 crossbow season permit, a turkey permit, a Florida waterfowl  
6552 permit, an archery season permit, a snook permit, and a spiny  
6553 lobster permit.

6554 (j) Annual military gold sportsman's license, \$18.50. The  
6555 gold sportsman's license authorizes the person to whom it is  
6556 issued to take freshwater fish, saltwater fish, and game,  
6557 subject to the state and federal laws, rules, and regulations,  
6558 including rules of the commission, in effect at the time of  
6559 taking. Other authorized activities include activities  
6560 authorized by a management area permit, a muzzle-loading gun  
6561 season permit, a crossbow season permit, a turkey permit, a  
6562 Florida waterfowl permit, an archery season permit, a snook  
6563 permit, and a spiny lobster permit. Any resident who is an  
6564 active or retired member of the United States Armed Forces, the  
6565 United States Armed Forces Reserve, the National Guard, the  
6566 United States Coast Guard, or the United States Coast Guard  
6567 Reserve is eligible to purchase the military gold sportsman's  
6568 license upon submission of a current military identification  
6569 card.

6570 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The  
 6571 licenses and fees for nonresidents participating in hunting and  
 6572 fishing activities in the state are as follows:  
 6573 (a) Freshwater fishing license to take freshwater fish for  
 6574 3 consecutive days, \$15.50.  
 6575 (b) Freshwater fishing license to take freshwater fish for  
 6576 7 consecutive days, \$28.50.  
 6577 (c) Saltwater fishing license to take saltwater fish for 3  
 6578 consecutive days, \$15.50.  
 6579 (d) Saltwater fishing license to take saltwater fish for 7  
 6580 consecutive days, \$28.50.  
 6581 (e) Annual freshwater fishing license, \$45.50.  
 6582 (f) Annual saltwater fishing license, \$45.50.  
 6583 (g) Hunting license to take game for 10 consecutive days,  
 6584 \$45.  
 6585 (h) Annual hunting license to take game, \$150.  
 6586 (i) Annual license to take fur-bearing animals, \$25.  
 6587 However, a nonresident with a valid Florida hunting license who  
 6588 is taking fur-bearing animals for noncommercial purposes using  
 6589 guns or dogs only, and not traps or other devices, is not  
 6590 required to purchase this license.  
 6591 (6) PIER LICENSE.--A pier license for any pier fixed to  
 6592 land for the purpose of taking or attempting to take saltwater  
 6593 fish is \$500 per year. The pier license may be purchased at the  
 6594 option of the owner, operator, or custodian of such pier and  
 6595 must be available for inspection at all times.  
 6596 (7) VESSEL LICENSES.--

6597 (a) No person may operate any vessel wherein a fee is  
6598 paid, either directly or indirectly, for the purpose of taking,  
6599 attempting to take, or possessing any saltwater fish for  
6600 noncommercial purposes unless she or he has obtained a license  
6601 for each vessel for that purpose, and has paid the license fee  
6602 pursuant to paragraphs (b) and (c) for such vessel.

6603 (b) A license for any person who operates any vessel  
6604 licensed to carry more than 10 customers, wherein a fee is paid,  
6605 either directly or indirectly, for the purpose of taking or  
6606 attempting to take saltwater fish, is \$800 per year. The license  
6607 must be kept aboard the vessel at all times.

6608 (c)1. A license for any person who operates any vessel  
6609 licensed to carry no more than 10 customers, or for any person  
6610 licensed to operate any vessel carrying 6 or fewer customers,  
6611 wherein a fee is paid, either directly or indirectly, for the  
6612 purpose of taking or attempting to take saltwater fish, is \$400  
6613 per year.

6614 2. A license for any person licensed to operate any vessel  
6615 carrying 6 or fewer customers but who operates a vessel carrying  
6616 4 or fewer customers, wherein a fee is paid, either directly or  
6617 indirectly, for the purpose of taking or attempting to take  
6618 saltwater fish, is \$200 per year. The license must be kept  
6619 aboard the vessel at all times.

6620 3. A person who operates a vessel required to be licensed  
6621 pursuant to paragraph (b) or this paragraph may obtain a license  
6622 in her or his own name, and such license shall be transferable  
6623 and apply to any vessel operated by the purchaser, provided that  
6624 the purchaser has paid the appropriate license fee.

6625 (d) A license for a recreational vessel not for hire and  
 6626 for which no fee is paid, either directly or indirectly, by  
 6627 guests for the purpose of taking or attempting to take saltwater  
 6628 fish noncommercially is \$2,000 per year. The license may be  
 6629 purchased at the option of the vessel owner and must be kept  
 6630 aboard the vessel at all times. A log of species taken and the  
 6631 date the species were taken shall be maintained and a copy of  
 6632 the log filed with the commission at the time of renewal of the  
 6633 license.

6634 (e) The owner, operator, or custodian of a vessel the  
 6635 operator of which has been licensed pursuant to paragraph (a)  
 6636 must maintain and report such statistical data as required by,  
 6637 and in a manner set forth in, the rules of the commission.

6638 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY  
 6639 PERMITS.--In addition to any license required under this  
 6640 chapter, the following permits and fees for specified hunting,  
 6641 fishing, and recreational uses and activities are required:

6642 (a) An annual Florida waterfowl permit for a resident or  
 6643 nonresident to take wild ducks or geese within the state or its  
 6644 coastal waters is \$3.

6645 (b)1. An annual Florida turkey permit for a resident to  
 6646 take wild turkeys within the state is \$5.

6647 2. An annual Florida turkey permit for a nonresident to  
 6648 take wild turkeys within the state is \$100.

6649 (c) An annual snook permit for a resident or nonresident  
 6650 to take or possess any snook from any waters of the state is \$2.  
 6651 Revenue generated from the sale of snook permits shall be used  
 6652 exclusively for programs to benefit the snook population.

6653 (d) An annual spiny lobster permit for a resident or  
 6654 nonresident to take or possess any spiny lobster for  
 6655 recreational purposes from any waters of the state is \$2.  
 6656 Revenue generated from the sale of spiny lobster permits shall  
 6657 be used exclusively for programs to benefit the spiny lobster  
 6658 population.

6659 (e) A \$5 fee is imposed for each of the following permits:

6660 1. An annual archery season permit for a resident or  
 6661 nonresident to hunt within the state during any archery season  
 6662 authorized by the commission.

6663 2. An annual crossbow season permit for a resident or  
 6664 nonresident to hunt within the state during any crossbow season  
 6665 authorized by the commission.

6666 3. An annual muzzle-loading gun season permit for a  
 6667 resident or nonresident to hunt within the state during any  
 6668 muzzle-loading gun season authorized by the commission.

6669 (f) A special use permit for a resident or nonresident to  
 6670 participate in limited entry hunting or fishing activities as  
 6671 authorized by commission rule shall not exceed \$100 per day or  
 6672 \$250 per week. Notwithstanding any other provision of this  
 6673 chapter, there are no exclusions, exceptions, or exemptions from  
 6674 this permit fee. In addition to the permit fee, the commission  
 6675 may charge each special use permit applicant a nonrefundable  
 6676 application fee not to exceed \$10.

6677 (g)1. A management area permit for a resident or  
 6678 nonresident to hunt on, fish on, or otherwise use for outdoor  
 6679 recreational purposes land owned, leased, or managed by the

6680 commission, or by the state for the use and benefit of the  
 6681 commission, shall not exceed \$25 per year.

6682 2. Permit fees for short-term use of land that is owned,  
 6683 leased, or managed by the commission may be established by rule  
 6684 of the commission for activities on such lands. Such permits may  
 6685 be in lieu of, or in addition to, the annual management area  
 6686 permit authorized in subparagraph 1.

6687 3. Other than for hunting or fishing, the provisions of  
 6688 this paragraph shall not apply on any lands not owned by the  
 6689 commission, unless the commission has obtained the written  
 6690 consent of the owner or primary custodian of such lands.

6691 (h)1. A recreational user permit is required to hunt on,  
 6692 fish on, or otherwise use for outdoor recreational purposes land  
 6693 leased by the commission from private nongovernmental owners,  
 6694 except for those lands located directly north of the  
 6695 Apalachicola National Forest, east of the Ochlocknee River until  
 6696 the point the river meets the dam forming Lake Talquin, and  
 6697 south of the closest federal highway. The fee for a recreational  
 6698 user permit shall be based upon the economic compensation  
 6699 desired by the landowner, game population levels, desired hunter  
 6700 density, and administrative costs. The permit fee shall be set  
 6701 by commission rule on a per-acre basis. The recreational user  
 6702 permit fee, less administrative costs of up to \$25 per permit,  
 6703 shall be remitted to the landowner as provided in the lease  
 6704 agreement for each area.

6705 2. One minor dependent under 16 years of age may hunt  
 6706 under the supervision of the permittee and is exempt from the  
 6707 recreational user permit requirements. The spouse and dependent

6708 children of a permittee are exempt from the recreational user  
6709 permit requirements when engaged in outdoor recreational  
6710 activities other than hunting and when accompanied by a  
6711 permittee. Notwithstanding any other provision of this chapter,  
6712 no other exclusions, exceptions, or exemptions from the  
6713 recreational user permit fee are authorized.

6714 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

6715 (a) Five-year licenses are available for residents only,  
6716 as follows:

6717 1. A 5-year freshwater fishing or saltwater fishing  
6718 license is \$77.50 for each type of license and authorizes the  
6719 person to whom the license is issued to take or attempt to take  
6720 or possess freshwater fish or saltwater fish consistent with the  
6721 state and federal laws and regulations and rules of the  
6722 commission in effect at the time of taking.

6723 2. A 5-year hunting license is \$77.50 and authorizes the  
6724 person to whom it is issued to take or attempt to take or  
6725 possess game consistent with the state and federal laws and  
6726 regulations and rules of the commission in effect at the time of  
6727 taking.

6728 3. The commission is authorized to sell the hunting,  
6729 fishing, and recreational activity permits authorized in  
6730 subsection (8) for a 5-year period to match the purchase of 5-  
6731 year fishing and hunting licenses. The fee for each permit  
6732 issued under this paragraph shall be five times the annual cost  
6733 established in subsection (8).

6734 (b) Proceeds from the sale of all 5-year licenses and  
6735 permits shall be deposited into the Dedicated License Trust

6736 Fund, to be distributed in accordance with the provisions of s.  
 6737 379.203 ~~372.106~~.

6738 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING  
 6739 LICENSES.--

6740 (a) Lifetime freshwater fishing licenses or saltwater  
 6741 fishing licenses are available for residents only, as follows,  
 6742 for:

- 6743 1. Persons 4 years of age or younger, for a fee of \$125.
- 6744 2. Persons 5 years of age or older, but under 13 years of  
 6745 age, for a fee of \$225.
- 6746 3. Persons 13 years of age or older, for a fee of \$300.

6747 (b) The following activities are authorized by the  
 6748 purchase of a lifetime freshwater fishing license:

- 6749 1. Taking, or attempting to take or possess, freshwater  
 6750 fish consistent with the state and federal laws and regulations  
 6751 and rules of the commission in effect at the time of the taking.
- 6752 2. All activities authorized by a management area permit,  
 6753 excluding hunting.

6754 (c) The following activities are authorized by the  
 6755 purchase of a lifetime saltwater fishing license:

- 6756 1. Taking, or attempting to take or possess, saltwater  
 6757 fish consistent with the state and federal laws and regulations  
 6758 and rules of the commission in effect at the time of the taking.
- 6759 2. All activities authorized by a snook permit and a spiny  
 6760 lobster permit.
- 6761 3. All activities for which an additional license, permit,  
 6762 or fee is required to take or attempt to take or possess  
 6763 saltwater fish, which additional license, permit, or fee was

6764 imposed subsequent to the date of the purchase of the lifetime  
 6765 saltwater fishing license.

6766 (11) RESIDENT LIFETIME HUNTING LICENSES.--

6767 (a) Lifetime hunting licenses are available to residents  
 6768 only, as follows, for:

- 6769 1. Persons 4 years of age or younger, for a fee of \$200.
- 6770 2. Persons 5 years of age or older, but under 13 years of  
 6771 age, for a fee of \$350.
- 6772 3. Persons 13 years of age or older, for a fee of \$500.

6773 (b) The following activities are authorized by the  
 6774 purchase of a lifetime hunting license:

- 6775 1. Taking, or attempting to take or possess, game  
 6776 consistent with the state and federal laws and regulations and  
 6777 rules of the commission in effect at the time of the taking.
- 6778 2. All activities authorized by a muzzle-loading gun  
 6779 season permit, a crossbow season permit, a turkey permit, an  
 6780 archery season permit, a Florida waterfowl permit, and a  
 6781 management area permit, excluding fishing.

6782 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

6783 (a) Lifetime sportsman's licenses are available to  
 6784 residents only, as follows, for:

- 6785 1. Persons 4 years of age or younger, for a fee of \$400.
- 6786 2. Persons 5 years of age or older, but under 13 years of  
 6787 age, for a fee of \$700.
- 6788 3. Persons 13 years of age or older, for a fee of \$1,000.

6789 (b) The following activities are authorized by the  
 6790 purchase of a lifetime sportsman's license:

6791           1. Taking, or attempting to take or possess, freshwater  
 6792 and saltwater fish, and game, consistent with the state and  
 6793 federal laws and regulations and rules of the commission in  
 6794 effect at the time of taking.

6795           2. All activities authorized by a management area permit,  
 6796 a muzzle-loading gun season permit, a crossbow season permit, a  
 6797 turkey permit, an archery season permit, a Florida waterfowl  
 6798 permit, a snook permit, and a spiny lobster permit.

6799           (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The  
 6800 proceeds from the sale of all lifetime licenses authorized in  
 6801 this section shall be deposited into the Lifetime Fish and  
 6802 Wildlife Trust Fund, to be distributed as provided in s. 379.207  
 6803 ~~372.105~~.

6804           (14) RECIPROCAL FEE AGREEMENTS.--The commission is  
 6805 authorized to reduce the fees for licenses and permits under  
 6806 this section for residents of those states with which the  
 6807 commission has entered into reciprocal agreements with respect  
 6808 to such fees.

6809           (15) FREE FISHING DAYS.--The commission may designate by  
 6810 rule no more than 2 consecutive or nonconsecutive days in each  
 6811 year as free freshwater fishing days and no more than 2  
 6812 consecutive or nonconsecutive days in each year as free  
 6813 saltwater fishing days. Notwithstanding any other provision of  
 6814 this chapter, any person may take freshwater fish for  
 6815 noncommercial purposes on a free freshwater fishing day and may  
 6816 take saltwater fish for noncommercial purposes on a free  
 6817 saltwater fishing day, without obtaining or possessing a license  
 6818 or permit or paying a license or permit fee as prescribed in

6819 | this section. A person who takes freshwater or saltwater fish on  
 6820 | a free fishing day must comply with all laws, rules, and  
 6821 | regulations governing the holders of a fishing license or permit  
 6822 | and all other conditions and limitations regulating the taking  
 6823 | of freshwater or saltwater fish as are imposed by law or rule.

6824 | (16) PROHIBITED LICENSES OR PERMITS.--A person may not  
 6825 | make, forge, counterfeit, or reproduce a license or permit  
 6826 | required under this section, except for those persons authorized  
 6827 | by the commission to make or reproduce such a license or permit.  
 6828 | A person may not knowingly possess a forgery, counterfeit, or  
 6829 | unauthorized reproduction of such a license or permit. A person  
 6830 | who violates this subsection commits a Level Four violation  
 6831 | under s. 379.401 ~~372.83~~.

6832 | (17) SUSPENDED OR REVOKED LICENSES.--A person may not take  
 6833 | game, freshwater fish, saltwater fish, or fur-bearing animals  
 6834 | within this state if a license issued to such person as required  
 6835 | under this section or a privilege granted to such person under  
 6836 | s. 379.353 ~~372.562~~ is suspended or revoked. A person who  
 6837 | violates this subsection commits a Level Three violation under  
 6838 | s. 379.401 ~~372.83~~.

6839 | Section 138. Section 370.063, Florida Statutes, is  
 6840 | renumbered as section 379.355, Florida Statutes, and amended to  
 6841 | read:

6842 | 379.355 ~~370.063~~ Special recreational spiny lobster  
 6843 | license.--There is created a special recreational spiny lobster  
 6844 | license, to be issued to qualified persons as provided by this  
 6845 | section for the recreational harvest of spiny lobster beginning  
 6846 | August 5, 1994.

6847 (1) The special recreational spiny lobster license shall  
 6848 be available to any individual spiny lobster trap number holder  
 6849 who also possesses a saltwater products license during the 1993-  
 6850 1994 license year. A person issued a special recreational spiny  
 6851 lobster license may not also possess a trap number.

6852 (2) The special recreational spiny lobster license is  
 6853 required in order to harvest spiny lobster from state  
 6854 territorial waters in quantities in excess of the regular  
 6855 recreational bag limit but not in excess of a special bag limit  
 6856 as established by the Marine Fisheries Commission for these  
 6857 harvesters before the 1994-1995 license year. Such special bag  
 6858 limit does not apply during the 2-day sport season established  
 6859 by the Fish and Wildlife Conservation Commission.

6860 (3) The holder of a special recreational spiny lobster  
 6861 license must also possess the recreational spiny lobster permit  
 6862 required by s. 379.354(8)(d) ~~372.57(8)(d)~~.

6863 ~~(4) As a condition precedent to the issuance of a special~~  
 6864 ~~recreational spiny lobster license, the applicant must agree to~~  
 6865 ~~file quarterly reports with the Fish and Wildlife Conservation~~  
 6866 ~~Commission in such form as the commission requires, detailing~~  
 6867 ~~the amount of the licenseholder's spiny lobster harvest in the~~  
 6868 ~~previous quarter, including the harvest of other recreational~~  
 6869 ~~harvesters aboard the licenseholder's vessel.~~

6870 (4) ~~(5)~~ The Fish and Wildlife Conservation Commission shall  
 6871 issue special recreational spiny lobster licenses. The fee for  
 6872 each such license is \$100 per year. Each license issued in any  
 6873 license year must be renewed by June 30 of each subsequent year  
 6874 by the initial individual holder thereof. ~~Noncompliance with the~~

6875 ~~reporting requirement in subsection (4) or with the special~~  
6876 ~~recreational bag limit established under subsection (6)~~  
6877 ~~constitutes grounds for which the commission may refuse to renew~~  
6878 ~~the license for a subsequent license year. The number of such~~  
6879 licenses outstanding in any one license year may not exceed the  
6880 number issued for the 1994-1995 license year. A license is not  
6881 transferable by any method. Licenses that are not renewed expire  
6882 and may be reissued by the commission in the subsequent license  
6883 year to new applicants otherwise qualified under this section.

6884 ~~(6) To promote conservation of the spiny lobster resource,~~  
6885 ~~consistent with equitable distribution and availability of the~~  
6886 ~~resource, the commission shall establish a spiny lobster~~  
6887 ~~management plan incorporating the special recreational spiny~~  
6888 ~~lobster license, including, but not limited to, the~~  
6889 ~~establishment of a special recreational bag limit for the~~  
6890 ~~holders of such license as required by subsection (2). Such~~  
6891 ~~special recreational bag limit must not be less than twice the~~  
6892 ~~higher of the daily recreational bag limits.~~

6893 (5)~~(7)~~ The proceeds of the fees collected under this  
6894 section must be deposited in the Marine Resources Conservation  
6895 Trust Fund and used as follows:

6896 (a) Thirty-five percent for research and the development  
6897 of reliable recreational catch statistics for the spiny lobster  
6898 fishery.

6899 (b) Twenty percent for administration of this section.

6900 (c) Forty-five percent to be used for enforcement of this  
6901 section.

6902            (6)~~(8)~~ Any person who violates this section commits a  
 6903 Level One violation under s. 379.401 ~~372.83~~.

6904            Section 139. Section 372.5705, Florida Statutes, is  
 6905 renumbered as section 379.356, Florida Statutes, to read:

6906            379.356 ~~372.5705~~ Fish pond license.--The owner of a fish  
 6907 pond of more than 20 acres which is located entirely within her  
 6908 or his property may obtain a license from the commission for  
 6909 such pond at a fee of \$3 per surface acre, and no fishing  
 6910 license shall be required of any person fishing in such licensed  
 6911 pond.

6912            Section 140. Section 372.5704, Florida Statutes, is  
 6913 renumbered as section 379.357, Florida Statutes, and amended to  
 6914 read:

6915            379.357 ~~372.5704~~ Fish and Wildlife Conservation Commission  
 6916 license program for tarpon; fees; penalties.--

6917            (1) The commission shall establish a license program for  
 6918 the purpose of issuing tags to individuals desiring to harvest  
 6919 tarpon (*megalops atlantica*) from the waters of the state. The  
 6920 tags shall be nontransferable, except that the commission may  
 6921 allow for a limited number of tags to be purchased by  
 6922 professional fishing guides for transfer to individuals, and  
 6923 issued by the commission in order of receipt of a properly  
 6924 completed application for a nonrefundable fee of \$50 per tag.  
 6925 The commission and any tax collector may sell the tags and  
 6926 collect the fees therefor. Tarpon tags are valid from July 1  
 6927 through June 30. Before August 15 of each year, each tax  
 6928 collector shall submit to the commission all unissued tags for  
 6929 the previous fiscal year along with a written audit report, on

6930 forms prescribed or approved by the commission, as to the  
 6931 numbers of the unissued tags. To defray the cost of issuing any  
 6932 tag, the issuing tax collector shall collect and retain as his  
 6933 or her costs, in addition to the tag fee collected, the amount  
 6934 allowed under s. 379.352(6) ~~372.561(6)~~ for the issuance of  
 6935 licenses.

6936 ~~(2) The number of tags to be issued shall be determined by~~  
 6937 ~~rule of the commission. The commission shall in no way allow the~~  
 6938 ~~issuance of tarpon tags to adversely affect the tarpon~~  
 6939 ~~population.~~

6940 (2) ~~(3)~~ Proceeds from the sale of tarpon tags shall be  
 6941 deposited in the Marine Resources Conservation Trust Fund and  
 6942 shall be used to gather information directly applicable to  
 6943 tarpon management.

6944 (3) ~~(4)~~ No individual shall take, kill, or possess any fish  
 6945 of the species megalops atlantica, commonly known as tarpon,  
 6946 unless such individual has purchased a tarpon tag and securely  
 6947 attached it through the lower jaw of the fish. Said individual  
 6948 shall within 5 days after the landing of the fish submit a form  
 6949 to the commission which indicates the length, weight, and  
 6950 physical condition of the tarpon when caught; the date and  
 6951 location of where the fish was caught; and any other pertinent  
 6952 information which may be required by the commission. The  
 6953 commission may refuse to issue new tags to individuals or guides  
 6954 who fail to provide the required information.

6955 (4) ~~(5)~~ Any individual including a taxidermist who  
 6956 possesses a tarpon which does not have a tag securely attached  
 6957 as required by this section commits a Level Two violation under

6958 s. 379.401 ~~372.83~~. Provided, however, a taxidermist may remove  
 6959 the tag during the process of mounting a tarpon. The removed tag  
 6960 shall remain with the fish during any subsequent storage or  
 6961 shipment.

6962 (5) ~~(6)~~ Purchase of a tarpon tag shall not accord the  
 6963 purchaser any right to harvest or possess tarpon in  
 6964 contravention of rules adopted by the commission. No individual  
 6965 may sell, offer for sale, barter, exchange for merchandise,  
 6966 transport for sale, either within or without the state, offer to  
 6967 purchase, or purchase any species of fish known as tarpon.

6968 (6) ~~(7)~~ The commission shall prescribe and provide suitable  
 6969 forms and tags necessary to carry out the provisions of this  
 6970 section.

6971 (7) ~~(8)~~ The provisions of this section shall not apply to  
 6972 anyone who immediately returns a tarpon uninjured to the water  
 6973 at the place where the fish was caught.

6974 Section 141. Section 372.5717, Florida Statutes, is  
 6975 renumbered as section 379.3581, Florida Statutes, and amended to  
 6976 read:

6977 379.3581 ~~372.5717~~ Hunter safety course; requirements;  
 6978 penalty.--

6979 (1) This section may be cited as the Senator Joe Carlucci  
 6980 Hunter Safety Act.

6981 (2) (a) Except as provided in paragraph (b), a person born  
 6982 on or after June 1, 1975, may not be issued a license to take  
 6983 wild animal life with the use of a firearm, gun, bow, or  
 6984 crossbow in this state without having first successfully  
 6985 completed a hunter safety course as provided in this section,

6986 and without having in his or her personal possession a hunter  
 6987 safety certification card, as provided in this section.

6988 (b) A person born on or after June 1, 1975, who has not  
 6989 successfully completed a hunter safety course may apply to the  
 6990 commission for a special authorization to hunt under  
 6991 supervision. The special authorization for supervised hunting  
 6992 shall be designated on any license or permit required under this  
 6993 chapter for a person to take game or fur-bearing animals and  
 6994 shall be valid for not more than 1 year. A special authorization  
 6995 for supervised hunting may not be issued more than once to the  
 6996 person applying for such authorization. A person issued a  
 6997 license with a special authorization to hunt under supervision  
 6998 must hunt under the supervision of, and in the presence of, a  
 6999 person 21 years or age or older who is licensed to hunt pursuant  
 7000 to s. 379.354 ~~372.57~~ or who is exempt from licensing  
 7001 requirements or eligible for a free license pursuant to s.  
 7002 379.353 ~~372.562~~.

7003 (3) The Fish and Wildlife Conservation Commission shall  
 7004 institute and coordinate a statewide hunter safety course that  
 7005 must be offered in every county and consist of not more than 16  
 7006 hours of instruction including, but not limited to, instruction  
 7007 in the competent and safe handling of firearms, conservation,  
 7008 and hunting ethics.

7009 (4) The commission shall issue a permanent hunter safety  
 7010 certification card to each person who successfully completes the  
 7011 hunter safety course. The commission shall maintain records of  
 7012 hunter safety certification cards issued and shall establish  
 7013 procedures for replacing lost or destroyed cards.

7014 (5) A hunter safety certification card issued by a  
 7015 wildlife agency of another state, or any Canadian province,  
 7016 which shows that the holder of the card has successfully  
 7017 completed a hunter safety course approved by the commission is  
 7018 an acceptable substitute for the hunter safety certification  
 7019 card issued by the commission.

7020 (6) All persons subject to the requirements of subsection  
 7021 (2) must have in their personal possession proof of compliance  
 7022 with this section, while taking or attempting to take wildlife  
 7023 with the use of a firearm, gun, bow, or crossbow, and must,  
 7024 unless the requirement to complete a hunter safety course is  
 7025 deferred pursuant to this section, display a valid hunter safety  
 7026 certification card in order to purchase a Florida hunting  
 7027 license. After the issuance of such a license, the license  
 7028 itself shall serve as proof of compliance with this section. A  
 7029 holder of a lifetime license whose license does not indicate on  
 7030 the face of the license that a hunter safety course has been  
 7031 completed must have in his or her personal possession a hunter  
 7032 safety certification card, as provided by this section, while  
 7033 attempting to take wild animal life with the use of a firearm,  
 7034 gun, bow, or crossbow.

7035 (7) The hunter safety requirements of this section do not  
 7036 apply to persons for whom licenses are not required under s.  
 7037 379.353(2) ~~372.562(2)~~.

7038 (8) A person who violates this section commits a Level One  
 7039 violation under s. 379.401 ~~372.83~~.

7040 Section 142. Section 372.5718, Florida Statutes, is  
 7041 amended to read:

7042           379.3582 ~~372.5718~~ Hunter safety course for juveniles.--The  
7043 Fish and Wildlife Conservation Commission shall develop a hunter  
7044 safety course for juveniles who are at least 5 years of age but  
7045 less than 16 years of age. The course must include, but is not  
7046 limited to, instruction in the competent and safe handling of  
7047 firearms, conservation, and hunting ethics. The course must be  
7048 appropriate for the ages of the students. The course is  
7049 voluntary and must be offered in each county in the state at  
7050 least annually. The course is in addition to, and not in lieu  
7051 of, the hunter safety course prescribed in s. 379.3581 ~~372.5717~~.

7052           Section 143. Part VII of chapter 379, Florida Statutes,  
7053 consisting of sections 379.361, 379.362, 379.363, 379.3635,  
7054 379.364, 379.365, 379.366, 379.367, 379.3671, 379.368, 379.369,  
7055 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751,  
7056 379.3752, 379.3761, 379.3762, and 379.377, is created to read:

7057                           PART VII

7058                                   NONRECREATIONAL LICENSES

7059  
7060           Section 144. Section 370.06, Florida Statutes, is  
7061 renumbered as section 379.361 Florida Statutes, and amended to  
7062 read:

7063           379.361 ~~370.06~~ Licenses.--

7064           (1) LICENSE ON PURSE SEINES.--There is levied, in addition  
7065 to any other taxes thereon, an annual license tax of \$25 upon  
7066 each purse seine used in the waters of this state. This license  
7067 fee shall be collected in the manner provided in this section.

7068           (2) SALTWATER PRODUCTS LICENSE.--

7069 (a) Every person, firm, or corporation that sells, offers  
7070 for sale, barter, or exchanges for merchandise any saltwater  
7071 products, or which harvests saltwater products with certain gear  
7072 or equipment as specified by law, must have a valid saltwater  
7073 products license, except that the holder of an aquaculture  
7074 certificate under s. 597.004 is not required to purchase and  
7075 possess a saltwater products license in order to possess,  
7076 transport, or sell marine aquaculture products. Each saltwater  
7077 products license allows the holder to engage in any of the  
7078 activities for which the license is required. The license must  
7079 be in the possession of the licenseholder or aboard the vessel  
7080 and is subject to inspection at any time that harvesting  
7081 activities for which a saltwater products license is required  
7082 are being conducted.

7083 (b)1. A restricted species endorsement on the saltwater  
7084 products license is required to sell to a licensed wholesale  
7085 dealer those species which the state, by law or rule, has  
7086 designated as "restricted species." This endorsement may be  
7087 issued only to a person who is at least 16 years of age, or to a  
7088 firm certifying that over 25 percent of its income or \$5,000 of  
7089 its income, whichever is less, is attributable to the sale of  
7090 saltwater products pursuant to a saltwater products license  
7091 issued under this paragraph or a similar license from another  
7092 state. This endorsement may also be issued to a for-profit  
7093 corporation if it certifies that at least \$5,000 of its income  
7094 is attributable to the sale of saltwater products pursuant to a  
7095 saltwater products license issued under this paragraph or a  
7096 similar license from another state. However, if at least 50

7097 | percent of the annual income of a person, firm, or for-profit  
7098 | corporation is derived from charter fishing, the person, firm,  
7099 | or for-profit corporation must certify that at least \$2,500 of  
7100 | the income of the person, firm, or corporation is attributable  
7101 | to the sale of saltwater products pursuant to a saltwater  
7102 | products license issued under this paragraph or a similar  
7103 | license from another state, in order to be issued the  
7104 | endorsement. Such income attribution must apply to at least 1 of  
7105 | the last 3 years. For the purpose of this section, "income"  
7106 | means that income that is attributable to work, employment,  
7107 | entrepreneurship, pensions, retirement benefits, and social  
7108 | security benefits.

7109 |         2. To renew an existing restricted species endorsement, a  
7110 | marine aquaculture producer possessing a valid saltwater  
7111 | products license with a restricted species endorsement may apply  
7112 | income from the sale of marine aquaculture products to licensed  
7113 | wholesale dealers.

7114 |         3. The commission is authorized to require verification of  
7115 | such income for all restricted species endorsements issued  
7116 | pursuant to this paragraph. Acceptable proof of income earned  
7117 | from the sale of saltwater products shall be:

7118 |             a. Copies of trip ticket records generated pursuant to  
7119 | this subsection (marine fisheries information system),  
7120 | documenting qualifying sale of saltwater products;

7121 |             b. Copies of sales records from locales other than Florida  
7122 | documenting qualifying sale of saltwater products;

7123           c. A copy of the applicable federal income tax return,  
7124 including Form 1099 attachments, verifying income earned from  
7125 the sale of saltwater products;

7126           d. Crew share statements verifying income earned from the  
7127 sale of saltwater products; or

7128           e. A certified public accountant's notarized statement  
7129 attesting to qualifying source and amount of income.

7130

7131 Notwithstanding any other provision of law, any person who owns  
7132 a retail seafood market or restaurant at a fixed location for at  
7133 least 3 years, who has had an occupational license for 3 years  
7134 prior to January 1, 1990, who harvests saltwater products to  
7135 supply his or her retail store, and who has had a saltwater  
7136 products license for 1 of the past 3 license years prior to  
7137 January 1, 1990, may provide proof of his or her verification of  
7138 income and sales value at the person's retail seafood market or  
7139 restaurant and in his or her saltwater products enterprise by  
7140 affidavit and shall thereupon be issued a restricted species  
7141 endorsement.

7142           4. Exceptions from income requirements shall be as  
7143 follows:

7144           a. A permanent restricted species endorsement shall be  
7145 available to those persons age 62 and older who have qualified  
7146 for such endorsement for at least 3 of the last 5 years.

7147           b. Active military duty time shall be excluded from  
7148 consideration of time necessary to qualify and shall not be  
7149 counted against the applicant for purposes of qualifying.

7150           c. Upon the sale of a used commercial fishing vessel owned  
7151 by a person, firm, or corporation possessing or eligible for a  
7152 restricted species endorsement, the purchaser of such vessel  
7153 shall be exempted from the qualifying income requirement for the  
7154 purpose of obtaining a restricted species endorsement for a  
7155 period of 1 year after purchase of the vessel.

7156           d. Upon the death or permanent disablement of a person  
7157 possessing a restricted species endorsement, an immediate family  
7158 member wishing to carry on the fishing operation shall be  
7159 exempted from the qualifying income requirement for the purpose  
7160 of obtaining a restricted species endorsement for a period of 1  
7161 year after the death or disablement.

7162           e. A restricted species endorsement may be issued on an  
7163 individual saltwater products license to a person age 62 or  
7164 older who documents that at least \$2,500 of such person's income  
7165 is attributable to the sale of saltwater products.

7166           f. A permanent restricted species endorsement may also be  
7167 issued on an individual saltwater products license to a person  
7168 age 70 or older who has held a saltwater products license for at  
7169 least 3 of the last 5 license years.

7170           g. Any resident who is certified to be totally and  
7171 permanently disabled by the Railroad Retirement Board, by the  
7172 United States Department of Veterans Affairs or its predecessor,  
7173 or by any branch of the United States Armed Forces, or who holds  
7174 a valid identification card issued by the Department of  
7175 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,  
7176 or any resident certified to be disabled by the United States  
7177 Social Security Administration or a licensed physician, upon

7178 proof of the same, shall be exempted from the income  
 7179 requirements if he or she also has held a saltwater products  
 7180 license for at least 3 of the last 5 license years prior to the  
 7181 date of the disability. A restricted species endorsement issued  
 7182 under this paragraph may be issued only on an individual  
 7183 saltwater products license.

7184 (c) At least one saltwater products license bearing a  
 7185 restricted species endorsement shall be aboard any vessel  
 7186 harvesting restricted species in excess of any bag limit or when  
 7187 fishing under a commercial quota or in commercial quantities,  
 7188 and such vessel shall have a commercial vessel registration.  
 7189 This subsection does not apply to any person, firm, or  
 7190 corporation licensed under s. 379.362(1)(a)1. or (b)  
 7191 ~~370.07(1)(a)1. or (b)~~ for activities pursuant to such licenses.

7192 (d) A saltwater products license may be issued in the name  
 7193 of an individual or a valid commercial vessel registration  
 7194 number. However, a firm or corporation may only receive a  
 7195 license issued to a valid commercial vessel registration number.  
 7196 A saltwater products license may not be transferred by the  
 7197 licenseholder to another individual, firm, or corporation. A  
 7198 decal shall be issued with each saltwater products license  
 7199 issued to a valid commercial vessel registration number. The  
 7200 saltwater products license decal shall be the same color as the  
 7201 vessel registration decal issued each year pursuant to s.  
 7202 328.48(5) and shall indicate the period of time such license is  
 7203 valid. The saltwater products license decal shall be placed  
 7204 beside the vessel registration decal and, in the case of an  
 7205 undocumented vessel, shall be placed so that the vessel

7206 registration decal lies between the commercial vessel  
 7207 registration number and the saltwater products license decal.  
 7208 Any saltwater products license decal for a previous year shall  
 7209 be removed from a vessel operating on the waters of the state.

7210 (e) The annual fee for a saltwater products license is:

7211 1. For a license issued in the name of an individual which  
 7212 authorizes only that individual to engage in commercial fishing  
 7213 activities from the shore or a vessel: a resident must pay \$50;  
 7214 a nonresident must pay \$200; or an alien must pay \$300.

7215 2. For a license issued in the name of an individual which  
 7216 authorizes that named individual to engage in commercial fishing  
 7217 activities from the shore or a vessel and also authorizes each  
 7218 person who is fishing with the named individual aboard a vessel  
 7219 to engage in such activities: a resident must pay \$150; a  
 7220 nonresident must pay \$600; or an alien must pay \$900.

7221 3. For a license issued to a valid commercial vessel  
 7222 registration number which authorizes each person aboard such  
 7223 registered vessel to engage in commercial fishing activities: a  
 7224 resident, or a resident firm or corporation, must pay \$100; a  
 7225 nonresident, or a nonresident firm or corporation, must pay  
 7226 \$400; or an alien, or an alien firm or corporation, must pay  
 7227 \$600. For purposes of this subparagraph, a resident firm or  
 7228 corporation means a firm or corporation formed under the laws of  
 7229 this state; a nonresident firm or corporation means a firm or  
 7230 corporation formed under the laws of any state other than  
 7231 Florida; and an alien firm or corporation means a firm or  
 7232 corporation organized under any laws other than laws of the

7233 United States, any United States territory or possession, or any  
 7234 state of the United States.

7235 (f) Any person who sells saltwater products pursuant to a  
 7236 saltwater products license may sell only to a licensed wholesale  
 7237 dealer. A saltwater products license must be presented to the  
 7238 licensed wholesale dealer each time saltwater products are sold,  
 7239 and an imprint made thereof. The wholesale dealer shall keep  
 7240 records of each transaction in such detail as may be required by  
 7241 rule of the commission not in conflict with s. 379.362(6)  
 7242 ~~370.07(6)~~, and shall provide the holder of the saltwater  
 7243 products license with a copy of the record. It is unlawful for  
 7244 any licensed wholesale dealer to buy saltwater products from any  
 7245 unlicensed person under the provisions of this section, except  
 7246 that a licensed wholesale dealer may buy from another licensed  
 7247 wholesale dealer. It is unlawful for any licensed wholesale  
 7248 dealer to buy saltwater products designated as "restricted  
 7249 species" from any person, firm, or corporation not possessing a  
 7250 restricted species endorsement on his or her saltwater products  
 7251 license under the provisions of this section, except that a  
 7252 licensed wholesale dealer may buy from another licensed  
 7253 wholesale dealer. For purposes of this subsection, any saltwater  
 7254 products received by a wholesale dealer are presumed to have  
 7255 been purchased.

7256 (g) The commission shall be the licensing agency, may  
 7257 contract with private persons or entities to implement aspects  
 7258 of the licensing program, and shall establish by rule a marine  
 7259 fisheries information system in conjunction with the licensing  
 7260 program to gather fisheries data.

7261 (h) Any person who sells, offers for sale, barter, or  
 7262 exchanges for merchandise saltwater products must have a method  
 7263 of catch preservation which meets the requirements and standards  
 7264 of the seafood quality control code promulgated by the  
 7265 commission.

7266 (i) A saltwater products license is required to harvest  
 7267 commercial quantities of saltwater products. Any vessel from  
 7268 which commercial quantities of saltwater products are harvested  
 7269 must have a commercial vessel registration. Commercial  
 7270 quantities of saltwater products shall be defined as:

7271 1. With respect to those species for which no bag limit  
 7272 has been established, more than 100 pounds per person per day,  
 7273 provided that the harvesting of two fish or less per person per  
 7274 day shall not be considered commercial quantities regardless of  
 7275 aggregate weight; and

7276 2. With respect to those species for which a bag limit has  
 7277 been established, more than the bag limit allowed by law or  
 7278 rule.

7279 (j)1. In addition to the saltwater products license, a  
 7280 marine life fishing endorsement is required for the harvest of  
 7281 marine life species as defined by rule of the Fish and Wildlife  
 7282 Conservation Commission. This endorsement may be issued only to  
 7283 a person who is at least 16 years of age or older or to a  
 7284 corporation holding a valid restricted species endorsement.

7285 2.a. Effective July 1, 1998, and until July 1, 2002, a  
 7286 marine life endorsement may not be issued under this paragraph,  
 7287 except that those endorsements that are active during the 1997-  
 7288 1998 fiscal year may be renewed.

7289           b. In 1998 persons or corporations holding a marine life  
7290 endorsement that was active in the 1997-1998 fiscal year or an  
7291 immediate family member of that person must request renewal of  
7292 the marine life endorsement before December 31, 1998.

7293           c. In subsequent years and until July 1, 2002, a marine  
7294 life endorsement holder or member of his or her immediate family  
7295 must request renewal of the marine life endorsement before  
7296 September 30 of each year.

7297           d. If a person or corporation holding an active marine  
7298 life fishing endorsement or a member of that person's immediate  
7299 family does not request renewal of the endorsement before the  
7300 applicable dates specified in this paragraph, the commission  
7301 shall deactivate that marine life fishing endorsement.

7302           e. In the event of the death or disability of a person  
7303 holding an active marine life fishing endorsement, the  
7304 endorsement may be transferred by the person to a member of his  
7305 or her immediate family or may be renewed by any person so  
7306 designated by the executor of the person's estate.

7307           f. Persons or corporations who hold saltwater product  
7308 licenses with marine life fishing endorsements issued to their  
7309 vessel registration numbers and who subsequently replace their  
7310 existing vessels with new vessels may transfer the existing  
7311 marine life fishing endorsement to the new boat registration  
7312 numbers.

7313           g. Persons or corporations who hold saltwater product  
7314 licenses with marine life fishing endorsements issued to their  
7315 name and who subsequently incorporate or unincorporate may

7316 transfer the existing marine life fishing endorsement to the new  
7317 corporation or person.

7318 3. The fee for a marine life fishery endorsement on a  
7319 saltwater products license shall be \$75. These license fees  
7320 shall be collected and deposited in the Marine Resources  
7321 Conservation Trust Fund and used for the purchase and  
7322 installation of vessel mooring buoys at coral reef sites and for  
7323 research related to marine fisheries.

7324 (3) NET LICENSES.--Except for cast nets and bait seines  
7325 which are 100 feet in length or less and which have a mesh that  
7326 is 3/8 inch or less, all nets used to take finfish, including,  
7327 but not limited to, gill nets, trammel nets, and beach seines,  
7328 must be licensed or registered. Each net used to take finfish  
7329 for commercial purposes, or by a nonresident, must be licensed  
7330 under a saltwater products license issued pursuant to subsection  
7331 (2) and must bear the number of such license.

7332 (4) SPECIAL ACTIVITY LICENSES.--

7333 (a) A special activity license is required for any person  
7334 to use gear or equipment not authorized in this chapter or rule  
7335 of the Fish and Wildlife Conservation Commission for harvesting  
7336 saltwater species. In accordance with this chapter, s. 16, Art.  
7337 X of the State Constitution, and rules of the commission, the  
7338 commission may issue special activity licenses for the use of  
7339 nonconforming gear or equipment, including, but not limited to,  
7340 trawls, seines and entangling nets, traps, and hook and line  
7341 gear, to be used in harvesting saltwater species for scientific  
7342 and governmental purposes, and, where allowable, for innovative  
7343 fisheries. The commission may prescribe by rule application

7344 requirements and terms, conditions, and restrictions to be  
7345 incorporated into each special activity license. This subsection  
7346 does not apply to gear or equipment used by certified marine  
7347 aquaculturists as provided for in s. 597.004 to harvest marine  
7348 aquaculture products.

7349 (b) The Fish and Wildlife Conservation Commission is  
7350 authorized to issue special activity licenses in accordance with  
7351 this section and s. 379.2524 ~~370.31~~, to permit the importation  
7352 and possession of wild anadromous sturgeon. The commission is  
7353 also authorized to issue special activity licenses, in  
7354 accordance with this section and s. 379.2524 ~~370.31~~, to permit  
7355 the importation, possession, and aquaculture of native and  
7356 nonnative anadromous sturgeon until best-management practices  
7357 are implemented for the cultivation of anadromous sturgeon  
7358 pursuant to s. 597.004. The special activity license shall  
7359 provide for specific management practices to protect indigenous  
7360 populations of saltwater species.

7361 (c) The conditions and specific management practices  
7362 established in this section shall be incorporated into permits  
7363 and authorizations issued pursuant to chapter 253, ~~chapter 373,~~  
7364 chapter 403, or this chapter, when incorporating such provisions  
7365 is in accordance with the aquaculture permit consolidation  
7366 procedures. No separate issuance of a special activity license  
7367 is required when conditions and specific management practices  
7368 are incorporated into permits or authorizations under this  
7369 paragraph. Implementation of this section to consolidate  
7370 permitting actions does not constitute rules within the meaning  
7371 of s. 120.52.

7372 (d) The commission is authorized to issue special activity  
 7373 licenses in accordance with s. 379.2411 ~~370.101~~ and this  
 7374 section; aquaculture permit consolidation procedures in s.  
 7375 379.2523(2) ~~370.26(2)~~; and rules of the commission to permit the  
 7376 capture and possession of saltwater species protected by law and  
 7377 used as stock for artificial cultivation and propagation.

7378 (e) The commission is authorized to adopt rules to govern  
 7379 the administration of special activities licenses as provided in  
 7380 this chapter and rules of the commission. Such rules may  
 7381 prescribe application requirements and terms, conditions, and  
 7382 restrictions for any such special activity license requested  
 7383 pursuant to this section.

7384 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

7385 (a) For purposes of this section, the following  
 7386 definitions shall apply:

- 7387 1. "Person" means an individual.
- 7388 2. "Resident" means any person who has:
  - 7389 a. Continuously resided in this state for 6 months
  - 7390 immediately preceding the making of his or her application for
  - 7391 an Apalachicola Bay oyster harvesting license; or
  - 7392 b. Established a domicile in this state and evidenced that
  - 7393 domicile as provided in s. 222.17.

7394 (b) No person shall harvest oysters from the Apalachicola  
 7395 Bay without a valid Apalachicola Bay oyster harvesting license  
 7396 issued by the Department of Agriculture and Consumer Services.  
 7397 This requirement shall not apply to anyone harvesting  
 7398 noncommercial quantities of oysters in accordance with

7399 commission rules ~~chapter 46-27, Florida Administrative Code,~~ or  
 7400 to any person less than 18 years old.

7401 (c) Any person wishing to obtain an Apalachicola Bay  
 7402 oyster harvesting license shall submit an annual fee for the  
 7403 license during a 45-day period from May 17 to June 30 of each  
 7404 year preceding the license year for which the license is valid.  
 7405 Failure to pay the annual fee within the required time period  
 7406 shall result in a \$500 late fee being imposed before issuance of  
 7407 the license.

7408 (d) The Department of Agriculture and Consumer Services  
 7409 shall collect an annual fee of \$100 from residents and \$500 from  
 7410 nonresidents for the issuance of an Apalachicola Bay oyster  
 7411 harvesting license. The license year shall begin on July 1 of  
 7412 each year and end on June 30 of the following year. The license  
 7413 shall be valid only for the licensee. Only bona fide residents  
 7414 of Florida may obtain a resident license pursuant to this  
 7415 subsection.

7416 (e) Each person who applies for an Apalachicola Bay oyster  
 7417 harvesting license shall, before receiving the license for the  
 7418 first time, attend an educational seminar of not more than 16  
 7419 hours length, developed and conducted jointly by the Department  
 7420 of Environmental Protection's Apalachicola National Estuarine  
 7421 Research Reserve, the Division of Law Enforcement of the Fish  
 7422 and Wildlife Conservation Commission, and the Department of  
 7423 Agriculture and Consumer Services' Apalachicola District  
 7424 Shellfish Environmental Assessment Laboratory. The seminar shall  
 7425 address, among other things, oyster biology, conservation of the  
 7426 Apalachicola Bay, sanitary care of oysters, small business

7427 management, and water safety. The seminar shall be offered five  
7428 times per year, and each person attending shall receive a  
7429 certificate of participation to present when obtaining an  
7430 Apalachicola Bay oyster harvesting license. The educational  
7431 seminar is not required for renewal of an Apalachicola Bay  
7432 oyster harvesting license.

7433 (f) Each person, while harvesting oysters in Apalachicola  
7434 Bay, shall have in possession a valid Apalachicola Bay oyster  
7435 harvesting license, or proof of having applied for a license  
7436 within the required time period, and shall produce such license  
7437 or proof of application upon request of any law enforcement  
7438 officer.

7439 (g) Each person who obtains an Apalachicola Bay oyster  
7440 harvesting license shall prominently display the license number  
7441 upon any vessel the person owns which is used for the taking of  
7442 oysters, in numbers which are at least 10 inches high and 1 inch  
7443 wide, so that the permit number is readily identifiable from the  
7444 air and water. Only one vessel displaying a given number may be  
7445 used at any time. A licensee may harvest oysters from the vessel  
7446 of another licensee.

7447 (h) Any person holding an Apalachicola Bay oyster  
7448 harvesting license shall receive credit for the license fee  
7449 against the saltwater products license fee.

7450 (i) The proceeds from Apalachicola Bay oyster harvesting  
7451 license fees shall be deposited in the General Inspection Trust  
7452 Fund and, less reasonable administrative costs, shall be used or  
7453 distributed by the Department of Agriculture and Consumer  
7454 Services for the following purposes in Apalachicola Bay:

7455 | 1. Relaying and transplanting live oysters.  
 7456 | 2. Shell planting to construct or rehabilitate oyster  
 7457 | bars.  
 7458 | 3. Education programs for licensed oyster harvesters on  
 7459 | oyster biology, aquaculture, boating and water safety,  
 7460 | sanitation, resource conservation, small business management,  
 7461 | marketing, and other relevant subjects.  
 7462 | 4. Research directed toward the enhancement of oyster  
 7463 | production in the bay and the water management needs of the bay.  
 7464 | (j) Any person who violates any of the provisions of  
 7465 | paragraphs (b) and (d)-(g) commits a misdemeanor of the second  
 7466 | degree, punishable as provided in ss. 775.082 and 775.083.  
 7467 | Nothing in this subsection shall limit the application of  
 7468 | existing penalties.  
 7469 | (k) Any oyster harvesting license issued pursuant to this  
 7470 | subsection must be in compliance with the rules of the Fish and  
 7471 | Wildlife Conservation Commission regulating gear or equipment,  
 7472 | harvest seasons, size and bag limits, and the taking of  
 7473 | saltwater species.  
 7474 | (6) LICENSE YEAR.--The license year on all licenses  
 7475 | relating to saltwater products dealers, seafood dealers, aliens,  
 7476 | residents, and nonresidents, unless otherwise provided, shall  
 7477 | begin on July 1 of each year and end on June 30 of the next  
 7478 | succeeding year. All licenses shall be so dated. However, if the  
 7479 | commission determines that it is in the best interest of the  
 7480 | state to issue a license required under this chapter to an  
 7481 | individual on the birthday of the applicant, the commission may  
 7482 | establish by rule a procedure to do so. This section does not

7483 apply to licenses and permits when their use is confined to an  
 7484 open season.

7485 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;  
 7486 EXCEPTION.--Licenses of every kind and nature granted under the  
 7487 provisions of the fish and game laws of this state are at all  
 7488 times subject to inspection by the police officers of this state  
 7489 and the officers of the Fish and Wildlife Conservation  
 7490 Commission. Such licenses are not transferable unless otherwise  
 7491 provided by law.

7492 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise  
 7493 provided by law, all license taxes or fees provided for in this  
 7494 part ~~chapter~~ shall be collected by the commission or its duly  
 7495 authorized agents or deputies to be deposited by the Chief  
 7496 Financial Officer in the Marine Resources Conservation Trust  
 7497 Fund. The commission may by rule establish a reasonable  
 7498 processing fee for any free license or permit required under  
 7499 this part ~~chapter~~. The commission is authorized to accept  
 7500 payment by credit card for fees, fines, and civil penalties  
 7501 levied pursuant to this part ~~chapter~~.

7502 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The commission  
 7503 shall deny the renewal or issuance of any saltwater products  
 7504 license, wholesale dealer license, or retail dealer license to  
 7505 anyone that has unpaid fees, civil assessments, or fines owed to  
 7506 the commission.

7507 Section 145. Section 370.07, Florida Statutes, is  
 7508 renumbered as section 379.362, Florida Statutes, and amended to  
 7509 read:

7510            379.362 ~~370.07~~ Wholesale and retail saltwater products  
 7511 dealers; regulation.--

7512            (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license or  
 7513 privilege taxes are hereby levied and imposed upon dealers in  
 7514 the state in saltwater products. It is unlawful for any person,  
 7515 firm, or corporation to deal in any such products without first  
 7516 paying for and procuring the license required by this section.  
 7517 Application for all licenses shall be made to the Fish and  
 7518 Wildlife Conservation Commission on blanks to be furnished by  
 7519 it. All licenses shall be issued by the commission upon payment  
 7520 to it of the license tax. The licenses are defined as:

7521            (a)1. "Wholesale county dealer" is any person, firm, or  
 7522 corporation which sells saltwater products to any person, firm,  
 7523 or corporation except to the consumer and who may buy saltwater  
 7524 products in the county designated on the wholesale license from  
 7525 any person licensed pursuant to s. 379.361(2) ~~370.06(2)~~ or from  
 7526 any licensed wholesale dealer.

7527            2. "Wholesale state dealer" is a person, firm, or  
 7528 corporation which sells saltwater products to any person, firm,  
 7529 or corporation except to the consumer and who may buy saltwater  
 7530 products in any county of the state from any person licensed  
 7531 pursuant to s. 379.361(2) ~~370.06(2)~~ or from any licensed  
 7532 wholesale dealer.

7533            3. "Wholesale dealer" is either a county or a state  
 7534 dealer.

7535            (b) A "retail dealer" is any person, firm, or corporation  
 7536 which sells saltwater products directly to the consumer, but no  
 7537 license is required of a dealer in merchandise who deals in or

7538 | sells saltwater products consumed on the premises or prepared  
 7539 | for immediate consumption and sold to be taken out of any  
 7540 | restaurant licensed by the Division of Hotels and Restaurants of  
 7541 | the Department of Business and Professional Regulation.

7542 |  
 7543 | Any person, firm, or corporation which is both a wholesale  
 7544 | dealer and a retail dealer shall obtain both a wholesale  
 7545 | dealer's license and a retail dealer's license. If a wholesale  
 7546 | dealer has more than one place of business, the annual license  
 7547 | tax shall be effective for all places of business, provided that  
 7548 | the wholesale dealer supplies to the commission a complete list  
 7549 | of additional places of business upon application for the annual  
 7550 | license tax.

7551 | (2) LICENSES; AMOUNT, TRUST FUND.--

7552 | (a) A resident wholesale county seafood dealer is required  
 7553 | to pay an annual license tax of \$300.

7554 | (b) A resident wholesale state dealer is required to pay  
 7555 | an annual license tax of \$450.

7556 | (c) A nonresident wholesale county dealer is required to  
 7557 | pay an annual license tax of \$500.

7558 | (d) A nonresident wholesale state dealer is required to  
 7559 | pay an annual license tax of \$1,000.

7560 | (e) An alien wholesale county dealer is required to pay an  
 7561 | annual license tax of \$1,000.

7562 | (f) An alien wholesale state dealer is required to pay an  
 7563 | annual license tax of \$1,500.

7564 | (g) A resident retail dealer is required to pay an annual  
 7565 | license tax of \$25; however, if such a dealer has more than one

7566 | place of business, the dealer shall designate one place of  
 7567 | business as a central place of business, shall pay an annual  
 7568 | license tax of \$25 for such place of business, and shall pay an  
 7569 | annual license tax of \$10 for each other place of business.

7570 |       (h) A nonresident retail dealer is required to pay an  
 7571 | annual license tax of \$200; however, if such a dealer has more  
 7572 | than one place of business, the dealer shall designate one place  
 7573 | of business as a central place of business, shall pay an annual  
 7574 | license tax of \$200 for such place of business, and shall pay an  
 7575 | annual license tax of \$25 for each other place of business.

7576 |       (i) An alien retail dealer is required to pay an annual  
 7577 | license tax of \$250; however, if such a dealer has more than one  
 7578 | place of business, the dealer shall designate one place of  
 7579 | business as a central place of business, shall pay an annual  
 7580 | license tax of \$250 for such place of business, and shall pay an  
 7581 | annual license tax of \$50 for each other place of business.

7582 |       (j) License or privilege taxes, together with any other  
 7583 | funds derived from the Federal Government or from any other  
 7584 | source, shall be deposited in a Florida Saltwater Products  
 7585 | Promotion Trust Fund to be administered by the Department of  
 7586 | Agriculture and Consumer Services for the sole purpose of  
 7587 | promoting all fish and saltwater products produced in this  
 7588 | state, except that 4 percent of the total wholesale and retail  
 7589 | saltwater products dealer's license fees collected shall be  
 7590 | deposited into the Marine Resources Conservation Trust Fund  
 7591 | administered by the Fish and Wildlife Conservation Commission  
 7592 | for the purpose of processing wholesale and retail saltwater  
 7593 | products dealer's licenses.

7594 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.--The  
 7595 Department of Agriculture and Consumer Services shall use or  
 7596 distribute funds paid into the State Treasury to the credit of  
 7597 the General Inspection Trust Fund pursuant to s. 201.15(11),  
 7598 less reasonable costs of administration, to fund the following  
 7599 oyster management and restoration programs in Apalachicola Bay  
 7600 and other oyster harvest areas in the state:

7601 (a) The relaying and transplanting of live oysters.

7602 (b) Shell planting to construct or rehabilitate oyster  
 7603 bars.

7604 (c) Education programs for licensed oyster harvesters on  
 7605 oyster biology, aquaculture, boating and water safety,  
 7606 sanitation, resource conservation, small business management,  
 7607 and other relevant subjects.

7608 (d) Research directed toward the enhancement of oyster  
 7609 production in the bay and the water management needs of the bay.

7610 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

7611 (a) A person transporting in this state saltwater products  
 7612 that were produced in this state, regardless of destination,  
 7613 shall have in his or her possession invoices, bills of lading,  
 7614 or other similar instruments showing the number of packages,  
 7615 boxes, or containers and the number of pounds of each species  
 7616 and the name, physical address, and the Florida wholesale dealer  
 7617 number of the dealer of origin.

7618 (b) A person transporting in this state saltwater products  
 7619 that were produced outside this state to be delivered to a  
 7620 destination in this state shall have in his or her possession  
 7621 invoices, bills of lading, or other similar instruments showing

7622 the number of packages, boxes, or containers and the number of  
7623 pounds of each species, the name and physical address of the  
7624 dealer of origin, and the name, physical address, and Florida  
7625 wholesale dealer number of the Florida dealer to whom the  
7626 shipment is to be delivered.

7627 (c) A person transporting in this state saltwater products  
7628 that were produced outside this state which are to be delivered  
7629 to a destination outside this state shall have in his or her  
7630 possession invoices, bills of lading, or other similar  
7631 instruments showing the number of packages, boxes, or containers  
7632 and the number of pounds of each species, the name and physical  
7633 address of the dealer of origin, and the name and physical  
7634 address of the dealer to whom the shipment is to be delivered.

7635 (d) If the saltwater products in transit come from more  
7636 than one dealer, distributor, or producer, each lot from each  
7637 dealer shall be covered by invoices, bills of lading, and other  
7638 similar instruments showing the number of boxes or containers  
7639 and the number of pounds of each species. Each invoice, bill of  
7640 lading, and other similar instrument shall display the wholesale  
7641 dealer license number and the name and physical address of the  
7642 dealer, distributor, or producer of the lot covered by the  
7643 instrument.

7644 (e) It is unlawful to sell, deliver, ship, or transport,  
7645 or to possess for the purpose of selling, delivering, shipping,  
7646 or transporting, any saltwater products without all invoices  
7647 concerning the products having thereon the wholesale dealer  
7648 license number in the form prescribed under this subsection and  
7649 the rules of the commission. Any saltwater products found in the

7650 possession of any person who is in violation of this paragraph  
 7651 may be seized by the commission and disposed of in the manner  
 7652 provided by law.

7653 (f) Nothing contained in this subsection may be construed  
 7654 to apply to the sale and delivery to a consumer of saltwater  
 7655 products in an ordinary retail transaction by a licensed retail  
 7656 dealer who has purchased such products from a licensed wholesale  
 7657 dealer, or to the sale and delivery of the catch or products of  
 7658 a saltwater products licensee to a Florida-licensed wholesale  
 7659 dealer.

7660 (g) Wholesale dealers' licenses shall be issued only to  
 7661 applicants who furnish to the commission satisfactory evidence  
 7662 of law-abiding reputation and who pledge themselves to  
 7663 faithfully observe all of the laws, rules, and regulations of  
 7664 this state relating to the conservation of, dealing in, or  
 7665 taking, selling, transporting, or possession of saltwater  
 7666 products, and to cooperate in the enforcement of all such laws  
 7667 to every reasonable extent. This pledge may be included in the  
 7668 application for license.

7669 (h) A wholesale dealer, retail dealer, or restaurant  
 7670 facility shall not purchase or sell for public consumption any  
 7671 saltwater products known to be taken illegally, or known to be  
 7672 taken in violation of s. 16, Art. X of the State Constitution,  
 7673 or any rule or statute implementing its provisions.

7674 (i) Any person who violates the provisions of this  
 7675 subsection commits a misdemeanor of the first degree, punishable  
 7676 as provided in s. 775.082 or s. 775.083.

7677 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7678 (a) A license issued to a wholesale or retail dealer is  
 7679 good only to the person to whom issued and named therein and is  
 7680 not transferable. The commission may revoke, suspend, or deny  
 7681 the renewal of the license of any licensee:

7682 1. Upon the conviction of the licensee of any violation of  
 7683 the laws or regulations designed for the conservation of  
 7684 saltwater products;

7685 2. Upon conviction of the licensee of knowingly dealing  
 7686 in, buying, selling, transporting, possessing, or taking any  
 7687 saltwater product, at any time and from any waters, in violation  
 7688 of the laws of this state; or

7689 3. Upon satisfactory evidence of any violation of the laws  
 7690 or any regulations of this state designed for the conservation  
 7691 of saltwater products or of any of the laws of this state  
 7692 relating to dealing in, buying, selling, transporting,  
 7693 possession, or taking of saltwater products.

7694 (b) Upon revocation of such license, no other or further  
 7695 license may be issued to the dealer within 3 years from the date  
 7696 of revocation except upon special order of the commission. After  
 7697 revocation, it is unlawful for such dealer to exercise any of  
 7698 the privileges of a licensed wholesale or retail dealer.

7699 (c) In addition to, or in lieu of, the penalty imposed  
 7700 pursuant to this subsection, the commission may impose penalties  
 7701 pursuant to s. 379.407 ~~370.021~~.

7702 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

7703 ~~(a)~~ Wholesale dealers shall be required by the commission  
 7704 to make and preserve a record of the names and addresses of  
 7705 persons from whom or to whom saltwater products are purchased or

7706 sold, the quantity so purchased or sold from or to each vendor  
 7707 or purchaser, and the date of each such transaction. Retail  
 7708 dealers shall be required to make and preserve a record from  
 7709 whom all saltwater products are purchased. Such record shall be  
 7710 open to inspection at all times by the commission. A report  
 7711 covering the sale of saltwater products shall be made monthly or  
 7712 as often as required by rule to the commission by each wholesale  
 7713 dealer. All reports required under this subsection are  
 7714 confidential and shall be exempt from the provisions of s.  
 7715 119.07(1) except that, pursuant to authority related to  
 7716 interstate fishery compacts as provided by ss. 379.2253(3) and  
 7717 379.2254(3) ~~370.19(3) and 370.20(3)~~, reports may be shared with  
 7718 another state if that state is a member of an interstate  
 7719 fisheries compact, and if that state has signed a Memorandum of  
 7720 Agreement or a similar instrument agreeing to preserve  
 7721 confidentiality as established by Florida law.

7722 ~~(b) The commission may revoke, suspend, or deny the~~  
 7723 ~~renewal of the license of any dealer for failure to make and~~  
 7724 ~~keep required records, for failure to make required reports, for~~  
 7725 ~~failure or refusal to permit the examination of required~~  
 7726 ~~records, or for falsifying any such record. In addition to, or~~  
 7727 ~~in lieu of, the penalties imposed pursuant to this paragraph and~~  
 7728 ~~s. 370.021, the commission may impose against any person, firm,~~  
 7729 ~~or corporation who is determined to have violated any provision~~  
 7730 ~~of this paragraph or any provisions of any commission rules~~  
 7731 ~~adopted pursuant to s. 370.0607, the following additional~~  
 7732 ~~penalties:~~

7733           1. ~~For the first violation, a civil penalty of up to~~  
 7734 ~~\$1,000;~~  
 7735           2. ~~For a second violation committed within 24 months of~~  
 7736 ~~any previous violation, a civil penalty of up to \$2,500; and~~  
 7737           3. ~~For a third or subsequent violation committed within 36~~  
 7738 ~~months of any previous two violations, a civil penalty of up to~~  
 7739 ~~\$5,000.~~

7740  
 7741 ~~The proceeds of all civil penalties collected pursuant to this~~  
 7742 ~~subsection shall be deposited into the Marine Resources~~  
 7743 ~~Conservation Trust Fund and shall be used for administration,~~  
 7744 ~~auditing, and law enforcement purposes.~~

7745           (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY  
 7746 LOCATION.--Wholesale dealers purchasing saltwater products  
 7747 pursuant to s. 379.361(2) ~~370.06(2)~~ at any site other than a  
 7748 site located in a county where the dealer has a permanent  
 7749 address must notify the Fish and Wildlife Conservation  
 7750 Commission of the location of the temporary site of business for  
 7751 each day business is to be conducted at such site.

7752           (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is  
 7753 unlawful for any licensed retail dealer or any restaurant  
 7754 licensed by the Division of Hotels and Restaurants of the  
 7755 Department of Business and Professional Regulation to buy  
 7756 saltwater products from any person other than a licensed  
 7757 wholesale or retail dealer. For purposes of this subsection, any  
 7758 saltwater products received by a retail dealer or a restaurant  
 7759 are presumed to have been purchased.

7760 Section 146. Section 372.65, Florida Statutes, is  
 7761 renumbered as section 379.363, Florida Statutes, and amended to  
 7762 read:

7763 379.363 ~~372.65~~ Freshwater fish dealer's license.--

7764 (1) No person shall engage in the business of taking for  
 7765 sale or selling any frogs or freshwater fish, including live  
 7766 bait, of any species or size, or importing any exotic or  
 7767 nonindigenous fish, until such person has obtained a license and  
 7768 paid the fee therefor as set forth herein. The license issued  
 7769 shall be in the possession of the person to whom issued while  
 7770 such person is engaging in the business of taking for sale or  
 7771 selling freshwater fish or frogs, is not transferable, shall  
 7772 bear on its face in indelible ink the name of the person to whom  
 7773 it is issued, and shall be affixed to a license identification  
 7774 card issued by the commission. Such license is not valid unless  
 7775 it bears the name of the person to whom it is issued and is so  
 7776 affixed. The failure of such person to exhibit such license to  
 7777 the commission or any of its wildlife officers when such person  
 7778 is found engaging in such business is a violation of law. The  
 7779 license fees and activities permitted under particular licenses  
 7780 are as follows:

7781 (a) The fee for a resident commercial fishing license,  
 7782 which permits a resident to take freshwater fish or frogs by any  
 7783 lawful method prescribed by the commission and to sell such fish  
 7784 or frogs, shall be \$25. The license provided for in this  
 7785 paragraph shall also allow noncommercial fishing as provided by  
 7786 law and commission rules, and the license in s. 379.354(4)(a)  
 7787 ~~372.57(4)(a)~~ shall not be required.

7788 (b) The fee for a resident freshwater fish dealer's  
 7789 license, which permits a resident to import, export, or sell  
 7790 freshwater fish or frogs, including live bait, shall be \$40.

7791 (c) The fee for a nonresident commercial fishing license,  
 7792 which permits a nonresident to take freshwater fish or frogs as  
 7793 provided in paragraph (a), shall be \$100.

7794 (d) The fee for a nonresident retail fish dealer's  
 7795 license, which permits a nonresident to sell freshwater fish or  
 7796 frogs to a consumer, shall be \$100.

7797 (e) The fee for a nonresident wholesale fish dealer's  
 7798 license, which permits a nonresident to sell freshwater fish or  
 7799 frogs within the state, and to buy freshwater fish or frogs for  
 7800 resale, shall be \$500.

7801 (f) The fee for a nonresident wholesale fish buyer's  
 7802 license, which permits a nonresident who does not sell  
 7803 freshwater fish or frogs in Florida to buy freshwater fish or  
 7804 frogs from resident fish dealers for resale outside the state,  
 7805 shall be \$50.

7806 (g) Any individual or business issued an aquaculture  
 7807 certificate, pursuant to s. 597.004, shall be exempt from the  
 7808 requirements of this part ~~chapter~~ with respect to aquaculture  
 7809 products authorized under such certificate.

7810 (h) There is levied, in addition to any other license fee  
 7811 thereon, an annual gear license fee of \$50 upon each person  
 7812 fishing with trawl seines used in the fresh waters of the state.

7813 (i) There is levied, in addition to any other license fee  
 7814 thereon, an annual gear license fee of \$100 upon each person  
 7815 fishing with haul seines used in the fresh waters of the state.

7816 (2) Each boat engaged in commercial fishing shall have at  
7817 least one licensed commercial fisher on board.

7818 (3) It shall be unlawful for any resident freshwater fish  
7819 dealer, or any nonresident wholesale or nonresident retail fish  
7820 dealer, or any nonresident wholesale fish buyer to buy  
7821 freshwater fish or frogs from any unlicensed person.

7822 Section 147. Section 372.651, Florida Statutes, is  
7823 renumbered as section 379.3635, Florida Statutes, and amended to  
7824 read:

7825 379.3635 ~~372.651~~ Haul seine and trawl permits; Lake  
7826 Okeechobee ~~freshwater lakes in excess of 500 square miles;~~  
7827 fees.--

7828 (1) The Fish and Wildlife Conservation Commission is  
7829 authorized to issue permits for each haul seine or trawl used in  
7830 Lake Okeechobee ~~freshwater lakes in the state having an area in~~  
7831 ~~excess of 500 square miles.~~

7832 (2) The commission may charge an annual fee for the  
7833 issuance of such permits which shall not exceed:

7834 (a) For a resident trawl permit, \$50.

7835 (b) For a resident haul seine permit, \$100.

7836 (c) For a nonresident or alien trawl or haul seine permit,  
7837 \$500.

7838 Section 148. Section 372.66, Florida Statutes, is  
7839 renumbered as section 379.364, Florida Statutes, to read:

7840 379.364 ~~372.66~~ License required for fur and hide  
7841 dealers.--

7842 (1) It is unlawful for any person to engage in the  
7843 business of a dealer or buyer in alligator skins or green or

7844 | dried furs in the state or purchase such skins within the state  
 7845 | until such person has been licensed as herein provided.

7846 |       (2) Any resident dealer or buyer who solicits business  
 7847 | through the mails, or by advertising, or who travels to buy or  
 7848 | employs or has other agents or buyers, shall be deemed a  
 7849 | resident state dealer and must pay a license fee of \$100 per  
 7850 | annum.

7851 |       (3) A nonresident dealer or buyer must pay a license fee  
 7852 | of \$500 per annum.

7853 |       (4) All dealers and buyers shall forward to the Fish and  
 7854 | Wildlife Conservation Commission each 2 weeks during open season  
 7855 | a report showing number and kind of hides bought and name of  
 7856 | trapper from whom bought and the trapper's license number, or if  
 7857 | trapper is exempt from license under any of the provisions of  
 7858 | this chapter, such report shall show the nature of such  
 7859 | exemption. A common carrier may not knowingly ship or transport  
 7860 | or receive for transportation any hides or furs unless such  
 7861 | shipments have marked thereon name of shipper and the number of  
 7862 | her or his fur-animal license or fur dealer's license.

7863 |       Section 149. Section 370.13, Florida Statutes, is  
 7864 | renumbered as section 379.365, Florida Statutes, and amended to  
 7865 | read:

7866 |       379.365 ~~370.13~~ Stone crab; regulation.--

7867 |       (1) FEES AND EQUITABLE RENT.--

7868 |       (a) Endorsement fee.--The fee for a stone crab endorsement  
 7869 | for the taking of stone crabs, as required by rule of the Fish  
 7870 | and Wildlife Conservation Commission, is \$125, \$25 of which must  
 7871 | be used solely for trap retrieval under s. 379.2424 ~~370.143~~.

7872 (b) Certificate fees.--

7873 1. For each trap certificate issued by the commission

7874 under the requirements of the stone crab trap limitation program

7875 established by commission rule, there is an annual fee of 50

7876 cents per certificate. Replacement tags for lost or damaged tags

7877 cost 50 cents each plus the cost of shipping. In the event of a

7878 major natural disaster, such as a hurricane or major storm, that

7879 causes massive trap losses within an area declared by the

7880 Governor to be a disaster emergency area, the commission may

7881 temporarily defer or waive replacement tag fees.

7882 2. The fee for transferring trap certificates is \$1 per

7883 certificate transferred, except that the fee for eligible crew

7884 members is 50 cents per certificate transferred. Eligible crew

7885 members shall be determined according to criteria established by

7886 rule of the commission. Payment must be made by money order or

7887 cashier's check, submitted with the certificate transfer form

7888 developed by the commission.

7889 3. In addition to the transfer fee, a surcharge of \$1 per

7890 certificate transferred, or 25 percent of the actual value of

7891 the transferred certificate, whichever is greater, will be

7892 assessed the first time a certificate is transferred outside the

7893 original holder's immediate family.

7894 4. Transfer fees and surcharges only apply to the actual

7895 number of certificates received by the purchaser. A transfer of

7896 a certificate is not effective until the commission receives a

7897 notarized copy of the bill of sale as proof of the actual value

7898 of the transferred certificate or certificates, which must also

7899 be submitted with the transfer form and payment.

7900           5. A transfer fee will not be assessed or required when  
 7901 the transfer is within a family as a result of the death or  
 7902 disability of the certificate owner. A surcharge will not be  
 7903 assessed for any transfer within an individual's immediate  
 7904 family.

7905           (c) Incidental take endorsement.--The cost of an  
 7906 incidental take endorsement, as established by commission rule,  
 7907 is \$25.

7908           (d) Equitable rent.--The commission may establish by rule  
 7909 an amount of equitable rent per trap certificate that may be  
 7910 recovered as partial compensation to the state for the enhanced  
 7911 access to its natural resources. In determining whether to  
 7912 establish such a rent and the amount thereof, the commission may  
 7913 consider the amount of revenues annually generated by  
 7914 endorsement fees, trap certificate fees, transfer fees,  
 7915 surcharges, replacement trap tag fees, trap retrieval fees,  
 7916 incidental take endorsement fees, and the continued economic  
 7917 viability of the commercial stone crab industry. A rule  
 7918 establishing an amount of equitable rent shall become effective  
 7919 only after approval by the Legislature.

7920           (e) Disposition of fees, surcharges, civil penalties and  
 7921 fines, and equitable rent.--Endorsement fees, trap certificate  
 7922 fees, transfer fees, civil penalties and fines, surcharges,  
 7923 replacement trap tag fees, trap retrieval fees, incidental take  
 7924 endorsement fees, and equitable rent, if any, must be deposited  
 7925 in the Marine Resources Conservation Trust Fund. Up to 50  
 7926 percent of the revenues generated under this section may be used  
 7927 for operation and administration of the stone crab trap

7928 limitation program. All remaining revenues so generated must be  
 7929 used for trap retrieval, management of the stone crab fishery,  
 7930 public education activities, evaluation of the impact of trap  
 7931 reductions on the stone crab fishery, and enforcement activities  
 7932 in support of the stone crab trap limitation program.

7933 (f) Program to be self-supporting.--The stone crab trap  
 7934 limitation program is intended to be a self-supporting program  
 7935 funded from proceeds generated under this section.

7936 (g) No vested rights.--The stone crab trap limitation  
 7937 program does not create any vested rights for endorsement or  
 7938 certificateholders and may be altered or terminated by the  
 7939 commission as necessary to protect the stone crab resource, the  
 7940 participants in the fishery, or the public interest.

7941 (2) PENALTIES.--For purposes of this subsection,  
 7942 conviction is any disposition other than acquittal or dismissal,  
 7943 regardless of whether the violation was adjudicated under any  
 7944 state or federal law.

7945 (a) It is unlawful to violate commission rules regulating  
 7946 stone crab trap certificates and trap tags. No person may use an  
 7947 expired tag or a stone crab trap tag not issued by the  
 7948 commission or possess or use a stone crab trap in or on state  
 7949 waters or adjacent federal waters without having a trap tag  
 7950 required by the commission firmly attached thereto.

7951 1. In addition to any other penalties provided in s.  
 7952 379.407 ~~370.021~~, for any commercial harvester who violates this  
 7953 paragraph, the following administrative penalties apply.

7954 a. For a first violation, the commission shall assess an  
 7955 administrative penalty of up to \$1,000.

7956           b. For a second violation that occurs within 24 months of  
 7957 any previous such violation, the commission shall assess an  
 7958 administrative penalty of up to \$2,000 and the stone crab  
 7959 endorsement under which the violation was committed may be  
 7960 suspended for 12 calendar months.

7961           c. For a third violation that occurs within 36 months of  
 7962 any previous two such violations, the commission shall assess an  
 7963 administrative penalty of up to \$5,000 and the stone crab  
 7964 endorsement under which the violation was committed may be  
 7965 suspended for 24 calendar months.

7966           d. A fourth violation that occurs within 48 months of any  
 7967 three previous such violations, shall result in permanent  
 7968 revocation of all of the violator's saltwater fishing  
 7969 privileges, including having the commission proceed against the  
 7970 endorsement holder's saltwater products license in accordance  
 7971 with s. 379.407 ~~370.021~~.

7972           2. Any other person who violates the provisions of this  
 7973 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

7974  
 7975 Any commercial harvester assessed an administrative penalty  
 7976 under this paragraph shall, within 30 calendar days after  
 7977 notification, pay the administrative penalty to the commission,  
 7978 or request an administrative hearing under ss. 120.569 and  
 7979 120.57. The proceeds of all administrative penalties collected  
 7980 under this paragraph shall be deposited in the Marine Resources  
 7981 Conservation Trust Fund.

7982           (b) It is unlawful for any commercial harvester to remove  
 7983 the contents of another harvester's stone crab trap or take

7984 possession of such without the express written consent of the  
 7985 trap owner available for immediate inspection. Unauthorized  
 7986 possession of another's trap gear or removal of trap contents  
 7987 constitutes theft.

7988 1. Any commercial harvester convicted of theft of or from  
 7989 a trap pursuant to this subsection or s. 379.402 ~~370.1107~~ shall,  
 7990 in addition to the penalties specified in s. 379.407 ~~370.021~~ and  
 7991 the provisions of this section, permanently lose all saltwater  
 7992 fishing privileges, including saltwater products licenses, stone  
 7993 crab or incidental take endorsements, and all trap certificates  
 7994 allotted to such commercial harvester by the commission. In such  
 7995 cases, trap certificates and endorsements are nontransferable.

7996 2. In addition, any commercial harvester convicted of  
 7997 violating the prohibitions referenced in this paragraph shall  
 7998 also be assessed an administrative penalty of up to \$5,000.  
 7999 Immediately upon receiving a citation for a violation involving  
 8000 theft of or from a trap and until adjudicated for such a  
 8001 violation, or, upon receipt of a judicial disposition other than  
 8002 dismissal or acquittal on such a violation, the violator is  
 8003 prohibited from transferring any stone crab or spiny lobster  
 8004 certificates.

8005 3. Any other person who violates the provisions of this  
 8006 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

8007 (c)1. It is unlawful to violate commission rules that  
 8008 prohibit any of the following:

8009 a. The willful molestation of any stone crab trap, line,  
 8010 or buoy that is the property of any licenseholder, without the  
 8011 permission of that licenseholder.

8012           b. The bartering, trading, or sale, or conspiring or  
 8013 aiding in such barter, trade, or sale, or supplying, agreeing to  
 8014 supply, aiding in supplying, or giving away stone crab trap tags  
 8015 or certificates unless the action is duly authorized by the  
 8016 commission as provided by commission rules.

8017           c. The making, altering, forging, counterfeiting, or  
 8018 reproducing of stone crab trap tags.

8019           d. Possession of forged, counterfeit, or imitation stone  
 8020 crab trap tags.

8021           e. Engaging in the commercial harvest of stone crabs  
 8022 during the time either of the endorsements is under suspension  
 8023 or revocation.

8024           2. Any commercial harvester who violates this paragraph  
 8025 commits a felony of the third degree, punishable as provided in  
 8026 s. 775.082, s. 775.083, or s. 775.084.

8027           3. Any other person who violates this paragraph commits a  
 8028 Level Four violation under s. 379.401 ~~372.83~~.

8029  
 8030 In addition, any commercial harvester convicted of violating  
 8031 this paragraph shall also be assessed an administrative penalty  
 8032 of up to \$5,000, and the incidental take endorsement and/or the  
 8033 stone crab endorsement under which the violation was committed  
 8034 may be suspended for up to 24 calendar months. Immediately upon  
 8035 receiving a citation involving a violation of this paragraph and  
 8036 until adjudicated for such a violation, or if convicted of such  
 8037 a violation, the person, firm, or corporation committing the  
 8038 violation is prohibited from transferring any stone crab  
 8039 certificates or endorsements.

8040 (d) For any commercial harvester convicted of fraudulently  
 8041 reporting the actual value of transferred stone crab  
 8042 certificates, the commission may automatically suspend or  
 8043 permanently revoke the seller's or the purchaser's stone crab  
 8044 endorsements. If the endorsement is permanently revoked, the  
 8045 commission shall also permanently deactivate the endorsement  
 8046 holder's stone crab certificate accounts. Whether an endorsement  
 8047 is suspended or revoked, the commission may also levy a fine  
 8048 against the holder of the endorsement of up to twice the  
 8049 appropriate surcharge to be paid based on the fair market value  
 8050 of the transferred certificates.

8051 (e) During any period of suspension or revocation of an  
 8052 endorsement holder's endorsement, he or she shall remove all  
 8053 traps subject to that endorsement from the water within 15 days  
 8054 after notice provided by the commission. Failure to do so will  
 8055 extend the period of suspension or revocation for an additional  
 8056 6 calendar months.

8057 (f) An endorsement will not be renewed until all fees and  
 8058 administrative penalties imposed under this section are paid.

8059 (3) DEPREDATION PERMITS.--The Fish and Wildlife  
 8060 Conservation Commission shall issue a depredation permit upon  
 8061 request to any marine aquaculture producer, as defined in s.  
 8062 379.2523 ~~370.26~~, engaged in the culture of shellfish, which  
 8063 shall entitle the aquaculture producer to possess and use up to  
 8064 75 stone crab traps and up to 75 blue crab traps for the sole  
 8065 purpose of taking destructive or nuisance stone crabs or blue  
 8066 crabs within 1 mile of the producer's aquaculture shellfish  
 8067 beds. Stone crabs or blue crabs taken under this subsection may

8068 not be sold, bartered, exchanged, or offered for sale, barter,  
 8069 or exchange.

8070 ~~(4) For the 2006-2007 fiscal year only, the trap tag fees~~  
 8071 ~~required by this section shall be waived by the commission. This~~  
 8072 ~~subsection expires July 1, 2007.~~

8073 Section 150. Section 370.135, Florida Statutes, is  
 8074 renumbered as section 379.366, Florida Statutes, and amended to  
 8075 read:

8076 379.366 ~~370.135~~ Blue crab; regulation.--

8077 (1) No commercial harvester shall transport on the water,  
 8078 fish with or cause to be fished with, set, or place any trap  
 8079 designed for taking blue crabs unless such commercial harvester  
 8080 holds a valid saltwater products license and restricted species  
 8081 endorsement issued under s. 379.361 ~~370.06~~ and a blue crab  
 8082 endorsement issued under this section. Each trap shall have the  
 8083 harvester's blue crab endorsement number permanently affixed to  
 8084 it. Each buoy attached to such a trap shall also have the  
 8085 harvester's blue crab endorsement number permanently attached to  
 8086 the buoy. The blue crab endorsement number shall be affixed in  
 8087 legible figures at least 2 inches high on each buoy used. The  
 8088 saltwater products license must be on board the boat, and both  
 8089 the license and the crabs shall be subject to inspection at all  
 8090 times. This subsection shall not apply to an individual fishing  
 8091 with no more than five traps.

8092 (2) No person shall harvest blue crabs with more than five  
 8093 traps, harvest blue crabs in commercial quantities, or sell blue  
 8094 crabs unless such person holds a valid saltwater products  
 8095 license with a restricted species endorsement issued under s.

8096 379.361 ~~370.06~~ and a blue crab endorsement issued under this  
 8097 section.

8098 (a) In the event of the death or disability of a person  
 8099 holding an active blue crab endorsement, the endorsement may be  
 8100 transferred by the person to a member of his or her immediate  
 8101 family or may be renewed by any person so designated by the  
 8102 executor of the person's estate.

8103 (b) A commercial harvester who holds a saltwater products  
 8104 license and a blue crab endorsement that is issued to the  
 8105 commercial harvester's vessel registration number and who  
 8106 replaces an existing vessel with a new vessel may transfer the  
 8107 existing blue crab endorsement to the saltwater products license  
 8108 of the new vessel.

8109 (3) (a) Endorsement fees.--

8110 1. The fee for a hard-shell blue crab endorsement for the  
 8111 taking of hard-shell blue crabs, as authorized by rule of the  
 8112 commission, is \$125, \$25 of which must be used solely for the  
 8113 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and  
 8114 in commission rules.

8115 2. The fee for a soft-shell blue crab endorsement for the  
 8116 taking of soft-shell blue crabs, as authorized by rule of the  
 8117 commission, is \$250, \$25 of which must be used solely for the  
 8118 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and  
 8119 in commission rules.

8120 3. The fee for a nontransferable hard-shell blue crab  
 8121 endorsement for the taking of hard-shell blue crabs, as  
 8122 authorized by rule of the commission, is \$125, \$25 of which must

8123 be used solely for the trap retrieval program authorized under  
 8124 s. 379.2424 ~~370.143~~ and in commission rules.

8125 4. The fee for an incidental take blue crab endorsement  
 8126 for the taking of blue crabs as bycatch in shrimp trawls and  
 8127 stone crab traps is \$25, as authorized in commission rules.

8128 (b) Trap tag fees.--The annual fee for each trap tag  
 8129 issued by the commission under the requirements of the blue crab  
 8130 effort management program established by rule of the commission  
 8131 is 50 cents per tag. The fee for replacement tags for lost or  
 8132 damaged tags is 50 cents per tag plus the cost of shipping. In  
 8133 the event of a major natural disaster, such as a hurricane or  
 8134 major storm, that causes massive trap losses within an area  
 8135 declared by the Governor to be a disaster emergency area, the  
 8136 commission may temporarily defer or waive replacement tag fees.

8137 (c) Equitable rent.--The commission may establish by rule  
 8138 an amount of equitable rent that may be recovered as partial  
 8139 compensation to the state for the enhanced access to its natural  
 8140 resources. In determining whether to establish such a rent and  
 8141 the amount thereof, the commission may consider the amount of  
 8142 revenues annually generated by endorsement fees, trap tag fees,  
 8143 replacement trap tag fees, trap retrieval fees, and the  
 8144 continued economic viability of the commercial blue crab  
 8145 industry. A rule establishing an amount of equitable rent shall  
 8146 become effective only upon approval by act of the Legislature.

8147 (d) Disposition of moneys generated from fees and  
 8148 administrative penalties.--Moneys generated from the sale of  
 8149 blue crab endorsements, trap tags, and replacement trap tags or  
 8150 from the assessment of administrative penalties by the

8151 | commission under this section shall be deposited into the Marine  
 8152 | Resources Conservation Trust Fund. Up to 50 percent of the  
 8153 | moneys generated from the sale of endorsements and trap tags and  
 8154 | the assessment of administrative penalties may be used for the  
 8155 | operation and administration of the blue crab effort management  
 8156 | program. The remaining moneys generated from the sale of  
 8157 | endorsements and trap tags and the assessment of administrative  
 8158 | penalties may be used for trap retrieval; management of the blue  
 8159 | crab fishery; and public education activities, research, and  
 8160 | enforcement activities in support of the blue crab effort  
 8161 | management program.

8162 | (e) Waiver of fees.--For the 2007-2008 license year, the  
 8163 | commission shall waive all fees under this subsection for all  
 8164 | persons who qualify by September 30, 2007, to participate in the  
 8165 | blue crab effort management program established by commission  
 8166 | rule.

8167 | (4) (a) Untagged trap penalties.--By July 1, 2008, the  
 8168 | commission shall adopt by rule the administrative penalties  
 8169 | authorized by this subsection. In addition to any other  
 8170 | penalties provided in s. 379.407 ~~370.021~~ for any blue crab  
 8171 | endorsement holder who violates commission rules requiring the  
 8172 | placement of trap tags for traps used for the directed harvest  
 8173 | of blue crabs, the following administrative penalties apply:

8174 | 1. For a first violation, the commission shall assess an  
 8175 | administrative penalty of up to \$1,000.

8176 | 2. For a second violation that occurs within 24 months  
 8177 | after any previous such violation, the commission shall assess  
 8178 | an administrative penalty of up to \$2,000, and the blue crab

8179 endorsement holder's blue crab fishing privileges may be  
 8180 suspended for 12 calendar months.

8181 3. For a third violation that occurs within 36 months  
 8182 after any two previous such violations, the commission shall  
 8183 assess an administrative penalty of up to \$5,000, and the blue  
 8184 crab endorsement holder's blue crab fishing privileges may be  
 8185 suspended for 24 calendar months.

8186 4. A fourth violation that occurs within 48 months after  
 8187 any three previous such violations shall result in permanent  
 8188 revocation of all of the violator's saltwater fishing  
 8189 privileges, including having the commission proceed against the  
 8190 endorsement holder's saltwater products license in accordance  
 8191 with s. 379.407 ~~370.021~~.

8192  
 8193 Any blue crab endorsement holder assessed an administrative  
 8194 penalty under this paragraph shall, within 30 calendar days  
 8195 after notification, pay the administrative penalty to the  
 8196 commission or request an administrative hearing under ss.  
 8197 120.569 and 120.57.

8198 (b) Trap theft; prohibitions and penalties.--It is  
 8199 unlawful for any person to remove or take possession of the  
 8200 contents of another harvester's blue crab trap without the  
 8201 express written consent of the trap owner, which must be  
 8202 available for immediate inspection. Unauthorized possession of  
 8203 another harvester's blue crab trap gear or removal of trap  
 8204 contents constitutes theft.

8205 1. Any commercial harvester receiving a judicial  
 8206 disposition other than dismissal or acquittal on a charge of

8207 theft of or from a trap as prohibited by this paragraph shall,  
 8208 in addition to the penalties specified in s. 379.407 ~~370.021~~ and  
 8209 this section, permanently lose all saltwater fishing privileges,  
 8210 including any saltwater products licenses, blue crab  
 8211 endorsements, and blue crab trap tags allotted to him or her by  
 8212 the commission. In such cases, endorsements are nontransferable.

8213 2. In addition, any commercial harvester receiving a  
 8214 judicial disposition other than dismissal or acquittal for  
 8215 violating this paragraph shall also be assessed an  
 8216 administrative penalty of up to \$5,000. Immediately upon receipt  
 8217 of a citation for a violation involving theft of or from a trap  
 8218 and until adjudicated for such a violation, or upon receipt of a  
 8219 judicial disposition other than dismissal or acquittal for such  
 8220 a violation, the commercial harvester committing the violation  
 8221 is prohibited from transferring any blue crab endorsements.

8222 3. A commercial harvester who violates this paragraph  
 8223 shall be punished under s. 379.407 ~~370.021~~. Any other person who  
 8224 violates this paragraph commits a Level Two violation under s.  
 8225 379.401 ~~372.83~~.

8226 (c) Criminal activities prohibited.--

8227 1. It is unlawful for any commercial harvester or any  
 8228 other person to:

8229 a. Willfully molest any blue crab trap, line, or buoy that  
 8230 is the property of any licenseholder without the permission of  
 8231 that licenseholder.

8232 b. Barter, trade, lease, or sell a blue crab trap tag or  
 8233 conspire or aid in such barter, trade, lease, or sale unless  
 8234 duly authorized by commission rules.

8235 c. Supply, agree to supply, aid in supplying, or give away  
8236 a blue crab trap tag unless duly authorized by commission rules.

8237 d. Make, alter, forge, counterfeit, or reproduce a blue  
8238 crab trap tag.

8239 e. Possess an altered, forged, counterfeit, or imitation  
8240 blue crab trap tag.

8241 f. Possess a number of original trap tags or replacement  
8242 trap tags, the sum of which exceeds by 1 percent the number of  
8243 traps allowed by commission rules.

8244 g. Engage in the commercial harvest of blue crabs while  
8245 the blue crab endorsements of the licenseholder are under  
8246 suspension or revocation.

8247 2. Immediately upon receiving a citation involving a  
8248 violation of this paragraph and until adjudicated for such a  
8249 violation, a commercial harvester is prohibited from  
8250 transferring any blue crab endorsement.

8251 3. A commercial harvester convicted of violating this  
8252 paragraph commits a felony of the third degree, punishable as  
8253 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be  
8254 assessed an administrative penalty of up to \$5,000, and is  
8255 immediately prohibited from transferring any blue crab  
8256 endorsement. All blue crab endorsements issued to a commercial  
8257 harvester convicted of violating this paragraph may be suspended  
8258 for up to 24 calendar months.

8259 4. Any other person convicted of violating this paragraph  
8260 commits a Level Four violation under s. 379.401 ~~372.83~~.

8261 (d) Endorsement transfers; fraudulent reports;  
8262 penalties.--For a commercial harvester convicted of fraudulently

8263 reporting the actual value of transferred blue crab  
 8264 endorsements, the commission may automatically suspend or  
 8265 permanently revoke the seller's or the purchaser's blue crab  
 8266 endorsements. If the endorsement is permanently revoked, the  
 8267 commission shall also permanently deactivate the endorsement  
 8268 holder's blue crab trap tag accounts.

8269 (e) Prohibitions during endorsement suspension and  
 8270 revocation.--During any period of suspension or after revocation  
 8271 of a blue crab endorsement holder's endorsements, he or she  
 8272 shall, within 15 days after notice provided by the commission,  
 8273 remove from the water all traps subject to that endorsement.  
 8274 Failure to do so shall extend the period of suspension for an  
 8275 additional 6 calendar months.

8276 (5) For purposes of this section, a conviction is any  
 8277 disposition other than acquittal or dismissal.

8278 (6) A blue crab endorsement may not be renewed until all  
 8279 fees and administrative penalties imposed under this section are  
 8280 paid.

8281 (7) Subsections (3), (4), (5), and (6) shall expire on  
 8282 July 1, 2009, unless reenacted by the Legislature during the  
 8283 2009 Regular Session.

8284 Section 151. Section 370.14, Florida Statutes, is  
 8285 renumbered as section 379.367, Florida Statutes, and amended to  
 8286 read:

8287 379.367 ~~370.14~~ Spiny lobster; regulation.--

8288 (1) It is the intent of the Legislature to maintain the  
 8289 spiny lobster industry for the economy of the state and to  
 8290 conserve the stocks supplying this industry. The provisions of

8291 | this act regulating the taking of spiny lobster are for the  
 8292 | purposes of ensuring and maintaining the highest possible  
 8293 | production of spiny lobster.

8294 |       (2) (a)1. Each commercial harvester taking or attempting to  
 8295 | take spiny lobster with a trap in commercial quantities or for  
 8296 | commercial purposes shall obtain and exhibit a spiny lobster  
 8297 | endorsement number, as required by the Fish and Wildlife  
 8298 | Conservation Commission. The annual fee for a spiny lobster  
 8299 | endorsement is \$125. This endorsement may be issued by the  
 8300 | commission upon the receipt of application by the commercial  
 8301 | harvester when accompanied by the payment of the fee. The design  
 8302 | of the applications and of the trap tag shall be determined by  
 8303 | the commission. Any trap or device used in taking or attempting  
 8304 | to take spiny lobster, other than a trap with the endorsement  
 8305 | number, shall be seized and destroyed by the commission. The  
 8306 | proceeds of the fees imposed by this paragraph shall be  
 8307 | deposited and used as provided in paragraph (b). The commission  
 8308 | may adopt rules to carry out the intent of this section.

8309 |       2. Each commercial harvester taking or attempting to take  
 8310 | spiny lobster in commercial quantities or for commercial  
 8311 | purposes by any method, other than with a trap having a spiny  
 8312 | lobster endorsement number issued by the commission, must pay an  
 8313 | annual fee of \$100.

8314 |       (b) Twenty-five dollars of the \$125 fee for a spiny  
 8315 | lobster endorsement required under subparagraph (a)1. must be  
 8316 | used only for trap retrieval as provided in s. 379.2424 ~~370.143~~.  
 8317 | The remainder of the fees collected under paragraph (a) shall be  
 8318 | deposited as follows:

8319           1. Fifty percent of the fees collected shall be deposited  
 8320 in the Marine Resources Conservation Trust Fund for use in  
 8321 enforcing the provisions of paragraph (a) through aerial and  
 8322 other surveillance and trap retrieval.

8323           2. Fifty percent of the fees collected shall be deposited  
 8324 as provided in s. 379.3671(5) ~~370.142(5)~~.

8325           (3) The spiny lobster endorsement must be on board the  
 8326 boat, and both the endorsement and the harvested spiny lobster  
 8327 shall be subject to inspection at all times. Only one  
 8328 endorsement shall be issued for each boat. The spiny lobster  
 8329 endorsement number must be prominently displayed above the  
 8330 topmost portion of the boat so as to be easily and readily  
 8331 identified.

8332           (4) (a) It is unlawful for any person willfully to molest  
 8333 any spiny lobster traps, lines, or buoys belonging to another  
 8334 without permission of the licenseholder.

8335           (b) A commercial harvester who violates this subsection  
 8336 commits a felony of the third degree, punishable as provided in  
 8337 s. 775.082 or s. 775.083. Any other person who violates this  
 8338 subsection commits a Level Four violation under s. 379.401  
 8339 ~~372.83~~.

8340           (5) Any spiny lobster licenseholder, upon selling licensed  
 8341 spiny lobster traps, shall furnish the commission notice of such  
 8342 sale of all or part of his or her interest within 15 days  
 8343 thereof. Any holder of said license shall also notify the  
 8344 commission within 15 days if his or her address no longer  
 8345 conforms to the address appearing on the license and shall, as a

8346 part of such notification, furnish the commission with his or  
8347 her new address.

8348 (6) (a) By a special permit granted by the commission, a  
8349 Florida-licensed seafood dealer may lawfully import, process,  
8350 and package spiny lobster or uncooked tails of the species  
8351 *Panulirus argus* during the closed season. However, spiny lobster  
8352 landed under special permit shall not be sold in the state.

8353 (b) The licensed seafood dealer importing any such spiny  
8354 lobster under the permit shall, 12 hours prior to the time the  
8355 seagoing vessel or airplane delivering such imported spiny  
8356 lobster enters the state, notify the commission as to the  
8357 seagoing vessel's name or the airplane's registration number and  
8358 its captain, location, and point of destination.

8359 (c) At the time the spiny lobster cargo is delivered to  
8360 the permitholder's place of business, the spiny lobster cargo  
8361 shall be weighed and shall be available for inspection by the  
8362 commission. A signed receipt of such quantity in pounds shall be  
8363 forwarded to the commission within 48 hours after shipment  
8364 weigh-in completion. If requested by the commission, the weigh-  
8365 in process will be delayed up to 4 hours to allow for a  
8366 commission representative to be present during the process.

8367 (d) Within 48 hours after shipment weigh-in completion,  
8368 the permitholder shall submit to the commission, on forms  
8369 provided by the commission, a sworn report of the quantity in  
8370 pounds of the spiny lobster received, which report shall include  
8371 the location of said spiny lobster and a sworn statement that  
8372 said spiny lobster were taken at least 50 miles from Florida's  
8373 shoreline. The landing of spiny lobster or spiny lobster tails

8374 from which the eggs, swimmerettes, or pleopods have been  
8375 removed; the falsification of information as to area from which  
8376 spiny lobster were obtained; or the failure to file the report  
8377 called for in this section shall be grounds to revoke the  
8378 permit.

8379 (e) Each permitholder shall keep throughout the period of  
8380 the closed season copies of the bill of sale or invoices  
8381 covering each transaction involving spiny lobster imported under  
8382 this permit. Such invoices and bills shall be kept available at  
8383 all times for inspection by the commission.

8384 (7) (a) A Florida-licensed seafood dealer may obtain a  
8385 special permit to import, process, and package uncooked tails of  
8386 spiny lobster upon the payment of the sum of \$100 to the  
8387 commission.

8388 (b) A special permit must be obtained by any airplane or  
8389 seagoing vessel other than a common carrier used to transport  
8390 spiny lobster or spiny lobster tails for purchase by licensed  
8391 seafood dealers for purposes as provided herein upon the payment  
8392 of \$50.

8393 (c) All special permits issued under this subsection are  
8394 nontransferable.

8395 (8) No common carrier or employee of said carrier may  
8396 carry, knowingly receive for carriage, or permit the carriage of  
8397 any spiny lobster of the species *Panulirus argus*, regardless of  
8398 where taken, during the closed season, except of the species  
8399 *Panulirus argus* lawfully imported from a foreign country for  
8400 reshipment outside of the territorial limits of the state under

8401 United States Customs bond or in accordance with paragraph  
 8402 (7) (a).

8403 Section 152. Section 370.142, Florida Statutes, is  
 8404 renumbered as section 379.3671, Florida Statutes, and amended to  
 8405 read:

8406 379.3671 ~~370.142~~ Spiny lobster trap certificate program.--

8407 (1) INTENT.--Due to rapid growth, the spiny lobster  
 8408 fishery is experiencing increased congestion and conflict on the  
 8409 water, excessive mortality of undersized lobsters, a declining  
 8410 yield per trap, and public concern over petroleum and debris  
 8411 pollution from existing traps. In an effort to solve these and  
 8412 related problems, the Legislature intends to develop pursuant to  
 8413 the provisions of this section a spiny lobster trap certificate  
 8414 program, the principal goal of which is to stabilize the fishery  
 8415 by reducing the total number of traps, which should increase the  
 8416 yield per trap and therefore maintain or increase overall catch  
 8417 levels. The Legislature seeks to preserve as much flexibility in  
 8418 the program as possible for the fishery's various constituents  
 8419 and ensure that any reduction in total trap numbers will be  
 8420 proportioned equally on a percentage basis among all users of  
 8421 traps in the fishery.

8422 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
 8423 PENALTIES.--The Fish and Wildlife Conservation Commission shall  
 8424 establish a trap certificate program for the spiny lobster  
 8425 fishery of this state and shall be responsible for its  
 8426 administration and enforcement as follows:

8427 (a) Transferable trap certificates.--Each holder of a  
 8428 saltwater products license who uses traps for taking or

8429 attempting to take spiny lobsters shall be required to have a  
 8430 certificate on record for each trap possessed or used therefor,  
 8431 except as otherwise provided in this section.

8432 1. Trap certificates are transferable on a market basis  
 8433 and may be transferred from one licenseholder to another for a  
 8434 fair market value agreed upon between the transferor and  
 8435 transferee. Each such transfer shall, within 72 hours thereof,  
 8436 be recorded on a notarized form provided for that purpose by the  
 8437 Fish and Wildlife Conservation Commission and hand delivered or  
 8438 sent by certified mail, return receipt requested, to the  
 8439 commission for recordkeeping purposes. In order to cover the  
 8440 added administrative costs of the program and to recover an  
 8441 equitable natural resource rent for the people of the state, a  
 8442 transfer fee of \$2 per certificate transferred shall be assessed  
 8443 against the purchasing licenseholder and sent by money order or  
 8444 cashier's check with the certificate transfer form. Also, in  
 8445 addition to the transfer fee, a surcharge of \$5 per certificate  
 8446 transferred or 25 percent of the actual market value, whichever  
 8447 is greater, given to the transferor shall be assessed the first  
 8448 time a certificate is transferred outside the original  
 8449 transferor's immediate family. No transfer of a certificate  
 8450 shall be effective until the commission receives the notarized  
 8451 transfer form and the transfer fee, including any surcharge, is  
 8452 paid. The commission may establish by rule an amount of  
 8453 equitable rent per trap certificate that shall be recovered as  
 8454 partial compensation to the state for the enhanced access to its  
 8455 natural resources. A rule establishing an amount of equitable  
 8456 rent shall become effective only after approval by the

8457 Legislature. In determining whether to establish such a rent  
 8458 and, if so, the amount thereof, the commission shall consider  
 8459 the amount of revenues annually generated by certificate fees,  
 8460 transfer fees, surcharges, trap license fees, and sales taxes,  
 8461 the demonstrated fair market value of transferred certificates,  
 8462 and the continued economic viability of the commercial lobster  
 8463 industry. All proceeds of equitable rent recovered shall be  
 8464 deposited in the Marine Resources Conservation Trust Fund and  
 8465 used by the commission for research, management, and protection  
 8466 of the spiny lobster fishery and habitat. A transfer fee may not  
 8467 be assessed or required when the transfer is within a family as  
 8468 a result of the death or disability of the certificate owner. A  
 8469 surcharge will not be assessed for any transfer within an  
 8470 individual's immediate family.

8471 2. No person, firm, corporation, or other business entity  
 8472 may control, directly or indirectly, more than 1.5 percent of  
 8473 the total available certificates in any license year.

8474 3. The commission shall maintain records of all  
 8475 certificates and their transfers and shall annually provide each  
 8476 licenseholder with a statement of certificates held.

8477 4. The number of trap tags issued annually to each  
 8478 licenseholder shall not exceed the number of certificates held  
 8479 by the licenseholder at the time of issuance, and such tags and  
 8480 a statement of certificates held shall be issued simultaneously.

8481 5. It is unlawful for any person to lease spiny lobster  
 8482 trap tags or certificates.

8483 (b) Trap tags.--Each trap used to take or attempt to take  
 8484 spiny lobsters in state waters or adjacent federal waters shall,

8485 in addition to the spiny lobster endorsement number required by  
 8486 s. 379.367(2) ~~370.14(2)~~, have affixed thereto an annual trap tag  
 8487 issued by the commission. Each such tag shall be made of durable  
 8488 plastic or similar material and shall, based on the number of  
 8489 certificates held, have stamped thereon the owner's license  
 8490 number. To facilitate enforcement and recordkeeping, such tags  
 8491 shall be issued each year in a color different from that of each  
 8492 of the previous 3 years. The annual certificate fee shall be \$1  
 8493 per certificate. Replacement tags for lost or damaged tags may  
 8494 be obtained as provided by rule of the commission. In the event  
 8495 of a major natural disaster, such as a hurricane or major storm,  
 8496 that causes massive trap losses within an area declared by the  
 8497 Governor to be a disaster emergency area, the commission may  
 8498 temporarily defer or waive replacement tag fees.

8499 (c) Prohibitions; penalties.--

8500 1. It is unlawful for a person to possess or use a spiny  
 8501 lobster trap in or on state waters or adjacent federal waters  
 8502 without having affixed thereto the trap tag required by this  
 8503 section. It is unlawful for a person to possess or use any other  
 8504 gear or device designed to attract and enclose or otherwise aid  
 8505 in the taking of spiny lobster by trapping that is not a trap as  
 8506 defined by commission rule.

8507 2. It is unlawful for a person to possess or use spiny  
 8508 lobster trap tags without having the necessary number of  
 8509 certificates on record as required by this section.

8510 3. It is unlawful for any person to willfully molest, take  
 8511 possession of, or remove the contents of another harvester's  
 8512 spiny lobster trap without the express written consent of the

8513 trap owner available for immediate inspection. Unauthorized  
 8514 possession of another's trap gear or removal of trap contents  
 8515 constitutes theft.

8516 a. A commercial harvester who violates this subparagraph  
 8517 shall be punished under ss. 379.367 and 379.407 ~~370.021 and~~  
 8518 ~~370.14~~. Any commercial harvester receiving a judicial  
 8519 disposition other than dismissal or acquittal on a charge of  
 8520 theft of or from a trap pursuant to this subparagraph or s.  
 8521 379.402 ~~370.1107~~ shall, in addition to the penalties specified  
 8522 in ss. 379.367 and 379.407 ~~370.021 and 370.14~~ and the provisions  
 8523 of this section, permanently lose all his or her saltwater  
 8524 fishing privileges, including his or her saltwater products  
 8525 license, spiny lobster endorsement, and all trap certificates  
 8526 allotted to him or her through this program. In such cases, trap  
 8527 certificates and endorsements are nontransferable.

8528 b. Any commercial harvester receiving a judicial  
 8529 disposition other than dismissal or acquittal on a charge of  
 8530 willful molestation of a trap, in addition to the penalties  
 8531 specified in ss. 379.367 and 379.407 ~~370.021 and 370.14~~, shall  
 8532 lose all saltwater fishing privileges for a period of 24  
 8533 calendar months.

8534 c. In addition, any commercial harvester charged with  
 8535 violating this subparagraph and receiving a judicial disposition  
 8536 other than dismissal or acquittal for violating this  
 8537 subparagraph or s. 379.402 ~~370.1107~~ shall also be assessed an  
 8538 administrative penalty of up to \$5,000.

8539

8540 Immediately upon receiving a citation for a violation involving  
 8541 theft of or from a trap, or molestation of a trap, and until  
 8542 adjudicated for such a violation or, upon receipt of a judicial  
 8543 disposition other than dismissal or acquittal of such a  
 8544 violation, the commercial harvester committing the violation is  
 8545 prohibited from transferring any spiny lobster trap certificates  
 8546 and endorsements.

8547 4. In addition to any other penalties provided in s.  
 8548 379.407 ~~370.021~~, a commercial harvester who violates the  
 8549 provisions of this section or commission rules relating to spiny  
 8550 lobster traps shall be punished as follows:

8551 a. If the first violation is for violation of subparagraph  
 8552 1. or subparagraph 2., the commission shall assess an additional  
 8553 administrative penalty of up to \$1,000. For all other first  
 8554 violations, the commission shall assess an additional  
 8555 administrative penalty of up to \$500.

8556 b. For a second violation of subparagraph 1. or  
 8557 subparagraph 2. which occurs within 24 months of any previous  
 8558 such violation, the commission shall assess an additional  
 8559 administrative penalty of up to \$2,000 and the spiny lobster  
 8560 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~  
 8561 may be suspended for the remainder of the current license year.

8562 c. For a third or subsequent violation of subparagraph 1.,  
 8563 subparagraph 2., or subparagraph 3. which occurs within 36  
 8564 months of any previous two such violations, the commission shall  
 8565 assess an additional administrative penalty of up to \$5,000 and  
 8566 may suspend the spiny lobster endorsement issued under s.  
 8567 379.367(2) or (6) ~~370.14(2) or (6)~~ for a period of up to 24

8568 months or may revoke the spiny lobster endorsement and, if  
 8569 revoking the spiny lobster endorsement, may also proceed against  
 8570 the licenseholder's saltwater products license in accordance  
 8571 with the provisions of s. 379.407(2)(h) ~~370.021(2)(h)~~.

8572 d. Any person assessed an additional administrative  
 8573 penalty pursuant to this section shall within 30 calendar days  
 8574 after notification:

8575 (I) Pay the administrative penalty to the commission; or

8576 (II) Request an administrative hearing pursuant to the  
 8577 provisions of ss. 120.569 and 120.57.

8578 e. The commission shall suspend the spiny lobster  
 8579 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~  
 8580 for any person failing to comply with the provisions of sub-  
 8581 subparagraph d.

8582 5.a. It is unlawful for any person to make, alter, forge,  
 8583 counterfeit, or reproduce a spiny lobster trap tag or  
 8584 certificate.

8585 b. It is unlawful for any person to knowingly have in his  
 8586 or her possession a forged, counterfeit, or imitation spiny  
 8587 lobster trap tag or certificate.

8588 c. It is unlawful for any person to barter, trade, sell,  
 8589 supply, agree to supply, aid in supplying, or give away a spiny  
 8590 lobster trap tag or certificate or to conspire to barter, trade,  
 8591 sell, supply, aid in supplying, or give away a spiny lobster  
 8592 trap tag or certificate unless such action is duly authorized by  
 8593 the commission as provided in this chapter or in the rules of  
 8594 the commission.

8595           6.a. Any commercial harvester who violates the provisions  
8596 of subparagraph 5., or any commercial harvester who engages in  
8597 the commercial harvest, trapping, or possession of spiny lobster  
8598 without a spiny lobster endorsement as required by s. 379.367(2)  
8599 or (6) 370.14(2) or (6) or during any period while such spiny  
8600 lobster endorsement is under suspension or revocation, commits a  
8601 felony of the third degree, punishable as provided in s.  
8602 775.082, s. 775.083, or s. 775.084.

8603           b. In addition to any penalty imposed pursuant to sub-  
8604 subparagraph a., the commission shall levy a fine of up to twice  
8605 the amount of the appropriate surcharge to be paid on the fair  
8606 market value of the transferred certificates, as provided in  
8607 subparagraph (a)1., on any commercial harvester who violates the  
8608 provisions of sub-subparagraph 5.c.

8609           c. In addition to any penalty imposed pursuant to sub-  
8610 subparagraph a., any commercial harvester receiving any judicial  
8611 disposition other than acquittal or dismissal for a violation of  
8612 subparagraph 5. shall be assessed an administrative penalty of  
8613 up to \$5,000, and the spiny lobster endorsement under which the  
8614 violation was committed may be suspended for up to 24 calendar  
8615 months. Immediately upon issuance of a citation involving a  
8616 violation of subparagraph 5. and until adjudication of such a  
8617 violation, and after receipt of any judicial disposition other  
8618 than acquittal or dismissal for such a violation, the commercial  
8619 harvester holding the spiny lobster endorsement listed on the  
8620 citation is prohibited from transferring any spiny lobster trap  
8621 certificates.

8622 d. Any other person who violates the provisions of  
 8623 subparagraph 5. commits a Level Four violation under s. 379.401  
 8624 ~~372.83~~.

8625 7. Any certificates for which the annual certificate fee  
 8626 is not paid for a period of 3 years shall be considered  
 8627 abandoned and shall revert to the commission. During any period  
 8628 of trap reduction, any certificates reverting to the commission  
 8629 shall become permanently unavailable and be considered in that  
 8630 amount to be reduced during the next license-year period.  
 8631 Otherwise, any certificates that revert to the commission are to  
 8632 be reallocated in such manner as provided by the commission.

8633 8. The proceeds of all administrative penalties collected  
 8634 pursuant to subparagraph 4. and all fines collected pursuant to  
 8635 sub-subparagraph 6.b. shall be deposited into the Marine  
 8636 Resources Conservation Trust Fund.

8637 9. All traps shall be removed from the water during any  
 8638 period of suspension or revocation.

8639 10. Except as otherwise provided, any person who violates  
 8640 this paragraph commits a Level Two violation under s. 379.401  
 8641 ~~372.83~~.

8642 (d) No vested rights.--The trap certificate program shall  
 8643 not create vested rights in licenseholders whatsoever and may be  
 8644 altered or terminated as necessary to protect the spiny lobster  
 8645 resource, the participants in the fishery, or the public  
 8646 interest.

8647 (3) TRAP REDUCTION.--The objective of the overall trap  
 8648 certificate program is to reduce the number of traps used in the  
 8649 spiny lobster fishery to the lowest number that will maintain or

8650 increase overall catch levels, promote economic efficiency in  
8651 the fishery, and conserve natural resources. Therefore, the  
8652 Marine Fisheries Commission shall set an overall trap reduction  
8653 goal based on maintaining or maximizing a sustained harvest from  
8654 the spiny lobster fishery. To reach that goal, the Marine  
8655 Fisheries Commission shall, by July 1, 1992, set an annual trap  
8656 reduction schedule, not to exceed 10 percent per year,  
8657 applicable to all certificateholders until the overall trap  
8658 reduction goal is reached. All certificateholders shall have  
8659 their certificate holdings reduced by the same percentage of  
8660 certificates each year according to the trap reduction schedule.  
8661 Until July 1, 1999, the Department of Environmental Protection  
8662 shall issue the number of trap tags authorized by the Marine  
8663 Fisheries Commission, as requested, and a revised statement of  
8664 certificates held. Beginning July 1, 1999, the Fish and Wildlife  
8665 Conservation Commission shall annually issue the number of trap  
8666 tags authorized by the commission's schedule, as requested, and  
8667 a revised statement of certificates held. Certificateholders may  
8668 maintain or increase their total number of certificates held by  
8669 purchasing available certificates from within the authorized  
8670 total. The Fish and Wildlife Conservation Commission shall  
8671 provide for an annual evaluation of the trap reduction process  
8672 and shall suspend the annual percentage reductions for any  
8673 period deemed necessary by the commission in order to assess the  
8674 impact of the trap reduction schedule on the fishery. The Fish  
8675 and Wildlife Conservation Commission may then, by rule, resume,  
8676 terminate, or reverse the schedule as it deems necessary to

8677 | protect the spiny lobster resource and the participants in the  
 8678 | fishery.

8679 |         (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS  
 8680 | BOARD.--There is hereby established the Trap Certificate  
 8681 | Technical Advisory and Appeals Board. Such board shall consider  
 8682 | and advise the commission on disputes and other problems arising  
 8683 | from the implementation of the spiny lobster trap certificate  
 8684 | program. The board may also provide information to the  
 8685 | commission on the operation of the trap certificate program.

8686 |         (a) The board shall consist of the executive director of  
 8687 | the commission or designee and nine other members appointed by  
 8688 | the executive director, according to the following criteria:

8689 |             1. All appointed members shall be certificateholders, but  
 8690 | two shall be holders of fewer than 100 certificates, two shall  
 8691 | be holders of at least 100 but no more than 750 certificates,  
 8692 | three shall be holders of more than 750 but not more than 2,000  
 8693 | certificates, and two shall be holders of more than 2,000  
 8694 | certificates.

8695 |             2. At least one member each shall come from Broward, Dade,  
 8696 | and Palm Beach Counties; and five members shall come from the  
 8697 | various regions of the Florida Keys.

8698 |             3. At least one appointed member shall be a person of  
 8699 | Hispanic origin capable of speaking English and Spanish.

8700 |         (b) The term of each appointed member shall be for 4  
 8701 | years, and any vacancy shall be filled for the balance of the  
 8702 | unexpired term with a person of the qualifications necessary to  
 8703 | maintain the requirements of paragraph (a). There shall be no  
 8704 | limitation on successive appointments to the board.

8705 (c) The executive director of the commission or designee  
8706 shall serve as a member and shall call the organizational  
8707 meeting of the board. The board shall annually elect a chair and  
8708 a vice chair. There shall be no limitation on successive terms  
8709 that may be served by a chair or vice chair. The board shall  
8710 meet at the call of its chair, at the request of a majority of  
8711 its membership, at the request of the commission, or at such  
8712 times as may be prescribed by its rules. A majority of the board  
8713 shall constitute a quorum, and official action of the board  
8714 shall require a majority vote of the total membership of the  
8715 board present at the meeting.

8716 (d) The procedural rules adopted by the board shall  
8717 conform to the requirements of chapter 120.

8718 (e) Members of the board shall be reimbursed for per diem  
8719 and travel expenses as provided in s. 112.061.

8720 (f) Upon reaching a decision on any dispute or problem  
8721 brought before it, including any decision involving the  
8722 allotment of certificates under paragraph (g), the board shall  
8723 submit such decision to the executive director of the commission  
8724 for final approval. The executive director of the commission may  
8725 alter or disapprove any decision of the board, with notice  
8726 thereof given in writing to the board and to each party in the  
8727 dispute explaining the reasons for the disapproval. The action  
8728 of the executive director of the commission constitutes final  
8729 agency action.

8730 (g) In addition to those certificates allotted pursuant to  
8731 the provisions of subparagraph (2)(a)1., up to 125,000  
8732 certificates may be allotted by the board to settle disputes or

8733 other problems arising from implementation of the trap  
 8734 certificate program during the 1992-1993 and 1993-1994 license  
 8735 years. Any certificates not allotted by March 31, 1994, shall  
 8736 become permanently unavailable and shall be considered as part  
 8737 of the 1994-1995 reduction schedule. All appeals for additional  
 8738 certificates or other disputes must be filed with the board  
 8739 before October 1, 1993.

8740 (h) Any trap certificates issued by the Department of  
 8741 Environmental Protection and, effective July 1, 1999, the  
 8742 commission as a result of the appeals process must be added to  
 8743 the existing number of trap certificates for the purposes of  
 8744 determining the total number of certificates from which the  
 8745 subsequent season's trap reduction is calculated.

8746 (i) On and after July 1, 1994, the board shall no longer  
 8747 consider and advise the Fish and Wildlife Conservation  
 8748 Commission on disputes and other problems arising from  
 8749 implementation of the trap certificate program nor allot any  
 8750 certificates with respect thereto.

8751 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees and  
 8752 surcharges, annual trap certificate fees, and recreational tag  
 8753 fees collected pursuant to paragraphs (2)(a) and (b) shall be  
 8754 deposited in the Marine Resources Conservation Trust Fund and  
 8755 used for administration of the trap certificate program,  
 8756 research and monitoring of the spiny lobster fishery, and  
 8757 enforcement and public education activities in support of the  
 8758 purposes of this section and shall also be for the use of the  
 8759 Fish and Wildlife Conservation Commission in evaluating the  
 8760 impact of the trap reduction schedule on the spiny lobster

8761 fishery; however, at least 15 percent of the fees and surcharges  
 8762 collected shall be provided to the commission for such  
 8763 evaluation.

8764 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife  
 8765 Conservation Commission may adopt rules to implement the  
 8766 provisions of this section.

8767 ~~(7) For the 2006 2007 fiscal year only, the trap tag fees~~  
 8768 ~~required by this section shall be waived by the commission. This~~  
 8769 ~~subsection expires July 1, 2007.~~

8770 Section 153. Subsections (2), (3), and (4) of section  
 8771 370.143, Florida Statutes, are renumbered as section 379.368,  
 8772 Florida Statutes, and amended to read:

8773 379.368 ~~370.143~~ Fees for the retrieval of spiny lobster,  
 8774 stone crab, blue crab, and black sea bass traps during closed  
 8775 season; ~~commission authority; fees.--~~

8776 (1) ~~(2)~~ Pursuant to s. 379.2424, the commission shall  
 8777 assess trap owners, and collect, a retrieval fee of \$10 per trap  
 8778 ~~retrieved shall be assessed trap owners.~~ However, for each  
 8779 person holding a spiny lobster endorsement, a stone crab  
 8780 endorsement, or a blue crab endorsement issued under rule of the  
 8781 commission, the retrieval fee shall be waived for the first five  
 8782 traps retrieved. Traps recovered under this program shall become  
 8783 the property of the commission or its contract agent, as  
 8784 determined by the commission, and shall be either destroyed or  
 8785 resold to the original owner. Revenue from retrieval fees shall  
 8786 be deposited in the Marine Resources Conservation Trust Fund and  
 8787 used solely for operation of the trap retrieval program.

8788            (2)~~(3)~~ Payment of all assessed retrieval fees shall be  
 8789 required prior to renewal of the trap owner's saltwater products  
 8790 license. Retrieval fees assessed under this program shall stand  
 8791 in lieu of other penalties imposed for such trap violations.

8792            (3)~~(4)~~ In the event of a major natural disaster, such as a  
 8793 hurricane or major storm, that causes massive trap losses within  
 8794 an area declared by the Governor to be a disaster emergency  
 8795 area, the commission shall waive trap retrieval fees.

8796            Section 154. Section 370.1535, Florida Statutes, is  
 8797 renumbered as section 379.369, Florida Statutes, and amended to  
 8798 read:

8799            379.369 ~~370.1535~~ Fees for Regulation of shrimp fishing in  
 8800 Tampa Bay; ~~licensing requirements.~~ --

8801            ~~(1) No person shall operate as a dead shrimp producer in~~  
 8802 ~~any waters of Tampa Bay unless such person has procured from the~~  
 8803 ~~Fish and Wildlife Conservation Commission a dead shrimp~~  
 8804 ~~production permit.~~

8805            ~~(2) The Fish and Wildlife Conservation Commission is~~  
 8806 ~~authorized to issue a dead shrimp production permit to persons~~  
 8807 ~~qualified pursuant to the following criteria:~~

8808            ~~(a) The person has submitted an application designed by~~  
 8809 ~~the commission for such permit.~~

8810            ~~(b) One permit is required for each vessel used for dead~~  
 8811 ~~shrimp production in the waters of Tampa Bay. A permit shall~~  
 8812 ~~only be issued to an individual who is the principal owner of~~  
 8813 ~~the vessel or of the business entity owning the vessel and~~  
 8814 ~~utilizing the permit. No more than three permits shall be issued~~  
 8815 ~~to any individual.~~

8816           ~~(e)~~ Each application for a permit to shrimp fish in the  
 8817 waters of Tampa Bay shall be accompanied by a fee of \$250 for  
 8818 each resident of the state and \$1,000 for each nonresident of  
 8819 the state. The proceeds of the fees collected pursuant to this  
 8820 paragraph shall be deposited into the Marine Resources  
 8821 Conservation Trust Fund to be used by the commission for the  
 8822 purpose of enforcement of marine resource laws.

8823           ~~(d) No person shall be issued a permit or be allowed to~~  
 8824 ~~renew a permit if such person is registered for noncommercial~~  
 8825 ~~trawling pursuant to s. 370.15(4).~~

8826           ~~(e) Each applicant shall make application prior to June~~  
 8827 ~~30, 1992, and shall hold any other license or registration~~  
 8828 ~~required to operate a commercial fishing vessel in Tampa Bay on~~  
 8829 ~~the date of application.~~

8830           ~~(3) Each permit issued in the base year of 1992 shall be~~  
 8831 ~~renewable by June 30 in each subsequent year upon application~~  
 8832 ~~meeting the requirements for issuance for an initial permit~~  
 8833 ~~pursuant to subsection (2). The number of permits outstanding in~~  
 8834 ~~any one year shall not exceed the number issued for 1992. No~~  
 8835 ~~permit shall be transferable by any method, including devise or~~  
 8836 ~~inheritance, and a permit shall be renewable only by the initial~~  
 8837 ~~holder thereof. All permits not renewed for any reason shall~~  
 8838 ~~expire and shall not be renewable under any circumstances.~~

8839           ~~(4) No person harvesting dead shrimp from Tampa Bay shall~~  
 8840 ~~sell such shrimp to any person unless such seller is in~~  
 8841 ~~possession of a dead shrimp production permit issued pursuant to~~  
 8842 ~~this section. Except for purchases from other wholesale dealers,~~  
 8843 ~~no wholesale dealer, as defined in s. 370.07(1)(a)3., shall~~

8844 ~~purchase dead shrimp harvested in Tampa Bay, unless the seller~~  
 8845 ~~produces his or her dead shrimp production permit prior to the~~  
 8846 ~~sale of the shrimp.~~

8847 ~~(5) The operator of any vessel used in Tampa Bay for dead~~  
 8848 ~~shrimp production shall possess while in or on the waters of the~~  
 8849 ~~bay and produce upon the request of any duly authorized law~~  
 8850 ~~enforcement officer a current dead shrimp production permit~~  
 8851 ~~issued for the vessel pursuant to this section.~~

8852 ~~(6) Each person harvesting shrimp in Tampa Bay pursuant to~~  
 8853 ~~the permit required by this section shall comply with all rules~~  
 8854 ~~of the Fish and Wildlife Conservation Commission regulating such~~  
 8855 ~~harvest.~~

8856 ~~(7) For purpose of this section, "Tampa Bay" means all the~~  
 8857 ~~waters of the bay east and north of the Sunshine Skyway Bridge~~  
 8858 ~~(U.S. 19 and Interstate 275).~~

8859 Section 155. Section 379.3711, Florida Statutes, is  
 8860 created to read:

8861 379.3711 License fee for private game preserves and  
 8862 farms.--The licensee fee for establishing, maintaining, and  
 8863 operating a private preserve and farm pursuant to s. 379.302 is  
 8864 \$50 per year. The fee is payable to the commission and shall be  
 8865 deposited in the State Game Trust Fund.

8866 Section 156. Section 372.661, Florida Statutes, is  
 8867 renumbered as section 379.3712, Florida Statutes, and amended to  
 8868 read:

8869 379.3712 ~~372.661~~ Private hunting preserve license fees;  
 8870 exception.--

8871 (1) Any person who operates a private hunting preserve  
 8872 commercially or otherwise shall be required to pay a license fee  
 8873 of \$70 for each such preserve; provided, however, that during  
 8874 the open season established for wild game of any species a  
 8875 private individual may take artificially propagated game of such  
 8876 species up to the bag limit prescribed for the particular  
 8877 species without being required to pay the license fee required  
 8878 by this section; provided further that if any such individual  
 8879 shall charge a fee for taking such game she or he shall be  
 8880 required to pay the license fee required by this section and to  
 8881 comply with the rules of the commission relative to the  
 8882 operation of private hunting preserves.

8883 (2) A commercial hunting preserve license, which shall  
 8884 exempt patrons of licensed preserves from the license and permit  
 8885 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j)  
 8886 ~~372.57(4)(c), (d), (f), (h), (i), and (j)~~; (5)(g) and (h);  
 8887 (8)(a), (b), and (e); (9)(a)2.; (11); and (12) while hunting on  
 8888 the licensed preserve property, shall be \$500. Such commercial  
 8889 hunting preserve license shall be available only to those  
 8890 private hunting preserves licensed pursuant to this section  
 8891 which are operated exclusively for commercial purposes, which  
 8892 are open to the public, and for which a uniform fee is charged  
 8893 to patrons for hunting privileges.

8894 Section 157. Section 372.86, Florida Statutes, is  
 8895 renumbered as section 379.372, Florida Statutes, to read:

8896 379.372 ~~372.86~~ Capturing, keeping, possessing,  
 8897 transporting, or exhibiting venomous reptiles or reptiles of  
 8898 concern; license required.--

8899 (1) No person, firm, or corporation shall capture, keep,  
 8900 possess, or exhibit any poisonous or venomous reptile or reptile  
 8901 of concern without first having obtained a special permit or  
 8902 license therefor from the Fish and Wildlife Conservation  
 8903 Commission as provided in this section.

8904 (2) By December 31, 2007, the commission shall establish a  
 8905 list of reptiles of concern, including venomous, nonvenomous,  
 8906 native, nonnative, or other reptiles, which require additional  
 8907 regulation for capture, possession, transportation, or  
 8908 exhibition due to their nature, habits, status, or potential to  
 8909 negatively impact the environment, ecology, or humans.

8910 (3) It shall be unlawful for any person, firm, or  
 8911 corporation, whether licensed hereunder or not, to capture,  
 8912 keep, possess, or exhibit any venomous reptile or reptile of  
 8913 concern in any manner not approved as safe, secure, and proper  
 8914 by the commission. Venomous reptiles or reptiles of concern held  
 8915 in captivity are subject to inspection by the commission. The  
 8916 commission shall determine whether the reptiles are securely,  
 8917 safely, and properly penned. In the event that the reptiles are  
 8918 not safely penned, the commission shall report the situation in  
 8919 writing to the person, firm, or corporation owning the reptiles.  
 8920 Failure of the person, firm, or corporation to correct the  
 8921 situation within 30 days after such written notice shall be  
 8922 grounds for revocation of the license or permit of the person,  
 8923 firm, or corporation.

8924 (4) Venomous reptiles or reptiles of concern shall be  
 8925 transported in a safe, secure, and proper manner. The commission

8926 shall establish by rule the requirements for the transportation  
 8927 of venomous reptiles or reptiles of concern.

8928 Section 158. Section 372.87, Florida Statutes, is  
 8929 renumbered as 379.373, Florida Statutes, to read:

8930 379.373 ~~372.87~~ License fee; renewal, revocation.--

8931 (1) (a) 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 venomous  
 8934 reptiles, upon payment of an annual fee of \$100 and upon  
 8935 assurance that all of the provisions of ss. 379.372-379.305 and  
 8936 ss. 379.372-379.374 ~~372.86-372.92~~ and such other reasonable  
 8937 rules and regulations as the commission may prescribe will be  
 8938 fully complied with in all respects.

8939 (b) The Fish and Wildlife Conservation Commission is  
 8940 authorized and empowered to issue a license or permit for the  
 8941 capturing, keeping, possessing, or exhibiting of reptiles of  
 8942 concern upon payment of an annual fee not to exceed \$100 and  
 8943 upon assurance that all of the provisions of ss. 379.305,  
 8944 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and such other  
 8945 reasonable rules and regulations as the commission may prescribe  
 8946 will be fully complied with in all respects. The annual fee for  
 8947 issuance or renewal of a license or permit under this paragraph  
 8948 for reptiles of concern is initially set at \$100. However, the  
 8949 commission may reduce that annual fee by rule if the commission  
 8950 determines that there is general compliance with ss. 379.305,  
 8951 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and that such  
 8952 compliance allows for a reduction in fees to cover the costs of  
 8953 administering and enforcing the reptiles of concern program. The

8954 commission may issue a license or permit to an applicant who  
 8955 holds a current and valid license or permit for venomous  
 8956 reptiles under paragraph (a) and meets all requirements for the  
 8957 capturing, keeping, possessing, or exhibiting of reptiles of  
 8958 concern, but shall not require payment of an additional annual  
 8959 fee.

8960 (2) Such permits or licenses may be revoked by the  
 8961 commission upon violation of any of the provisions of ss.  
 8962 379.305, 379.372, 379.373, and 379.374 ~~372.86-372.92~~ or upon  
 8963 violation of any of the rules and regulations prescribed by the  
 8964 commission relating to the capturing, keeping, possessing, and  
 8965 exhibiting of any venomous reptiles or reptiles of concern. Such  
 8966 permits or licenses shall be for an annual period to be  
 8967 prescribed by the commission and shall be renewable upon the  
 8968 payment of said fee and shall be subject to the same conditions,  
 8969 limitations, and restrictions as set forth in this section. All  
 8970 moneys received pursuant to this section shall be deposited into  
 8971 the State Game Trust Fund to be used to implement, administer,  
 8972 enforce, and educate the public regarding ss. 379.305, 379.372,  
 8973 379.373, and 379.374 ~~372.86-372.92~~.

8974 Section 159. Section 372.88, Florida Statutes, is  
 8975 renumbered as section 379.374, Florida Statutes, to read:

8976 379.374 ~~372.88~~ Bond required, amount.--

8977 (1) No person, party, firm, or corporation shall exhibit  
 8978 to the public either with or without charge or admission fee any  
 8979 venomous reptile without having first posted a good and  
 8980 sufficient bond in writing in the penal sum of \$10,000 payable  
 8981 to the commission, conditioned that such exhibitor will

8982 indemnify and save harmless all persons from injury or damage  
 8983 from such venomous reptiles so exhibited and shall fully comply  
 8984 with all laws of the state and all rules and regulations of the  
 8985 commission governing the capturing, keeping, possessing, or  
 8986 exhibiting of venomous reptiles; provided, however, that the  
 8987 aggregate liability of the surety for all such injuries or  
 8988 damages shall, in no event, exceed the penal sum of the bond.  
 8989 The surety for the bond must be a surety company authorized to  
 8990 do business under the laws of the state or in lieu of such a  
 8991 surety, cash in the sum of \$10,000 may be posted with the  
 8992 commission to ensure compliance with the conditions of the bond.

8993 (2) No person, party, firm, or corporation shall exhibit  
 8994 to the public either with or without charge or admission fee,  
 8995 any Class I wildlife, as defined in s. 379.303 ~~372.922~~ and  
 8996 commission rule chapter 68A-6, ~~Florida Administrative Code~~,  
 8997 without having first guaranteed financial responsibility, in the  
 8998 sum of \$10,000, for any liability which may be incurred in the  
 8999 exhibition to the public of Class I wildlife. The commission  
 9000 shall adopt, by rule, the methods of payment that satisfy the  
 9001 financial responsibility, which may include cash, the  
 9002 establishment of a trust fund, an irrevocable letter of credit,  
 9003 casualty insurance, a corporate guarantee, or any combination  
 9004 thereof, in the sum of \$10,000 which shall be posted with the  
 9005 commission. In lieu of the \$10,000 financial responsibility  
 9006 guarantee required in this subsection, the exhibiter has the  
 9007 option to maintain comprehensive general liability insurance,  
 9008 with minimum limits of \$2 million per occurrence and \$2 million  
 9009 annual aggregate, as shall protect the exhibiter from claims for

9010 damage for personal injury, including accidental death, as well  
 9011 as claims for property damage which may arise. Proof of such  
 9012 insurance shall be submitted to the commission.

9013 Section 160. Section 372.6673, Florida Statutes, is  
 9014 renumbered as section 379.3751, Florida Statutes, to read:

9015 379.3751 ~~372.6673~~ Taking and possession of alligators;  
 9016 trapping licenses; fees.--

9017 (1)(a) No person shall take or possess any alligator or  
 9018 the eggs thereof without having first obtained from the  
 9019 commission a trapping license and paid the fee provided in this  
 9020 section. Such license shall be dated when issued and remain  
 9021 valid for 12 months after the date of issuance and shall  
 9022 authorize the person to whom it is issued to take or possess  
 9023 alligators and their eggs, and to sell, possess, and process  
 9024 alligators and their hides and meat, in accordance with law and  
 9025 commission rules. Such license shall not be transferable and  
 9026 shall not be valid unless it bears on its face in indelible ink  
 9027 the name of the person to whom it is issued. Such license shall  
 9028 be in the personal possession of the licensee while such person  
 9029 is taking alligators or their eggs or is selling, possessing, or  
 9030 processing alligators or their eggs, hides, or meat. The failure  
 9031 of the licensee to exhibit such license to the commission or its  
 9032 wildlife officers, when such person is found taking alligators  
 9033 or their eggs or is found selling, possessing, or processing  
 9034 alligators or their eggs, hides, or meat, shall be a violation  
 9035 of law.

9036 (b) In order to assure the optimal utilization of the  
 9037 estimated available alligator resource and to ensure adequate

9038 control of the alligator management and harvest program, the  
 9039 commission may by rule limit the number of participants engaged  
 9040 in the taking of alligators or their eggs from the wild.

9041 (c) No person who has been convicted of any violation of  
 9042 s. s. 379.3015 or s.379.409 ~~372.663 or s. 372.664~~ or the rules  
 9043 of the commission relating to the illegal taking of crocodilian  
 9044 species shall be eligible for issuance of a license for a period  
 9045 of 5 years subsequent to such conviction. In the event such  
 9046 violation involves the unauthorized taking of an endangered  
 9047 crocodilian species, no license shall be issued for 10 years  
 9048 subsequent to the conviction.

9049 (2) The license and issuance fee, and the activity  
 9050 authorized thereby, shall be as follows:

9051 (a) The annual fee for issuance of a resident alligator  
 9052 trapping license, which permits a resident of the state to take  
 9053 alligators occurring in the wild other than alligator  
 9054 hatchlings, to possess and process alligators taken under  
 9055 authority of such alligator trapping license or otherwise  
 9056 legally acquired, and to possess, process, and sell their hides  
 9057 and meat, shall be \$250.

9058 (b) The annual fee for issuance of a nonresident alligator  
 9059 trapping license, which permits a person other than a resident  
 9060 of the state to take alligators occurring in the wild other than  
 9061 alligator hatchlings, to possess and process alligators taken  
 9062 under authority of such alligator trapping license, and to  
 9063 possess, process, and sell their hides and meat, shall be  
 9064 \$1,000.

9065 (c) The annual fee for issuance of an alligator trapping  
9066 agent's license, which permits a person to act as an agent of  
9067 any person who has been issued a resident or nonresident  
9068 alligator trapping license as provided in paragraph (a) or  
9069 paragraph (b) and to take alligators occurring in the wild other  
9070 than alligator hatchlings, and to possess and process alligators  
9071 taken under authority of such agency relationship, shall be \$50.  
9072 Such alligator trapping agent's license shall be issued only in  
9073 conjunction with an alligator trapping license and shall bear on  
9074 its face in indelible ink the name and license number of the  
9075 alligator trapping licenseholder for whom the holder of this  
9076 license is acting as an agent.

9077 (d) The annual fee for issuance of an alligator farming  
9078 license, which permits a person to operate a facility for  
9079 captive propagation of alligators, to possess alligators for  
9080 captive propagation, to take alligator hatchlings and alligator  
9081 eggs occurring in the wild, to rear such alligators, alligator  
9082 hatchlings, and alligator eggs in captivity, to process  
9083 alligators taken or possessed under authority of such alligator  
9084 farming license or otherwise legally acquired, and to sell their  
9085 hides and meat, shall be \$250.

9086 (e) The annual fee for issuance of an alligator farming  
9087 agent's license, which permits a person to act as an agent of  
9088 any person who has been issued an alligator farming license as  
9089 provided in paragraph (d) and to take alligator hatchlings and  
9090 alligator eggs occurring in the wild, and to possess and process  
9091 alligators taken under authority of such agency relationship,  
9092 shall be \$50. Such license shall be issued only in conjunction

9093 with an alligator farming license, and shall bear on its face in  
9094 indelible ink the name and license number of the alligator  
9095 farming licenseholder for whom the holder of this license is  
9096 acting as an agent.

9097 (f) The annual fee for issuance of an alligator  
9098 processor's license, which permits a person to buy and process  
9099 alligators lawfully taken by alligator trapping licenseholders  
9100 and taken or possessed by alligator farming licenseholders and  
9101 to sell alligator meat, hides, and other parts, shall be \$250.

9102 (3) For the purpose of this section, "process" shall mean  
9103 the possession and skinning or butchering of an alligator by  
9104 someone other than the holder of the alligator trapping license,  
9105 alligator trapping agent's license, alligator farming license,  
9106 or alligator farming agent's license who has authorized the  
9107 taking and possession of such alligator.

9108 (4) No person shall take any alligator egg occurring in  
9109 the wild or possess any such egg unless such person has  
9110 obtained, or is a licensed agent of another person who has  
9111 obtained, an alligator egg collection permit. The alligator egg  
9112 collection permit shall be required in addition to the alligator  
9113 farming license provided in paragraph (2)(d). The commission is  
9114 authorized to assess a fee for issuance of the alligator egg  
9115 collection permit of up to \$5 per egg authorized to be taken or  
9116 possessed pursuant to such permit. Irrespective of whether a fee  
9117 is assessed, \$1 per egg collected and retained, excluding eggs  
9118 collected on private wetland management areas, shall be  
9119 transferred from the alligator management program to the General  
9120 Inspection Trust Fund, to be administered by the Department of

9121 Agriculture and Consumer Services for the purpose of providing  
 9122 marketing and education services with respect to alligator  
 9123 products produced in this state, notwithstanding other  
 9124 provisions in this chapter.

9125 (5) The commission shall adopt criteria by rule to  
 9126 establish appropriate qualifications for alligator collectors  
 9127 who may receive permits pursuant to this section.

9128 Section 161. Section 372.6674, Florida Statutes, is  
 9129 renumbered as section 379.3752, Florida Statutes, and amended to  
 9130 read:

9131 379.3752 ~~372.6674~~ Required tagging of alligators and  
 9132 hides; fees; revenues.--The tags provided in this section shall  
 9133 be required in addition to any license required under s.  
 9134 379.3751 ~~372.6673~~.

9135 (1) No person shall take any alligator occurring in the  
 9136 wild or possess any such alligator unless such alligator is  
 9137 subsequently tagged in the manner required by commission rule.  
 9138 For the tag required for an alligator hatchling, the commission  
 9139 is authorized to assess a fee of not more than \$15 for each  
 9140 alligator hatchling tag issued. The commission shall expend one-  
 9141 third of the revenue generated from the issuance of the  
 9142 alligator hatchling tag for alligator husbandry research.

9143 (2) The commission may require that an alligator hide  
 9144 validation tag (CITES tag) be affixed to the hide of any  
 9145 alligator taken from the wild and that such hide be possessed,  
 9146 purchased, sold, offered for sale, or transported in accordance  
 9147 with commission rule. The commission is authorized to assess a  
 9148 fee of up to \$30 for each alligator hide validation tag issued.

9149 Irrespective of whether a fee is assessed, \$5 per validated  
 9150 hide, excluding those validated from public hunt programs and  
 9151 alligator farms, shall be transferred from the alligator  
 9152 management program to the General Inspection Trust Fund, to be  
 9153 administered by the Department of Agriculture and Consumer  
 9154 Services for the purpose of providing marketing and education  
 9155 services with respect to alligator products produced in this  
 9156 state, notwithstanding other provisions in this chapter.

9157 (3) The number of tags available for alligators taken  
 9158 pursuant to a collection permit shall be limited to the number  
 9159 of tags determined by the commission to equal the safe yield of  
 9160 alligators as determined pursuant to s. 379.3013 ~~372.6678~~.

9161 Section 162. Subsections (1), (2), (3), (7) and (8) of  
 9162 section 372.921, Florida Statutes, are renumbered as section  
 9163 379.3761, Florida Statutes, and amended to read:

9164 379.3761 Exhibition or sale of wildlife; fees;  
 9165 classifications.--

9166 (1) In order to provide humane treatment and sanitary  
 9167 surroundings for wild animals kept in captivity, no person,  
 9168 firm, corporation, or association shall have, or be in  
 9169 possession of, in captivity for the purpose of public display  
 9170 with or without charge or for public sale any wildlife,  
 9171 specifically birds, mammals, amphibians, and reptiles, whether  
 9172 indigenous to Florida or not, without having first secured a  
 9173 permit from the commission authorizing such person, firm, or  
 9174 corporation to have in its possession in captivity the species  
 9175 and number of wildlife specified within such permit; however,

9176 | this section does not apply to any wildlife not protected by law  
 9177 | and the rules of the commission.

9178 |         (2) The fees to be paid for the issuance of permits  
 9179 | required by subsection (1) shall be as follows:

9180 |             (a) For not more than 25 Class I or Class II individual  
 9181 | specimens in the aggregate of all species, the sum of \$150 per  
 9182 | annum.

9183 |             (b) For over 25 Class I or Class II individual specimens  
 9184 | in the aggregate of all species, the sum of \$250 per annum.

9185 |             (c) For any number of Class III individual specimens in  
 9186 | the aggregate of all species, the sum of \$50 per annum.

9187 |  
 9188 | The fees prescribed by this subsection shall be submitted to the  
 9189 | commission with the application for permit required by  
 9190 | subsection (1) and shall be deposited in the State Game Trust  
 9191 | Fund.

9192 |         (3) An applicant for a permit shall be required to include  
 9193 | in her or his application a statement showing the place, number,  
 9194 | and species of wildlife to be held in captivity by the applicant  
 9195 | and shall be required upon request by the Fish and Wildlife  
 9196 | Conservation Commission to show when, where, and in what manner  
 9197 | she or he came into possession of any wildlife acquired  
 9198 | subsequent to the effective date of this act. The source of  
 9199 | acquisition of such wildlife shall not be divulged by the  
 9200 | commission except in connection with a violation of this section  
 9201 | or a regulation of the commission in which information as to  
 9202 | source of wildlife is required as evidence in the prosecution of  
 9203 | such violation.

9204            (4) ~~(7)~~ The provisions of this section relative to  
 9205            licensing do not apply to any municipal, county, state, or other  
 9206            publicly owned wildlife exhibit. The provisions of this section  
 9207            do not apply to any traveling zoo, circus, or exhibit licensed  
 9208            as provided by chapter 205.

9209            (5) ~~(8)~~ This section shall not apply to the possession,  
 9210            control, care, and maintenance of ostriches, emus, rheas, and  
 9211            bison domesticated and confined for commercial farming purposes,  
 9212            except those kept and maintained on hunting preserves or game  
 9213            farms or primarily for exhibition purposes in zoos, carnivals,  
 9214            circuses, and other such establishments where such species are  
 9215            kept primarily for display to the public.

9216            Section 163. Subsections (1), (2), (5), (6), and (7) of  
 9217            section 372.922, Florida Statutes, are renumbered as section  
 9218            379.3762, Florida Statutes, and amended to read:

9219            379.3762 ~~372.922~~ Personal possession of wildlife.--

9220            (1) It is unlawful for any person or persons to possess  
 9221            any wildlife as defined in this act, whether indigenous to  
 9222            Florida or not, until she or he has obtained a permit as  
 9223            provided by this section from the Fish and Wildlife Conservation  
 9224            Commission.

9225            (2) The classifications of types of wildlife and fees to  
 9226            be paid for permits for the personal possession of wildlife  
 9227            shall be as follows:

9228            (a) Class I--Wildlife which, because of its nature,  
 9229            habits, or status, shall not be possessed as a personal pet.

9230            (b) Class II--Wildlife considered to present a real or  
 9231            potential threat to human safety, the sum of \$140 per annum.

9232 (c) Class III--All other wildlife not included in Class I  
 9233 or Class II, for which a no-cost permit must be obtained from  
 9234 the commission.

9235 ~~(3)(5)~~ Any person, firm, corporation, or association  
 9236 exhibiting or selling wildlife and being duly permitted as  
 9237 provided by s. 379.304 ~~372.921~~ shall be exempt from the fee  
 9238 requirement to receive a permit under this section.

9239 ~~(4)(6)~~ This section shall not apply to the possession,  
 9240 control, care, and maintenance of ostriches, emus, rheas, and  
 9241 bison domesticated and confined for commercial farming purposes,  
 9242 except those kept and maintained on hunting preserves or game  
 9243 farms or primarily for exhibition purposes in zoos, carnivals,  
 9244 circuses, and other such establishments where such species are  
 9245 kept primarily for display to the public.

9246 ~~(5)(7)~~ Persons in violation of this section shall be  
 9247 punishable as provided in s. 379.401 ~~372.83~~.

9248 Section 164. Section 372.653, Florida Statutes, is  
 9249 renumbered as section 379.377, Florida Statutes, and amended to  
 9250 read:

9251 379.377 ~~372.653~~ Tag fees for sale of Lake Okeechobee game  
 9252 fish ~~Required tagging of fish; lakes in excess of 500 square~~  
 9253 ~~miles; tag fee; game fish taken in lakes of 500 square miles or~~  
 9254 ~~less.--The commission is authorized to assess a fee of not more~~  
 9255 than 5 cents per tag, payable at the time of delivery of the  
 9256 tag, for the purpose of allowing the sale of game fish taken  
 9257 commercially from Lake Okeechobee, as may be allowed by the  
 9258 commission.

9259           ~~(1) (a) No game fish taken from, or caught in, a lake in~~  
 9260 ~~this state the area of which is in excess of 500 square miles~~  
 9261 ~~shall be sold for consumption in this state unless it is tagged~~  
 9262 ~~in the manner required by the Fish and Wildlife Conservation~~  
 9263 ~~Commission. Bass or pickerel taken by any method other than hook~~  
 9264 ~~and line shall be returned immediately to the water. Trawls and~~  
 9265 ~~haul seines shall not be operated within 1 mile of rooted~~  
 9266 ~~aquatic vegetation.~~

9267           ~~(b) In order that such program of tagging be self-~~  
 9268 ~~sufficient, the Fish and Wildlife Conservation Commission is~~  
 9269 ~~authorized to assess a fee of not more than 5 cents per tag,~~  
 9270 ~~payable at the time of delivery of the tag.~~

9271           ~~(2) No freshwater game fish shall be taken from a lake in~~  
 9272 ~~this state the area of which is 500 square miles or less other~~  
 9273 ~~than with pole and line; rod and reel; or plug, bob, spinner,~~  
 9274 ~~spoon, or other artificial bait or lure.~~

9275           ~~(3) No freshwater game fish taken from a lake in this~~  
 9276 ~~state the area of which is 500 square miles or less shall be~~  
 9277 ~~offered for sale or sold.~~

9278           Section 165. Part VIII of chapter 379, Florida Statutes,  
 9279 consisting of sections 379.401, 379.4015, 379.402, 379.403,  
 9280 379.404, 379.405, 379.406, 379.407, 379.408, 379.409, 379.411,  
 9281 379.4115, 379.412, 379.413, and 379.414, is created to read:

9282                               PART VIII

9283                               PENALTIES

9284

9285 Section 166. Section 372.83, Florida Statutes, is  
 9286 renumbered as section 379.401, Florida Statutes, and amended to  
 9287 read:

9288 379.401 ~~372.83~~ Penalties and violations; civil penalties  
 9289 for noncriminal infractions; criminal penalties; suspension and  
 9290 forfeiture of licenses and permits.--

9291 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One  
 9292 violation if he or she violates any of the following provisions:

9293 1. Rules or orders of the commission relating to the  
 9294 filing of reports or other documents required to be filed by  
 9295 persons who hold recreational licenses and permits issued by the  
 9296 commission.

9297 2. Rules or orders of the commission relating to quota  
 9298 hunt permits, daily use permits, hunting zone assignments,  
 9299 camping, alcoholic beverages, vehicles, and check stations  
 9300 within wildlife management areas or other areas managed by the  
 9301 commission.

9302 3. Rules or orders of the commission relating to daily use  
 9303 permits, alcoholic beverages, swimming, possession of firearms,  
 9304 operation of vehicles, and watercraft speed within fish  
 9305 management areas managed by the commission.

9306 4. Rules or orders of the commission relating to vessel  
 9307 size or specifying motor restrictions on specified water bodies.

9308 5. Section 379.355 ~~370.063~~, providing for special  
 9309 recreational spiny lobster licenses.

9310 6. Section 379.354(1) - (15) ~~372.57(1) - (15)~~, providing for  
 9311 recreational licenses to hunt, fish, and trap.

9312           7. Section 379.3581 ~~372.5717~~, providing hunter safety  
9313 course requirements.

9314           8. Section 379.3003 ~~372.988~~, prohibiting deer hunting  
9315 unless required clothing is worn.

9316           (b) A person who commits a Level One violation commits a  
9317 noncriminal infraction and shall be cited to appear before the  
9318 county court.

9319           (c)1. The civil penalty for committing a Level One  
9320 violation involving the license and permit requirements of s.  
9321 379.354 ~~372.57~~ is \$50 plus the cost of the license or permit,  
9322 unless subparagraph 2. applies.

9323           2. The civil penalty for committing a Level One violation  
9324 involving the license and permit requirements of s. 379.354  
9325 ~~372.57~~ is \$100 plus the cost of the license or permit if the  
9326 person cited has previously committed the same Level One  
9327 violation within the preceding 36 months.

9328           (d)1. The civil penalty for any other Level One violation  
9329 is \$50 unless subparagraph 2. applies.

9330           2. The civil penalty for any other Level One violation is  
9331 \$100 if the person cited has previously committed the same Level  
9332 One violation within the preceding 36 months.

9333           (e) A person cited for a Level One violation shall sign  
9334 and accept a citation to appear before the county court. The  
9335 issuing officer may indicate on the citation the time and  
9336 location of the scheduled hearing and shall indicate the  
9337 applicable civil penalty.

9338           (f) A person cited for a Level One violation may pay the  
9339 civil penalty by mail or in person within 30 days after receipt

9340 of the citation. If the civil penalty is paid, the person shall  
 9341 be deemed to have admitted committing the Level One violation  
 9342 and to have waived his or her right to a hearing before the  
 9343 county court. Such admission may not be used as evidence in any  
 9344 other proceedings except to determine the appropriate fine for  
 9345 any subsequent violations.

9346 (g) A person who refuses to accept a citation, who fails  
 9347 to pay the civil penalty for a Level One violation, or who fails  
 9348 to appear before a county court as required commits a  
 9349 misdemeanor of the second degree, punishable as provided in s.  
 9350 775.082 or s. 775.083.

9351 (h) A person who elects to appear before the county court  
 9352 or who is required to appear before the county court shall be  
 9353 deemed to have waived the limitations on civil penalties  
 9354 provided under paragraphs (c) and (d). After a hearing, the  
 9355 county court shall determine if a Level One violation has been  
 9356 committed, and if so, may impose a civil penalty of not less  
 9357 than \$50 for a first-time violation, and not more than \$500 for  
 9358 subsequent violations. A person found guilty of committing a  
 9359 Level One violation may appeal that finding to the circuit  
 9360 court. The commission of a violation must be proved beyond a  
 9361 reasonable doubt.

9362 (i) A person cited for violating the requirements of s.  
 9363 379.354 ~~372.57~~ relating to personal possession of a license or  
 9364 permit may not be convicted if, prior to or at the time of a  
 9365 county court hearing, the person produces the required license  
 9366 or permit for verification by the hearing officer or the court  
 9367 clerk. The license or permit must have been valid at the time

9368 the person was cited. The clerk or hearing officer may assess a  
 9369 \$5 fee for costs under this paragraph.

9370 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two  
 9371 violation if he or she violates any of the following provisions:

9372 1. Rules or orders of the commission relating to seasons  
 9373 or time periods for the taking of wildlife, freshwater fish, or  
 9374 saltwater fish.

9375 2. Rules or orders of the commission establishing bag,  
 9376 possession, or size limits or restricting methods of taking  
 9377 wildlife, freshwater fish, or saltwater fish.

9378 3. Rules or orders of the commission prohibiting access or  
 9379 otherwise relating to access to wildlife management areas or  
 9380 other areas managed by the commission.

9381 4. Rules or orders of the commission relating to the  
 9382 feeding of wildlife, freshwater fish, or saltwater fish.

9383 5. Rules or orders of the commission relating to landing  
 9384 requirements for freshwater fish or saltwater fish.

9385 6. Rules or orders of the commission relating to  
 9386 restricted hunting areas, critical wildlife areas, or bird  
 9387 sanctuaries.

9388 7. Rules or orders of the commission relating to tagging  
 9389 requirements for game and fur-bearing animals.

9390 8. Rules or orders of the commission relating to the use  
 9391 of dogs for the taking of game.

9392 9. Rules or orders of the commission which are not  
 9393 otherwise classified.

9394 10. Rules or orders of the commission prohibiting the  
 9395 unlawful use of finfish traps.

- 9396            11. ~~10.~~ All prohibitions in chapter 370 which are not  
 9397 otherwise classified.
- 9398            12. ~~11.~~ Section 379.33 ~~370.028~~, prohibiting the violation  
 9399 of or noncompliance with commission rules.
- 9400            13. ~~12.~~ Section 379.407(6) ~~370.021(6)~~ prohibiting the  
 9401 sale, purchase, harvest, or attempted harvest of any saltwater  
 9402 product with intent to sell.
- 9403            14. ~~13.~~ Section 379.2421 ~~370.08~~, prohibiting the  
 9404 obstruction of waterways with net gear.
- 9405            ~~14. Section 370.1105, prohibiting the unlawful use of~~  
 9406 ~~finfish traps.~~
- 9407            15. Section 379.413 ~~370.1121~~, prohibiting the unlawful  
 9408 taking of bonefish.
- 9409            16. Section 379.365(2)(a) and (b) ~~370.13(2)(a) and (b)~~,  
 9410 prohibiting the possession or use of stone crab traps without  
 9411 trap tags and theft of trap contents or gear.
- 9412            17. Section 379.366 (4)(b) ~~370.135(4)(b)~~, prohibiting the  
 9413 theft of blue crab trap contents or trap gear.
- 9414            18. Section 379.3671(2)(c) ~~370.142(2)(e)~~, prohibiting the  
 9415 possession or use of spiny lobster traps without trap tags or  
 9416 certificates and theft of trap contents or trap gear.
- 9417            19. Section 379.357 ~~372.5704~~, prohibiting the possession  
 9418 of tarpon without purchasing a tarpon tag.
- 9419            20. Section 379.409 ~~372.667~~, prohibiting the feeding or  
 9420 enticement of alligators or crocodiles.
- 9421            21. Section 379.105 ~~372.705~~, prohibiting the intentional  
 9422 harassment of hunters, fishers, or trappers.

9423 (b)1. A person who commits a Level Two violation but who  
 9424 has not been convicted of a Level Two or higher violation within  
 9425 the past 3 years commits a misdemeanor of the second degree,  
 9426 punishable as provided in s. 775.082 or s. 775.083.

9427 2. Unless the stricter penalties in subparagraph 3. or  
 9428 subparagraph 4. apply, a person who commits a Level Two  
 9429 violation within 3 years after a previous conviction for a Level  
 9430 Two or higher violation commits a misdemeanor of the first  
 9431 degree, punishable as provided in s. 775.082 or s. 775.083, with  
 9432 a minimum mandatory fine of \$250.

9433 3. Unless the stricter penalties in subparagraph 4. apply,  
 9434 a person who commits a Level Two violation within 5 years after  
 9435 two previous convictions for a Level Two or higher violation,  
 9436 commits a misdemeanor of the first degree, punishable as  
 9437 provided in s. 775.082 or s. 775.083, with a minimum mandatory  
 9438 fine of \$500 and a suspension of any recreational license or  
 9439 permit issued under s. 379.354 ~~372.57~~ for 1 year. Such  
 9440 suspension shall include the suspension of the privilege to  
 9441 obtain such license or permit and the suspension of the ability  
 9442 to exercise any privilege granted under any exemption in s.  
 9443 379.353 ~~372.562~~.

9444 4. A person who commits a Level Two violation within 10  
 9445 years after three previous convictions for a Level Two or higher  
 9446 violation commits a misdemeanor of the first degree, punishable  
 9447 as provided in s. 775.082 or s. 775.083, with a minimum  
 9448 mandatory fine of \$750 and a suspension of any recreational  
 9449 license or permit issued under s. 379.354 ~~372.57~~ for 3 years.  
 9450 Such suspension shall include the suspension of the privilege to

9451 obtain such license or permit and the suspension of the ability  
 9452 to exercise any privilege granted under s. 379.353 ~~372.562~~. If  
 9453 the recreational license or permit being suspended was an annual  
 9454 license or permit, any privileges under ss. 379.353 and 379.354  
 9455 ~~372.562~~ and ~~372.57~~ may not be acquired for a 3-year period  
 9456 following the date of the violation.

9457 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level  
 9458 Three violation if he or she violates any of the following  
 9459 provisions:

9460 1. Rules or orders of the commission prohibiting the sale  
 9461 of saltwater fish.

9462 2. Rules or orders of the commission prohibiting the  
 9463 illegal importation or possession of exotic marine plants or  
 9464 animals.

9465 3. ~~2.~~ Section 379.407(2) ~~370.021(2)~~, establishing major  
 9466 violations.

9467 4. ~~3.~~ Section 379.407(4) ~~370.021(4)~~, prohibiting the  
 9468 possession of certain finfish in excess of recreational daily  
 9469 bag limits.

9470 ~~4. Section 370.081, prohibiting the illegal importation or~~  
 9471 ~~possession of exotic marine plants or animals.~~

9472 5. Section 379.28 ~~372.26~~, prohibiting the importation of  
 9473 freshwater fish.

9474 6. Section 379.231 ~~372.265~~, prohibiting the importation of  
 9475 nonindigenous species of the animal kingdom without a permit  
 9476 issued by the commission.

9477           7. Section 379.354(17) ~~372.57(17)~~, prohibiting the taking  
 9478 of game, freshwater fish, or saltwater fish while a required  
 9479 license is suspended or revoked.

9480           8. Section 379.3014 ~~372.662~~, prohibiting the illegal sale  
 9481 or possession of alligators.

9482           9. Section 379.404(1), (3), and (6) ~~372.99(1), (3), and~~  
 9483 ~~(6)~~, prohibiting the illegal taking and possession of deer and  
 9484 wild turkey.

9485           10. Section 379.406 ~~372.9903~~, prohibiting the possession  
 9486 and transportation of commercial quantities of freshwater game  
 9487 fish.

9488           (b)1. A person who commits a Level Three violation but who  
 9489 has not been convicted of a Level Three or higher violation  
 9490 within the past 10 years commits a misdemeanor of the first  
 9491 degree, punishable as provided in s. 775.082 or s. 775.083.

9492           2. A person who commits a Level Three violation within 10  
 9493 years after a previous conviction for a Level Three or higher  
 9494 violation commits a misdemeanor of the first degree, punishable  
 9495 as provided in s. 775.082 or s. 775.083, with a minimum  
 9496 mandatory fine of \$750 and a suspension of any recreational  
 9497 license or permit issued under s. 379.354 ~~372.57~~ for the  
 9498 remainder of the period for which the license or permit was  
 9499 issued up to 3 years. Such suspension shall include the  
 9500 suspension of the privilege to obtain such license or permit and  
 9501 the ability to exercise any privilege granted under s. 379.353  
 9502 ~~372.562~~. If the recreational license or permit being suspended  
 9503 was an annual license or permit, any privileges under ss.

9504 379.353 and 379.354 ~~372.562 and 372.57~~ may not be acquired for a  
 9505 3-year period following the date of the violation.

9506 3. A person who commits a violation of s. 379.354(17)  
 9507 ~~372.57(17)~~ shall receive a mandatory fine of \$1,000. Any  
 9508 privileges under ss. 379.353 and 379.354 ~~372.562 and 372.57~~ may  
 9509 not be acquired for a 5-year period following the date of the  
 9510 violation.

9511 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level  
 9512 Four violation if he or she violates any of the following  
 9513 provisions:

9514 1. Section 379.365(2)(c) ~~370.13(2)(e)~~, prohibiting  
 9515 criminal activities relating to the taking of stone crabs.

9516 2. Section 379.366(4)(c) ~~370.135(4)(e)~~, prohibiting  
 9517 criminal activities relating to the taking and harvesting of  
 9518 blue crabs.

9519 3. Section 379.367(4) ~~370.14(4)~~, prohibiting the willful  
 9520 molestation of spiny lobster gear.

9521 4. Section 379.3671(2)(c)5. ~~370.142(2)(e)5.~~, prohibiting  
 9522 the unlawful reproduction, possession, sale, trade, or barter of  
 9523 spiny lobster trap tags or certificates.

9524 5. Section 379.354(16) ~~372.57(16)~~, prohibiting the making,  
 9525 forging, counterfeiting, or reproduction of a recreational  
 9526 license or possession of same without authorization from the  
 9527 commission.

9528 6. Section 379.404(5) ~~372.99(5)~~, prohibiting the sale of  
 9529 illegally-taken deer or wild turkey.

9530 7. Section 379.405 ~~372.99022~~, prohibiting the molestation  
 9531 or theft of freshwater fishing gear.

9532 (b) A person who commits a Level Four violation commits a  
 9533 felony of the third degree, punishable as provided in s. 775.082  
 9534 or s. 775.083.

9535 (5) VIOLATIONS OF CHAPTER.--Except as provided in this  
 9536 chapter:

9537 (a) A person who commits a violation of any provision of  
 9538 this chapter commits, for the first offense, a misdemeanor of  
 9539 the second degree, punishable as provided in s. 775.082 or s.  
 9540 775.083.

9541 (b) A person who is convicted of a second or subsequent  
 9542 violation of any provision of this chapter commits a misdemeanor  
 9543 of the first degree, punishable as provided in s. 775.082 or s.  
 9544 775.083.

9545 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may  
 9546 order the suspension or forfeiture of any license or permit  
 9547 issued under this chapter to a person who is found guilty of  
 9548 committing a violation of this chapter.

9549 (7) CONVICTION DEFINED.--As used in this section, the term  
 9550 "conviction" means any judicial disposition other than acquittal  
 9551 or dismissal.

9552 Section 167. Section 372.935, Florida Statutes, is  
 9553 renumbered as section 379.4015, Florida Statutes, and amended to  
 9554 read:

9555 379.4015 ~~372.935~~ Captive wildlife penalties.--

9556 (1) LEVEL ONE.--Unless otherwise provided by law, the  
 9557 following classifications and penalties apply:

9558 (a) A person commits a Level One violation if he or she  
 9559 violates any of the following provisions:

9560 1. Rules or orders of the commission requiring free  
 9561 permits or other authorizations to possess captive wildlife.

9562 2. Rules or orders of the commission relating to the  
 9563 filing of reports or other documents required of persons who are  
 9564 licensed to possess captive wildlife.

9565 3. Rules or orders of the commission requiring permits to  
 9566 possess captive wildlife for which a fee is charged, when the  
 9567 person being charged was issued the permit and the permit has  
 9568 expired less than 1 year prior to the violation.

9569 (b) Any person cited for committing any offense classified  
 9570 as a Level One violation commits a noncriminal infraction,  
 9571 punishable as provided in this section.

9572 (c) Any person cited for committing a noncriminal  
 9573 infraction specified in paragraph (a) shall be cited to appear  
 9574 before the county court. The civil penalty for any noncriminal  
 9575 infraction is \$50 if the person cited has not previously been  
 9576 found guilty of a Level One violation and \$250 if the person  
 9577 cited has previously been found guilty of a Level One violation,  
 9578 except as otherwise provided in this subsection. Any person  
 9579 cited for failing to have a required permit or license shall pay  
 9580 an additional civil penalty in the amount of the license fee  
 9581 required.

9582 (d) Any person cited for an infraction under this  
 9583 subsection may:

9584 1. Post a bond, which shall be equal in amount to the  
 9585 applicable civil penalty; or

9586 2. Sign and accept a citation indicating a promise to  
 9587 appear before the county court. The officer may indicate on the

9588 citation the time and location of the scheduled hearing and  
 9589 shall indicate the applicable civil penalty.

9590 (e) Any person charged with a noncriminal infraction under  
 9591 this subsection may:

9592 1. Pay the civil penalty, either by mail or in person,  
 9593 within 30 days after the date of receiving the citation; or

9594 2. If the person has posted bond, forfeit bond by not  
 9595 appearing at the designated time and location.

9596 (f) If the person cited follows either of the procedures  
 9597 in subparagraph (e)1. or subparagraph (e)2., he or she shall be  
 9598 deemed to have admitted the infraction and to have waived his or  
 9599 her right to a hearing on the issue of commission of the  
 9600 infraction. Such admission shall not be used as evidence in any  
 9601 other proceedings except to determine the appropriate fine for  
 9602 any subsequent violations.

9603 (g) Any person who willfully refuses to post bond or  
 9604 accept and sign a summons commits a misdemeanor of the second  
 9605 degree, punishable as provided in s. 775.082 or s. 775.083. Any  
 9606 person who fails to pay the civil penalty specified in this  
 9607 subsection within 30 days after being cited for a noncriminal  
 9608 infraction or to appear before the court pursuant to this  
 9609 subsection commits a misdemeanor of the second degree,  
 9610 punishable as provided in s. 775.082 or s. 775.083.

9611 (h) Any person electing to appear before the county court  
 9612 or who is required to appear shall be deemed to have waived the  
 9613 limitations on the civil penalty specified in paragraph (c). The  
 9614 court, after a hearing, shall make a determination as to whether  
 9615 an infraction has been committed. If the commission of an

9616 | infraction has been proven, the court may impose a civil penalty  
 9617 | not less than those amounts in paragraph (c) and not to exceed  
 9618 | \$500.

9619 |       (i) At a hearing under this chapter, the commission of a  
 9620 | charged infraction must be proved beyond a reasonable doubt.

9621 |       (j) If a person is found by the hearing official to have  
 9622 | committed an infraction, she or he may appeal that finding to  
 9623 | the circuit court.

9624 |       (2) LEVEL TWO.--Unless otherwise provided by law, the  
 9625 | following classifications and penalties apply:

9626 |       (a) A person commits a Level Two violation if he or she  
 9627 | violates any of the following provisions:

9628 |           1. Unless otherwise stated in subsection (1), rules or  
 9629 | orders of the commission that require a person to pay a fee to  
 9630 | obtain a permit to possess captive wildlife or that require the  
 9631 | maintenance of records relating to captive wildlife.

9632 |           2. Rules or orders of the commission relating to captive  
 9633 | wildlife not specified in subsection (1) or subsection (3).

9634 |           3. Rules or orders of the commission that require housing  
 9635 | of wildlife in a safe manner when a violation results in an  
 9636 | escape of wildlife other than Class I wildlife.

9637 |           4. Section 379.372 ~~372.86~~, relating to capturing, keeping,  
 9638 | possessing, transporting, or exhibiting venomous reptiles or  
 9639 | reptiles of concern.

9640 |           5. Section 379.373 ~~372.87~~, relating to requiring a license  
 9641 | or permit for the capturing, keeping, possessing, or exhibiting  
 9642 | of venomous reptiles or reptiles of concern.

9643           6. Section 379.374 ~~372.88~~, relating to bonding  
 9644 requirements for public exhibits of venomous reptiles.  
 9645           7. Section 379.305 ~~372.92~~, relating to commission rules  
 9646 and regulations to prevent the escape of venomous reptiles or  
 9647 reptiles of concern.  
 9648           8. Section 379.304 ~~372.921~~, relating to exhibition or sale  
 9649 of wildlife.  
 9650           9. Section 379.3762 ~~372.922~~, relating to personal  
 9651 possession of wildlife.  
 9652           (b) A person who commits any offense classified as a Level  
 9653 Two violation and who has not been convicted of a Level Two or  
 9654 higher violation within the past 3 years commits a misdemeanor  
 9655 of the second degree, punishable as provided in s. 775.082 or s.  
 9656 775.083.  
 9657           (c) Unless otherwise stated in this subsection, a person  
 9658 who commits any offense classified as a Level Two violation  
 9659 within a 3-year period of any previous conviction of a Level Two  
 9660 or higher violation commits a misdemeanor of the first degree,  
 9661 punishable as provided in s. 775.082 or s. 775.083 with a  
 9662 minimum mandatory fine of \$250.  
 9663           (d) Unless otherwise stated in this subsection, a person  
 9664 who commits any offense classified as a Level Two violation  
 9665 within a 5-year period of any two previous convictions of Level  
 9666 Two or higher violations commits a misdemeanor of the first  
 9667 degree, punishable as provided in s. 775.082 or s. 775.083, with  
 9668 a minimum mandatory fine of \$500 and a suspension of all  
 9669 licenses issued under this chapter related to captive wildlife  
 9670 for 1 year.

9671 (e) A person who commits any offense classified as a Level  
 9672 Two violation within a 10-year period of any three previous  
 9673 convictions of Level Two or higher violations commits a  
 9674 misdemeanor of the first degree, punishable as provided in s.  
 9675 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and  
 9676 a suspension of all licenses issued under this chapter related  
 9677 to captive wildlife for 3 years.

9678 (3) LEVEL THREE.--Unless otherwise provided by law, the  
 9679 following classifications and penalties apply:

9680 (a) A person commits a Level Three violation if he or she  
 9681 violates any of the following provisions:

9682 1. Rules or orders of the commission that require housing  
 9683 of wildlife in a safe manner when a violation results in an  
 9684 escape of Class I wildlife.

9685 2. Rules or orders of the commission related to captive  
 9686 wildlife when the violation results in serious bodily injury to  
 9687 another person by captive wildlife that consists of a physical  
 9688 condition that creates a substantial risk of death, serious  
 9689 personal disfigurement, or protracted loss or impairment of the  
 9690 function of any bodily member or organ.

9691 3. Rules or orders of the commission relating to the use  
 9692 of gasoline or other chemical or gaseous substances on wildlife.

9693 4. Rules or orders of the commission prohibiting the  
 9694 release of wildlife for which only conditional possession is  
 9695 allowed.

9696 5. Rules or orders of the commission prohibiting knowingly  
 9697 entering false information on an application for a license or

9698 permit when the license or permit is to possess wildlife in  
 9699 captivity.

9700 6. Rules or orders of the commission, relating to the  
 9701 illegal importation and possession of nonindigenous marine  
 9702 plants and animals.

9703 7. Rules or orders of the commission relating to the  
 9704 importation, possession, or release of fish and wildlife for  
 9705 which possession is prohibited.

9706 8. ~~6.~~ Section 379.231 ~~372.265~~, relating to illegal  
 9707 importation or introduction of foreign wildlife.

9708 ~~7. Section 370.081, relating to the illegal importation~~  
 9709 ~~and possession of nonindigenous marine plants and animals.~~

9710 9. ~~8.~~ Section 379.305 ~~372.92~~, relating to release or  
 9711 escape of nonnative venomous reptiles or reptiles of concern.

9712 ~~9. Rules or orders of the commission relating to the~~  
 9713 ~~importation, possession, or release of fish and wildlife for~~  
 9714 ~~which possession is prohibited.~~

9715 (b)1. A person who commits any offense classified as a  
 9716 Level Three violation and who has not been convicted of a Level  
 9717 Three or higher violation within the past 10 years commits a  
 9718 misdemeanor of the first degree, punishable as provided in s.  
 9719 775.082 or s. 775.083.

9720 2. A person who commits any offense classified as a Level  
 9721 Three violation within a 10-year period of any previous  
 9722 conviction of a Level Three or higher violation commits a  
 9723 misdemeanor of the first degree, punishable as provided in s.  
 9724 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and

9725 permanent revocation of all licenses or permits to possess  
 9726 captive wildlife issued under this chapter.

9727 (4) LEVEL FOUR.--Unless otherwise provided by law, the  
 9728 following classifications and penalties apply:

9729 (a) A person commits a Level Four violation if he or she  
 9730 violates any Level Three provision after the permanent  
 9731 revocation of a license or permit.

9732 (b) A person who commits any offense classified as a Level  
 9733 Four violation commits a felony of the third degree, punishable  
 9734 as provided in s. 775.082 or s. 775.083.

9735 (5) SUSPENSION OR REVOCATION OF LICENSE.--The court may  
 9736 order the suspension or revocation of any license or permit  
 9737 issued to a person to possess captive wildlife pursuant to this  
 9738 chapter if that person commits a criminal offense or a  
 9739 noncriminal infraction as specified under this section.

9740 (6) CONVICTION DEFINED.--For purposes of this section, the  
 9741 term "conviction" means any judicial disposition other than  
 9742 acquittal or dismissal.

9743 (7) COMMISSION LIMITATIONS.--Nothing in this section shall  
 9744 limit the commission from suspending or revoking any license to  
 9745 possess wildlife in captivity by administrative action in  
 9746 accordance with chapter 120. For purposes of administrative  
 9747 action, a conviction of a criminal offense shall mean any  
 9748 judicial disposition other than acquittal or dismissal.

9749 Section 168. Section 370.1107, Florida Statutes, is  
 9750 renumbered as section 379.402, Florida Statutes, to read:

9751 379.402 ~~370.1107~~ Definition; possession of certain  
 9752 licensed traps prohibited; penalties; exceptions; consent.--

9753 (1) As used in this section, the term "licensed saltwater  
 9754 fisheries trap" means any trap required to be licensed by the  
 9755 Fish and Wildlife Conservation Commission and authorized by the  
 9756 commission for the taking of saltwater products.

9757 (2) It is unlawful for any person, firm, corporation, or  
 9758 association to be in actual or constructive possession of a  
 9759 licensed saltwater fisheries trap registered with the Fish and  
 9760 Wildlife Conservation Commission in another person's, firm's,  
 9761 corporation's, or association's name.

9762 (a) Unlawful possession of less than three licensed  
 9763 saltwater fisheries traps is a misdemeanor of the first degree,  
 9764 punishable as provided in s. 775.082 or s. 775.083.

9765 (b) Unlawful possession of three or more licensed  
 9766 saltwater fisheries traps is a felony of the third degree,  
 9767 punishable as provided in s. 775.082 or s. 775.083.

9768 (c) Upon receipt of any judicial disposition other than  
 9769 dismissal or acquittal on a charge of violating this section or  
 9770 any provision of law or rule making unlawful the possession of  
 9771 another's saltwater fishing trap, a person shall permanently  
 9772 lose all saltwater fishing privileges, including licenses, trap  
 9773 certificates, and the ability to transfer trap certificates.

9774 (3) It is unlawful for any person, firm, corporation, or  
 9775 association to possess, attempt to possess, interfere with,  
 9776 attempt to interfere with, or remove live bait from a live bait  
 9777 trap or cage of another person, firm, corporation, or  
 9778 association. Unlawful possession of one or more live bait traps  
 9779 or cages is a misdemeanor of the first degree, punishable as  
 9780 provided in s. 775.082 or s. 775.083.

9781 (4) This section shall not apply to the agents or  
 9782 employees of the registered owner of the licensed saltwater  
 9783 fisheries trap or to a person, firm, corporation, or association  
 9784 who has the written consent from the owner of the licensed  
 9785 saltwater fisheries trap, to possess such licensed saltwater  
 9786 fisheries trap, or to agents or employees of the Fish and  
 9787 Wildlife Conservation Commission who are engaged in the removal  
 9788 of traps during the closed season.

9789 (5) The registered owner of the licensed saltwater  
 9790 fisheries trap shall provide the Fish and Wildlife Conservation  
 9791 Commission with the names of any agents, employees, or any other  
 9792 person, firm, company, or association to whom the registered  
 9793 owner has given consent to possess said licensed saltwater  
 9794 fisheries trap.

9795 Section 169. Section 372.7015, Florida Statutes, is  
 9796 renumbered as section 379.403, Florida Statutes, and amended to  
 9797 read:

9798 379.403 ~~372.7015~~ Illegal killing, taking, possessing, or  
 9799 selling wildlife or game; fines; disposition of fines.--In  
 9800 addition to any other penalty provided by law, any person who  
 9801 violates the criminal provisions of this chapter and rules  
 9802 adopted pursuant to this chapter by illegally killing, taking,  
 9803 possessing, or selling game or fur-bearing animals as defined in  
 9804 s. 379.101 (19) or (20) ~~372.001(10) or (11)~~ in or out of season  
 9805 while violating chapter 810 shall pay a fine of \$250 for each  
 9806 such violation, plus court costs and any restitution ordered by  
 9807 the court. All fines collected under this section shall be  
 9808 remitted by the clerk of the court to the Department of Revenue

9809 to be deposited into the Fish and Wildlife Conservation  
 9810 Commission's State Game Trust Fund.

9811 Section 170. Section 372.99, Florida Statutes, is  
 9812 renumbered as section 379.404, Florida Statutes, and amended to  
 9813 read:

9814 379.404 ~~372.99~~ Illegal taking and possession of deer and  
 9815 wild turkey; evidence; penalty.--

9816 (1) Whoever takes or kills any deer or wild turkey, or  
 9817 possesses a freshly killed deer or wild turkey, during the  
 9818 closed season prescribed by law or by the rules and regulations  
 9819 of the Fish and Wildlife Conservation Commission, or whoever  
 9820 takes or attempts to take any deer or wild turkey by the use of  
 9821 gun and light in or out of closed season, commits a Level Three  
 9822 violation under s. 379.401 ~~372.83~~ and shall forfeit any license  
 9823 or permit issued to her or him under the provisions of this  
 9824 chapter. No license shall be issued to such person for a period  
 9825 of 3 years following any such violation on the first offense.  
 9826 Any person guilty of a second or subsequent violation shall be  
 9827 permanently ineligible for issuance of a license or permit  
 9828 thereafter.

9829 (2) The display or use of a light in a place where deer  
 9830 might be found and in a manner capable of disclosing the  
 9831 presence of deer, together with the possession of firearms or  
 9832 other weapons customarily used for the taking of deer, between 1  
 9833 hour after sunset and 1 hour before sunrise, shall be prima  
 9834 facie evidence of an intent to violate the provisions of  
 9835 subsection (1). This subsection does not apply to an owner or  
 9836 her or his employee when patrolling or inspecting the land of

9837 the owner, provided the employee has satisfactory proof of  
 9838 employment on her or his person.

9839 (3) Whoever takes or kills any doe deer; fawn or baby  
 9840 deer; or deer, whether male or female, which does not have one  
 9841 or more antlers at least 5 inches in length, except as provided  
 9842 by law or the rules of the Fish and Wildlife Conservation  
 9843 Commission, during the open season prescribed by the rules of  
 9844 the commission, commits a Level Three violation under s. 379.401  
 9845 ~~372.83~~ and may be required to forfeit any license or permit  
 9846 issued to such person for a period of 3 years following any such  
 9847 violation on the first offense. Any person guilty of a second or  
 9848 subsequent violation shall be permanently ineligible for  
 9849 issuance of a license or permit thereafter.

9850 (4) Any person who cultivates agricultural crops may apply  
 9851 to the Fish and Wildlife Conservation Commission for a permit to  
 9852 take or kill deer on land which that person is currently  
 9853 cultivating. When said person can show, to the satisfaction of  
 9854 the Fish and Wildlife Conservation Commission, that such taking  
 9855 or killing of deer is justified because of damage to the  
 9856 person's crops caused by deer, the Fish and Wildlife  
 9857 Conservation Commission may issue a limited permit to the  
 9858 applicant to take or kill deer without being in violation of  
 9859 subsection (1) or subsection (3).

9860 (5) Whoever possesses for sale or sells deer or wild  
 9861 turkey taken in violation of this chapter or the rules and  
 9862 regulations of the commission commits a Level Four violation  
 9863 under s. 379.401 ~~372.83~~.

9864 (6) Any person who enters upon private property and shines  
 9865 lights upon such property, without the express permission of the  
 9866 owner of the property and with the intent to take deer by  
 9867 utilizing such shining lights, commits a Level Three violation  
 9868 under s. 379.401 ~~372.83~~.

9869 Section 171. Section 372.99022, Florida Statutes, is  
 9870 renumbered as section 379.405, Florida Statutes, and amended to  
 9871 read:

9872 379.405 ~~372.99022~~ Illegal molestation of or theft from  
 9873 freshwater fishing gear.--

9874 (1) (a) Any person, firm, or corporation that willfully  
 9875 molests any authorized and lawfully permitted freshwater fishing  
 9876 gear belonging to another without the express written consent of  
 9877 the owner commits a Level Four violation under s. 379.401  
 9878 ~~372.83~~. Any written consent must be available for immediate  
 9879 inspection.

9880 (b) Any person, firm, or corporation that willfully  
 9881 removes the contents of any authorized and lawfully permitted  
 9882 freshwater fishing gear belonging to another without the express  
 9883 written consent of the owner commits a Level Four violation  
 9884 under s. 379.401 ~~372.83~~. Any written consent must be available  
 9885 for immediate inspection.

9886  
 9887 A person, firm, or corporation that receives a citation for a  
 9888 violation of this subsection is prohibited, immediately upon  
 9889 receipt of such citation and until adjudicated or convicted of a  
 9890 felony under this subsection, from transferring any  
 9891 endorsements.

9892 (2) Any person, firm, or corporation convicted pursuant to  
 9893 subsection (1) of removing the contents of freshwater fishing  
 9894 gear without the express written consent of the owner shall  
 9895 permanently lose all of his or her freshwater and saltwater  
 9896 fishing privileges, including his or her recreational and  
 9897 commercial licenses and endorsements, and shall be assessed an  
 9898 administrative penalty of not more than \$5,000. The endorsements  
 9899 of such person, firm, or corporation are not transferable.

9900 (3) For purposes of this section, the term "freshwater  
 9901 fishing gear" means haul seines, slat baskets, wire traps, hoop  
 9902 nets, or pound nets, and includes the lines or buoys attached  
 9903 thereto.

9904 Section 172. Section 372.9903, Florida Statutes, is  
 9905 renumbered as section 379.406, Florida Statutes, and amended to  
 9906 read:

9907 379.406 ~~372.9903~~ Illegal possession or transportation of  
 9908 freshwater game fish in commercial quantities; penalty.--

9909 (1) Whoever possesses, moves, or transports any black  
 9910 bass, bream, speckled perch, or other freshwater game fish in  
 9911 commercial quantities in violation of law or the rules of the  
 9912 Fish and Wildlife Conservation Commission commits a Level Three  
 9913 violation under s. 379.401 ~~372.83~~.

9914 (2) For the purposes of this section "commercial  
 9915 quantities" shall be deemed to be a quantity of freshwater game  
 9916 fish of 150 or more pounds, and the possession, movement, or  
 9917 transportation of freshwater game fish in excess of such weight  
 9918 shall constitute prima facie evidence of possession or  
 9919 transportation for commercial purposes.

9920 Section 173. Subsections (1), (2), (3), (4), (5), (6),  
 9921 (11), and (12) of section 370.021, Florida Statutes, are  
 9922 renumbered as section 379.407, Florida Statutes, and amended to  
 9923 read:

9924 379.407 ~~370.021~~ Administration; rules, publications,  
 9925 records; penalties; injunctions.--

9926 (1) BASE PENALTIES.--Unless otherwise provided by law, any  
 9927 person, firm, or corporation who violates any provision of this  
 9928 chapter, or any rule of the Fish and Wildlife Conservation  
 9929 Commission relating to the conservation of marine resources,  
 9930 shall be punished:

9931 (a) Upon a first conviction, by imprisonment for a period  
 9932 of not more than 60 days or by a fine of not less than \$100 nor  
 9933 more than \$500, or by both such fine and imprisonment.

9934 (b) On a second or subsequent conviction within 12 months,  
 9935 by imprisonment for not more than 6 months or by a fine of not  
 9936 less than \$250 nor more than \$1,000, or by both such fine and  
 9937 imprisonment.

9938  
 9939 Upon final disposition of any alleged offense for which a  
 9940 citation for any violation of this chapter or the rules of the  
 9941 commission has been issued, the court shall, within 10 days,  
 9942 certify the disposition to the commission.

9943 (2) MAJOR VIOLATIONS.--In addition to the penalties  
 9944 provided in paragraphs (1)(a) and (b), the court shall assess  
 9945 additional penalties against any commercial harvester convicted  
 9946 of major violations as follows:

9947 (a) For a violation involving more than 100 illegal blue  
 9948 crabs, spiny lobster, or stone crabs, an additional penalty of  
 9949 \$10 for each illegal blue crab, spiny lobster, stone crab, or  
 9950 part thereof.

9951 (b)1. For a violation involving the taking or harvesting  
 9952 of shrimp from a nursery or other prohibited area, or any two  
 9953 violations within a 12-month period involving shrimping gear,  
 9954 minimum size (count), or season, an additional penalty of \$10  
 9955 for each pound of illegal shrimp or part thereof.

9956 2. For violations involving the taking of shrimp in  
 9957 certain closed areas:

9958 a. Any person convicted of taking shrimp in Santa Rosa  
 9959 Sound in violation of commission rule designating a closed area  
 9960 shall have his or her saltwater products license and the  
 9961 saltwater products license of the boat involved in the violation  
 9962 revoked. If the person holds such a license, he or she shall be  
 9963 ineligible to make application for such a license for a period  
 9964 of 2 years from the date of such conviction. If a person not  
 9965 having a license is convicted hereunder, that person and the  
 9966 boat involved in the violation shall not be eligible for such a  
 9967 license for 5 years.

9968 b. A third or subsequent violation by any person of the  
 9969 designated closure to shrimping in Santa Rosa Sound within a 3-  
 9970 year period is a felony of the third degree, punishable as  
 9971 provided in s. 775.082, s. 775.083, or s. 775.084.

9972 c. A second or any subsequent violation by any person for  
 9973 taking shrimp in a food shrimp production closed area in a  
 9974 portion of Monroe County designated by the commission is a

9975 felony of the third degree, punishable as provided in s. 775.082  
 9976 or s. 775.083.

9977 d. A third or any subsequent violation by the owner or  
 9978 master of any vessel engaged in food shrimp production in the  
 9979 Tortugas Shrimp Beds closed area designated by the commission  
 9980 within a 3-year period shall be a felony of the third degree,  
 9981 punishable as provided in ss. 775.082 and 775.083.

9982 (c) For a violation involving the taking or harvesting of  
 9983 oysters from nonapproved areas or the taking or possession of  
 9984 unculled oysters, an additional penalty of \$10 for each bushel  
 9985 of illegal oysters.

9986 (d) For a violation involving the taking or harvesting of  
 9987 clams from nonapproved areas, an additional penalty of \$100 for  
 9988 each 500 count bag of illegal clams.

9989 (e) For a violation involving the taking, harvesting, or  
 9990 possession of any of the following species, which are  
 9991 endangered, threatened, or of special concern:

- 9992 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 9993 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 9994 3. Common snook (*Centropomus undecimalis*);
- 9995 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 9996 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 9997 6. Leatherback turtle (*Dermochelys coriacea*);
- 9998 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*  
 9999 *imbracata*);
- 10000 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 10001 9. West Indian manatee (*Trichechus manatus latirostris*),
- 10002

10003 an additional penalty of \$100 for each unit of marine life or  
 10004 part thereof.

10005 (f) For a second or subsequent conviction within 24 months  
 10006 for any violation of the same law or rule involving the taking  
 10007 or harvesting of more than 100 pounds of any finfish, an  
 10008 additional penalty of \$5 for each pound of illegal finfish.

10009 (g) For any violation involving the taking, harvesting, or  
 10010 possession of more than 1,000 pounds of any illegal finfish, an  
 10011 additional penalty equivalent to the wholesale value of the  
 10012 illegal finfish.

10013 (h) Permits issued to any commercial harvester by the  
 10014 commission to take or harvest saltwater products, or any license  
 10015 issued pursuant to s. 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~ may be  
 10016 suspended or revoked by the commission, pursuant to the  
 10017 provisions and procedures of s. 120.60, for any major violation  
 10018 prescribed in this subsection:

- 10019 1. Upon a first conviction, for up to 30 calendar days.
- 10020 2. Upon a second conviction which occurs within 12 months  
 10021 after a prior violation, for up to 90 calendar days.
- 10022 3. Upon a third conviction which occurs within 24 months  
 10023 after a prior conviction, for up to 180 calendar days.
- 10024 4. Upon a fourth conviction which occurs within 36 months  
 10025 after a prior conviction, for a period of 6 months to 3 years.

10026 (i) Upon the arrest and conviction for a major violation  
 10027 involving stone crabs, the licenseholder must show just cause  
 10028 why his or her license should not be suspended or revoked. For  
 10029 the purposes of this paragraph, a "major violation" means a  
 10030 major violation as prescribed for illegal stone crabs; any

10031 single violation involving possession of more than 25 stone  
 10032 crabs during the closed season or possession of 25 or more  
 10033 whole-bodied or egg-bearing stone crabs; any violation for trap  
 10034 molestation, trap robbing, or pulling traps at night; or any  
 10035 combination of violations in any 3-consecutive-year period  
 10036 wherein more than 75 illegal stone crabs in the aggregate are  
 10037 involved.

10038 (j) Upon the arrest and conviction for a major violation  
 10039 involving spiny lobster, the licenseholder must show just cause  
 10040 why his or her license should not be suspended or revoked. For  
 10041 the purposes of this paragraph, a "major violation" means a  
 10042 major violation as prescribed for illegal spiny lobster; any  
 10043 single violation involving possession of more than 25 spiny  
 10044 lobster during the closed season or possession of more than 25  
 10045 wrung spiny lobster tails or more than 25 egg-bearing or  
 10046 stripped spiny lobster; any violation for trap molestation, trap  
 10047 robbing, or pulling traps at night; or any combination of  
 10048 violations in any 3-consecutive-year period wherein more than 75  
 10049 illegal spiny lobster in the aggregate are involved.

10050 (k) Upon the arrest and conviction for a major violation  
 10051 involving blue crabs, the licenseholder shall show just cause  
 10052 why his or her saltwater products license should not be  
 10053 suspended or revoked. This paragraph shall not apply to an  
 10054 individual fishing with no more than five traps. For the  
 10055 purposes of this paragraph, a "major violation" means a major  
 10056 violation as prescribed for illegal blue crabs, any single  
 10057 violation wherein 50 or more illegal blue crabs are involved;  
 10058 any violation for trap molestation, trap robbing, or pulling

10059 traps at night; or any combination of violations in any 3-  
 10060 consecutive-year period wherein more than 100 illegal blue crabs  
 10061 in the aggregate are involved.

10062 (l) Upon the conviction for a major violation involving  
 10063 finfish, the licenseholder must show just cause why his or her  
 10064 saltwater products license should not be suspended or revoked.  
 10065 For the purposes of this paragraph, a major violation is  
 10066 prescribed for the taking and harvesting of illegal finfish, any  
 10067 single violation involving the possession of more than 100  
 10068 pounds of illegal finfish, or any combination of violations in  
 10069 any 3-consecutive-year period wherein more than 200 pounds of  
 10070 illegal finfish in the aggregate are involved.

10071 (m) For a violation involving the taking or harvesting of  
 10072 any marine life species, as those species are defined by rule of  
 10073 the commission, the harvest of which is prohibited, or the  
 10074 taking or harvesting of such a species out of season, or with an  
 10075 illegal gear or chemical, or any violation involving the  
 10076 possession of 25 or more individual specimens of marine life  
 10077 species, or any combination of violations in any 3-year period  
 10078 involving more than 70 such specimens in the aggregate, the  
 10079 suspension or revocation of the licenseholder's marine life  
 10080 endorsement as provided in paragraph (h).

10081  
 10082 The penalty provisions of this subsection apply to commercial  
 10083 harvesters and wholesale and retail dealers as defined in s.  
 10084 379.362 ~~370.07~~. Any other person who commits a major violation  
 10085 under this subsection commits a Level Three violation under s.  
 10086 379.401 ~~372.83~~. Notwithstanding the provisions of s. 948.01, no

10087 court may suspend, defer, or withhold adjudication of guilt or  
 10088 imposition of sentence for any major violation prescribed in  
 10089 this subsection. The proceeds from the penalties assessed  
 10090 pursuant to this subsection shall be deposited into the Marine  
 10091 Resources Conservation Trust Fund to be used for marine  
 10092 fisheries research ~~or into the commission's Federal Law~~  
 10093 ~~Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

10094 (3) PENALTIES FOR USE OF ILLEGAL NETS.--

10095 (a) It is a major violation pursuant to this section,  
 10096 punishable as provided in paragraph (b) for any person, firm, or  
 10097 corporation to be simultaneously in possession of any species of  
 10098 mullet in excess of the recreational daily bag limit and any  
 10099 gill or other entangling net as defined in s. 16(c), Art. X of  
 10100 the State Constitution. Simultaneous possession under this  
 10101 provision shall include possession of mullet and gill or other  
 10102 entangling nets on separate vessels or vehicles where such  
 10103 vessels or vehicles are operated in coordination with one  
 10104 another including vessels towed behind a main vessel. This  
 10105 subsection does not prohibit a resident of this state from  
 10106 transporting on land, from Alabama to this state, a commercial  
 10107 quantity of mullet together with a gill net if:

10108 1. The person possesses a valid commercial fishing license  
 10109 that is issued by the State of Alabama and that allows the  
 10110 person to use a gill net to legally harvest mullet in commercial  
 10111 quantities from Alabama waters.

10112 2. The person possesses a trip ticket issued in Alabama  
 10113 and filled out to match the quantity of mullet being

10114 transported, and the person is able to present such trip ticket  
 10115 immediately upon entering this state.

10116 3. The mullet are to be sold to a wholesale saltwater  
 10117 products dealer located in Escambia County or Santa Rosa County,  
 10118 which dealer also possesses a valid seafood dealer's license  
 10119 issued by the State of Alabama. The dealer's name must be  
 10120 clearly indicated on the trip ticket.

10121 4. The mullet being transported are totally removed from  
 10122 any net also being transported.

10123 (b)1. A flagrant violation of any rule or statute which  
 10124 implements s. 16(b), Art. X of the State Constitution shall be  
 10125 considered a felony of the third degree, punishable as provided  
 10126 in s. 775.082 or s. 775.083. For purposes of this paragraph, a  
 10127 flagrant violation shall be the illegal possession or use of a  
 10128 monofilament net or a net with a mesh area larger than 2,000  
 10129 square feet. A violation means any judicial disposition other  
 10130 than acquittal or dismissal.

10131 2. In addition to being subject to the other penalties  
 10132 provided in this chapter, any violation of s. 16(b), Art. X of  
 10133 the State Constitution, or any statute or rule of the commission  
 10134 which implements the gear prohibitions and restrictions  
 10135 specified therein shall be considered a major violation; and any  
 10136 person, firm, or corporation receiving any judicial disposition  
 10137 other than acquittal or dismissal of such violation shall be  
 10138 subject to the following additional penalties:

10139 a. For a first major violation within a 7-year period, a  
 10140 civil penalty of \$2,500 and suspension of all saltwater products

10141 license privileges for 90 calendar days following final  
 10142 disposition shall be imposed.

10143       b. For a second major violation under this subparagraph  
 10144 charged within 7 years of a previous judicial disposition, which  
 10145 results in a second judicial disposition other than acquittal or  
 10146 dismissal, a civil penalty of \$5,000 and suspension of all  
 10147 saltwater products license privileges for 12 months shall be  
 10148 imposed.

10149       c. For a third or subsequent major violation under this  
 10150 subparagraph, charged within a 7-year period, resulting in a  
 10151 third or subsequent judicial disposition other than acquittal or  
 10152 dismissal, a civil penalty of \$5,000, lifetime revocation of the  
 10153 saltwater products license, and forfeiture of all gear and  
 10154 equipment used in the violation shall be imposed.

10155       d. For a first flagrant violation under this subparagraph,  
 10156 a civil penalty of \$5,000 and a suspension of all saltwater  
 10157 license privileges for 12 months shall be imposed. For a second  
 10158 or subsequent flagrant violation under this subparagraph, a  
 10159 civil penalty of \$5,000, a lifetime revocation of the saltwater  
 10160 products license, and the forfeiture of all gear and equipment  
 10161 used in the violation shall be imposed.

10162  
 10163 A court may suspend, defer, or withhold adjudication of guilt or  
 10164 imposition of sentence only for any first violation of s. 16,  
 10165 Art. X of the State Constitution, or any rule or statute  
 10166 implementing its restrictions, determined by a court only after  
 10167 consideration of competent evidence of mitigating circumstances  
 10168 to be a nonflagrant or minor violation of those restrictions

10169 upon the use of nets. Any violation of s. 16, Art. X of the  
 10170 State Constitution, or any rule or statute implementing its  
 10171 restrictions, occurring within a 7-year period commencing upon  
 10172 the conclusion of any judicial proceeding resulting in any  
 10173 outcome other than acquittal shall be punished as a second,  
 10174 third, or subsequent violation accordingly.

10175 (c) During the period of suspension or revocation of  
 10176 saltwater license privileges under this subsection, the licensee  
 10177 shall not participate in the taking or harvesting, or attempt  
 10178 the taking or harvesting, of saltwater products from any vessel  
 10179 within the waters of the state; be aboard any vessel on which a  
 10180 commercial quantity of saltwater products is possessed through  
 10181 an activity requiring a license pursuant to this section; or  
 10182 engage in any other activity requiring a license, permit, or  
 10183 certificate issued pursuant to this chapter. Any person who is  
 10184 convicted of violating this paragraph:

10185 1. Upon a first or second conviction, is guilty of a  
 10186 misdemeanor of the first degree, punishable as provided in s.  
 10187 775.082 or s. 775.083.

10188 2. Upon a third or subsequent conviction, is guilty of a  
 10189 felony of the third degree, punishable as provided in s.  
 10190 775.082, s. 775.083, or s. 775.084.

10191 (d) Upon reinstatement of saltwater license privileges  
 10192 suspended pursuant to a violation of this subsection, a licensee  
 10193 owning or operating a vessel containing or otherwise  
 10194 transporting in or on Florida waters any gill net or other  
 10195 entangling net, or containing or otherwise transporting in  
 10196 nearshore and inshore Florida waters any net containing more

10197 | than 500 square feet of mesh area shall remain restricted for a  
 10198 | period of 12 months following reinstatement, to operating under  
 10199 | the following conditions:

10200 |         1. Vessels subject to this reinstatement period shall be  
 10201 | restricted to the corridors established by commission rule.

10202 |         2. A violation of the reinstatement period provisions  
 10203 | shall be punishable pursuant to paragraphs (1)(a) and (b).

10204 |         (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING  
 10205 | CERTAIN FINFISH.--

10206 |             (a) It is a major violation under this section for any  
 10207 | person to be in possession of any species of trout, snook, or  
 10208 | redfish which is three fish in excess of the recreational or  
 10209 | commercial daily bag limit.

10210 |             (b) A commercial harvester who violates this subsection  
 10211 | shall be punished as provided under paragraph (3)(b). Any other  
 10212 | person who violates this subsection commits a Level Three  
 10213 | violation under s. 379.401 ~~372.83~~.

10214 |         (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY  
 10215 | HARVESTED PRODUCTS.--In addition to other penalties authorized  
 10216 | in this chapter, any violation of s. 379.361 ~~370.06~~ or s.  
 10217 | 379.362 ~~370.07~~, or rules of the commission implementing s.  
 10218 | 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~, involving the purchase of  
 10219 | saltwater products by a commercial wholesale dealer, retail  
 10220 | dealer, or restaurant facility for public consumption from an  
 10221 | unlicensed person, firm, or corporation, or the purchase or sale  
 10222 | of any saltwater product known to be taken in violation of s.  
 10223 | 16, Art. X of the State Constitution, or rule or statute  
 10224 | implementing the provisions thereof, by a commercial wholesale

10225 dealer, retail dealer, or restaurant facility, for public  
 10226 consumption, is a major violation, and the commission may assess  
 10227 the following penalties:

10228 (a) For a first violation, the commission may assess a  
 10229 civil penalty of up to \$2,500 and may suspend the wholesale or  
 10230 retail dealer's license privileges for up to 90 calendar days.

10231 (b) For a second violation occurring within 12 months of a  
 10232 prior violation, the commission may assess a civil penalty of up  
 10233 to \$5,000 and may suspend the wholesale or retail dealer's  
 10234 license privileges for up to 180 calendar days.

10235 (c) For a third or subsequent violation occurring within a  
 10236 24-month period, the commission shall assess a civil penalty of  
 10237 \$5,000 and shall suspend the wholesale or retail dealer's  
 10238 license privileges for up to 24 months.

10239  
 10240 Any proceeds from the civil penalties assessed pursuant to this  
 10241 subsection shall be deposited into the Marine Resources  
 10242 Conservation Trust Fund and shall be used as follows: 40 percent  
 10243 for administration and processing purposes and 60 percent for  
 10244 law enforcement purposes.

10245 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR  
 10246 HARVEST.--It is a major violation and punishable as provided in  
 10247 this subsection for any unlicensed person, firm, or corporation  
 10248 who is required to be licensed under this chapter as a  
 10249 commercial harvester or a wholesale or retail dealer to sell or  
 10250 purchase any saltwater product or to harvest or attempt to  
 10251 harvest any saltwater product with intent to sell the saltwater  
 10252 product.

10253 (a) Any person, firm, or corporation who sells or  
 10254 purchases any saltwater product without having purchased the  
 10255 licenses required by this chapter for such sale is subject to  
 10256 penalties as follows:

10257 1. A first violation is a misdemeanor of the second  
 10258 degree, punishable as provided in s. 775.082 or s. 775.083.

10259 2. A second violation is a misdemeanor of the first  
 10260 degree, punishable as provided in s. 775.082 or s. 775.083, and  
 10261 such person may also be assessed a civil penalty of up to \$2,500  
 10262 and is subject to a suspension of all license privileges under  
 10263 this chapter ~~and chapter 372~~ for a period not exceeding 90 days.

10264 3. A third violation is a misdemeanor of the first degree,  
 10265 punishable as provided in s. 775.082 or s. 775.083, with a  
 10266 mandatory minimum term of imprisonment of 6 months, and such  
 10267 person may also be assessed a civil penalty of up to \$5,000 and  
 10268 is subject to a suspension of all license privileges under this  
 10269 chapter ~~and chapter 372~~ for a period not exceeding 6 months.

10270 4. A third violation within 1 year after a second  
 10271 violation is a felony of the third degree, punishable as  
 10272 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
 10273 term of imprisonment of 1 year, and such person shall be  
 10274 assessed a civil penalty of \$5,000 and all license privileges  
 10275 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10276 5. A fourth or subsequent violation is a felony of the  
 10277 third degree, punishable as provided in s. 775.082 or s.  
 10278 775.083, with a mandatory minimum term of imprisonment of 1  
 10279 year, and such person shall be assessed a civil penalty of

10280 \$5,000 and all license privileges under this chapter ~~and chapter~~  
 10281 ~~372~~ shall be permanently revoked.

10282 (b) Any person whose license privileges under this chapter  
 10283 have been permanently revoked and who thereafter sells or  
 10284 purchases or who attempts to sell or purchase any saltwater  
 10285 product commits a felony of the third degree, punishable as  
 10286 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
 10287 term of imprisonment of 1 year, and such person shall also be  
 10288 assessed a civil penalty of \$5,000. All property involved in  
 10289 such offense shall be forfeited pursuant to s. 379.337 ~~370.061~~.

10290 (c) Any commercial harvester or wholesale or retail dealer  
 10291 whose license privileges under this chapter are under suspension  
 10292 and who during such period of suspension sells or purchases or  
 10293 attempts to sell or purchase any saltwater product shall be  
 10294 assessed the following penalties:

10295 1. A first violation, or a second violation occurring more  
 10296 than 12 months after a first violation, is a first degree  
 10297 misdemeanor, punishable as provided in ss. 775.082 and 775.083,  
 10298 and such commercial harvester or wholesale or retail dealer may  
 10299 be assessed a civil penalty of up to \$2,500 and an additional  
 10300 suspension of all license privileges under this chapter ~~and~~  
 10301 ~~chapter 372~~ for a period not exceeding 90 days.

10302 2. A second violation occurring within 12 months of a  
 10303 first violation is a third degree felony, punishable as provided  
 10304 in ss. 775.082 and 775.083, with a mandatory minimum term of  
 10305 imprisonment of 1 year, and such commercial harvester or  
 10306 wholesale or retail dealer may be assessed a civil penalty of up  
 10307 to \$5,000 and an additional suspension of all license privileges

10308 | under this chapter ~~and chapter 372~~ for a period not exceeding  
 10309 | 180 days. All property involved in such offense shall be  
 10310 | forfeited pursuant to s. 379.337 ~~370.061~~.

10311 |         3. A third violation within 24 months of the second  
 10312 | violation or subsequent violation is a third degree felony,  
 10313 | punishable as provided in ss. 775.082 and 775.083, with a  
 10314 | mandatory minimum term of imprisonment of 1 year, and such  
 10315 | commercial harvester or wholesale or retail dealer shall be  
 10316 | assessed a mandatory civil penalty of up to \$5,000 and an  
 10317 | additional suspension of all license privileges under this  
 10318 | chapter ~~and chapter 372~~ for a period not exceeding 24 months.  
 10319 | All property involved in such offense shall be forfeited  
 10320 | pursuant to s. 379.337 ~~370.061~~.

10321 |         (d) Any commercial harvester who harvests or attempts to  
 10322 | harvest any saltwater product with intent to sell the saltwater  
 10323 | product without having purchased a saltwater products license  
 10324 | with the requisite endorsements is subject to penalties as  
 10325 | follows:

10326 |             1. A first violation is a misdemeanor of the second  
 10327 | degree, punishable as provided in s. 775.082 or s. 775.083.

10328 |             2. A second violation is a misdemeanor of the first  
 10329 | degree, punishable as provided in s. 775.082 or s. 775.083, and  
 10330 | such commercial harvester may also be assessed a civil penalty  
 10331 | of up to \$2,500 and is subject to a suspension of all license  
 10332 | privileges under this chapter ~~and chapter 372~~ for a period not  
 10333 | exceeding 90 days.

10334 |             3. A third violation is a misdemeanor of the first degree,  
 10335 | punishable as provided in s. 775.082 or s. 775.083, with a

10336 mandatory minimum term of imprisonment of 6 months, and such  
 10337 commercial harvester may also be assessed a civil penalty of up  
 10338 to \$5,000 and is subject to a suspension of all license  
 10339 privileges under this chapter ~~and chapter 372~~ for a period not  
 10340 exceeding 6 months.

10341 4. A third violation within 1 year after a second  
 10342 violation is a felony of the third degree, punishable as  
 10343 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
 10344 term of imprisonment of 1 year, and such commercial harvester  
 10345 shall also be assessed a civil penalty of \$5,000 and all license  
 10346 privileges under this chapter ~~and chapter 372~~ shall be  
 10347 permanently revoked.

10348 5. A fourth or subsequent violation is a felony of the  
 10349 third degree, punishable as provided in s. 775.082 or s.  
 10350 775.083, with a mandatory minimum term of imprisonment of 1  
 10351 year, and such commercial harvester shall also be assessed a  
 10352 mandatory civil penalty of \$5,000 and all license privileges  
 10353 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10354  
 10355 For purposes of this subsection, a violation means any judicial  
 10356 disposition other than acquittal or dismissal.

10357 (7) ~~(11)~~ REVOCATION OF LICENSES.--Any person licensed under  
 10358 this chapter who has been convicted of taking aquaculture  
 10359 species raised at a certified facility shall have his or her  
 10360 license revoked for 5 years by the commission pursuant to the  
 10361 provisions and procedures of s. 120.60.

10362 (8) ~~(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For  
 10363 purposes of imposing license or permit suspensions or

10364 | revocations authorized by this chapter, the license or permit  
 10365 | under which the violation was committed is subject to suspension  
 10366 | or revocation by the commission. For purposes of assessing  
 10367 | monetary civil or administrative penalties authorized by this  
 10368 | chapter, the commercial harvester cited and subsequently  
 10369 | receiving a judicial disposition of other than dismissal or  
 10370 | acquittal in a court of law is subject to the monetary penalty  
 10371 | assessment by the commission. However, if the license or  
 10372 | permitholder of record is not the commercial harvester receiving  
 10373 | the citation and judicial disposition, the license or permit may  
 10374 | be suspended or revoked only after the license or permitholder  
 10375 | has been notified by the commission that the license or permit  
 10376 | has been cited in a major violation and is now subject to  
 10377 | suspension or revocation should the license or permit be cited  
 10378 | for subsequent major violations.

10379 |       Section 174. Section 372.84, Florida Statutes, is  
 10380 | renumbered as section 379.408, Florida Statutes, to read:

10381 |       379.408 ~~372.84~~ Forfeiture or denial of licenses and  
 10382 | permits.--Any person convicted as aforesaid shall forfeit to the  
 10383 | state any license or permit that may have been issued to her or  
 10384 | him under the provisions of this law, or other law of this state  
 10385 | relating to game shall forthwith surrender the same to the  
 10386 | court. If such violation occurs in the open season, relating to  
 10387 | game, no license or permit shall be issued under the provisions  
 10388 | of this law to such person at any time during the remainder of  
 10389 | such open season, or if such violation occurs during the closed  
 10390 | season no license shall be issued to such person for the open  
 10391 | season on game next following.

10392           Section 175. Section 372.663, Florida Statutes, is  
 10393           renumbered as section 379.409, Florida Statutes, to read:  
 10394           379.409 ~~372.663~~ Illegal killing, possessing, or capturing  
 10395           of alligators or other crocodilia or eggs; confiscation of  
 10396           equipment.--  
 10397           (1) It is unlawful to intentionally kill, injure, possess,  
 10398           or capture, or attempt to kill, injure, possess, or capture, an  
 10399           alligator or other crocodilian, or the eggs of an alligator or  
 10400           other crocodilian, unless authorized by the rules of the Fish  
 10401           and Wildlife Conservation Commission. Any person who violates  
 10402           this section is guilty of a felony of the third degree,  
 10403           punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 10404           in addition to such other punishment as may be provided by law.  
 10405           Any equipment, including but not limited to weapons, vehicles,  
 10406           boats, and lines, used by a person in the commission of a  
 10407           violation of any law, rule, regulation, or order relating to  
 10408           alligators or other crocodilia or the eggs of alligators or  
 10409           other crocodilia shall, upon conviction of such person, be  
 10410           confiscated by the Fish and Wildlife Conservation Commission and  
 10411           disposed of according to rules and regulations of the  
 10412           commission. The arresting officer shall promptly make a return  
 10413           of the seizure, describing in detail the property seized and the  
 10414           facts and circumstances under which it was seized, including the  
 10415           names of all persons known to the officer who have an interest  
 10416           in the property.  
 10417           (2) The commission shall promptly fix the value of the  
 10418           property and make return to the clerk of the circuit court of  
 10419           the county wherein same was seized. Upon proper showing that any

10420 such property is owned by, or titled in the name of, any  
 10421 innocent party, such property shall be promptly returned to such  
 10422 owner.

10423 (3) The provisions of this section shall not vitiate any  
 10424 valid lien, retain title contract, or chattel mortgage on such  
 10425 property in effect as of the time of such seizure.

10426 Section 176. Section 372.0725, Florida Statutes, is  
 10427 renumbered as section 379.411, Florida Statutes, to read:

10428 379.411 ~~372.0725~~ Killing or wounding of any species  
 10429 designated as endangered, threatened, or of special concern;  
 10430 criminal penalties.--It is unlawful for a person to  
 10431 intentionally kill or wound any fish or wildlife of a species  
 10432 designated by the Fish and Wildlife Conservation Commission as  
 10433 endangered, threatened, or of special concern, or to  
 10434 intentionally destroy the eggs or nest of any such fish or  
 10435 wildlife, except as provided for in the rules of the commission.  
 10436 Any person who violates this provision with regard to an  
 10437 endangered or threatened species is guilty of a felony of the  
 10438 third degree, punishable as provided in s. 775.082, s. 775.083,  
 10439 or s. 775.084.

10440 Section 177. Section 372.671, Florida Statutes, is  
 10441 renumbered as section 379.4115, Florida Statutes, and amended to  
 10442 read:

10443 379.4115 ~~372.671~~ Florida or wild panther; killing  
 10444 prohibited; penalty.--

10445 (1) It is unlawful for a person to kill a member of the  
 10446 Florida "endangered species," as defined in s. 379.2291(3)  
 10447 ~~372.072(3)~~, known as the Florida panther (*Felis concolor coryi*).

10448 (2) It is unlawful for a person to kill any member of the  
 10449 species of panther (*Felis concolor*) occurring in the wild.

10450 (3) A person convicted of unlawfully killing a Florida  
 10451 panther, or unlawfully killing any member of the species of  
 10452 panther occurring in the wild, is guilty of a felony of the  
 10453 third degree, punishable as provided in s. 775.082, s. 775.083,  
 10454 or s. 775.084.

10455 Section 178. Section 370.1121, Florida Statutes, is  
 10456 renumbered as section 379.413, Florida Statutes, and amended to  
 10457 read:

10458 379.413 ~~370.1121~~ Bonefish; penalties regulation.--

10459 ~~(1) It is unlawful to take or attempt to take any bonefish~~  
 10460 ~~(*Albula vulpes*) from any of the waters of the state for the~~  
 10461 ~~purpose of sale or exchange while fishing with any net, seine,~~  
 10462 ~~or similar device.~~

10463 ~~(2) It is unlawful for any wholesale or retail fish dealer~~  
 10464 ~~to possess, buy, sell, or store any bonefish or permit any~~  
 10465 ~~bonefish to be possessed, sold, or stored on, in, or about the~~  
 10466 ~~premises where such wholesale or retail fish business is carried~~  
 10467 ~~on or conducted. It shall be unlawful for any person, firm, or~~  
 10468 ~~corporation to buy or sell bonefish in any form.~~

10469 ~~(3)~~ A commercial harvester or wholesale or retail  
 10470 saltwater products dealer who violates commission rules  
 10471 pertaining to bonefish s.370.1121 ~~this section~~ shall be punished  
 10472 under s. 379.407 ~~370.021~~. Any other person who violates this  
 10473 section commits a Level Two violation under s. 379.401 ~~372.83~~.

10474 Section 179. Section 379.414, Florida Statutes, is created  
 10475 to read:

10476           379.414 Additional penalties for saltwater products  
 10477 dealers violating records requirements.--

10478           (1) The commission may revoke, suspend, or deny the  
 10479 renewal of the license of any saltwater products dealer for  
 10480 failure to make and keep records as required by s. 379.362, for  
 10481 failure to make required reports, for failure or refusal to  
 10482 permit the examination of required records, or for falsifying  
 10483 any such record. In addition to other applicable penalties, the  
 10484 commission may impose against any person, firm, or corporation  
 10485 who is determined to have violated any provision of s. 379.362  
 10486 or any provisions of any commission rules adopted pursuant to s.  
 10487 379.407, the following additional penalties:

10488           (a) For the first violation, a civil penalty of up to  
 10489 \$1,000;

10490           (b) For a second violation committed within 24 months of  
 10491 any previous violation, a civil penalty of up to \$2,500; and

10492           (c) For a third or subsequent violation committed within  
 10493 36 months of any previous two violations, a civil penalty of up  
 10494 to \$5,000.

10495           (2) The proceeds of all civil penalties collected pursuant  
 10496 to this section shall be deposited into the Marine Resources  
 10497 Conservation Trust Fund and shall be used for administration,  
 10498 auditing, and law enforcement purposes.

10499           Section 180. Paragraph (a) of subsection (1) of section  
 10500 72.011, Florida Statutes, is amended to read:

10501           72.011 Jurisdiction of circuit courts in specific tax  
 10502 matters; administrative hearings and appeals; time for  
 10503 commencing action; parties; deposits.--

10504 (1) (a) A taxpayer may contest the legality of any  
 10505 assessment or denial of refund of tax, fee, surcharge, permit,  
 10506 interest, or penalty provided for under s. 125.0104, s.  
 10507 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,  
 10508 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,  
 10509 chapter 212, chapter 213, chapter 220, chapter 221, s.  
 10510 379.362(3) ~~370.07(3)~~, chapter 376, s. 403.717, s. 403.718, s.  
 10511 403.7185, s. 538.09, s. 538.25, chapter 550, chapter 561,  
 10512 chapter 562, chapter 563, chapter 564, chapter 565, chapter 624,  
 10513 or s. 681.117 by filing an action in circuit court; or,  
 10514 alternatively, the taxpayer may file a petition under the  
 10515 applicable provisions of chapter 120. However, once an action  
 10516 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.  
 10517 120.57, or s. 120.80(14)(b), no action relating to the same  
 10518 subject matter may be filed by the taxpayer in circuit court,  
 10519 and judicial review shall be exclusively limited to appellate  
 10520 review pursuant to s. 120.68; and once an action has been  
 10521 initiated in circuit court, no action may be brought under  
 10522 chapter 120.

10523 Section 181. Section 97.05831, Florida Statutes, is  
 10524 amended to read:

10525 97.05831 Voter registration applications made available to  
 10526 the Fish and Wildlife Conservation Commission.--As required in  
 10527 s. 379.352 ~~372.561~~, each supervisor of elections shall supply  
 10528 voter registration applications to the Fish and Wildlife  
 10529 Conservation Commission and its subagents, as needed.

10530 Section 182. Subsection (4) of section 125.01, Florida  
 10531 Statutes, is amended to read:

10532 125.01 Powers and duties.--

10533 (4) The legislative and governing body of a county shall  
 10534 not have the power to regulate the taking or possession of  
 10535 saltwater fish, as defined in s. 379.101 ~~370.01~~, with respect to  
 10536 the method of taking, size, number, season, or species. However,  
 10537 this subsection does not prohibit a county from prohibiting, for  
 10538 reasons of protecting the public health, safety, or welfare,  
 10539 saltwater fishing from real property owned by that county, nor  
 10540 does it prohibit the imposition of excise taxes by county  
 10541 ordinance.

10542 Section 183. Subsections (1) and (4) of section 142.01,  
 10543 Florida Statutes, are amended to read:

10544 142.01 Fine and forfeiture fund; clerk of the circuit  
 10545 court.--There shall be established by the clerk of the circuit  
 10546 court in each county of this state a separate fund to be known  
 10547 as the fine and forfeiture fund for use by the clerk of the  
 10548 circuit court in performing court-related functions. The fund  
 10549 shall consist of the following:

10550 (1) Fines and penalties pursuant to ss. 28.2402(2),  
 10551 34.045(2), 316.193, 327.35, 327.72, 379.2203(1) ~~372.72(1)~~, and  
 10552 775.083(1).

10553 (4) Proceeds from forfeited bail bonds, unclaimed bonds,  
 10554 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),  
 10555 379.2203(1) ~~372.72(1)~~, and 903.26(3)(a).

10556  
 10557 Notwithstanding the provisions of this section, all fines and  
 10558 forfeitures arising from operation of the provisions of s.  
 10559 318.1215 shall be disbursed in accordance with that section.

10560 Section 184. Paragraph (c) of subsection (5) of section  
 10561 161.053, Florida Statutes, is amended to read:

10562 161.053 Coastal construction and excavation; regulation on  
 10563 county basis.--

10564 (5) Except in those areas where local zoning and building  
 10565 codes have been established pursuant to subsection (4), a permit  
 10566 to alter, excavate, or construct on property seaward of  
 10567 established coastal construction control lines may be granted by  
 10568 the department as follows:

10569 (c) The department may condition the nature, timing, and  
 10570 sequence of construction of permitted activities to provide  
 10571 protection to nesting sea turtles and hatchlings and their  
 10572 habitat, pursuant to s. 379.2431 ~~370.12~~, and to native salt-  
 10573 resistant vegetation and endangered plant communities.

10574 Section 185. Subsection (11) of section 201.15, Florida  
 10575 Statutes, is amended to read:

10576 201.15 Distribution of taxes collected.--All taxes  
 10577 collected under this chapter shall be distributed as follows and  
 10578 shall be subject to the service charge imposed in s. 215.20(1),  
 10579 except that such service charge shall not be levied against any  
 10580 portion of taxes pledged to debt service on bonds to the extent  
 10581 that the amount of the service charge is required to pay any  
 10582 amounts relating to the bonds:

10583 (11) From the moneys specified in paragraphs (1)(e) and  
 10584 (2)(a) and prior to deposit of any moneys into the General  
 10585 Revenue Fund, \$30 million shall be paid into the State Treasury  
 10586 to the credit of the Ecosystem Management and Restoration Trust  
 10587 Fund in fiscal year 2000-2001 and each fiscal year thereafter,

10588 to be used for the preservation and repair of the state's  
 10589 beaches as provided in ss. 161.091-161.212, \$2 million shall be  
 10590 paid into the State Treasury to the credit of the Marine  
 10591 Resources Conservation Trust Fund to be used for marine mammal  
 10592 care as provided in s. 379.208(3) ~~370.0603(3)~~, and \$300,000  
 10593 shall be paid into the State Treasury to the credit of the  
 10594 General Inspection Trust Fund in fiscal year 2006-2007 and each  
 10595 fiscal year thereafter, to be used to fund oyster management and  
 10596 restoration programs as provided in s. 379.362(3) ~~370.07(3)~~.

10597 Section 186. Paragraph (b) of subsection (8) of section  
 10598 212.06, Florida Statutes, is amended to read:

10599 212.06 Sales, storage, use tax; collectible from dealers;  
 10600 "dealer" defined; dealers to collect from purchasers;  
 10601 legislative intent as to scope of tax.--

10602 (8)

10603 (b) The presumption that tangible personal property used  
 10604 in another state, territory of the United States, or the  
 10605 District of Columbia for 6 months or longer before being  
 10606 imported into this state was not purchased for use in this state  
 10607 does not apply to any boat for which a saltwater fishing license  
 10608 fee is required to be paid pursuant to s. 379.354(7) ~~372.57(7)~~,  
 10609 either directly or indirectly, for the purpose of taking,  
 10610 attempting to take, or possessing any saltwater fish for  
 10611 noncommercial purposes. Use tax shall apply and be due on such a  
 10612 boat as provided in this paragraph, and proof of payment of such  
 10613 tax must be presented prior to the first such licensure of the  
 10614 boat, registration of the boat pursuant to chapter 328, and  
 10615 titling of the boat pursuant to chapter 328. A boat that is

10616 first licensed within 1 year after purchase shall be subject to  
 10617 use tax on the full amount of the purchase price; a boat that is  
 10618 first licensed in the second year after purchase shall be  
 10619 subject to use tax on 90 percent of the purchase price; a boat  
 10620 that is first licensed in the third year after purchase shall be  
 10621 subject to use tax on 80 percent of the purchase price; a boat  
 10622 that is first licensed in the fourth year after purchase shall  
 10623 be subject to use tax on 70 percent of the purchase price; a  
 10624 boat that is first licensed in the fifth year after purchase  
 10625 shall be subject to use tax on 60 percent of the purchase price;  
 10626 and a boat that is first licensed in the sixth year after  
 10627 purchase, or later, shall be subject to use tax on 50 percent of  
 10628 the purchase price. If the purchaser fails to provide the  
 10629 purchase invoice on such boat, the fair market value of the boat  
 10630 at the time of importation into this state shall be used to  
 10631 compute the tax.

10632 Section 187. Paragraph (h) of subsection (5) of section  
 10633 212.08, Florida Statutes, is amended to read:

10634 212.08 Sales, rental, use, consumption, distribution, and  
 10635 storage tax; specified exemptions.--The sale at retail, the  
 10636 rental, the use, the consumption, the distribution, and the  
 10637 storage to be used or consumed in this state of the following  
 10638 are hereby specifically exempt from the tax imposed by this  
 10639 chapter.

10640 (5) EXEMPTIONS; ACCOUNT OF USE.--

10641 (h) Business property used in an enterprise zone.--

10642 1. Business property purchased for use by businesses  
 10643 located in an enterprise zone which is subsequently used in an

10644 enterprise zone shall be exempt from the tax imposed by this  
 10645 chapter. This exemption inures to the business only through a  
 10646 refund of previously paid taxes. A refund shall be authorized  
 10647 upon an affirmative showing by the taxpayer to the satisfaction  
 10648 of the department that the requirements of this paragraph have  
 10649 been met.

10650 2. To receive a refund, the business must file under oath  
 10651 with the governing body or enterprise zone development agency  
 10652 having jurisdiction over the enterprise zone where the business  
 10653 is located, as applicable, an application which includes:

10654 a. The name and address of the business claiming the  
 10655 refund.

10656 b. The identifying number assigned pursuant to s. 290.0065  
 10657 to the enterprise zone in which the business is located.

10658 c. A specific description of the property for which a  
 10659 refund is sought, including its serial number or other permanent  
 10660 identification number.

10661 d. The location of the property.

10662 e. The sales invoice or other proof of purchase of the  
 10663 property, showing the amount of sales tax paid, the date of  
 10664 purchase, and the name and address of the sales tax dealer from  
 10665 whom the property was purchased.

10666 f. Whether the business is a small business as defined by  
 10667 s. 288.703(1).

10668 g. If applicable, the name and address of each permanent  
 10669 employee of the business, including, for each employee who is a  
 10670 resident of an enterprise zone, the identifying number assigned

10671 | pursuant to s. 290.0065 to the enterprise zone in which the  
 10672 | employee resides.

10673 |         3. Within 10 working days after receipt of an application,  
 10674 | the governing body or enterprise zone development agency shall  
 10675 | review the application to determine if it contains all the  
 10676 | information required pursuant to subparagraph 2. and meets the  
 10677 | criteria set out in this paragraph. The governing body or agency  
 10678 | shall certify all applications that contain the information  
 10679 | required pursuant to subparagraph 2. and meet the criteria set  
 10680 | out in this paragraph as eligible to receive a refund. If  
 10681 | applicable, the governing body or agency shall also certify if  
 10682 | 20 percent of the employees of the business are residents of an  
 10683 | enterprise zone, excluding temporary and part-time employees.  
 10684 | The certification shall be in writing, and a copy of the  
 10685 | certification shall be transmitted to the executive director of  
 10686 | the Department of Revenue. The business shall be responsible for  
 10687 | forwarding a certified application to the department within the  
 10688 | time specified in subparagraph 4.

10689 |         4. An application for a refund pursuant to this paragraph  
 10690 | must be submitted to the department within 6 months after the  
 10691 | tax is due on the business property that is purchased.

10692 |         5. The amount refunded on purchases of business property  
 10693 | under this paragraph shall be the lesser of 97 percent of the  
 10694 | sales tax paid on such business property or \$5,000, or, if no  
 10695 | less than 20 percent of the employees of the business are  
 10696 | residents of an enterprise zone, excluding temporary and part-  
 10697 | time employees, the amount refunded on purchases of business  
 10698 | property under this paragraph shall be the lesser of 97 percent

10699 of the sales tax paid on such business property or \$10,000. A  
 10700 refund approved pursuant to this paragraph shall be made within  
 10701 30 days of formal approval by the department of the application  
 10702 for the refund. No refund shall be granted under this paragraph  
 10703 unless the amount to be refunded exceeds \$100 in sales tax paid  
 10704 on purchases made within a 60-day time period.

10705 6. The department shall adopt rules governing the manner  
 10706 and form of refund applications and may establish guidelines as  
 10707 to the requisites for an affirmative showing of qualification  
 10708 for exemption under this paragraph.

10709 7. If the department determines that the business property  
 10710 is used outside an enterprise zone within 3 years from the date  
 10711 of purchase, the amount of taxes refunded to the business  
 10712 purchasing such business property shall immediately be due and  
 10713 payable to the department by the business, together with the  
 10714 appropriate interest and penalty, computed from the date of  
 10715 purchase, in the manner provided by this chapter.

10716 Notwithstanding this subparagraph, business property used  
 10717 exclusively in:

- 10718 a. Licensed commercial fishing vessels,
- 10719 b. Fishing guide boats, or
- 10720 c. Ecotourism guide boats

10721  
 10722 that leave and return to a fixed location within an area  
 10723 designated under s. 379.2353 ~~370.28~~ are eligible for the  
 10724 exemption provided under this paragraph if all requirements of  
 10725 this paragraph are met. Such vessels and boats must be owned by  
 10726 a business that is eligible to receive the exemption provided

10727 | under this paragraph. This exemption does not apply to the  
 10728 | purchase of a vessel or boat.

10729 |       8. The department shall deduct an amount equal to 10  
 10730 | percent of each refund granted under the provisions of this  
 10731 | paragraph from the amount transferred into the Local Government  
 10732 | Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20  
 10733 | for the county area in which the business property is located  
 10734 | and shall transfer that amount to the General Revenue Fund.

10735 |       9. For the purposes of this exemption, "business property"  
 10736 | means new or used property defined as "recovery property" in s.  
 10737 | 168(c) of the Internal Revenue Code of 1954, as amended, except:

10738 |       a. Property classified as 3-year property under s.  
 10739 | 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

10740 |       b. Industrial machinery and equipment as defined in sub-  
 10741 | subparagraph (b)6.a. and eligible for exemption under paragraph  
 10742 | (b);

10743 |       c. Building materials as defined in sub-subparagraph  
 10744 | (g)8.a.; and

10745 |       d. Business property having a sales price of under \$5,000  
 10746 | per unit.

10747 |       10. This paragraph expires on the date specified in s.  
 10748 | 290.016 for the expiration of the Florida Enterprise Zone Act.

10749 |       Section 188. Paragraph (o) of subsection (1) of section  
 10750 | 213.053, Florida Statutes, is amended to read:

10751 |       213.053 Confidentiality and information sharing.--

10752 |       (1) This section applies to:

10753 |       (o) Section 379.362(3) ~~370.07(3)~~, Apalachicola Bay oyster  
 10754 | surcharge;

10755 Section 189. Paragraph (u) of subsection (4) of section  
 10756 215.20, Florida Statutes, is amended to read:

10757 215.20 Certain income and certain trust funds to  
 10758 contribute to the General Revenue Fund.--

10759 (4) The income of a revenue nature deposited in the  
 10760 following described trust funds, by whatever name designated, is  
 10761 that from which the appropriations authorized by subsection (3)  
 10762 shall be made:

10763 (u) Within the Fish and Wildlife Conservation Commission:

- 10764 1. The Conservation and Recreation Lands Program Trust  
 10765 Fund.
- 10766 2. The Florida Panther Research and Management Trust Fund.
- 10767 3. The Land Acquisition Trust Fund.
- 10768 4. The Marine Resources Conservation Trust Fund, with the  
 10769 exception of those fees collected for recreational saltwater  
 10770 fishing licenses as provided in s. 379.354 ~~372.57~~.

10771  
 10772 The enumeration of the foregoing moneys or trust funds shall not  
 10773 prohibit the applicability thereto of s. 215.24 should the  
 10774 Governor determine that for the reasons mentioned in s. 215.24  
 10775 the money or trust funds should be exempt herefrom, as it is the  
 10776 purpose of this law to exempt income from its force and effect  
 10777 when, by the operation of this law, federal matching funds or  
 10778 contributions or private grants to any trust fund would be lost  
 10779 to the state.

10780 Section 190. Subsection (6) of section 290.004, Florida  
 10781 Statutes, is amended to read:

10782           290.004 Definitions relating to Florida Enterprise Zone  
10783 Act.--As used in ss. 290.001-290.016:

10784           (6) "Rural enterprise zone" means an enterprise zone that  
10785 is nominated by a county having a population of 75,000 or fewer,  
10786 or a county having a population of 100,000 or fewer which is  
10787 contiguous to a county having a population of 75,000 or fewer,  
10788 or by a municipality in such a county, or by such a county and  
10789 one or more municipalities. An enterprise zone designated in  
10790 accordance with s. 290.0065(5)(b) or s. 379.2353 ~~370.28~~ is  
10791 considered to be a rural enterprise zone.

10792           Section 191. Paragraph (b) of subsection (1) and paragraph  
10793 (b) of subsection (24) and of section 320.08058, Florida  
10794 Statutes, are amended to read:

10795           320.08058 Specialty license plates.--

10796           (1) MANATEE LICENSE PLATES.--

10797           (b) The manatee license plate annual use fee must be  
10798 deposited into the Save the Manatee Trust Fund, created within  
10799 the Fish and Wildlife Conservation Commission, and shall be used  
10800 only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

10801           (24) CONSERVE WILDLIFE LICENSE PLATES.--

10802           (b) The proceeds of the Conserve Wildlife license plate  
10803 annual use fee shall be forwarded to the Wildlife Foundation of  
10804 Florida, Inc., a citizen support organization created pursuant  
10805 to s. 379.223 ~~372.0215~~.

10806           1. Notwithstanding s. 320.08062, up to 10 percent of the  
10807 proceeds from the annual use fee may be used for marketing the  
10808 Conserve Wildlife license plate and administrative costs

10809 directly related to the management and distribution of the  
 10810 proceeds.

10811 2. The remaining proceeds from the annual use fee shall be  
 10812 used for programs and activities of the Fish and Wildlife  
 10813 Conservation Commission that contribute to the health and well-  
 10814 being of Florida black bears and other wildlife diversity.

10815 Section 192. Paragraph (a) of subsection (5) of section  
 10816 327.02, Florida Statutes, is amended to read:

10817 327.02 Definitions of terms used in this chapter and in  
 10818 chapter 328.--As used in this chapter and in chapter 328, unless  
 10819 the context clearly requires a different meaning, the term:

10820 (5) "Commercial vessel" means:

10821 (a) Any vessel primarily engaged in the taking or landing  
 10822 of saltwater fish or saltwater products or freshwater fish or  
 10823 freshwater products, or any vessel licensed pursuant to s.  
 10824 379.361 ~~370.06~~ from which commercial quantities of saltwater  
 10825 products are harvested, from within and without the waters of  
 10826 this state for sale either to the consumer, retail dealer, or  
 10827 wholesale dealer.

10828 Section 193. Subsection (2) of section 327.41, Florida  
 10829 Statutes, is amended to read:

10830 327.41 Uniform waterway regulatory markers.--

10831 (2) Any county or municipality which has been granted a  
 10832 restricted area designation, pursuant to s. 327.46, for a  
 10833 portion of the Florida Intracoastal Waterway within its  
 10834 jurisdiction or which has adopted a restricted area by ordinance  
 10835 pursuant to s. 327.22, s. 327.60, or s. 379.2431(2)(p)  
 10836 ~~370.12(2)(p)~~, or any other governmental entity which has legally

10837 established a restricted area, may apply to the commission for  
 10838 permission to place regulatory markers within the restricted  
 10839 area.

10840 Section 194. Paragraph (k) of subsection (1) of section  
 10841 327.73, Florida Statutes, is amended to read:

10842 327.73 Noncriminal infractions.--

10843 (1) Violations of the following provisions of the vessel  
 10844 laws of this state are noncriminal infractions:

10845 (k) Violations relating to restricted areas and speed  
 10846 limits:

10847 1. Established by the commission pursuant to s. 327.46.

10848 2. Established by local governmental authorities pursuant  
 10849 to s. 327.22 or s. 327.60.

10850 3. Speed limits established pursuant to s. 379.2431(2)  
 10851 ~~370.12(2)~~.

10852  
 10853 Any person cited for a violation of any such provision shall be  
 10854 deemed to be charged with a noncriminal infraction, shall be  
 10855 cited for such an infraction, and shall be cited to appear  
 10856 before the county court. The civil penalty for any such  
 10857 infraction is \$50, except as otherwise provided in this section.  
 10858 Any person who fails to appear or otherwise properly respond to  
 10859 a uniform boating citation shall, in addition to the charge  
 10860 relating to the violation of the boating laws of this state, be  
 10861 charged with the offense of failing to respond to such citation  
 10862 and, upon conviction, be guilty of a misdemeanor of the second  
 10863 degree, punishable as provided in s. 775.082 or s. 775.083. A

10864 written warning to this effect shall be provided at the time  
 10865 such uniform boating citation is issued.

10866 Section 195. Subsection (1) of section 328.66, Florida  
 10867 Statutes, is amended to read:

10868 328.66 County and municipality optional registration  
 10869 fee.--

10870 (1) Any county may impose an annual registration fee on  
 10871 vessels registered, operated, or stored in the water within its  
 10872 jurisdiction. This fee shall be 50 percent of the applicable  
 10873 state registration fee. However, the first \$1 of every  
 10874 registration imposed under this subsection shall be remitted to  
 10875 the state for deposit in the Save the Manatee Trust Fund created  
 10876 within the Fish and Wildlife Conservation Commission, and shall  
 10877 be used only for the purposes specified in s. 379.2431(4)  
 10878 ~~370.12(4)~~. All other moneys received from such fee shall be  
 10879 expended for the patrol, regulation, and maintenance of the  
 10880 lakes, rivers, and waters and for other boating-related  
 10881 activities of such municipality or county. A municipality that  
 10882 was imposing a registration fee before April 1, 1984, may  
 10883 continue to levy such fee, notwithstanding the provisions of  
 10884 this section.

10885 Section 196. Subsections (11) and (16) of section 328.72,  
 10886 Florida Statutes, are amended to read:

10887 328.72 Classification; registration; fees and charges;  
 10888 surcharge; disposition of fees; fines; marine turtle stickers.--

10889 (11) VOLUNTARY CONTRIBUTIONS.--The application form for  
 10890 boat registration shall include a provision to allow each  
 10891 applicant to indicate a desire to pay an additional voluntary

10892 contribution to the Save the Manatee Trust Fund to be used for  
 10893 the purposes specified in s. 379.2431(4) ~~370.12(4)~~. This  
 10894 contribution shall be in addition to all other fees and charges.  
 10895 The amount of the request for a voluntary contribution solicited  
 10896 shall be \$2 or \$5 per registrant. A registrant who provides a  
 10897 voluntary contribution of \$5 or more shall be given a sticker or  
 10898 emblem by the tax collector to display, which signifies support  
 10899 for the Save the Manatee Trust Fund. All voluntary contributions  
 10900 shall be deposited in the Save the Manatee Trust Fund and shall  
 10901 be used for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.  
 10902 The form shall also include language permitting a voluntary  
 10903 contribution of \$5 per applicant, which contribution shall be  
 10904 transferred into the Election Campaign Financing Trust Fund. A  
 10905 statement providing an explanation of the purpose of the trust  
 10906 fund shall also be included.

10907 (16) MARINE TURTLE STICKER.--The Department of Highway  
 10908 Safety and Motor Vehicles shall offer for sale with vessel  
 10909 registrations a waterproof sticker in the shape of a marine  
 10910 turtle at an additional cost of \$5, the proceeds of which shall  
 10911 be deposited in the Marine Resources Conservation Trust Fund to  
 10912 be used for marine turtle protection, research, and recovery  
 10913 efforts pursuant to the provisions of s. 379.2431(1) ~~370.12(1)~~.

10914 Section 197. Paragraph (a) of subsection (1) and  
 10915 subsection (2) of section 328.76, Florida Statutes, are amended  
 10916 to read:

10917 328.76 Marine Resources Conservation Trust Fund; vessel  
 10918 registration funds; appropriation and distribution.--

10919 (1) Except as otherwise specified in this subsection and  
 10920 less \$1.4 million for any administrative costs which shall be  
 10921 deposited in the Highway Safety Operating Trust Fund, in each  
 10922 fiscal year beginning on or after July 1, 2001, all funds  
 10923 collected from the registration of vessels through the  
 10924 Department of Highway Safety and Motor Vehicles and the tax  
 10925 collectors of the state, except for those funds designated as  
 10926 the county portion pursuant to s. 328.72(1), shall be deposited  
 10927 in the Marine Resources Conservation Trust Fund for recreational  
 10928 channel marking; public launching facilities; law enforcement  
 10929 and quality control programs; aquatic weed control; manatee  
 10930 protection, recovery, rescue, rehabilitation, and release; and  
 10931 marine mammal protection and recovery. The funds collected  
 10932 pursuant to s. 328.72(1) shall be transferred as follows:

10933 (a) In each fiscal year, an amount equal to \$1.50 for each  
 10934 commercial and recreational vessel registered in this state  
 10935 shall be transferred by the Department of Highway Safety and  
 10936 Motor Vehicles to the Save the Manatee Trust Fund and shall be  
 10937 used only for the purposes specified in s. 379.2431(4)  
 10938 ~~370.12(4)~~.

10939 (2) All funds collected pursuant to s. 379.361(2)  
 10940 ~~370.06(2)~~ shall be deposited in the Marine Resources  
 10941 Conservation Trust Fund. Such funds shall be used to pay the  
 10942 cost of implementing the saltwater products license program.  
 10943 Additional proceeds from the licensing revenue shall be  
 10944 distributed among the following program functions:

10945 (a) No more than 15 percent shall go to marine law  
 10946 enforcement;

10947 (b) Twenty-five percent shall go to the Florida Saltwater  
 10948 Products Promotion Trust Fund within the Department of  
 10949 Agriculture and Consumer Services, on a monthly basis, for the  
 10950 purpose of providing marketing and extension services including  
 10951 industry information and education; and

10952 (c) The remainder shall go to the Fish and Wildlife  
 10953 Conservation Commission, for use in marine research and  
 10954 statistics development, including quota management.

10955 Section 198. Subsection (5) of section 373.046, Florida  
 10956 Statutes, is amended to read:

10957 373.046 Interagency agreements.--

10958 (5) Notwithstanding the provisions of s. 403.927, when any  
 10959 operating agreement is developed pursuant to subsection (4), the  
 10960 department shall have regulatory responsibility under part IV of  
 10961 this chapter for aquaculture activities that meet or exceed the  
 10962 thresholds for aquaculture general permits authorized pursuant  
 10963 to ss. 379.2523 ~~370.26~~ and 403.814.

10964 Section 199. Paragraph (h) of subsection (2) of section  
 10965 403.41315, Florida Statutes, is amended to read:

10966 403.41315 Comprehensive illegal dumping, litter, and  
 10967 marine debris control and prevention.--

10968 (2) The comprehensive illegal dumping, litter, and marine  
 10969 debris control and prevention program at a minimum must include  
 10970 the following:

10971 (h) The prohibition of balloon releases as authorized  
 10972 under s. 379.233 ~~372.995~~.

10973 Section 200. Paragraph (f) of subsection (2) of section  
 10974 403.813, Florida Statutes, is amended to read:

10975 403.813 Permits issued at district centers; exceptions.--  
 10976 (2) A permit is not required under this chapter, chapter  
 10977 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 10978 chapter 25270, 1949, Laws of Florida, for activities associated  
 10979 with the following types of projects; however, except as  
 10980 otherwise provided in this subsection, nothing in this  
 10981 subsection relieves an applicant from any requirement to obtain  
 10982 permission to use or occupy lands owned by the Board of Trustees  
 10983 of the Internal Improvement Trust Fund or any water management  
 10984 district in its governmental or proprietary capacity or from  
 10985 complying with applicable local pollution control programs  
 10986 authorized under this chapter or other requirements of county  
 10987 and municipal governments:  
 10988 (f) The performance of maintenance dredging of existing  
 10989 manmade canals, channels, intake and discharge structures, and  
 10990 previously dredged portions of natural water bodies within  
 10991 drainage rights-of-way or drainage easements which have been  
 10992 recorded in the public records of the county, where the spoil  
 10993 material is to be removed and deposited on a self-contained,  
 10994 upland spoil site which will prevent the escape of the spoil  
 10995 material into the waters of the state, provided that no more  
 10996 dredging is to be performed than is necessary to restore the  
 10997 canals, channels, and intake and discharge structures, and  
 10998 previously dredged portions of natural water bodies, to original  
 10999 design specifications or configurations, provided that the work  
 11000 is conducted in compliance with s. 379.2431(2)(d) ~~370.12(2)(d)~~,  
 11001 provided that no significant impacts occur to previously  
 11002 undisturbed natural areas, and provided that control devices for

11003 | return flow and best management practices for erosion and  
11004 | sediment control are utilized to prevent bank erosion and  
11005 | scouring and to prevent turbidity, dredged material, and toxic  
11006 | or deleterious substances from discharging into adjacent waters  
11007 | during maintenance dredging. Further, for maintenance dredging  
11008 | of previously dredged portions of natural water bodies within  
11009 | recorded drainage rights-of-way or drainage easements, an entity  
11010 | that seeks an exemption must notify the department or water  
11011 | management district, as applicable, at least 30 days prior to  
11012 | dredging and provide documentation of original design  
11013 | specifications or configurations where such exist. This  
11014 | exemption applies to all canals and previously dredged portions  
11015 | of natural water bodies within recorded drainage rights-of-way  
11016 | or drainage easements constructed prior to April 3, 1970, and to  
11017 | those canals and previously dredged portions of natural water  
11018 | bodies constructed on or after April 3, 1970, pursuant to all  
11019 | necessary state permits. This exemption does not apply to the  
11020 | removal of a natural or manmade barrier separating a canal or  
11021 | canal system from adjacent waters. When no previous permit has  
11022 | been issued by the Board of Trustees of the Internal Improvement  
11023 | Trust Fund or the United States Army Corps of Engineers for  
11024 | construction or maintenance dredging of the existing manmade  
11025 | canal or intake or discharge structure, such maintenance  
11026 | dredging shall be limited to a depth of no more than 5 feet  
11027 | below mean low water. The Board of Trustees of the Internal  
11028 | Improvement Trust Fund may fix and recover from the permittee an  
11029 | amount equal to the difference between the fair market value and  
11030 | the actual cost of the maintenance dredging for material removed

11031 during such maintenance dredging. However, no charge shall be  
 11032 exacted by the state for material removed during such  
 11033 maintenance dredging by a public port authority. The removing  
 11034 party may subsequently sell such material; however, proceeds  
 11035 from such sale that exceed the costs of maintenance dredging  
 11036 shall be remitted to the state and deposited in the Internal  
 11037 Improvement Trust Fund.

11038 Section 201. Paragraph (a) of subsection (5) and paragraph  
 11039 (a) of subsection (18) of section 597.010, Florida Statutes, are  
 11040 amended to read:

11041 597.010 Shellfish regulation; leases.--

11042 (5) LEASES IN PERPETUITY; RENT.--

11043 (a) All leases issued previously under the provisions of  
 11044 s. 379.2525 ~~370.16~~ shall be enforced under the authority of this  
 11045 chapter, notwithstanding any other law to the contrary, and  
 11046 shall continue in perpetuity under such restrictions as stated  
 11047 in the lease agreement. The annual rental fee charged for all  
 11048 leases shall consist of the minimum rate of \$15 per acre, or any  
 11049 fraction of an acre, per year and shall be adjusted on January  
 11050 1, 1995, and every 5 years thereafter, based on the 5-year  
 11051 average change in the Consumer Price Index. Rent shall be paid  
 11052 in advance of January 1 of each year or in the case of a new  
 11053 lease at the time of signing, regardless of who holds the lease.

11054 (18) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL  
 11055 REEFS; LICENSES, ETC.; PENALTY.--

11056 (a) It is unlawful to use a dredge or any means or  
 11057 implement other than hand tongs in removing oysters from the  
 11058 natural or artificial state reefs or beds. This restriction

11059 shall apply to all areas of Apalachicola Bay for all shellfish  
 11060 harvesting, excluding private grounds leased or granted by the  
 11061 state prior to July 1, 1989, if the lease or grant specifically  
 11062 authorizes the use of implements other than hand tongs for  
 11063 harvesting. Except in Apalachicola Bay, upon the payment of \$25  
 11064 annually, for each vessel or boat using a dredge or machinery in  
 11065 the gathering of clams or mussels, a special activity license  
 11066 may be issued by the Fish and Wildlife Conservation Commission  
 11067 pursuant to subsection (15) or s. 379.361 ~~370.06~~ for such use to  
 11068 such person.

11069 Section 202. Paragraphs (a), (d), and (e) of subsection  
 11070 (4) of section 777.04, Florida Statutes, are amended to read:

11071 777.04 Attempts, solicitation, and conspiracy.--

11072 (4) (a) Except as otherwise provided in ss. 104.091(2),  
 11073 379.2431(1) ~~370.12(1)~~, 828.125(2), 849.25(4), 893.135(5), and  
 11074 921.0022, the offense of criminal attempt, criminal  
 11075 solicitation, or criminal conspiracy is ranked for purposes of  
 11076 sentencing under chapter 921 and determining incentive gain-time  
 11077 eligibility under chapter 944 one level below the ranking under  
 11078 s. 921.0022 or s. 921.0023 of the offense attempted, solicited,  
 11079 or conspired to. If the criminal attempt, criminal solicitation,  
 11080 or criminal conspiracy is of an offense ranked in level 1 or  
 11081 level 2 under s. 921.0022 or s. 921.0023, such offense is a  
 11082 misdemeanor of the first degree, punishable as provided in s.  
 11083 775.082 or s. 775.083.

11084 (d) Except as otherwise provided in s. 104.091(2), s.  
 11085 379.2431(1) ~~370.12(1)~~, s. 828.125(2), or s. 849.25(4), if the  
 11086 offense attempted, solicited, or conspired to is a:

- 11087 1. Felony of the second degree;  
 11088 2. Burglary that is a felony of the third degree; or  
 11089 3. Felony of the third degree ranked in level 3, 4, 5, 6,  
 11090 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

11091  
 11092 the offense of criminal attempt, criminal solicitation, or  
 11093 criminal conspiracy is a felony of the third degree, punishable  
 11094 as provided in s. 775.082, s. 775.083, or s. 775.084.

11095 (e) Except as otherwise provided in s. 104.091(2), s.  
 11096 379.2431(1) ~~370.12(1)~~, s. 849.25(4), or paragraph (d), if the  
 11097 offense attempted, solicited, or conspired to is a felony of the  
 11098 third degree, the offense of criminal attempt, criminal  
 11099 solicitation, or criminal conspiracy is a misdemeanor of the  
 11100 first degree, punishable as provided in s. 775.082 or s.  
 11101 775.083.

11102 Section 203. Paragraph (h) of subsection (2) of section  
 11103 810.09, Florida Statutes, is amended to read:

11104 810.09 Trespass on property other than structure or  
 11105 conveyance.--

11106 (2)

11107 (h) Any person who in taking or attempting to take any  
 11108 animal described in s. 379.101(19) or (20) ~~372.001(10) or (11)~~,  
 11109 or in killing, attempting to kill, or endangering any animal  
 11110 described in s. 585.01(13) knowingly propels or causes to be  
 11111 propelled any potentially lethal projectile over or across  
 11112 private land without authorization commits trespass, a felony of  
 11113 the third degree, punishable as provided in s. 775.082, s.  
 11114 775.083, or s. 775.084. For purposes of this paragraph, the term

11115 "potentially lethal projectile" includes any projectile launched  
 11116 from any firearm, bow, crossbow, or similar tensile device. This  
 11117 section does not apply to any governmental agent or employee  
 11118 acting within the scope of his or her official duties.

11119 Section 204. Paragraphs (b) and (c) of subsection (3) of  
 11120 section 921.0022, Florida Statutes, are amended to read:

11121 921.0022 Criminal Punishment Code; offense severity  
 11122 ranking chart.--

11123 (3) OFFENSE SEVERITY RANKING CHART

11124 (b) LEVEL 2

11125

Florida Statute	Felony Degree	Description
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11126

<u>379.2431</u> (1) (e) 3. <del>370.12(1)(e)3.</del>	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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11127

<u>379.2431(1)(e)4.</u> <del>370.12(1)(e)4.</del>	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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11128

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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11129

11130	517.07	3rd	Registration of securities and furnishing of prospectus required.
11131	590.28(1)	3rd	Willful, malicious, or intentional burning.
11132	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
11133	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
11134	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
11135	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
11136	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
11137	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.

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11138	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
11139	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
11140	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
11141	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
11142	817.52 (3)	3rd	Failure to redeliver hired vehicle.
11143	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
11144	817.60 (5)	3rd	Dealing in credit cards of another.
11145	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
	817.61	3rd	Fraudulent use of credit cards over

11146			\$100 or more within 6 months.
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
11147			
	831.01	3rd	Forgery.
11148			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
11149			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
11150			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
11151			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
11152			
	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
11153			
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
11154			

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11155	843.08	3rd	Falsely impersonating an officer.
11156	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.
11157	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
11158	(c) LEVEL 3		
11159			
11160	Florida Statute	Felony Degree	Description
11161	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
11162	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
11163	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
11164	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

11165	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
11166	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
11167	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
11168	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
11169	327.35 (2) (b)	3rd	Felony BUI.
11170	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
11171	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
	<u>379.2431 (1) (e) 5.</u> <del>370.12 (1) (e) 5.</del>	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed,

			transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
11172	<u>379.2431(1)(e)6.</u> <del>370.12(1)(e)6.</del>	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
11173	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
11174	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
11175	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
11176	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
11177	624.401(4)(a)	3rd	Transacting insurance without a

11178			certificate of authority.
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
11179			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
11180			
	697.08	3rd	Equity skimming.
11181			
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
11182			
	796.05(1)	3rd	Live on earnings of a prostitute.
11183			
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
11184			
	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
11185			
	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
11186			

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11187	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
11188	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
11189	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
11190	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
11191	817.233	3rd	Burning to defraud insurer.
11192	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
11193	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
11194	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

			insurance card.
11195	817.413 (2)	3rd	Sale of used goods as new.
11196	817.505 (4)	3rd	Patient brokering.
11197	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
11198	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
11199	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
11200	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
11201	843.19	3rd	Injure, disable, or kill police dog or horse.
11202	860.15 (3)	3rd	Overcharging for repairs and parts.
11203	870.01 (2)	3rd	Riot; inciting or encouraging.
11204			

11205	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).
11206	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.
11207	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.
11208	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

11209	893.13(7)(a)9.	3rd	substance.
11210	893.13(7)(a)10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
11211	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
11212	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
11213	893.13(8)(a)2.	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.
11214			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.

11215	893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
11216	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.
11217	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
11218	944.47 (1) (a) 1.-	3rd	Introduce contraband to correctional facility.
11219	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
11220	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
11221	Section 205. Paragraph (e) of subsection (6) of section		
11222	932.7055, Florida Statutes, is amended to read:		
11223	932.7055 Disposition of liens and forfeited property.--		

11224 (6) If the seizing agency is a state agency, all remaining  
 11225 proceeds shall be deposited into the General Revenue Fund.

11226 However, if the seizing agency is:

11227 (e) The Fish and Wildlife Conservation Commission, the  
 11228 proceeds accrued pursuant to the provisions of the Florida  
 11229 Contraband Forfeiture Act shall be deposited into the State Game  
 11230 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395  
 11231 ~~372.73, 372.9901, and 372.9904~~, into the Marine Resources  
 11232 Conservation Trust Fund as provided in s. 379.337 ~~370.061, or~~  
 11233 ~~into the commission's Federal Law Enforcement Trust Fund as~~  
 11234 ~~provided in s. 372.107, as applicable.~~

11235 Section 206. Sections 370.081, 370.0821, 370.09, 370.1105,  
 11236 370.15, 370.154, 370.155, 372.001, 372.0225, 372.107, 372.27,  
 11237 372.667, 372.85, 372.98, 372.981, and 372.993, Florida Statutes,  
 11238 are repealed.

11239 Section 207. This act shall take effect July 1, 2008.