

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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, 370.081, 370.11, 370.1107, 370.1121, 370.135,
 20 370.14, 370.143, 370.1535, 370.1603, 370.31, 370.73,
 21 372.07, 372.071, 372.0715, 372.0025, 372.023, 372.0725,
 22 372.16, 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, 372.85, 372.86,

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

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

29 | 372.87, 372.88, 372.921, 372.922, 372.935, 372.988,
 30 | 372.99, 372.9901, 372.99021, 372.99022, 372.9903,
 31 | 372.9904, 372.9905, and 372.992, F.S.; correcting cross-
 32 | references; conforming provisions to changes made by this
 33 | act; 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,

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

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. 370.0821, F.S., relating to
 62 | use of nets in St. Johns County to conform to changes made
 63 | by this act; repealing s. 370.09, F.S., relating to
 64 | industrial hazards and prohibited oil deposits discharge
 65 | to conform to changes made by this act; repealing s.
 66 | 370.1105, F.S., relating to saltwater finfish trap
 67 | regulation to conform to changes made by this act;
 68 | repealing ss. 370.15 and 370.154, F.S., relating to shrimp
 69 | regulations to conform to changes made by this act;
 70 | repealing s. 370.155, F.S., relating to shrimp fishing to
 71 | conform to changes made by this act; repealing 372.001,
 72 | F.S., relating to wildlife definitions to conform to
 73 | changes made by this act; repealing s. 372.0225, F.S.,
 74 | relating to freshwater organisms to conform to changes
 75 | made by this act; repealing s. 372.107, F.S., relating to
 76 | the Fish and Wildlife Conservation Commission Federal Law
 77 | Enforcement Trust Fund to conform to changes made by this
 78 | act; repealing s. 372.27, F.S., relating to the
 79 | prohibition of fishing in Silver Springs and Rainbow
 80 | Springs to conform to changes made by this act; repealing
 81 | s. 372.667, F.S., relating to the unlawful feeding or
 82 | enticement of alligators or crocodiles to conform to
 83 | changes made by this act; repealing s. 372.98, F.S.,
 84 | relating to the possession of nutria to conform to changes

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

85 | made by this act; repealing s. 372.981, F.S., relating to
 86 | the regulation of importation of caiman to conform to
 87 | changes made by this act; repealing s. 372.993, F.S.,
 88 | relating to land-based commercial and recreational fishing
 89 | activities to conform to changes made by this act;
 90 | providing an effective date.

91 |
 92 | WHEREAS, it is the intent of the Legislature that the
 93 | consolidation of chapters 370 and 372, Florida Statutes, into a
 94 | new chapter 379, Florida Statutes, shall not be construed as
 95 | creating, establishing, or implementing any substantive changes
 96 | to current law in either of the two chapters consolidated, and

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 | expanding any constitutional authority of the Fish and Wildlife
 101 | Conservation Commission or as granting any additional
 102 | legislative authority to the Fish and Wildlife Conservation
 103 | Commission, NOW, THEREFORE,

104 |
 105 | Be It Enacted by the Legislature of the State of Florida:

106 |
 107 | Section 1. Chapter 379, Florida Statutes, is created and
 108 | entitled "Fish and Wildlife Conservation."

109 | Section 2. Part I of chapter 379, Florida Statutes,
 110 | consisting of sections 379.101, 379.102, 379.1025, 379.10255,
 111 | 379.103, 379.104, 379.105, 379.106, 379.201, 379.202, 379.202,
 112 | 379.203, 379.204, 379.205, 379.206, 379.207, 379.208, 379.209,

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

113 379.211, 379.2201, 379.2202, 379.2203, 379.2211, 379.2212,
 114 379.2213, 379.2221, 379.2222, 379.2223, 379.2224, 379.2225,
 115 379.223, 379.224, 379.2251, 379.2252, 379.2253, 379.2254,
 116 379.2255, 379.2256, 379.2257, 379.2258, 379.2259, 379.226,
 117 379.2271, 379.2272, 379.2281, 379.2282, 379.2291, 379.2292,
 118 379.230, 379.231, 379.232, 379.233, 379.2341, 379.2342,
 119 379.2351, 379.2352, 379.2353, 379.236, and 379.237, is created
 120 to read:

121 PART I

122 GENERAL PROVISIONS

123
 124 Section 3. Section 370.01, Florida Statutes, is renumbered
 125 as section 379.101, Florida Statutes, and amended to read:

126 379.101 ~~370.01~~ Definitions.--In construing these statutes,
 127 where the context does not clearly indicate otherwise, the word,
 128 phrase, or term:

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

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

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

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

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

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

156 (6) "Commission" shall mean the Fish and Wildlife
157 Conservation Commission.

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

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

165 (9) "Department" shall mean the Department of
166 Environmental Protection.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

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

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

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

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

190 (16)~~(13)~~ "Food fish" shall include mullet, trout, redfish,
 191 sheephead, pompano, mackerel, bluefish, red snapper, grouper,
 192 black drum, jack crevalle, and all other fish generally used for
 193 human consumption.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

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

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

212 ~~(21)~~~~(14)~~ "Guide" shall include any person engaged in the
 213 business of guiding hunters or hunting parties, fishers or
 214 fishing parties, for compensation.

215 ~~(22)~~~~(15)~~ "Marine fish" means any saltwater species of
 216 finfish of the classes Agnatha, Chondrichthyes, and
 217 Osteichthyes, and marine invertebrates in the classes
 218 Gastropoda, Bivalvia, and Crustacea, or the phylum
 219 Echinodermata, but does not include nonliving shells or
 220 Echinoderms.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

221 ~~(23)-(16)~~ "Molest," in connection with any fishing trap or
 222 its buoy or buoy line, means to touch, bother, disturb, or
 223 interfere or tamper with, in any manner.

224 ~~(24)-(17)~~ A "natural oyster or clam reef" or "bed" or "bar"
 225 shall be considered and defined as an area containing not less
 226 than 100 square yards of the bottom where oysters or clams are
 227 found in a stratum.

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

231 ~~(26)-(18)~~ "Nonresident alien" shall mean those individuals
 232 from other nations who can provide documentation from the Bureau
 233 of Citizenship and Immigration Services evidencing permanent
 234 residency status in the United States. For the purposes of this
 235 chapter, a "nonresident alien" shall be considered a
 236 "nonresident."

237 ~~(27)-(19)~~ "Open season" shall be that portion of the year
 238 wherein the laws of Florida for the preservation of fish and
 239 game permit the taking of particular species of game or
 240 varieties of fish.

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

244 ~~(29)-(20)~~ "Reef bunch oysters" are oysters found growing on
 245 the bars or reefs in the open bay and exposed to the air between
 246 high and low tide.

247 ~~(30)-(21)~~ "Resident" or "resident of Florida" means includes:
 248 (a) For purposes of part VII of this chapter, with the

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

249 exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,
 250 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,
 251 379.3762, and 379.377, and for purposes of s. 379.355, citizens
 252 of the United States who have continuously resided in this
 253 state, next preceding the making of their application for
 254 hunting, fishing, or other license, for the following period of
 255 time, to wit: For 1 year in the state and 6 months in the county
 256 when applied to all fish and game laws not related to freshwater
 257 fish and game.

258 (b) For purposes of part VI of this chapter, with the
 259 exception of s. 379.355, and for purposes of ss. 379.363,
 260 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,
 261 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,
 262 any person who has continually resided in the state for 6 months
 263 or any member of the United States Armed Forces who is stationed
 264 in the state.

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

272 ~~(32)-(23)~~ "Restricted species" means any species of
 273 saltwater products which the state by law, or the Fish and
 274 Wildlife Conservation Commission by rule, has found it necessary
 275 to so designate. The term includes a species of saltwater
 276 products designated by the commission as restricted within a

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

291 ~~(34)-(25)~~ "Saltwater fish" means:

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

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

299 ~~(35)-(26)~~ "Saltwater license privileges," except where
 300 otherwise provided by law, means any license, endorsement,
 301 certificate, or permit issued pursuant to this chapter.

302 ~~(36)-(27)~~ "Saltwater products" means any species of
 303 saltwater fish, marine plant, or echinoderm, except shells, and
 304 salted, cured, canned, or smoked seafood.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

305 ~~(37)(28)~~ "Shellfish" shall include oysters, clams, and
 306 whelks.

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

313 ~~(39)(29)~~ "Transport" shall include shipping, transporting,
 314 carrying, importing, exporting, receiving or delivering for
 315 shipment, transportation or carriage or export.

316 Section 4. Section 372.01, Florida Statutes, is renumbered
 317 as section 379.102, Florida Statutes, to read:

318 379.102 ~~372.01~~ Fish and Wildlife Conservation
 319 Commission.--

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

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

334 Section 5. Section 372.021, Florida Statutes, is
 335 renumbered as section 379.1025, Florida Statutes, to read:

336 379.1025 ~~372.021~~ Powers, duties, and authority of
 337 commission; rules, regulations, and orders.--The Fish and
 338 Wildlife Conservation Commission may exercise the powers,
 339 duties, and authority granted by s. 9, Art. IV of the
 340 Constitution of Florida, and as otherwise authorized by the
 341 Legislature by the adoption of rules, regulations, and orders in
 342 accordance with chapter 120.

343 Section 6. Section 372.03, Florida Statutes, is renumbered
 344 as section 379.10255, Florida Statutes, to read:

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

356 Section 7. Section 372.05, Florida Statutes, is renumbered
 357 as section 379.103, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

358 379.103 ~~372.05~~ Duties of executive director.--The
 359 executive director of the Fish and Wildlife Conservation
 360 Commission shall:

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

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

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

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

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

377 Section 8. Section 372.002, Florida Statutes, is
 378 renumbered as section 379.104, Florida Statutes, to read:

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

386 Therefore, the Legislature intends that the citizens of Florida
 387 have a right to hunt, fish, and take game, subject to the
 388 regulations and restrictions prescribed by general law and by s.
 389 9, Art. IV of the State Constitution.

390 Section 9. Section 372.705, Florida Statutes, is
 391 renumbered as section 379.105, Florida Statutes, and amended to
 392 read:

393 379.105 ~~372.705~~ Harassment of hunters, trappers, or
 394 fishers.--

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

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

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

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

405 Section 10. Section 370.023, Florida Statutes, is
 406 renumbered as section 379.106, Florida Statutes, to read:

407 379.106 ~~370.023~~ Administration of commission grant
 408 programs.--

409 (1) The Fish and Wildlife Conservation Commission is
 410 authorized to establish grant programs that are consistent with
 411 statutory authority and legislative appropriations. The
 412 commission is further authorized to receive funds from any legal
 413 source for purposes of matching state dollars or for passing

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

414 through the agency as grants to other entities whether or not
 415 matching funds or in-kind matches are required.

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

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

439 Section 11. Section 372.101, Florida Statutes, is
 440 renumbered as section 379.201, Florida Statutes, to read:

441 379.201 ~~372.101~~ Administrative Trust Fund.--

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

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

456 Section 12. Section 372.127, Florida Statutes, is
 457 renumbered as section 379.202, Florida Statutes, to read:

458 379.202 ~~372.127~~ Conservation and Recreation Lands Program
 459 Trust Fund of the Fish and Wildlife Conservation Commission.--

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

468 (2) Notwithstanding the provisions of s. 216.301 and
 469 pursuant to s. 216.351, any balance in the trust fund at the end

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

470 of any fiscal year shall remain in the trust fund at the end of
 471 the year and shall be available for carrying out the purposes of
 472 the trust fund.

473 Section 13. Section 372.106, Florida Statutes, is
 474 renumbered as section 379.203, Florida Statutes, and amended to
 475 read:

476 379.203 ~~372.106~~ Dedicated License Trust Fund.--

477 (1) There is established within the Fish and Wildlife
 478 Conservation Commission the Dedicated License Trust Fund. The
 479 fund shall be credited with moneys collected pursuant to s.
 480 379.354 ~~372.57~~ for 5-year licenses and permits and replacement
 481 5-year licenses.

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

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

491 (3) The fund shall be exempt from the provisions of s.
 492 215.20.

493 Section 14. Section 372.102, Florida Statutes, is
 494 renumbered as section 379.204, Florida Statutes, to read:

495 379.204 ~~372.102~~ Federal Grants Trust Fund.--

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

509 Section 15. Section 372.672, Florida Statutes, is
 510 renumbered as section 379.205, Florida Statutes, to read:

511 379.205 ~~372.672~~ Florida Panther Research and Management
 512 Trust Fund.--

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

517 (2) Money from the fund shall be spent only for the
 518 following purposes:

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

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

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

539 Section 16. Section 372.103, Florida Statutes, is
 540 renumbered as section 379.206, Florida Statutes, to read:

541 379.206 ~~372.103~~ Grants and Donations Trust Fund.--

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

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

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

555 | Section 17. Section 372.105, Florida Statutes, is
 556 | renumbered as section 379.207, Florida Statutes, and amended to
 557 | read:

558 | 379.207 ~~372.105~~ Lifetime Fish and Wildlife Trust Fund.--

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

564 | (2) The principal of the fund shall be derived from the
 565 | following:

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

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

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

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

579 | (b) The interest income received and accruing from the
 580 | investments of proceeds from the sale of lifetime freshwater

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

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

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

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

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

604 (f) The fund shall be exempt from the provisions of s.
 605 215.20.

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

618 Section 18. Section 370.0603, Florida Statutes, is
 619 renumbered as section 379.208, Florida Statutes, and amended to
 620 read:

621 379.208 ~~370.0603~~ Marine Resources Conservation Trust Fund;
 622 purposes.--

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

628 (a) Funding for marine research.

629 (b) Funding for fishery enhancement, including, but not
 630 limited to, fishery statistics development, artificial reefs,
 631 and fish hatcheries.

632 (c) Funding for marine law enforcement.

633 (d) Funding for administration of licensing programs for
 634 recreational fishing, saltwater products sales, and related
 635 information and education activities.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

- 636 (e) Funding for the operations of the Fish and Wildlife
- 637 Conservation Commission.
- 638 (f) Funding for titling and registration of vessels.
- 639 (g) Funding for marine turtle protection, research, and
- 640 recovery activities from revenues that are specifically credited
- 641 to the trust fund for these purposes.
- 642 (h) Funding activities for rehabilitation of oyster
- 643 harvesting areas from which special oyster surcharge fees are
- 644 collected, including relaying and transplanting live oysters.
- 645 (i) Funding for boating research, boating-related programs
- 646 and activities, and for law enforcement on state waters.
- 647 (j) Funding for the stone crab trap reduction program
- 648 under s. 379.365 ~~370.13~~, the blue crab effort management program
- 649 under s. 379.366 ~~370.135~~, the spiny lobster trap certificate
- 650 program under s. 379.3671 ~~370.142~~, and the trap retrieval
- 651 program under s. 379.2424 ~~370.143~~.
- 652 (2) The Marine Resources Conservation Trust Fund shall
- 653 receive the proceeds from:
- 654 (a) All license fees collected pursuant to ss. 379.361 and
- 655 379.362 ~~370.06 and 370.07~~.
- 656 (b) All funds collected from the registration of vessels
- 657 and other fees pursuant to s. 328.72.
- 658 (c) All fees collected under ss. 379.2424, 379.355,
- 659 379.357, 379.365, 379.3671, and 379.366 ~~370.063, 370.13,~~
- 660 ~~370.135, 370.142, 370.143, and 372.5704~~.
- 661 (d) All fines and penalties under ss. 379.365, 379.366
- 662 379.3671, and 379.407 ~~370.021, 370.13, 370.135, and 370.142~~.
- 663 (e) Other revenues as provided by law.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

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

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

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

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

697 (b) For the placement of uniform waterway markers on state
 698 waters.

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

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

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

710
 711 Funds not used in one fiscal year must be carried over for use
 712 in subsequent years.

713 Section 19. Section 372.991, Florida Statutes, is
 714 renumbered as section 379.209, Florida Statutes, to read:

715 379.209 ~~372.991~~ Nongame Wildlife Trust Fund.--

716 (1) The Legislature recognizes the value of maintaining
 717 ecologically healthy and stable populations of a wide diversity
 718 of fish and wildlife species and recognizes the need for

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

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

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

739 (b) Proceeds from the trust fund shall be used for the
 740 following purposes:

741 1. Documentation of population trends of nongame wildlife
 742 and assessment of wildlife habitat, in coordination with the
 743 database of Florida natural areas inventory.

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

746 3. Public education programs.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

747 (3) The commission may enter into cooperative agreements
 748 or memoranda of understanding with related agencies to
 749 coordinate nongame programs.

750 Section 20. Section 372.09, Florida Statutes, is
 751 renumbered as section 379.211, Florida Statutes, to read:

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

765 Section 21. Section 372.074, Florida Statutes, is
 766 renumbered as section 379.212, Florida Statutes, to read:

767 379.212 ~~372.074~~ Fish and Wildlife Habitat Program.--

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

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

775 maintaining and enhancing their habitat value for fish and
 776 wildlife. Other uses may be allowed that are not contrary to
 777 this purpose.

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

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

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

796 Section 22. Section 372.5701, Florida Statutes, is
 797 renumbered as section 379.2201, Florida Statutes, and amended to
 798 read:

799 379.2201 ~~372.5701~~ Deposit of license fees; allocation of
 800 federal funds.--

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

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

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

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

815 (2) The proceeds from recreational saltwater fishing
 816 license fees paid by fishers shall only be appropriated to the
 817 commission.

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

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

832 Section 23. Section 372.5702, Florida Statutes, is
 833 renumbered as section 379.2202, Florida Statutes, and amended to
 834 read:

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

847 Section 24. Section 372.72, Florida Statutes, is
 848 renumbered as section 379.2203, Florida Statutes, and amended to
 849 read:

850 379.2203 ~~372.72~~ Disposition of fines, penalties, and
 851 forfeitures.--

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

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

866 Section 25. Section 372.5712, Florida Statutes, is
 867 renumbered as section 379.2211, Florida Statutes, and amended to
 868 read:

869 379.2211 ~~372.5712~~ Florida waterfowl permit revenues.--

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

883 restoration, maintenance, and preservation of wetlands within
 884 the state.

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

893 Section 26. Section 372.5715, Florida Statutes, is
 894 renumbered as section 379.2212, Florida Statutes, and amended to
 895 read:

896 379.2212 ~~372.5715~~ Florida wild turkey permit revenues.--

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

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

911 Section 27. Section 372.573, Florida Statutes, is
 912 renumbered as section 379.2213, Florida Statutes, and amended to
 913 read:

914 379.2213 ~~372.573~~ Management area permit revenues.--The
 915 commission shall expend the revenue generated from the sale of
 916 the management area permit as provided for in s. 379.354(8)(g)
 917 ~~372.57(8)(g)~~ or that pro rata portion of any license that
 918 includes management area privileges as provided for in s.
 919 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for the
 920 lease, management, and protection of lands for public hunting,
 921 fishing, and other outdoor recreation.

922 Section 28. Section 372.12, Florida Statutes, is
 923 renumbered as section 379.2222, Florida Statutes, to read:

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

939 Section 29. Section 372.121, Florida Statutes, is
 940 renumbered as section 379.2223, Florida Statutes, to read:
 941 379.2223 ~~372.121~~ Control and management of state game
 942 lands.--

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

956 (2) Any person violating or otherwise failing to comply
 957 with any rule or regulation so adopted commits a misdemeanor of
 958 the second degree, punishable as provided in s. 775.082 or s.
 959 775.083.

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

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

974 Section 31. Section 372.025, Florida Statutes, is
 975 renumbered as section 379.2225, Florida Statutes, to read:

976 379.2225 ~~372.025~~ Everglades recreational sites;
 977 definitions.--

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

982 (a) Can be accomplished without endangering the water
 983 quality and quantity of supply and where environmental impact
 984 will be minimal.

985 (b) Is located on the exterior fringes of the Everglades
 986 to discourage extensive uncontrolled use of the interior
 987 regions.

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

990 (d) Offers recreational potential for nature trails, bird
 991 study, picnic areas, boating, fishing, hunting, and target
 992 shooting.

993 (e) Is located where proper management and law enforcement
 994 can be provided.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

995 (2) DEFINITIONS.--As used in this section:
 996 (a) "Commission" means the Fish and Wildlife Conservation
 997 Commission.
 998 (b) "Indian reservations" means lands as designated by
 999 chapter 285.
 1000 (c) "Development of recreational sites" means any
 1001 improvements to existing facilities or sites and also such new
 1002 selection and improvements as are needed for the various
 1003 recreational activities as herein provided.
 1004 (3) RECREATIONAL SITES.--The Fish and Wildlife
 1005 Conservation Commission is directed to develop, manage, and
 1006 enforce laws on certain recreational sites in the water
 1007 conservation areas of the Everglades from funds to be
 1008 appropriated by the Legislature.
 1009 (4) No recreational site will be developed on any Indian
 1010 reservations as created by chapter 285 without first obtaining
 1011 written approval for such development from the Indians of the
 1012 particular reservation lands affected.
 1013 Section 32. Section 372.0215, Florida Statutes, is
 1014 renumbered as section 379.223, Florida Statutes, to read:
 1015 379.223 ~~372.0215~~ Citizen support organizations; use of
 1016 state property; audit.--
 1017 (1) The Fish and Wildlife Conservation Commission may
 1018 authorize the establishment of citizen support organizations to
 1019 provide assistance, funding, and promotional support for the
 1020 programs of the commission. For purposes of this section, the
 1021 term "citizen support organization" means an organization which:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1022 (a) Is a corporation not for profit incorporated pursuant
 1023 to the provisions of chapter 617 and approved by the Department
 1024 of State.

1025 (b) Is organized and operated to conduct programs and
 1026 activities; raise funds; request and receive grants, gifts, and
 1027 bequests of money; acquire, receive, hold, invest, and
 1028 administer in its own name securities, funds, or real or
 1029 personal property; and make expenditures for the benefit of the
 1030 commission or an individual program unit of the commission;
 1031 except that such organization may not receive funds from the
 1032 commission or the Fish and Wildlife Research Institute by grant,
 1033 gift, or contract unless specifically authorized by the
 1034 Legislature.

1035 (c) The commission has determined acts in a manner that is
 1036 consistent with the goals of the commission and the best
 1037 interests of the state.

1038 (d) Is approved in writing by the commission to operate
 1039 for the benefit of the commission. Such approval must be stated
 1040 in a letter of agreement from the executive director of the
 1041 commission.

1042 (2) (a) The Fish and Wildlife Conservation Commission may
 1043 permit a citizen support organization to use commission
 1044 property, facilities, and personnel free of charge. A citizen
 1045 support organization may use commission property, facilities,
 1046 and personnel if such use is consistent with the approved
 1047 purpose of that citizen support organization and if such use
 1048 does not unreasonably interfere with the general public's use of

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1049 | commission property, facilities, and personnel for established
 1050 | purposes.

1051 | (b) The commission may prescribe conditions upon the use
 1052 | by a citizen support organization of commission property,
 1053 | facilities, or personnel.

1054 | (c) The commission may not permit the use of any property,
 1055 | facilities, or personnel of the state by a citizen support
 1056 | organization that does not provide equal membership and
 1057 | employment opportunities to all persons regardless of race,
 1058 | color, national origin, religion, sex, or age.

1059 | (3) Each citizen support organization shall provide for an
 1060 | annual financial audit in accordance with s. 215.981. The
 1061 | identity of a donor or prospective donor to a citizen support
 1062 | organization who desires to remain anonymous and all information
 1063 | identifying such donor or prospective donor are confidential and
 1064 | exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 1065 | of the State Constitution. Such anonymity shall be maintained in
 1066 | the auditor's report.

1067 | Section 33. Section 370.06091, Florida Statutes, is
 1068 | renumbered as section 379.224, Florida Statutes, to read:

1069 | 379.224 ~~370.06091~~ Memorandum of agreement relating to Fish
 1070 | and Wildlife Research Institute.--A memorandum of agreement will
 1071 | be developed between the Department of Environmental Protection
 1072 | and the Fish and Wildlife Conservation Commission which will
 1073 | detail the responsibilities of the Fish and Wildlife Research
 1074 | Institute to the department, to include, at a minimum, the
 1075 | following services:

1076 | (1) Environmental monitoring and assessment.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1077 (2) Restoration research and development of restoration
 1078 technology.

1079 (3) Technical support and response for oil spills, ship
 1080 groundings, major marine species die-offs, hazardous spills, and
 1081 natural disasters.

1082 Section 34. Section 370.103, Florida Statutes, is
 1083 renumbered as section 379.2251, Florida Statutes, to read:

1084 379.2251 ~~370.103~~ Agreements with Federal Government for
 1085 the preservation of saltwater fisheries; authority of
 1086 commission.--The Fish and Wildlife Conservation Commission is
 1087 authorized and empowered to enter into cooperative agreements
 1088 with the Federal Government or agencies thereof for the purpose
 1089 of preserving saltwater fisheries within and without state
 1090 waters and for the purpose of protecting against overfishing,
 1091 waste, depletion, or any abuse whatsoever. Such authority
 1092 includes the authority to enter into cooperative agreements
 1093 whereby officers of the Fish and Wildlife Conservation
 1094 Commission are empowered to enforce federal statutes and rules
 1095 pertaining to fisheries management. When differences between
 1096 state and federal laws occur, state laws shall take precedence.

1097 Section 35. Section 370.18, Florida Statutes, is
 1098 renumbered as section 379.2252, Florida Statutes, to read:

1099 379.2252 ~~370.18~~ Compacts and agreements; generally.--The
 1100 Fish and Wildlife Conservation Commission may enter into
 1101 agreements of reciprocity with the fish commissioners or other
 1102 departments or other proper officials of other states, whereby
 1103 the citizens of the state may be permitted to take or catch
 1104 shrimp or prawn from the waters under the jurisdiction of such

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1105 | other states, upon similar agreements to allow such nonresidents
 1106 | or aliens to fish for or catch seafood products within the
 1107 | jurisdiction of the state regardless of residence.

1108 | Section 36. Section 370.19, Florida Statutes, is
 1109 | renumbered as section 379.2253, Florida Statutes, to read:

1110 | 379.2253 ~~370.19~~ Atlantic States Marine Fisheries Compact;
 1111 | implementing legislation.--

1112 | (1) FORM.--The Governor of this state is hereby authorized
 1113 | and directed to execute a compact on behalf of the State of
 1114 | Florida with any one or more of the States of Maine, New
 1115 | Hampshire, Massachusetts, Rhode Island, Connecticut, New York,
 1116 | New Jersey, Delaware, Maryland, Virginia, North Carolina, South
 1117 | Carolina, and Georgia, and with such other states as may enter
 1118 | into the compact, legally joining therein in the form
 1119 | substantially as follows:

1121 | ATLANTIC STATES MARINE FISHERIES
 1122 | COMPACT

1124 | The contracting states solemnly agree:

1126 | ARTICLE I

1128 | The purpose of this compact is to promote the better
 1129 | utilization of the fisheries, marine, shell, and anadromous, of
 1130 | the Atlantic seaboard by the development of a joint program for
 1131 | the promotion and protection of such fisheries, and by the
 1132 | prevention of the physical waste of the fisheries from any

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1133 | cause. It is not the purpose of this compact to authorize the
 1134 | states joining herein to limit the production of fish or fish
 1135 | products for the purpose of establishing or fixing the price
 1136 | thereof, or creating and perpetuating a monopoly.

1137 |

1138 | ARTICLE II

1139 |

1140 | This agreement shall become operative immediately as to
 1141 | those states executing it whenever any two or more of the States
 1142 | of Maine, New Hampshire, Massachusetts, Rhode Island,
 1143 | Connecticut, New York, New Jersey, Delaware, Maryland, Virginia,
 1144 | North Carolina, South Carolina, Georgia and Florida have
 1145 | executed it in the form that is in accordance with the laws of
 1146 | the executing state and the Congress has given its consent. Any
 1147 | state contiguous with any of the aforementioned states and
 1148 | riparian upon waters frequented by anadromous fish, flowing into
 1149 | waters under the jurisdiction of any of the aforementioned
 1150 | states, may become a party hereto as hereinafter provided.

1151 |

1152 | ARTICLE III

1153 |

1154 | Each state joining herein shall appoint three
 1155 | representatives to a commission hereby constituted and
 1156 | designated as the Atlantic States Marine Fisheries Commission.
 1157 | One shall be the executive officer of the administrative agency
 1158 | of such state charged with the conservation of the fisheries
 1159 | resources to which this compact pertains or, if there be more
 1160 | than one officer or agency, the official of that state named by

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1161 the governor thereof. The second shall be a member of the
 1162 legislature of such state designated by such legislature or, in
 1163 the absence of such designation, such legislator shall be
 1164 designated by the governor thereof, provided that if it is
 1165 constitutionally impossible to appoint a legislator as a
 1166 commissioner from such state, the second member shall be
 1167 appointed in such manner as is established by law. The third
 1168 shall be a citizen who shall have a knowledge of and interest in
 1169 the marine fisheries problem to be appointed by the governor.
 1170 This commission shall be a body corporate with the powers and
 1171 duties set forth herein.

1172
 1173 ARTICLE IV
 1174

1175 The duty of the said commission shall be to make inquiry
 1176 and ascertain from time to time such methods, practices,
 1177 circumstances and conditions as may be disclosed for bringing
 1178 about the conservation and the prevention of the depletion and
 1179 physical waste of the fisheries, marine, shell and anadromous,
 1180 of the Atlantic seaboard. The commission shall have power to
 1181 recommend the coordination of the exercise of the police powers
 1182 of the several states within their respective jurisdictions to
 1183 promote the preservation of those fisheries and their protection
 1184 against overfishing, waste, depletion or any abuse whatsoever
 1185 and to assure a continuing yield from the fisheries resources of
 1186 the aforementioned states.

1187 To that end the commission shall draft and, after
 1188 consultation with the advisory committee hereinafter authorized,

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

1189 recommend to the governors and legislatures of the various
1190 signatory states legislation dealing with the conservation of
1191 the marine, shell and anadromous fisheries of the Atlantic
1192 seaboard. The commission shall, more than one month prior to any
1193 regular meeting of the legislature in any signatory state,
1194 present to the governor of the state its recommendations
1195 relating to enactments to be made by the legislature of that
1196 state in furthering the intents and purposes of this compact.

1197 The commission shall consult with and advise the pertinent
1198 administrative agencies in the states party hereto with regard
1199 to problems connected with the fisheries and recommend the
1200 adoption of such regulations as it deems advisable.

1201 The commission shall have power to recommend to the states
1202 party hereto the stocking of the waters of such states with fish
1203 and fish eggs or joint stocking by some or all of the states
1204 party hereto and when two or more of the states shall jointly
1205 stock waters the commission shall act as the coordinating agency
1206 for such stocking.

1207

1208 ARTICLE V

1209

1210 The commission shall elect from its number a chair and a
1211 vice chair and shall appoint and at its pleasure remove or
1212 discharge such officers and employees as may be required to
1213 carry the provisions of this compact into effect and shall fix
1214 and determine their duties, qualifications and compensation.
1215 Said commission shall adopt rules and regulations for the
1216 conduct of its business. It may establish and maintain one or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1217 more offices for the transaction of its business and may meet at
 1218 any time or place but must meet at least once a year.

1219

1220 ARTICLE VI

1221

1222 No action shall be taken by the commission in regard to its
 1223 general affairs except by the affirmative vote of a majority of
 1224 the whole number of compacting states present at any meeting. No
 1225 recommendation shall be made by the commission in regard to any
 1226 species of fish except by the affirmative vote of a majority of
 1227 the compacting states which have an interest in such species.
 1228 The commission shall define what shall be an interest.

1229

1230 ARTICLE VII

1231

1232 The Fish and Wildlife Service of the Department of the
 1233 Interior of the Government of the United States shall act as the
 1234 primary research agency of the Atlantic States Marine Fisheries
 1235 Commission cooperating with the research agencies in each state
 1236 for that purpose. Representatives of the said Fish and Wildlife
 1237 Service shall attend the meetings of the commission.

1238

1239 An advisory committee to be representative of the
 1240 commercial fishers and the saltwater anglers and such other
 1241 interests of each state as the commission deems advisable shall
 1242 be established by the commission as soon as practicable for the
 1243 purpose of advising the commission upon such recommendations as
 1244 it may desire to make.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

ARTICLE VIII

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

ARTICLE IX

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

ARTICLE X

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

ARTICLE XI

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1273 | cod and haddock, as recorded in the most recent published
 1274 | reports of the Fish and Wildlife Service of the United States
 1275 | Department of the Interior, provided no state shall contribute
 1276 | less than \$200 per annum and the annual contribution of each
 1277 | state above the minimum shall be figured to the nearest \$100.

1278 | The compacting states agree to appropriate initially the
 1279 | annual amounts scheduled below, which amounts are calculated in
 1280 | the manner set forth herein, on the basis of the catch record of
 1281 | 1938. Subsequent budgets shall be recommended by a majority of
 1282 | the commission and the cost thereof allocated equitably among
 1283 | the states in accordance with their respective interests and
 1284 | submitted to the compacting states.

1285 |
 1286 | Schedule of Initial Annual
 1287 | State Contributions

1288	Maine.....	\$700
1289	New Hampshire.....	200
1290	Massachusetts.....	2,300
1291	Rhode Island.....	300
1292	Connecticut.....	400
1293	New York.....	1,300
1294	New Jersey.....	800
1295	Delaware.....	200
1296	Maryland.....	700
1297	Virginia.....	1,300
1298	North Carolina.....	600
1299	South Carolina.....	200
1300	Georgia.....	200

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1301 Florida.....1,500

1302

1303 ARTICLE XII

1304

1305 This compact shall continue in force and remain binding
 1306 upon each compacting state until renounced by it. Renunciation
 1307 of this compact must be preceded by sending 6 months' notice in
 1308 writing of intention to withdraw from the compact to the other
 1309 states party hereto.

1310 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In pursuance
 1311 of Article III of said compact there shall be three members
 1312 (hereinafter called commissioners) of the Atlantic States Marine
 1313 Fisheries Commission (hereinafter called commission) from this
 1314 state. The first commissioner from this state shall be the
 1315 Executive Director of the Fish and Wildlife Conservation
 1316 Commission, ex officio, and the term of any such ex officio
 1317 commissioner shall terminate at the time he or she ceases to
 1318 hold said office of Executive Director of the Fish and Wildlife
 1319 Conservation Commission, and his or her successor as
 1320 commissioner shall be his or her successor as executive
 1321 director. The second commissioner from this state shall be a
 1322 legislator appointed on a rotating basis by the President of the
 1323 Senate or the Speaker of the House of Representatives, beginning
 1324 with the appointment of a member of the Senate, and the term of
 1325 any such commissioner shall terminate at the time he or she
 1326 ceases to hold said legislative office. The Governor (subject to
 1327 confirmation by the Senate), shall appoint a citizen as a third
 1328 commissioner who shall have a knowledge of, and interest in, the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1329 marine fisheries problem. The term of said commissioner shall be
 1330 3 years and the commissioner shall hold office until a successor
 1331 shall be appointed and qualified. Vacancies occurring in the
 1332 office of such commissioner from any reason or cause shall be
 1333 filled by appointment by the Governor (subject to confirmation
 1334 by the Senate), for the unexpired term. The Executive Director
 1335 of the Fish and Wildlife Conservation Commission as ex officio
 1336 commissioner may delegate, from time to time, to any deputy or
 1337 other subordinate in his or her department or office, the power
 1338 to be present and participate, including voting, as his or her
 1339 representative or substitute at any meeting of or hearing by or
 1340 other proceeding of the commission. The terms of each of the
 1341 initial three members shall begin at the date of the appointment
 1342 of the appointive commissioner, provided the said compact shall
 1343 then have gone into effect in accordance with Article II of the
 1344 compact; otherwise, they shall begin upon the date upon which
 1345 said compact shall become effective in accordance with said
 1346 Article II. Any commissioner may be removed from office by the
 1347 Governor upon charges and after a hearing.

1348 (3) POWERS OF COMMISSION AND COMMISSIONERS.--There is
 1349 hereby granted to the commission and the commissioners thereof
 1350 all the powers provided for in the said compact and all the
 1351 powers necessary or incidental to the carrying out of said
 1352 compact in every particular. All officers of the State of
 1353 Florida are hereby authorized and directed to do all things
 1354 falling within their respective provinces and jurisdiction
 1355 necessary or incidental to the carrying out of said compact in
 1356 every particular; it being hereby declared to be the policy of

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1357 the State of Florida to perform and carry out the said compact
 1358 and to accomplish the purposes thereof. All officers, bureaus,
 1359 departments and persons of and in the state government or
 1360 administration of the State of Florida are hereby authorized and
 1361 directed at convenient times and upon request of the said
 1362 commission to furnish the said commission with information and
 1363 data possessed by them or any of them and to aid said commission
 1364 by loan of personnel or other means lying within their legal
 1365 rights respectively.

1366 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
 1367 granted to the commission shall be regarded as in aid of and
 1368 supplemental to and in no case a limitation upon any of the
 1369 powers vested in said commission by other laws of the State of
 1370 Florida or by the laws of the States of Maine, New Hampshire,
 1371 Massachusetts, Connecticut, Rhode Island, New York, New Jersey,
 1372 Delaware, Maryland, Virginia, North Carolina, South Carolina,
 1373 Georgia and Florida or by the Congress or the terms of said
 1374 compact.

1375 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--

1376 (a) The commission shall keep accurate accounts of all
 1377 receipts and disbursements and shall report to the Governor and
 1378 the Legislature of the State of Florida on or before the 10th
 1379 day of December in each year, setting forth in detail the
 1380 transactions conducted by it during the 12 months preceding
 1381 December 1 of that year and shall make recommendations for any
 1382 legislative action deemed by it advisable, including amendments
 1383 to the statutes of the State of Florida which may be necessary

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1384 to carry out the intent and purposes of the compact between the
 1385 signatory states.

1386 (b) The Department of Financial Services is authorized and
 1387 empowered from time to time to examine the accounts and books of
 1388 the commission, including its receipts, disbursements and such
 1389 other items referring to its financial standing as such
 1390 department deems proper and to report the results of such
 1391 examination to the governor of such state.

1392 (6) APPROPRIATION FOR EXPENSES OF COMMISSION.--The sum of
 1393 \$600, annually, or so much thereof as may be necessary, is
 1394 hereby appropriated out of any moneys in the State Treasury not
 1395 otherwise appropriated, for the expenses of the commission
 1396 created by the compact authorized by this law. The moneys hereby
 1397 appropriated shall be paid out of the State Treasury on the
 1398 audit and warrant of the Chief Financial Officer upon vouchers
 1399 certified by the chair of the commission in the manner
 1400 prescribed by law.

1401 Section 37. Section 370.20, Florida Statutes, is
 1402 renumbered as section 379.2254, Florida Statutes, to read:

1403 379.2254 ~~370.20~~ Gulf States Marine Fisheries Compact;
 1404 implementing legislation.--

1405 (1) FORM.--The Governor of this state is hereby authorized
 1406 and directed to execute the compact on behalf of the State of
 1407 Florida with any one or more of the States of Alabama,
 1408 Mississippi, Louisiana and Texas, and with such other state as
 1409 may enter into a compact, legal joining therein in the form
 1410 substantially as follows:

1411

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

GULF STATES MARINE FISHERIES
 COMPACT

The contracting states solemnly agree:

ARTICLE I

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

ARTICLE II

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

ENROLLED
HB 7091, Engrossed 2

2008 Legislature

1440

1441

ARTICLE III

1442

1443

1444

1445

1446

1447

1448

1449

1450

1451

1452

1453

1454

1455

1456

1457

1458

1459

1460

1461

ARTICLE IV

1462

1463

1464

1465

1466

1467

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

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

1468 of the gulf coast. The commission shall have power to recommend
 1469 the coordination of the exercise of the police powers of the
 1470 several states within their respective jurisdiction to promote
 1471 the preservation of these fisheries and their protection against
 1472 overfishing, waste, depletion or any abuse whatsoever and to
 1473 assure a continuing yield from the fishery resources of the
 1474 aforementioned states.

1475 To that end the commission shall draft and recommend to the
 1476 governors and the legislatures of the various signatory states,
 1477 legislation dealing with the conservation of the marine, shell
 1478 and anadromous fisheries of the gulf seaboard. The commission
 1479 shall from time to time present to the governor of each
 1480 compacting state its recommendations relating to enactments to
 1481 be presented to the legislature of the state in furthering the
 1482 interest and purposes of this compact.

1483 The commission shall consult with and advise the pertinent
 1484 administrative agencies in the states party hereto with regard
 1485 to problems connected with the fisheries and recommend the
 1486 adoption of such regulations as it deems advisable.

1487 The commission shall have power to recommend to the states
 1488 party hereto the stocking of the waters of such states with fish
 1489 and fish eggs or joint stocking by some or all of the states
 1490 party hereto and when two or more states shall jointly stock
 1491 waters the commission shall act as the coordinating agency for
 1492 such stocking.

1493

1494 ARTICLE V

1495

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

1496 The commission shall elect from its number a chair and vice
1497 chair and shall appoint and at its pleasure remove or discharge
1498 such officers and employees as may be required to carry the
1499 provisions of this compact into effect and shall fix and
1500 determine their duties, qualifications and compensation. Said
1501 commission shall adopt rules and regulations for the conduct of
1502 its business. It may establish and maintain one or more offices
1503 for the transaction of its business and may meet at any time or
1504 place but must meet at least once a year.

1505

1506 ARTICLE VI

1507

1508 No action shall be taken by the commission in regard to its
1509 general affairs except by the affirmative vote of a majority of
1510 the whole number of compacting states. No recommendation shall
1511 be made by the commission in regard to any species of fish
1512 except by the affirmative vote of a majority of the compacting
1513 states which have an interest in such species. The commission
1514 shall define which shall be an interest.

1515

1516 ARTICLE VII

1517

1518 The Fish and Wildlife Service of the Department of the
1519 Interior of the Government of the United States shall act as the
1520 primary research agency of the Gulf States Marine Fisheries
1521 Commission cooperating with the research agencies in each state
1522 for that purpose. Representatives of the said fish and wildlife
1523 service shall attend the meetings of the commission. An advisory

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

1524 committee to be representative of the commercial salt water
1525 fishers and the salt water anglers and such other interests of
1526 each state as the commissioners deem advisable may be
1527 established by the commissioners from each state for the purpose
1528 of advising those commissioners upon such recommendations as it
1529 may desire to make.

1530

1531 ARTICLE VIII

1532

1533 When any state other than those named specifically in
1534 article II of this compact shall become a party hereto for the
1535 purpose of conserving its anadromous fish or marine species in
1536 accordance with the provisions of article II, the participation
1537 of such state in the action of the commission shall be limited
1538 to such species of fish.

1539

1540 ARTICLE IX

1541

1542 Nothing in this compact shall be construed to limit the
1543 powers or the proprietary interest of any signatory state or to
1544 repeal or prevent the enactment of any legislation or the
1545 enforcement of any requirement by a signatory state imposing
1546 additional conditions and restrictions to conserve its
1547 fisheries.

1548

1549 ARTICLE X

1550

ENROLLED
HB 7091, Engrossed 2

2008 Legislature

1551 It is agreed that any two or more states party hereto may
1552 further amend this compact by acts of their respective
1553 legislatures subject to approval of Congress as provided in
1554 article I, s. 10, of the Constitution of the United States, to
1555 designate the Gulf States Marine Fisheries Commission as a joint
1556 regulating authority for the joint regulation of specific
1557 fisheries affecting only such states as shall be compact, and at
1558 their joint expense. The representatives of such states shall
1559 constitute a separate section of the Gulf States Marine
1560 Fisheries Commission for the exercise of the additional powers
1561 so granted but the creation of such section shall not be deemed
1562 to deprive the states so compacting of any of their privileges
1563 or powers in the Gulf States Marine Fisheries Commission as
1564 constituted under the other articles of this compact.

1565
1566 ARTICLE XI
1567

1568 Continued absence of representation or of any
1569 representative on the commission from any state party hereto
1570 shall be brought to the attention of the governor thereof.
1571

1572 ARTICLE XII
1573

1574 The operating expenses of the Gulf States Marine Fisheries
1575 Commission shall be borne by the states party hereto. Such
1576 initial appropriations as are set forth below shall be made
1577 available yearly until modified as hereinafter provided:

1578 Florida.....\$3,500

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

1579	Alabama.....	1,000
1580	Mississippi.....	1,000
1581	Louisiana.....	5,000
1582	Texas.....	2,500
1583	Total.....	\$13,000

1584

1585 The proration and total cost per annum of \$13,000, above-

1586 mentioned, is estimated only, for initial operations, and may be

1587 changed when found necessary by the commission and approved by

1588 the legislatures of the respective states. Each state party

1589 hereto agrees to provide in the manner most acceptable to it,

1590 the travel costs and necessary expenses of its commissioners and

1591 other representatives to and from meetings of the commission or

1592 its duly constituted sections or committees.

1593

1594 ARTICLE XIII

1595

1596 This compact shall continue in force and remain binding

1597 upon each compacting state until renounced by act of the

1598 legislature of such state, in such form as it may choose;

1599 provided that such renunciation shall not become effective until

1600 6 months after the effective date of the action taken by the

1601 legislature. Notice of such renunciation shall be given to the

1602 other states party hereto by the secretary of state of the

1603 compacting state so renouncing upon passage of the act.

1604 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In pursuance

1605 of article III of said compact, there shall be three members

1606 (hereinafter called commissioners) of the Gulf States Marine

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

1607 Fisheries Commission (hereafter called commission) from the
 1608 State of Florida. The first commissioner from the State of
 1609 Florida shall be the Executive Director of the Fish and Wildlife
 1610 Conservation Commission, ex officio, and the term of any such ex
 1611 officio commissioner shall terminate at the time he or she
 1612 ceases to hold said office of Executive Director of the Fish and
 1613 Wildlife Conservation Commission, and his or her successor as
 1614 commissioner shall be his or her successor as executive
 1615 director. The second commissioner from the State of Florida
 1616 shall be a legislator appointed on a rotating basis by the
 1617 President of the Senate or the Speaker of the House of
 1618 Representatives, beginning with the appointment of a member of
 1619 the House of Representatives, and the term of any such
 1620 commissioner shall terminate at the time he or she ceases to
 1621 hold said legislative office. The Governor (subject to
 1622 confirmation by the Senate) shall appoint a citizen as a third
 1623 commissioner who shall have a knowledge of and interest in the
 1624 marine fisheries problem. The term of said commissioner shall be
 1625 3 years and the commissioner shall hold office until a successor
 1626 shall be appointed and qualified. Vacancies occurring in the
 1627 office of such commissioner from any reason or cause shall be
 1628 filled by appointment by the Governor (subject to confirmation
 1629 by the Senate) for the unexpired term. The Executive Director of
 1630 the Fish and Wildlife Conservation Commission, as ex officio
 1631 commissioner, may delegate, from time to time, to any deputy or
 1632 other subordinate in his or her department or office, the power
 1633 to be present and participate, including voting, as his or her
 1634 representative or substitute at any meeting of or hearing by or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1635 other proceeding of the commission. The terms of each of the
 1636 initial three members shall begin at the date of the appointment
 1637 of the appointive commissioner, provided the said compact shall
 1638 then have gone into effect in accordance with article II of the
 1639 compact; otherwise they shall begin upon the date upon which
 1640 said compact shall become effective in accordance with said
 1641 article II.

1642 Any commissioner may be removed from office by the Governor
 1643 upon charges and after a hearing.

1644 (3) COMMISSION; POWERS.--There is hereby granted to the
 1645 commission and the commissioners thereof all the powers provided
 1646 for in the said compact and all the powers necessary or
 1647 incidental to the carrying out of said compact in every
 1648 particular. All officers of the State of Florida are hereby
 1649 authorized and directed to do all things falling within their
 1650 respective provinces and jurisdiction necessary or incidental to
 1651 the carrying out of said compact in every particular; it being
 1652 hereby declared to be the policy of the State of Florida to
 1653 perform and carry out the said compact and to accomplish the
 1654 purposes thereof. All officers, bureaus, departments and persons
 1655 of and in the state government or administration of the State of
 1656 Florida are hereby authorized and directed at convenient times
 1657 and upon request of the said commission to furnish the said
 1658 commission with information and data possessed by them or any of
 1659 them and to aid said commission by loan of personnel or other
 1660 means lying within their legal rights respectively.

1661 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
 1662 granted to the commissioner shall be regarded as in aid of and

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1663 supplemental to and in no case a limitation upon any of the
 1664 powers vested in said commission by other laws of the State of
 1665 Florida or by the laws of the States of Alabama, Mississippi,
 1666 Louisiana, Texas and Florida or by the Congress or the terms of
 1667 said compact.

1668 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--The
 1669 commission shall keep accurate accounts of all receipts and
 1670 disbursements and shall report to the Governor and the
 1671 Legislature of the State of Florida on or before the 10th day of
 1672 December in each year, setting forth in detail the transactions
 1673 conducted by it during the 12 months preceding December 1 of
 1674 that year and shall make recommendations for any legislative
 1675 action deemed by it advisable, including amendments to the
 1676 statutes of the State of Florida which may be necessary to carry
 1677 out the intent and purposes of the compact between the signatory
 1678 states.

1679 The Department of Financial Services is authorized and
 1680 empowered from time to time to examine the accounts and books of
 1681 the commission, including its receipts, disbursements and such
 1682 other items referring to its financial standing as such
 1683 department deems proper and to report the results of such
 1684 examination to the governor of such state.

1685 Section 38. Section 372.831, Florida Statutes, is
 1686 renumbered as section 379.2255, Florida Statutes, and amended to
 1687 read:

1688 379.2255 ~~372.831~~ Wildlife Violator Compact Act.--The
 1689 Wildlife Violator Compact is created and entered into with all

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1690 other jurisdictions legally joining therein in the form
 1691 substantially as follows:

1692

1693 ARTICLE I
 1694 Findings and Purpose

1695

1696 (1) The participating states find that:

1697 (a) Wildlife resources are managed in trust by the
 1698 respective states for the benefit of all residents and visitors.

1699 (b) The protection of the wildlife resources of a state is
 1700 materially affected by the degree of compliance with state
 1701 statutes, laws, regulations, ordinances, and administrative
 1702 rules relating to the management of such resources.

1703 (c) The preservation, protection, management, and
 1704 restoration of wildlife contributes immeasurably to the
 1705 aesthetic, recreational, and economic aspects of such natural
 1706 resources.

1707 (d) Wildlife resources are valuable without regard to
 1708 political boundaries; therefore, every person should be required
 1709 to comply with wildlife preservation, protection, management,
 1710 and restoration laws, ordinances, and administrative rules and
 1711 regulations of the participating states as a condition precedent
 1712 to the continuance or issuance of any license to hunt, fish,
 1713 trap, or possess wildlife.

1714 (e) Violation of wildlife laws interferes with the
 1715 management of wildlife resources and may endanger the safety of
 1716 persons and property.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1717 (f) The mobility of many wildlife law violators
 1718 necessitates the maintenance of channels of communication among
 1719 the various states.

1720 (g) In most instances, a person who is cited for a
 1721 wildlife violation in a state other than his or her home state
 1722 is:

1723 1. Required to post collateral or a bond to secure
 1724 appearance for a trial at a later date;

1725 2. Taken into custody until the collateral or bond is
 1726 posted; or

1727 3. Taken directly to court for an immediate appearance.

1728 (h) The purpose of the enforcement practices set forth in
 1729 paragraph (g) is to ensure compliance with the terms of a
 1730 wildlife citation by the cited person who, if permitted to
 1731 continue on his or her way after receiving the citation, could
 1732 return to his or her home state and disregard his or her duty
 1733 under the terms of the citation.

1734 (i) In most instances, a person receiving a wildlife
 1735 citation in his or her home state is permitted to accept the
 1736 citation from the officer at the scene of the violation and
 1737 immediately continue on his or her way after agreeing or being
 1738 instructed to comply with the terms of the citation.

1739 (j) The practices described in paragraph (g) cause
 1740 unnecessary inconvenience and, at times, a hardship for the
 1741 person who is unable at the time to post collateral, furnish a
 1742 bond, stand trial, or pay a fine, and thus is compelled to
 1743 remain in custody until some alternative arrangement is made.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1744 (k) The enforcement practices described in paragraph (g)
 1745 consume an undue amount of time of law enforcement agencies.
 1746 (2) It is the policy of the participating states to:
 1747 (a) Promote compliance with the statutes, laws,
 1748 ordinances, regulations, and administrative rules relating to
 1749 the management of wildlife resources in their respective states.
 1750 (b) Recognize a suspension of the wildlife license
 1751 privileges of any person whose license privileges have been
 1752 suspended by a participating state and treat such suspension as
 1753 if it had occurred in each respective state.
 1754 (c) Allow a violator, except as provided in subsection (2)
 1755 of Article III, to accept a wildlife citation and, without
 1756 delay, proceed on his or her way, whether or not the violator is
 1757 a resident of the state in which the citation was issued, if the
 1758 violator's home state is party to this compact.
 1759 (d) Report to the appropriate participating state, as
 1760 provided in the compact manual, any conviction recorded against
 1761 any person whose home state was not the issuing state.
 1762 (e) Allow the home state to recognize and treat
 1763 convictions recorded against its residents, which convictions
 1764 occurred in a participating state, as though they had occurred
 1765 in the home state.
 1766 (f) Extend cooperation to its fullest extent among the
 1767 participating states for enforcing compliance with the terms of
 1768 a wildlife citation issued in one participating state to a
 1769 resident of another participating state.
 1770 (g) Maximize the effective use of law enforcement
 1771 personnel and information.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1772 (h) Assist court systems in the efficient disposition of
 1773 wildlife violations.

1774 (3) The purpose of this compact is to:

1775 (a) Provide a means through which participating states may
 1776 join in a reciprocal program to effectuate the policies
 1777 enumerated in subsection (2) in a uniform and orderly manner.

1778 (b) Provide for the fair and impartial treatment of
 1779 wildlife violators operating within participating states in
 1780 recognition of the violator's right to due process and the
 1781 sovereign status of a participating state.

1782

1783 ARTICLE II
 1784 Definitions

1785

1786 As used in this compact, the term:

1787 (1) "Citation" means any summons, complaint, summons and
 1788 complaint, ticket, penalty assessment, or other official
 1789 document issued to a person by a wildlife officer or other peace
 1790 officer for a wildlife violation which contains an order
 1791 requiring the person to respond.

1792 (2) "Collateral" means any cash or other security
 1793 deposited to secure an appearance for trial in connection with
 1794 the issuance by a wildlife officer or other peace officer of a
 1795 citation for a wildlife violation.

1796 (3) "Compliance" with respect to a citation means the act
 1797 of answering a citation through an appearance in a court or
 1798 tribunal, or through the payment of fines, costs, and
 1799 surcharges, if any.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1800 (4) "Conviction" means a conviction that results in
 1801 suspension or revocation of a license, including any court
 1802 conviction, for any offense related to the preservation,
 1803 protection, management, or restoration of wildlife which is
 1804 prohibited by state statute, law, regulation, ordinance, or
 1805 administrative rule. The term also includes the forfeiture of
 1806 any bail, bond, or other security deposited to secure appearance
 1807 by a person charged with having committed any such offense, the
 1808 payment of a penalty assessment, a plea of nolo contendere, or
 1809 the imposition of a deferred or suspended sentence by the court.

1810 (5) "Court" means a court of law, including magistrate's
 1811 court and the justice of the peace court.

1812 (6) "Home state" means the state of primary residence of a
 1813 person.

1814 (7) "Issuing state" means the participating state that
 1815 issues a wildlife citation to the violator.

1816 (8) "License" means any license, permit, or other public
 1817 document that conveys to the person to whom it was issued the
 1818 privilege of pursuing, possessing, or taking any wildlife
 1819 regulated by statute, law, regulation, ordinance, or
 1820 administrative rule of a participating state; any privilege to
 1821 obtain such license, permit, or other public document; or any
 1822 statutory exemption from the requirement to obtain such license,
 1823 permit, or other public document. However, when applied to a
 1824 license, permit, or privilege issued or granted by the State of
 1825 Florida, only a license or permit issued under s. 379.354
 1826 ~~372.57~~, or a privilege granted under s. 379.353 ~~372.562~~, shall
 1827 be considered a license.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

1828 (9) "Licensing authority" means the department or division
 1829 within each participating state which is authorized by law to
 1830 issue or approve licenses or permits to hunt, fish, trap, or
 1831 possess wildlife.

1832 (10) "Participating state" means any state that enacts
 1833 legislation to become a member of this wildlife compact.

1834 (11) "Personal recognizance" means an agreement by a
 1835 person made at the time of issuance of the wildlife citation
 1836 that such person will comply with the terms of the citation.

1837 (12) "State" means any state, territory, or possession of
 1838 the United States, the District of Columbia, the Commonwealth of
 1839 Puerto Rico, the Provinces of Canada, and other countries.

1840 (13) "Suspension" means any revocation, denial, or
 1841 withdrawal of any or all license privileges, including the
 1842 privilege to apply for, purchase, or exercise the benefits
 1843 conferred by any license.

1844 (14) "Terms of the citation" means those conditions and
 1845 options expressly stated upon the citation.

1846 (15) "Wildlife" means all species of animals, including,
 1847 but not limited to, mammals, birds, fish, reptiles, amphibians,
 1848 mollusks, and crustaceans, which are defined as "wildlife" and
 1849 are protected or otherwise regulated by statute, law,
 1850 regulation, ordinance, or administrative rule in a participating
 1851 state. Species included in the definition of "wildlife" vary
 1852 from state to state and the determination of whether a species
 1853 is "wildlife" for the purposes of this compact shall be based on
 1854 local law.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1855 (16) "Wildlife law" means any statute, law, regulation,
 1856 ordinance, or administrative rule developed and enacted for the
 1857 management of wildlife resources and the uses thereof.

1858 (17) "Wildlife officer" means any individual authorized by
 1859 a participating state to issue a citation for a wildlife
 1860 violation.

1861 (18) "Wildlife violation" means any cited violation of a
 1862 statute, law, regulation, ordinance, or administrative rule
 1863 developed and enacted for the management of wildlife resources
 1864 and the uses thereof.

1865
 1866 ARTICLE III

1867 Procedures for Issuing State

1868
 1869 (1) When issuing a citation for a wildlife violation, a
 1870 wildlife officer shall issue a citation to any person whose
 1871 primary residence is in a participating state in the same manner
 1872 as though the person were a resident of the issuing state and
 1873 shall not require such person to post collateral to secure
 1874 appearance, subject to the exceptions noted in subsection (2),
 1875 if the officer receives the recognizance of such person that he
 1876 will comply with the terms of the citation.

1877 (2) Personal recognizance is acceptable if not prohibited
 1878 by local law; by policy, procedure, or regulation of the issuing
 1879 agency; or by the compact manual and if the violator provides
 1880 adequate proof of identification to the wildlife officer.

1881 (3) Upon conviction or failure of a person to comply with
 1882 the terms of a wildlife citation, the appropriate official shall

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1883 | report the conviction or failure to comply to the licensing
 1884 | authority of the participating state in which the wildlife
 1885 | citation was issued. The report shall be made in accordance with
 1886 | procedures specified by the issuing state and must contain
 1887 | information as specified in the compact manual as minimum
 1888 | requirements for effective processing by the home state.

1889 | (4) Upon receipt of the report of conviction or
 1890 | noncompliance pursuant to subsection (3), the licensing
 1891 | authority of the issuing state shall transmit to the licensing
 1892 | authority of the home state of the violator the information in
 1893 | the form and content prescribed in the compact manual.

1894 |
 1895 | ARTICLE IV

1896 | Procedure for Home State

1897 |
 1898 | (1) Upon receipt of a report from the licensing authority
 1899 | of the issuing state reporting the failure of a violator to
 1900 | comply with the terms of a citation, the licensing authority of
 1901 | the home state shall notify the violator and shall initiate a
 1902 | suspension action in accordance with the home state's suspension
 1903 | procedures and shall suspend the violator's license privileges
 1904 | until satisfactory evidence of compliance with the terms of the
 1905 | wildlife citation has been furnished by the issuing state to the
 1906 | home state licensing authority. Due-process safeguards shall be
 1907 | accorded.

1908 | (2) Upon receipt of a report of conviction from the
 1909 | licensing authority of the issuing state, the licensing
 1910 | authority of the home state shall enter such conviction in its

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1911 records and shall treat such conviction as though it occurred in
 1912 the home state for purposes of the suspension of license
 1913 privileges.

1914 (3) The licensing authority of the home state shall
 1915 maintain a record of actions taken and shall make reports to
 1916 issuing states as provided in the compact manual.

1917
 1918 ARTICLE V

1919 Reciprocal Recognition of Suspension

1920
 1921 (1) Each participating state may recognize the suspension
 1922 of license privileges of any person by any other participating
 1923 state as though the violation resulting in the suspension had
 1924 occurred in that state and would have been the basis for
 1925 suspension of license privileges in that state.

1926 (2) Each participating state shall communicate suspension
 1927 information to other participating states in the form and
 1928 content contained in the compact manual.

1929
 1930 ARTICLE VI

1931 Applicability of Other Laws

1932
 1933 Except as expressly required by provisions of this compact, this
 1934 compact does not affect the right of any participating state to
 1935 apply any of its laws relating to license privileges to any
 1936 person or circumstance or to invalidate or prevent any agreement
 1937 or other cooperative arrangement between a participating state

1938 and a nonparticipating state concerning the enforcement of
 1939 wildlife laws.

1940

1941

ARTICLE VII

1942

Compact Administrator Procedures

1943

1944 (1) For the purpose of administering the provisions of
 1945 this compact and to serve as a governing body for the resolution
 1946 of all matters relating to the operation of this compact, a
 1947 board of compact administrators is established. The board shall
 1948 be composed of one representative from each of the participating
 1949 states to be known as the compact administrator. The compact
 1950 administrator shall be appointed by the head of the licensing
 1951 authority of each participating state and shall serve and be
 1952 subject to removal in accordance with the laws of the state he
 1953 or she represents. A compact administrator may provide for the
 1954 discharge of his or her duties and the performance of his or her
 1955 functions as a board member by an alternate. An alternate is not
 1956 entitled to serve unless written notification of his or her
 1957 identity has been given to the board.

1958

1959

1960

1961

1962

1963

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

1964

1965

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1966 (4) The board shall adopt bylaws not inconsistent with the
 1967 provisions of this compact or the laws of a participating state
 1968 for the conduct of its business and shall have the power to
 1969 amend and rescind its bylaws.

1970 (5) The board may accept for any of its purposes and
 1971 functions under this compact any and all donations and grants of
 1972 moneys, equipment, supplies, materials, and services,
 1973 conditional or otherwise, from any state, the United States, or
 1974 any governmental agency, and may receive, use, and dispose of
 1975 the same.

1976 (6) The board may contract with, or accept services or
 1977 personnel from, any governmental or intergovernmental agency,
 1978 individual, firm, corporation, or private nonprofit organization
 1979 or institution.

1980 (7) The board shall formulate all necessary procedures and
 1981 develop uniform forms and documents for administering the
 1982 provisions of this compact. All procedures and forms adopted
 1983 pursuant to board action shall be contained in a compact manual.

1985 ARTICLE VIII

1986 Entry into Compact and Withdrawal

1987
 1988 (1) This compact shall become effective at such time as it
 1989 is adopted in substantially similar form by two or more states.

1990 (2)

1991 (a) Entry into the compact shall be made by resolution of
 1992 ratification executed by the authorized officials of the
 1993 applying state and submitted to the chairman of the board.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

1994 (b) The resolution shall substantially be in the form and
 1995 content as provided in the compact manual and must include the
 1996 following:

1997 1. A citation of the authority from which the state is
 1998 empowered to become a party to this compact;

1999 2. An agreement of compliance with the terms and
 2000 provisions of this compact; and

2001 3. An agreement that compact entry is with all states
 2002 participating in the compact and with all additional states
 2003 legally becoming a party to the compact.

2004 (c) The effective date of entry shall be specified by the
 2005 applying state, but may not be less than 60 days after notice
 2006 has been given by the chairman of the board of the compact
 2007 administrators or by the secretariat of the board to each
 2008 participating state that the resolution from the applying state
 2009 has been received.

2010 (3) A participating state may withdraw from participation
 2011 in this compact by official written notice to each participating
 2012 state, but withdrawal shall not become effective until 90 days
 2013 after the notice of withdrawal is given. The notice must be
 2014 directed to the compact administrator of each member state. The
 2015 withdrawal of any state does not affect the validity of this
 2016 compact as to the remaining participating states.

2018 ARTICLE IX

2019 Amendments to the Compact

2020

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2021 (1) This compact may be amended from time to time.
 2022 Amendments shall be presented in resolution form to the chairman
 2023 of the board of compact administrators and shall be initiated by
 2024 one or more participating states.

2025 (2) Adoption of an amendment shall require endorsement by
 2026 all participating states and shall become effective 30 days
 2027 after the date of the last endorsement.

2028
 2029 ARTICLE X

2030 Construction and Severability

2031
 2032 This compact shall be liberally construed so as to effectuate
 2033 the purposes stated herein. The provisions of this compact are
 2034 severable and if any phrase, clause, sentence, or provision of
 2035 this compact is declared to be contrary to the constitution of
 2036 any participating state or of the United States, or if the
 2037 applicability thereof to any government, agency, individual, or
 2038 circumstance is held invalid, the validity of the remainder of
 2039 this compact shall not be affected thereby. If this compact is
 2040 held contrary to the constitution of any participating state,
 2041 the compact shall remain in full force and effect as to the
 2042 remaining states and in full force and effect as to the
 2043 participating state affected as to all severable matters.

2044
 2045 ARTICLE XI

2046 Title

2047

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2048 This compact shall be known as the "Wildlife Violator
 2049 Compact."

2050 Section 39. Section 372.8311, Florida Statutes, is
 2051 renumbered as section 379.2256, Florida Statutes, and amended to
 2052 read:

2053 379.2256 ~~372.8311~~ Compact licensing and enforcement
 2054 authority; administrative review.--

2055 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of
 2056 this act and the interstate Wildlife Violator Compact, the Fish
 2057 and Wildlife Conservation Commission is the licensing authority
 2058 for the State of Florida and shall enforce the interstate
 2059 Wildlife Violator Compact and shall do all things within the
 2060 commission's jurisdiction which are necessary to effectuate the
 2061 purposes and the intent of the compact. The commission may
 2062 execute a resolution of ratification to formalize the State of
 2063 Florida's entry into the compact. Upon adoption of the Wildlife
 2064 Violator Compact, the commission may adopt rules to administer
 2065 the provisions of the compact.

2066 (2) ADMINISTRATIVE REVIEW.--Any action committed or
 2067 omitted by the Fish and Wildlife Conservation Commission under
 2068 or in the enforcement of the Wildlife Violator Compact created
 2069 in s. 379.2255 ~~372.831~~ is subject to review under chapter 120.

2070 Section 40. Section 372.74, Florida Statutes, is
 2071 renumbered as section 379.2257, Florida Statutes, to read:

2072 379.2257 ~~372.74~~ Cooperative agreements with U. S. Forest
 2073 Service; penalty.--The Fish and Wildlife Conservation Commission
 2074 is authorized and empowered:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2075 (1) To enter into cooperative agreements with the United
 2076 States Forest Service for the development of game, bird, fish,
 2077 reptile, or fur-bearing animal management and demonstration
 2078 projects on and in the Osceola National Forest in Columbia and
 2079 Baker Counties, and in the Ocala National Forest in Marion,
 2080 Lake, and Putnam Counties and in the Apalachicola National
 2081 Forest in Liberty County. Provided, however, that no such
 2082 cooperative agreements shall become effective in any county
 2083 concerned until confirmed by the board of county commissioners
 2084 of such county expressed through appropriate resolution.

2085 (2) In cooperation with the United States Forest Service,
 2086 to make, adopt, promulgate, amend, and repeal rules and
 2087 regulations, consistent with law, for the further or better
 2088 control of hunting, fishing, and control of wildlife in the
 2089 above National Forests or parts thereof; to shorten seasons and
 2090 reduce bag limits, or shorten or close seasons on any species of
 2091 game, bird, fish, reptile, or fur-bearing animal within the
 2092 limits prescribed by the Florida law, in the above enumerated
 2093 National Forests or parts thereof, when it shall find after
 2094 investigation that such action is necessary to assure the
 2095 maintenance of an adequate supply of wildlife.

2096 (3) To fix a charge not to exceed \$5, for persons 18 years
 2097 of age and over, and not to exceed \$2 for persons under the age
 2098 of 18 years, over and above the license fee for hunting now
 2099 required by law. This additional fee is to apply only on areas
 2100 covered by above cooperative agreements. The proceeds from this
 2101 additional license fee shall be used in the development,
 2102 propagation of wildlife, and protection of the areas covered by

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2103 the cooperative agreements as the commission and the United
 2104 States Forest Service may deem proper. Nothing in this section
 2105 shall be construed as authorizing the commission to change any
 2106 penalty prescribed by law or to change the amount of general
 2107 license fees or the general authority conferred by licenses
 2108 prescribed by law.

2109 (4) In addition to the requirements of chapter 120, notice
 2110 of the making, adoption, and promulgation of the above rules and
 2111 regulations shall be given by posting said notices, or copies of
 2112 the rules and regulations, in the offices of the county judges
 2113 and in the post offices within the area to be affected and
 2114 within 10 miles thereof. In addition to the posting of said
 2115 notices, as aforesaid, copies of said notices or of said rules
 2116 and regulations shall also be published in newspapers published
 2117 at the county seats of Baker, Columbia, Marion, Lake, Putnam,
 2118 and Liberty Counties, or so many thereof as have newspapers,
 2119 once not more than 35 nor less than 28 days and once not more
 2120 than 21 nor less than 14 days prior to the opening of the state
 2121 hunting season in said areas. Any person violating any rules or
 2122 regulations promulgated by the commission to cover these areas
 2123 under cooperative agreements between the Fish and Wildlife
 2124 Conservation Commission and the United States Forest Service,
 2125 none of which shall be in conflict with the laws of Florida,
 2126 shall be guilty of a misdemeanor of the second degree,
 2127 punishable as provided in s. 775.082 or s. 775.083.

2128 Section 41. Section 372.77, Florida Statutes, is
 2129 renumbered as section 379.2258, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2130 379.2258 ~~372.77~~ Assent to provisions of Act of Congress of
 2131 September 2, 1937.--

2132 (1) The state hereby assents to the provisions of the Act
 2133 of Congress entitled "An Act to provide that the United States
 2134 shall aid the States in Wildlife Restoration Projects, and for
 2135 other purposes," approved September 2, 1937 (Pub. L. No. 415,
 2136 75th Congress), and the Fish and Wildlife Conservation
 2137 Commission is hereby authorized, empowered, and directed to
 2138 perform such acts as may be necessary to the conduct and
 2139 establishment of cooperative wildlife restoration projects, as
 2140 defined in said Act of Congress, in compliance with said act and
 2141 rules and regulations promulgated by the Secretary of
 2142 Agriculture thereunder.

2143 (2) From and after the passage of this section it shall be
 2144 unlawful to divert any funds accruing to the state from license
 2145 fees paid by hunters for any purpose other than the
 2146 administration of the Fish and Wildlife Conservation Commission
 2147 of the state.

2148 Section 42. Section 372.7701, Florida Statutes, is
 2149 renumbered as section 379.2259, Florida Statutes, and amended to
 2150 read:

2151 379.2259 ~~372.7701~~ Assent to federal acts.--

2152 (1) The state hereby assents to the provisions of the
 2153 Federal Aid in Fish Restoration Act of August 9, 1950, as
 2154 amended. The Fish and Wildlife Conservation Commission shall
 2155 perform such activities as are necessary to conduct wildlife and
 2156 sportfish restoration projects, as defined in such Act of
 2157 Congress and in compliance with the act and rules adopted

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2158 | thereunder by the United States Department of the Interior.
 2159 | Furthermore, the commission shall develop and implement programs
 2160 | to manage, protect, restore, and conserve marine mammals and the
 2161 | marine fishery and shall develop and implement similar programs
 2162 | for wild animal life and freshwater aquatic life.

2163 | (2) Revenues from fees paid by hunters and sport fishers
 2164 | may not be diverted to purposes other than the administration of
 2165 | fish and wildlife programs by the Fish and Wildlife Conservation
 2166 | Commission. Administration of the state fish and wildlife
 2167 | programs includes only those functions of fish and wildlife
 2168 | management as are the responsibility of and under the authority
 2169 | of the Fish and Wildlife Conservation Commission.

2170 | (3) This section shall be construed in harmony with s.
 2171 | 379.2258 ~~372.77~~.

2172 | Section 43. Section 370.21, Florida Statutes, is
 2173 | renumbered as section 379.226, Florida Statutes, and amended to
 2174 | read:

2175 | 379.226 ~~370.21~~ Florida Territorial Waters Act; alien-owned
 2176 | commercial fishing vessels; prohibited acts; enforcement.--

2177 | (1) This act may be known and cited as the "Florida
 2178 | Territorial Waters Act."

2179 | (2) It is the purpose of this act to exercise and exert
 2180 | full sovereignty and control of the territorial waters of the
 2181 | state.

2182 | (3) No license shall be issued by the Fish and Wildlife
 2183 | Conservation Commission under s. 379.361 ~~370.06~~, to any vessel
 2184 | owned in whole or in part by any alien power, which subscribes
 2185 | to the doctrine of international communism, or any subject or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2186 national thereof, who subscribes to the doctrine of
 2187 international communism, or any individual who subscribes to the
 2188 doctrine of international communism, or who shall have signed a
 2189 treaty of trade, friendship and alliance or a nonaggression pact
 2190 with any communist power. The commission shall grant or withhold
 2191 said licenses where other alien vessels are involved on the
 2192 basis of reciprocity and retorsion, unless the nation concerned
 2193 shall be designated as a friendly ally or neutral by a formal
 2194 suggestion transmitted to the Governor of Florida by the
 2195 Secretary of State of the United States. Upon the receipt of
 2196 such suggestion licenses shall be granted under s. 379.361
 2197 ~~370.06~~, without regard to reciprocity and retorsion, to vessels
 2198 of such nations.

2199 (4) It is unlawful for any unlicensed alien vessel to take
 2200 by any means whatsoever, attempt to take, or having so taken to
 2201 possess, any natural resource of the state's territorial waters,
 2202 as such waters are described by Art. II of the State
 2203 Constitution.

2204 (5) It is the duty of all harbormasters of the state to
 2205 prevent the use of any port facility in a manner which they
 2206 reasonably suspect may assist in the violation of this act.
 2207 Harbormasters shall endeavor by all reasonable means, which may
 2208 include the inspection of nautical logs, to ascertain from
 2209 masters of newly arrived vessels of all types other than
 2210 warships of the United States, the presence of alien commercial
 2211 fishing vessels within the territorial waters of the state, and
 2212 shall transmit such information promptly to the Fish and
 2213 Wildlife Conservation Commission and such law enforcement

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

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

2214 agencies of the state as the situation may indicate.

2215 Harbormasters shall request assistance from the United States
2216 Coast Guard in appropriate cases to prevent unauthorized
2217 departure from any port facility.

2218 (6) All licensed harbor pilots are required to promptly
2219 transmit any knowledge coming to their attention regarding
2220 possible violations of this act to the harbormaster of the port
2221 or the appropriate law enforcement officials.

2222 (7) All law enforcement agencies of the state, including
2223 but not limited to sheriffs and officers of the Fish and
2224 Wildlife Conservation Commission, are empowered and directed to
2225 arrest the masters and crews of vessels who are reasonably
2226 believed to be in violation of this law, and to seize and detain
2227 such vessels, their equipment and catch. Such arresting officers
2228 shall take the offending crews or property before the court
2229 having jurisdiction of such offenses. All such agencies are
2230 directed to request assistance from the United States Coast
2231 Guard in the enforcement of this act when having knowledge of
2232 vessels operating in violation or probable violation of this act
2233 within their jurisdictions when such agencies are without means
2234 to effectuate arrest and restraint of vessels and their crews.

2235 (8) The fine or imprisonment of persons and confiscation
2236 proceedings against vessels, gear and catch prescribed for
2237 violations of this chapter, shall be imposed for violation of
2238 this act; provided that nothing herein shall authorize the
2239 repurchase of property for a nominal sum by the owner upon proof
2240 of lack of complicity in the violation or undertaking.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2241 (9) No crew member or master seeking bona fide political
 2242 asylum shall be fined or imprisoned hereunder.

2243 (10) Harbormasters and law enforcement agencies are
 2244 authorized to request assistance from the Civil Air Patrol in
 2245 the surveillance of suspect vessels. Aircraft of the Division of
 2246 Forestry of the Department of Agriculture and Consumer Services
 2247 or other state or county agencies which are conveniently located
 2248 and not otherwise occupied may be similarly utilized.

2249 Section 44. Section 370.06092, Florida Statutes, is
 2250 renumbered as section 379.2271, Florida Statutes, to read:

2251 379.2271 ~~370.06092~~ Harmful-Algal-Bloom Task Force.--

2252 (1) There is established a Harmful-Algal-Bloom Task Force
 2253 for the purpose of determining research, monitoring, control,
 2254 and mitigation strategies for red tide and other harmful algal
 2255 blooms in Florida waters. The Fish and Wildlife Research
 2256 Institute shall appoint to the task force scientists, engineers,
 2257 economists, members of citizen groups, and members of
 2258 government. The task force shall determine research and
 2259 monitoring priorities and control and mitigation strategies and
 2260 make recommendations to the Fish and Wildlife Research Institute
 2261 for using funds as provided in this act.

2262 (2) The Harmful-Algal-Bloom Task Force shall:

2263 (a) Review the status and adequacy of information for
 2264 monitoring physical, chemical, biological, economic, and public
 2265 health factors affecting harmful algal blooms in Florida;

2266 (b) Develop research and monitoring priorities for harmful
 2267 algal blooms in Florida, including detection, prediction,
 2268 mitigation, and control;

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2269 (c) Develop recommendations that can be implemented by
 2270 state and local governments to develop a response plan and to
 2271 predict, mitigate, and control the effects of harmful algal
 2272 blooms; and

2273 (d) Make recommendations to the Fish and Wildlife Research
 2274 Institute for research, detection, monitoring, prediction,
 2275 mitigation, and control of harmful algal blooms in Florida.

2276 Section 45. Section 370.06093, Florida Statutes, is
 2277 renumbered as section 379.2272, Florida Statutes, to read:

2278 379.2272 ~~370.06093~~ Harmful-algal-bloom program;
 2279 implementation; goals; funding.--

2280 (1)(a) The Fish and Wildlife Research Institute shall
 2281 implement a program designed to increase the knowledge of
 2282 factors that control harmful algal blooms, including red tide,
 2283 and to gain knowledge to be used for the early detection of
 2284 factors precipitating harmful algal blooms for accurate
 2285 prediction of the extent and seriousness of harmful algal blooms
 2286 and for undertaking successful efforts to control and mitigate
 2287 the effects of harmful algal blooms.

2288 (b) The Legislature intends that this program enhance and
 2289 address areas that are not adequately covered in the cooperative
 2290 federal-state program known as Ecology and Oceanography of
 2291 Harmful Algal Blooms (ECOHAB-Florida), which includes the
 2292 University of South Florida, the Mote Marine Laboratory, and the
 2293 Fish and Wildlife Research Institute.

2294 (c) The goal of this program is to enable resource
 2295 managers to assess the potential for public health damage and
 2296 economic damage from a given bloom and to undertake control and

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2297 mitigation efforts through the development and application of an
 2298 integrated detection and prediction network for monitoring and
 2299 responding to the development and movement of harmful algal
 2300 blooms in Florida marine and estuarine waters.

2301 (2) A financial disbursement program is created within the
 2302 Fish and Wildlife Research Institute to implement the provisions
 2303 of this act. Under the program, the institute shall provide
 2304 funding and technical assistance to government agencies,
 2305 research universities, coastal local governments, and
 2306 organizations with scientific and technical expertise for the
 2307 purposes of harmful-algal-bloom research, economic impact study,
 2308 monitoring, detection, control, and mitigation. The program may
 2309 be funded from state, federal, and private contributions.

2310 Section 46. Section 372.97, Florida Statutes, is
 2311 renumbered as section 379.2281, Florida Statutes, to read:

2312 379.2281 ~~372.97~~ Jim Woodruff Dam; reciprocity
 2313 agreements.--The Fish and Wildlife Conservation Commission of
 2314 the state is hereby authorized to enter into an agreement of the
 2315 reciprocity with the game and fish commissioners or the
 2316 appropriate officials or departments of the State of Georgia and
 2317 the State of Alabama relative to the taking of game and
 2318 freshwater fish from the waters of the lake created by the Jim
 2319 Woodruff Dam by permitting reciprocal license privileges.

2320 Section 47. Section 372.971, Florida Statutes, is
 2321 renumbered as section 379.2282, Florida Statutes, to read:

2322 379.2282 ~~372.971~~ St. Marys River; reciprocity
 2323 agreements.--The Fish and Wildlife Conservation Commission of
 2324 the state is hereby authorized to enter into an agreement of

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2325 reciprocity with the game and fish commissioner or the
 2326 appropriate officials or departments of the State of Georgia
 2327 relative to the taking of game and freshwater fish from the
 2328 waters of the St. Marys River by permitting reciprocal agreement
 2329 license privileges.

2330 Section 48. Section 372.072, Florida Statutes, is
 2331 renumbered as 379.2291, Florida Statutes, to read:

2332 379.2291 ~~372.072~~ Endangered and Threatened Species Act.--

2333 (1) SHORT TITLE.--This section may be cited as the
 2334 "Florida Endangered and Threatened Species Act."

2335 (2) DECLARATION OF POLICY.--The Legislature recognizes
 2336 that the State of Florida harbors a wide diversity of fish and
 2337 wildlife and that it is the policy of this state to conserve and
 2338 wisely manage these resources, with particular attention to
 2339 those species defined by the Fish and Wildlife Conservation
 2340 Commission, the Department of Environmental Protection, or the
 2341 United States Department of Interior, or successor agencies, as
 2342 being endangered or threatened. As Florida has more endangered
 2343 and threatened species than any other continental state, it is
 2344 the intent of the Legislature to provide for research and
 2345 management to conserve and protect these species as a natural
 2346 resource.

2347 (3) DEFINITIONS.--As used in this section:

2348 (a) "Fish and wildlife" means any member of the animal
 2349 kingdom, including, but not limited to, any mammal, fish, bird,
 2350 amphibian, reptile, mollusk, crustacean, arthropod, or other
 2351 invertebrate.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2352 (b) "Endangered species" means any species of fish and
 2353 wildlife naturally occurring in Florida, whose prospects of
 2354 survival are in jeopardy due to modification or loss of habitat;
 2355 overutilization for commercial, sporting, scientific, or
 2356 educational purposes; disease; predation; inadequacy of
 2357 regulatory mechanisms; or other natural or manmade factors
 2358 affecting its continued existence.

2359 (c) "Threatened species" means any species of fish and
 2360 wildlife naturally occurring in Florida which may not be in
 2361 immediate danger of extinction, but which exists in such small
 2362 populations as to become endangered if it is subjected to
 2363 increased stress as a result of further modification of its
 2364 environment.

2365 (4) INTERAGENCY COORDINATION.--

2366 (a) The commission shall be responsible for research and
 2367 management of freshwater and upland species and for research and
 2368 management of marine species.

2369 (b) Recognizing that citizen awareness is a key element in
 2370 the success of this plan, the commission and the Department of
 2371 Education are encouraged to work together to develop a public
 2372 education program with emphasis on, but not limited to, both
 2373 public and private schools.

2374 (c) The commission, in consultation with the Department of
 2375 Agriculture and Consumer Services, the Department of Community
 2376 Affairs, or the Department of Transportation, may establish
 2377 reduced speed zones along roads, streets, and highways to
 2378 protect endangered species or threatened species.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

2379 (5) ANNUAL REPORT.--The director of the commission shall,
2380 at least 30 days prior to each annual session of the
2381 Legislature, transmit to the Governor and Cabinet, the President
2382 of the Senate, the Speaker of the House of Representatives, and
2383 the chairs of the appropriate Senate and House committees, a
2384 revised and updated plan for management and conservation of
2385 endangered and threatened species, including criteria for
2386 research and management priorities; a description of the
2387 educational program; statewide policies pertaining to protection
2388 of endangered and threatened species; additional legislation
2389 which may be required; and the recommended level of funding for
2390 the following year, along with a progress report and budget
2391 request.

2392 (6) MEASURABLE BIOLOGICAL GOALS.--Measurable biological
2393 goals that define manatee recovery developed by the commission,
2394 working in conjunction with the United States Fish and Wildlife
2395 Service, shall be used by the commission in its development of
2396 management plans or work plans. In addition to other criteria,
2397 these measurable biological goals shall be used by the
2398 commission when evaluating existing and proposed protection
2399 rules, and in determining progress in achieving manatee
2400 recovery. Not later than July 1, 2005, the commission shall
2401 develop rules to define how measurable biological goals will be
2402 used by the commission when evaluating the need for additional
2403 manatee protection rules.

2404 Section 49. Section 372.073, Florida Statutes, is
2405 renumbered as section 379.2292, Florida Statutes, and amended to
2406 read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2407 379.2292 ~~372.073~~ Endangered and Threatened Species Reward
 2408 Program.--

2409 (1) There is established within the Fish and Wildlife
 2410 Conservation Commission the Endangered and Threatened Species
 2411 Reward Program, to be funded from the Nongame Wildlife Trust
 2412 Fund. The commission may post rewards to persons responsible for
 2413 providing information leading to the arrest and conviction of
 2414 persons illegally killing or wounding or wrongfully possessing
 2415 any of the endangered and threatened species listed on the
 2416 official Florida list of such species maintained by the
 2417 commission or the arrest and conviction of persons who violate
 2418 s. 379.4115 ~~s. 372.667~~ or ~~s. 372.671~~. Additional funds may be
 2419 provided by donations from interested individuals and
 2420 organizations. The reward program is to be administered by the
 2421 commission. The commission shall establish a schedule of
 2422 rewards.

2423 (2) The commission may expend funds only for the following
 2424 purposes:

2425 (a) The payment of rewards to persons, other than law
 2426 enforcement officers, commission personnel, and members of their
 2427 immediate families, for information as specified in subsection
 2428 (1); or

2429 (b) The promotion of public recognition and awareness of
 2430 the Endangered and Threatened Species Reward Program.

2431 Section 50. Section 372.771, Florida Statutes, is
 2432 renumbered as section 379.23, Florida Statutes, to read:

2433 379.23 ~~372.771~~ Federal conservation of fish and wildlife;
 2434 limited jurisdiction.--

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

2435 (1) Consent of the State of Florida is hereby given, to
2436 the United States for acquisition of lands, waters, or lands and
2437 waters or interests therein, for the purpose of managing,
2438 protecting and propagating fish and wildlife and for other
2439 conservation uses in the state, providing prior notice has been
2440 given by the Federal Government to the Board of Trustees of the
2441 Internal Improvement Trust Fund, the board of county
2442 commissioners of the county where the lands proposed for
2443 purchase are located, of such proposed action stating the
2444 specific use to be made of and the specific location and
2445 description of such lands desired by the Federal Government for
2446 any such conservation use, and that such plans for acquisition
2447 and use of said lands be approved by the Board of Trustees of
2448 the Internal Improvement Trust Fund, the board of county
2449 commissioners of the county where the lands proposed for
2450 purchase are located; provided further that nothing herein
2451 contained shall be construed to give the consent of the State of
2452 Florida to the acquisition by the United States of lands,
2453 waters, or lands and waters, or interests therein, through
2454 exercise of the power of eminent domain; provided further that
2455 the provisions of this act shall not apply to lands owned by the
2456 several counties or by public corporations.

2457 (2) The United States may exercise concurrent jurisdiction
2458 over lands so acquired and carry out the intent and purpose of
2459 the authority except that the existing laws of Florida relating
2460 to the Department of Environmental Protection or the Fish and
2461 Wildlife Conservation Commission shall prevail relating to any
2462 area under their supervision.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2463 Section 51. Section 372.265, Florida Statutes, is
 2464 renumbered as section 379.231, Florida Statutes, and amended to
 2465 read:

2466 379.231 ~~372.265~~ Regulation of foreign animals.--

2467 (1) It is unlawful to import for sale or use, or to
 2468 release within this state, any species of the animal kingdom not
 2469 indigenous to Florida without having obtained a permit to do so
 2470 from the Fish and Wildlife Conservation Commission.

2471 (2) The Fish and Wildlife Conservation Commission is
 2472 authorized to issue or deny such a permit upon the completion of
 2473 studies of the species made by it to determine any detrimental
 2474 effect the species might have on the ecology of the state.

2475 (3) A person in violation of this section commits a Level
 2476 Three violation under s. 379.401 ~~372.83~~.

2477 Section 52. Section 370.03, Florida Statutes, is
 2478 renumbered as section 379.232, Florida Statutes, to read:

2479 379.232 ~~370.03~~ Water bottoms.--

2480 (1) OWNERSHIP.--All beds and bottoms of navigable rivers,
 2481 bayous, lagoons, lakes, bays, sounds, inlets, oceans, gulfs and
 2482 other bodies of water within the jurisdiction of Florida shall
 2483 be the property of the state except such as may be held under
 2484 some grant or alienation heretofore made. No grant, sale or
 2485 conveyance of any water bottom, except conditional leases and
 2486 dispositions hereinafter provided for, shall hereafter be made
 2487 by the state, the Board of Trustees of the Internal Improvement
 2488 Trust Fund, the Department of Agriculture and Consumer Services,
 2489 or any other official or political corporation. Persons who have
 2490 received, or may hereafter receive permits to do business in

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

2491 | this state, with their factories, shucking plants and shipping
2492 | depots located in this state, may enjoy the right of fishing for
2493 | oysters and clams from the natural reefs and bedding oysters and
2494 | clams on leased bedding grounds, and shall have the right to
2495 | employ such boats, vessels, or labor and assistants as they may
2496 | need. Provided that no oysters shall be transported unshucked
2497 | and in the shells, out of the state, except for use in what is
2498 | commonly known as the "half-shell trade." When the oyster meats
2499 | have been separated from the shells it shall be permissible to
2500 | ship the meats out of the state for further processing and for
2501 | canning or packing. It shall be unlawful to transport oysters
2502 | out of the state, unshucked and in the shells, for processing or
2503 | packing.

2504 | (2) CONTROL.--The Department of Environmental Protection
2505 | has exclusive power and control over all water bottoms, not held
2506 | under some grant or alienation heretofore made, including such
2507 | as may revert to the state by cancellation or otherwise, and may
2508 | lease the same to any person irrespective of residence or
2509 | citizenship, upon such terms, conditions and restrictions as
2510 | said division may elect to impose, without limitation as to area
2511 | to any one person, for the purpose of granting exclusive right
2512 | to plant oysters or clams thereon and for the purpose of
2513 | fishing, taking, catching, bedding and raising oysters, clams
2514 | and other shellfish. No such lessee shall re-lease, sublease,
2515 | sell or transfer any such water bottom or property; provided,
2516 | that nothing herein contained shall be construed as giving said
2517 | department authority to lease sponge beds.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2518 (3) FEES FOR BOTTOM LEASES, ETC.--The department shall
 2519 charge and receive a fee of \$2 for each lease granted, and in
 2520 all other cases, not specifically provided by this chapter, the
 2521 same fees as are allowed clerks of the circuit court for like
 2522 services. All fees shall be paid by the party served.

2523 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All grants
 2524 prior to June 1, 1913, made in pursuance of heretofore existing
 2525 laws, where the person receiving such grant, the person's heirs
 2526 or assigns, have bona fide complied with the requirements of
 2527 said law, are hereby confirmed; provided, that if any material
 2528 or natural oyster or clam reefs or beds on such granted premises
 2529 are 100 square yards in area and contained natural oysters and
 2530 clams (coon oysters not included) in sufficient quantity to have
 2531 been resorted to by the general public for the purpose of
 2532 gathering oysters or clams to sell for a livelihood, at the time
 2533 they were planted by such grantee, his or her heirs or assigns,
 2534 such reefs or beds are declared to be the property of the state;
 2535 and when such beds or reefs exist within the territory
 2536 heretofore granted as above set forth, or that may hereafter be
 2537 leased, such grantee or lessee shall mark the boundaries of such
 2538 oyster and clam reefs or beds as may be designated by the
 2539 department as natural oyster or clam reefs or beds, clearly
 2540 defining the boundaries of the same, and shall post notice or
 2541 other device, as shall be required by the department, giving
 2542 notice to the public that such oyster or clam beds or reefs are
 2543 the property of the state, which said notice shall be maintained
 2544 from September 1 to June 1 of each and every year, on each
 2545 oyster bed or reef and on each clam bed for such period of each

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2546 | year as the board may direct, at the expense of the grantee or
 2547 | lessee. The department shall investigate all grants heretofore
 2548 | made, and where, in its opinion, the lessee or grantee has not
 2549 | bona fide complied with the law under which he or she received
 2550 | his or her grant or lease, and the department is authorized and
 2551 | required to institute legal proceedings to vacate the same, in
 2552 | order to use such lands for the benefit of the public, subject
 2553 | to the same dispositions as other bottoms.

2554 | Section 53. Section 372.995, Florida Statutes, is
 2555 | renumbered as section 379.233, Florida Statutes, to read:

2556 | 379.233 ~~372.995~~ Release of balloons.--

2557 | (1) The Legislature finds that the release into the
 2558 | atmosphere of large numbers of balloons inflated with lighter-
 2559 | than-air gases poses a danger and nuisance to the environment,
 2560 | particularly to wildlife and marine animals.

2561 | (2) It is unlawful for any person, firm, or corporation to
 2562 | intentionally release, organize the release, or intentionally
 2563 | cause to be released within a 24-hour period 10 or more balloons
 2564 | inflated with a gas that is lighter than air except for:

2565 | (a) Balloons released by a person on behalf of a
 2566 | governmental agency or pursuant to a governmental contract for
 2567 | scientific or meteorological purposes;

2568 | (b) Hot air balloons that are recovered after launching;

2569 | (c) Balloons released indoors; or

2570 | (d) Balloons that are either biodegradable or
 2571 | photodegradable, as determined by rule of the Fish and Wildlife
 2572 | Conservation Commission, and which are closed by a hand-tied
 2573 | knot in the stem of the balloon without string, ribbon, or other

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2574 | attachments. In the event that any balloons are released
 2575 | pursuant to the exemption established in this paragraph, the
 2576 | party responsible for the release shall make available to any
 2577 | law enforcement officer evidence of the biodegradability or
 2578 | photodegradability of said balloons in the form of a certificate
 2579 | executed by the manufacturer. Failure to provide said evidence
 2580 | shall be prima facie evidence of a violation of this act.

2581 | (3) Any person who violates subsection (2) is guilty of a
 2582 | noncriminal infraction, punishable by a fine of \$250.

2583 | (4) Any person may petition the circuit court to enjoin
 2584 | the release of 10 or more balloons if that person is a citizen
 2585 | of the county in which the balloons are to be released.

2586 | Section 54. Subsection (7) of section 370.021, Florida
 2587 | Statutes, is renumbered as section 379.2341, Florida Statutes,
 2588 | and amended to read:

2589 | 379.2341 Publications by the commission.--

2590 | ~~(7)~~ The commission is given authority, from time to time
 2591 | in its discretion, to cause the statutory laws under its
 2592 | jurisdiction, together with any rules promulgated by it, to be
 2593 | published in pamphlet form for free distribution in this state.
 2594 | The commission is authorized to make charges for technical and
 2595 | educational publications and mimeographed material of use for
 2596 | educational or reference purposes. Such charges shall be made at
 2597 | the discretion of the commission. Such charges may be sufficient
 2598 | to cover cost of preparation, printing, publishing, and
 2599 | distribution. All moneys received for publications shall be
 2600 | deposited into the fund from which the cost of the publication
 2601 | was paid. The commission is further authorized to enter into

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2602 | agreements with persons, firms, corporations, governmental
 2603 | agencies, and other institutions whereby publications may be
 2604 | exchanged reciprocally in lieu of payments for said
 2605 | publications.

2606 | Section 55. Section 372.0222, Florida Statutes, is
 2607 | renumbered as section 379.2342, Florida Statutes, to read:

2608 | 379.2342 ~~372.0222~~ Private publication agreements;
 2609 | advertising; costs of production.--

2610 | (1) The Fish and Wildlife Conservation Commission may
 2611 | enter into agreements to secure the private publication of
 2612 | public information brochures, pamphlets, audiotapes, videotapes,
 2613 | and related materials for distribution without charge to the
 2614 | public and, in furtherance thereof, is authorized to:

2615 | (a) Enter into agreements with private vendors for the
 2616 | publication or production of such public information materials,
 2617 | whereby the costs of publication or production will be borne in
 2618 | whole or in part by the vendor or the vendor shall provide
 2619 | additional compensation in return for the right of the vendor to
 2620 | select, sell, and place advertising which publicizes products or
 2621 | services related to and harmonious with the subject matter of
 2622 | the publication.

2623 | (b) Retain the right, by agreement, to approve all
 2624 | elements of any advertising placed in such public information
 2625 | materials, including the form and content thereof.

2626 | (2)(a) Beginning January 1, 2005, the commission, with the
 2627 | advice and assistance of the Florida Wildlife Magazine Advisory
 2628 | Council, shall publish the Florida Wildlife Magazine. The
 2629 | magazine shall be published at least on a quarterly basis in

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

2630 hard-copy format and shall be available to the public by
2631 subscription and retail distribution. The primary focus of the
2632 magazine shall be to promote the heritage of hunting and fishing
2633 in Florida. The magazine shall also disseminate information
2634 regarding other outdoor recreational opportunities available to
2635 Floridians and visitors.

2636 (b) In order to offset the cost of publication and
2637 distribution of the magazine, the commission, with the advice
2638 and assistance of the Florida Wildlife Magazine Advisory
2639 Council, is authorized to sell advertising for placement in the
2640 magazine. The commission shall have the right to approve all
2641 elements of any advertising placed in the magazine, including
2642 the form and content thereof. The magazine shall include a
2643 statement providing that the inclusion of advertising in the
2644 magazine does not constitute an endorsement by the state or the
2645 commission of the products or services so advertised. The
2646 commission may charge an annual magazine subscription fee of up
2647 to \$25, a 2-year magazine subscription fee of up to \$45, and a
2648 3-year magazine subscription fee of up to \$60. The commission
2649 may charge a retail per copy fee of up to \$7. The provisions of
2650 chapter 287 do not apply to the sale of advertising for
2651 placement in the magazine. All revenues generated by the
2652 magazine shall be credited to the State Game Trust Fund.

2653 (c) The Florida Wildlife Magazine Advisory Council is
2654 created within the commission to advise and make recommendations
2655 to the commission regarding development, publication, and sale
2656 of the Florida Wildlife Magazine. In order to accomplish this

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2657 | purpose, the council shall provide recommendations to the
 2658 | commission regarding:

2659 | 1. The content of articles included in each edition of the
 2660 | magazine.

2661 | 2. Advertising proposed for each edition of the magazine.

2662 | 3. Strategies to improve distribution and circulation of
 2663 | the magazine.

2664 | 4. Cost-reduction measures regarding publication of the
 2665 | magazine.

2666 | (d) The Florida Wildlife Magazine Advisory Council shall
 2667 | consist of seven members appointed by the commission, and
 2668 | initial appointments shall be made no later than August 1, 2004.
 2669 | When making initial appointments to the council and filling
 2670 | vacancies, the commission shall appoint members to represent the
 2671 | following interests: hunting; saltwater fishing; freshwater
 2672 | fishing; recreational boating; recreational use of off-road
 2673 | vehicles; hiking, biking, bird watching, or similar passive
 2674 | activities; general business interests; and magazine publishing.

2675 | (e) Two of the initial appointees shall serve 2-year
 2676 | terms, two of the initial appointees shall serve 3-year terms,
 2677 | and three of the initial appointees shall serve 4-year terms.
 2678 | Subsequent to the expiration of the initial terms, advisory
 2679 | council appointees shall serve 4-year terms.

2680 | (f) The members of the advisory council shall elect a
 2681 | chair annually.

2682 | (g) The council shall meet at least quarterly at the call
 2683 | of its chair, at the request of a majority of its membership, or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2684 at the request of the commission. A majority of the council
 2685 shall constitute a quorum for the transaction of business.

2686 (h) The commission shall provide the council with
 2687 clerical, expert, technical, or other services. All expenses of
 2688 the council shall be paid from appropriations made by the
 2689 Legislature to the commission. All vouchers shall be approved by
 2690 the executive director before submission to the Chief Financial
 2691 Officer for payment.

2692 (i) Members of the council shall serve without
 2693 compensation but shall receive per diem and reimbursement for
 2694 travel expenses as provided in s. 112.061.

2695 (j) Advisory council members may be reappointed. Advisory
 2696 council members shall serve at the pleasure of the commission.

2697 (3) Any public information materials produced pursuant to
 2698 this section and containing advertising of any kind shall
 2699 include a statement providing that the inclusion of advertising
 2700 in such material does not constitute an endorsement by the state
 2701 or commission of the products or services so advertised.

2702 (4) The Fish and Wildlife Conservation Commission may
 2703 enter into agreements with private vendors for vendor
 2704 advertisement for the purpose of offsetting expenses relating to
 2705 license issuance, and, in furtherance thereof, is authorized to:

2706 (a) Retain the right, by agreement, to approve all
 2707 elements of such advertising, including the form or content.

2708 (b) Require that any advertising of any kind contracted
 2709 pursuant to this section shall include a statement providing
 2710 that the advertising does not constitute an endorsement by the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2711 state or commission of the products or services to be so
 2712 advertised.

2713 (5) The commission shall collect, edit, publish, and print
 2714 pamphlets, papers, manuscripts, documents, books, monographs,
 2715 and other materials relating to fish and wildlife conservation
 2716 and may establish and impose a reasonable charge for such
 2717 materials to cover costs of production and distribution in whole
 2718 or part and may contract for the marketing, sale, and
 2719 distribution of such publications and materials; except that no
 2720 charge shall be imposed for materials designed to provide the
 2721 public with essential information concerning fish and wildlife
 2722 regulations and matters of public safety.

2723 (6) The commission shall provide services and information
 2724 designed to inform Floridians and visitors about Florida's
 2725 unique and diverse fish, game, and wildlife, and make it
 2726 available by means of commonly used media. For the
 2727 accomplishment of those purposes, the commission may make
 2728 expenditures to:

2729 (a) Encourage and cooperate with public and private
 2730 organizations or groups to publicize to residents and visitors
 2731 the diversity of fish, game, and wildlife, and related
 2732 recreation opportunities of the state, including the
 2733 establishment of and expenditure for a program of cooperative
 2734 advertising or sponsorships, or partnerships with the public and
 2735 private organizations and groups in accordance with rules
 2736 adopted by the commission under chapter 120.

2737 (b) Charge and collect a reasonable fee for researching or
 2738 compiling information or other services which, in its judgment,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2739 | should not be free to those requesting the information,
 2740 | research, handling, material, publication, or other services.
 2741 | Any amounts of money received by the commission from such
 2742 | sources shall be restored to the appropriations of the
 2743 | commission, and any unexpended funds shall be deposited into the
 2744 | State Game Trust Fund and made available to the commission for
 2745 | use in performing its duties, powers, and purposes.

2746 | (c) Charge and collect registration fees at conferences,
 2747 | seminars, and other meetings conducted in furtherance of the
 2748 | duties, powers, and purposes of the commission. Any funds
 2749 | collected under this paragraph which remain unexpended after the
 2750 | expenses of the conference, seminar, or meeting have been paid
 2751 | shall be deposited into the State Game Trust Fund and made
 2752 | available to the commission for use in performing its duties,
 2753 | powers, and purposes.

2754 | (d) Purchase and distribute promotional items to increase
 2755 | public awareness regarding boating safety and other programs
 2756 | that promote public safety or resource conservation.

2757 | (7) Notwithstanding the provisions of part I of chapter
 2758 | 287, the commission may adopt rules for the purpose of entering
 2759 | into contracts that are primarily for promotional and
 2760 | advertising services and promotional events which may include
 2761 | the authority to negotiate costs with offerors of such services
 2762 | and commodities who have been determined to be qualified on the
 2763 | basis of technical merit, creative ability, and professional
 2764 | competency.

2765 | Section 56. Section 370.1103, Florida Statutes, is
 2766 | renumbered as section 379.2351, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2767 379.2351 ~~370.1103~~ Land-based commercial and recreational
 2768 fishing activities; legislative findings and purpose;
 2769 definitions; legal protection; local ordinances; prohibited
 2770 activity.--

2771 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
 2772 finds that commercial and recreational fishing constitute
 2773 activities of statewide importance and that the continuation of
 2774 commercial and recreational fishing will benefit the health and
 2775 welfare of the people of this state. The Legislature further
 2776 finds that commercial and recreational fishing operations
 2777 conducted in developing and urbanizing areas are potentially
 2778 subject to curtailment as a result of local government zoning
 2779 and nuisance ordinances which may unreasonably force the closure
 2780 of productive commercial and recreational fishing operations. It
 2781 is the purpose of this act to prevent the curtailment or
 2782 abolishment of commercial and recreational fishing operations
 2783 solely because the area in which they are located has changed in
 2784 character or the operations are displeasing to neighboring
 2785 residents.

2786 (2) DEFINITIONS.--As used in this act, "commercial fishing
 2787 operation" means any type of activity conducted on land,
 2788 requiring the location or storage of commercial fishing
 2789 equipment such as fishing vessels, fishing gear, docks, piers,
 2790 loading areas, landing areas, and cold storage facilities,
 2791 including any activity necessary to prepare finfish or shellfish
 2792 for refrigeration. This definition does not include operations
 2793 with the sole or primary function of processing seafood.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2794 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL
 2795 FISHING OPERATIONS.--No commercial or recreational fishing
 2796 operation shall be declared a public or private nuisance solely
 2797 because of a change in ownership or a change in the character of
 2798 the property in or around the locality of the operation.

2799 (4) LOCAL ORDINANCE.--No local governing authority shall
 2800 adopt any ordinance that declares any commercial or recreational
 2801 fishing operation to be a nuisance solely because it is a
 2802 commercial or recreational fishing operation, or any zoning
 2803 ordinance that unreasonably forces the closure of any commercial
 2804 or recreational fishing operation. Nothing in this act shall
 2805 prevent a local government from regulating commercial and
 2806 recreational fishing operations, including by requiring the use
 2807 of methods, structures, or appliances where such use will
 2808 prevent, ameliorate, or remove conditions which create or may
 2809 create a nuisance or, pursuant to the applicable local zoning
 2810 code, by declaring a commercial or recreational fishing
 2811 operation to be a nonconforming use.

2812 (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This act
 2813 shall not be construed to permit an existing commercial or
 2814 recreational fishing operation to change to a larger operation
 2815 with regard to emitting more noise or odor, where such change
 2816 violates local ordinances or regulations or creates a nuisance.

2817 Section 57. Section 370.27, Florida Statutes, is
 2818 renumbered as section 379.2352, Florida Statutes, to read:
 2819 379.2352 ~~370.27~~ State employment; priority consideration
 2820 for qualified displaced employees of the saltwater fishing
 2821 industry.--All state agencies must give priority consideration

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2822 to any job applicant who is able to document the loss of full-
 2823 time employment in the commercial saltwater fishing industry as
 2824 a result of the adoption of the constitutional amendment
 2825 limiting the use of nets to harvest marine species, provided the
 2826 applicant meets the minimum requirements for the position
 2827 sought.

2828 Section 58. Section 370.28, Florida Statutes, is
 2829 renumbered as section 379.2353, Florida Statutes, to read:

2830 379.2353 ~~370.28~~ Enterprise zone designation; communities
 2831 adversely impacted by net limitations.--

2832 (1) The Office of Tourism, Trade, and Economic Development
 2833 is directed to identify communities suffering adverse impacts
 2834 from the adoption of the constitutional amendment limiting the
 2835 use of nets to harvest marine species.

2836 (2) (a) Such communities having a population of fewer than
 2837 7,500 persons and such communities in rural and coastal counties
 2838 with a county population of fewer than 25,000 may apply to the
 2839 Office of Tourism, Trade, and Economic Development by August 15,
 2840 1996, for the designation of an area as an enterprise zone. The
 2841 community must comply with the requirements of s. 290.0055,
 2842 except that, for a community having a total population of 7,500
 2843 persons or more but fewer than 20,000 persons, the selected area
 2844 may not exceed 5 square miles. Notwithstanding the provisions of
 2845 s. 290.0065, limiting the total number of enterprise zones
 2846 designated and the number of enterprise zones within a
 2847 population category, the Office of Tourism, Trade, and Economic
 2848 Development may designate an enterprise zone in eight of the
 2849 identified communities. The governing body having jurisdiction

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2850 over such area shall create an enterprise zone development
 2851 agency pursuant to s. 290.0056 and submit a strategic plan
 2852 pursuant to s. 290.0057. Enterprise zones designated pursuant to
 2853 this section shall be effective January 1, 1997. Any enterprise
 2854 zone designated under this paragraph having an effective date on
 2855 or before January 1, 2005, shall continue to exist until
 2856 December 31, 2005, but shall cease to exist on December 31,
 2857 2005. Any enterprise zone redesignated on or after January 1,
 2858 2006, must do so in accordance with the Florida Enterprise Zone
 2859 Act.

2860 (b) Notwithstanding any provisions of this section to the
 2861 contrary, communities in coastal counties with a county
 2862 population greater than 20,000, which can demonstrate that the
 2863 community has historically been a fishing community and has
 2864 therefore had a direct adverse impact from the adoption of the
 2865 constitutional amendment limiting the use of nets, shall also be
 2866 eligible to apply for designation of an area as an enterprise
 2867 zone. The community must comply with the requirements of s.
 2868 290.0055, except s. 290.0055(3). Such communities shall apply to
 2869 the Office of Tourism, Trade, and Economic Development by August
 2870 15, 1996. The office may designate one enterprise zone under
 2871 this paragraph, which shall be effective January 1, 1997, and
 2872 which shall be in addition to the eight zones authorized under
 2873 paragraph (a). Any enterprise zone designated under this
 2874 paragraph having an effective date on or before January 1, 2005,
 2875 shall continue to exist until December 31, 2005, but shall cease
 2876 to exist on that date. Any enterprise zone redesignated on or
 2877 after January 1, 2006, must do so in accordance with the Florida

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2878 Enterprise Zone Act. The governing body having jurisdiction over
 2879 such area shall create an enterprise zone development agency
 2880 pursuant to s. 290.0056 and submit a strategic plan pursuant to
 2881 s. 290.0057.

2882 (3) For the purpose of nominating and designating areas
 2883 pursuant to subsection (2), the requirements set out in s.
 2884 290.0058(2) shall not apply.

2885 (4) Notwithstanding the time limitations contained in
 2886 chapters 212 and 220, a business eligible to receive tax credits
 2887 under this section from January 1, 1997, to June 1, 1998, must
 2888 submit an application for the tax credits by December 1, 1998.
 2889 All other requirements of the enterprise zone program apply to
 2890 such a business.

2891 Section 59. Subsection (9) of section 370.021, Florida
 2892 Statutes, is renumbered as section 379.236, Florida Statutes,
 2893 and amended to read:

2894 379.236 Retention, destruction, and reproduction of
 2895 commission records.--

2896 ~~(9)~~ Records and documents of the commission created in
 2897 compliance with and in the implementation of this chapter or
 2898 former chapters 370, 371, or 372 ~~chapter 371~~ shall be retained
 2899 by the commission as specified in record retention schedules
 2900 established under the general provisions of chapters 119 and
 2901 257. Such records retained by the Department of Environmental
 2902 Protection on July 1, 1999, shall be transferred to the
 2903 commission. Further, the commission is authorized to:

2904 (1) ~~(a)~~ Destroy, or otherwise dispose of, those records and
 2905 documents in conformity with the approved retention schedules.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2906 (2) ~~(b)~~ Photograph, microphotograph, or reproduce such
 2907 records and documents on film, as authorized and directed by the
 2908 approved retention schedules, whereby each page will be exposed
 2909 in exact conformity with the original records and documents
 2910 retained in compliance with the provisions of this section.
 2911 Photographs or microphotographs in the form of film or print of
 2912 any records, made in compliance with the provisions of this
 2913 section, shall have the same force and effect as the originals
 2914 thereof would have and shall be treated as originals for the
 2915 purpose of their admissibility in evidence. Duly certified or
 2916 authenticated reproductions of such photographs or
 2917 microphotographs shall be admitted in evidence equally with the
 2918 original photographs or microphotographs. The impression of the
 2919 seal of the commission on a certificate made pursuant to the
 2920 provisions hereof and signed by the executive director of the
 2921 commission shall entitle the same to be received in evidence in
 2922 all courts and in all proceedings in this state and shall be
 2923 prima facie evidence of all factual matters set forth in the
 2924 certificate. A certificate may relate to one or more records, as
 2925 set forth in the certificate, or in a schedule continued on an
 2926 attachment to the certificate.

2927 (3) ~~(e)~~ Furnish certified copies of such records for a fee
 2928 of \$1 which shall be deposited in the Marine Resources
 2929 Conservation Trust Fund.

2930 Section 60. Subsection (10) of section 370.021, Florida
 2931 Statutes, renumbered as section 379.237, Florida Statutes, and
 2932 amended to read:

2933 379.237 Courts of equity may enjoin.--

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2934 ~~(10) COURTS OF EQUITY MAY ENJOIN.~~ Courts of equity in
 2935 this state have jurisdiction to enforce the conservation laws of
 2936 this state by injunction.

2937 Section 61. Section 372.85, Florida Statutes, is
 2938 renumbered as section 379.29, Florida Statutes, to read:

2939 379.29 ~~372.85~~ Contaminating fresh waters.--

2940 (1) It shall be unlawful for any person or persons, firm
 2941 or corporation to cause any dyestuff, coal tar, oil, sawdust,
 2942 poison, or deleterious substances to be thrown, run, or drained
 2943 into any of the fresh running waters of this state in quantities
 2944 sufficient to injure, stupefy, or kill fish which may inhabit
 2945 the same at or below the point where any such substances are
 2946 discharged, or caused to flow or be thrown into such waters;
 2947 provided, that it shall not be a violation of this section for
 2948 any person, firm, or corporation engaged in any mining industry
 2949 to cause any water handled or used in any branch of such
 2950 industry to be discharged on the surface of land where such
 2951 industry or branch thereof is being carried on under such
 2952 precautionary measures as shall be approved by the Fish and
 2953 Wildlife Conservation Commission.

2954 (2) Any person, firm or corporation violating any of the
 2955 provisions of this section shall be guilty of a misdemeanor of
 2956 the second degree, punishable as provided in s. 775.082 or s.
 2957 775.083 for the first offense, and for the second or subsequent
 2958 offense shall be guilty of a misdemeanor of the first degree,
 2959 punishable as provided in s. 775.082 or s. 775.083.

2960 Section 62. Part II of chapter 379, Florida Statutes,
 2961 consisting of sections 379.2401, 379.2402, 379.2411, 379.2412,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2962 379.2413, 379.2421, 379.2422, 379.2423, 379.2424, 379.2425,
 2963 379.2431, 379.2432, 379.2433, 379.244, 379.245, 379.246,
 2964 379.247, 379.248, 379.249, 379.25, 379.2511, 379.2512, 379.2521,
 2965 379.2522, 379.2523, 379.2524, and 379.2525, is created to read:

2966 PART II

2967 MARINE LIFE

2968
 2969 Section 63. Section 370.025, Florida Statutes, is
 2970 renumbered as section 379.2401, Florida Statutes, to read:

2971 379.2401 ~~370.025~~ Marine fisheries; policy and standards.--

2972 (1) The Legislature hereby declares the policy of the
 2973 state to be management and preservation of its renewable marine
 2974 fishery resources, based upon the best available information,
 2975 emphasizing protection and enhancement of the marine and
 2976 estuarine environment in such a manner as to provide for optimum
 2977 sustained benefits and use to all the people of this state for
 2978 present and future generations.

2979 (2) The commission is instructed to make recommendations
 2980 annually to the Governor and the Legislature regarding marine
 2981 fisheries research priorities and funding. All administrative
 2982 and enforcement responsibilities which are unaffected by the
 2983 specific provisions of this act are the responsibility of the
 2984 commission.

2985 (3) All rules relating to saltwater fisheries adopted by
 2986 the commission shall be consistent with the following standards:

2987 (a) The paramount concern of conservation and management
 2988 measures shall be the continuing health and abundance of the
 2989 marine fisheries resources of this state.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

2990 (b) Conservation and management measures shall be based
 2991 upon the best information available, including biological,
 2992 sociological, economic, and other information deemed relevant by
 2993 the commission.

2994 (c) Conservation and management measures shall permit
 2995 reasonable means and quantities of annual harvest, consistent
 2996 with maximum practicable sustainable stock abundance on a
 2997 continuing basis.

2998 (d) When possible and practicable, stocks of fish shall be
 2999 managed as a biological unit.

3000 (e) Conservation and management measures shall assure
 3001 proper quality control of marine resources that enter commerce.

3002 (f) State marine fishery management plans shall be
 3003 developed to implement management of important marine fishery
 3004 resources.

3005 (g) Conservation and management decisions shall be fair
 3006 and equitable to all the people of this state and carried out in
 3007 such a manner that no individual, corporation, or entity
 3008 acquires an excessive share of such privileges.

3009 (h) Federal fishery management plans and fishery
 3010 management plans of other states or interstate commissions
 3011 should be considered when developing state marine fishery
 3012 management plans. Inconsistencies should be avoided unless it is
 3013 determined that it is in the best interest of the fisheries or
 3014 residents of this state to be inconsistent.

3015 Section 64. Section 370.0607, Florida Statutes, is
 3016 renumbered as section 379.2402, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3017 379.2402 ~~370.0607~~ Marine information system.--The Fish and
 3018 Wildlife Conservation Commission shall establish by rule a
 3019 marine information system in conjunction with the licensing
 3020 program to gather marine fisheries data.

3021 Section 65. Section 370.101, Florida Statutes, is
 3022 renumbered as section 379.2411, Florida Statutes, and amended to
 3023 read:

3024 379.2411 ~~370.101~~ Saltwater fish; regulations.--

3025 (1) The Fish and Wildlife Conservation Commission is
 3026 authorized to establish weight equivalencies when minimum
 3027 lengths of saltwater fish are established by law, in those cases
 3028 where the fish are artificially cultivated.

3029 (2) A special activity license may be issued by the
 3030 commission pursuant to s. 379.361 ~~370.06~~ for catching and
 3031 possession of fish protected by law after it has first
 3032 established that such protected specimens are to be used as
 3033 stock for artificial cultivation.

3034 (3) A permit may not be issued pursuant to subsection (2)
 3035 until the commission determines that the artificial cultivation
 3036 activity complies with the provisions of ss. 253.67-253.75 and
 3037 any other specific provisions contained within this chapter
 3038 regarding leases, licenses, or permits for maricultural
 3039 activities of each saltwater fish, so that the public interest
 3040 in such fish stocks is fully protected.

3041 Section 66. Section 370.102, Florida Statutes, is
 3042 renumbered as section 379.2412, Florida Statutes, and amended to
 3043 read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3044 379.2412 ~~370.102~~ State preemption of power to
 3045 regulate.--The power to regulate the taking or possession of
 3046 saltwater fish, as defined in s. 379.101 ~~370.01~~, is expressly
 3047 reserved to the state. This section does not prohibit a local
 3048 government from prohibiting, for reasons of protecting the
 3049 public health, safety, or welfare, saltwater fishing from real
 3050 property owned by that local government.

3051 Section 67. Section 370.11, Florida Statutes, is
 3052 renumbered as section 379.2413, Florida Statutes, and amended to
 3053 read:

3054 379.2413 Catching food fish for the purposes of making oil
 3055 ~~370.11~~ ~~Fish; regulation.--~~

3056 ~~(1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL~~
 3057 ~~PROHIBITED.~~—No person shall take any food fish from the waters
 3058 under the jurisdiction of the state, for the purpose of making
 3059 oil, fertilizer or compost therefrom. Purse seines may be used,
 3060 for the taking of nonfood fish for the purpose of making oil,
 3061 fertilizer or compost.

3062 ~~(2) REGULATION; FISH; TARPON, ETC.~~—No person may sell,
 3063 offer for sale, barter, exchange for merchandise, transport for
 3064 sale, either within or without the state, offer to purchase or
 3065 purchase any species of fish known as tarpon (*Tarpon atlanticus*)
 3066 provided, however, any one person may carry out of the state as
 3067 personal baggage or transport within or out of the state not
 3068 more than two tarpon if they are not being transported for sale.
 3069 The possession of more than two tarpon by any one person is
 3070 unlawful; provided, however, any person may catch an unlimited
 3071 number of tarpon if they are immediately returned uninjured to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3072 ~~the water and released where the same are caught. No common~~
 3073 ~~carrier in the state shall knowingly receive for transportation~~
 3074 ~~or transport, within or without the state, from any one person~~
 3075 ~~for shipment more than two tarpon, except as hereinafter~~
 3076 ~~provided. It is expressly provided that any lawful established~~
 3077 ~~taxidermist, in the conduct of taxidermy, may be permitted to~~
 3078 ~~move or transport any reasonable number of tarpon at any time~~
 3079 ~~and in any manner he or she may desire, as specimens for~~
 3080 ~~mounting; provided, however, satisfactory individual ownership~~
 3081 ~~of the fish so moved or transported can be established by such~~
 3082 ~~taxidermist at any time upon demand. Common carriers shall~~
 3083 ~~accept for shipment tarpon from a taxidermist when statement of~~
 3084 ~~individual ownership involved accompanies bill of lading or~~
 3085 ~~other papers controlling the shipment. The Fish and Wildlife~~
 3086 ~~Conservation Commission may, in its discretion, upon application~~
 3087 ~~issue permits for the taking and transporting of tarpon for~~
 3088 ~~scientific purposes.~~

3089 Section 68. Section 370.08, Florida Statutes, is
 3090 renumbered as section 379.2421, Florida Statutes, and amended to
 3091 read:

3092 379.2421 ~~370.08~~ Fishers and equipment; regulation.--

3093 (1) ILLEGAL POSSESSION OF SEINES AND NETS.--No person may
 3094 have in his or her custody or possession in any county of this
 3095 state any fishing seine or net, the use of which for fishing
 3096 purposes in such county is prohibited by law. Such possession
 3097 shall be evidence of a violation of this subsection by both the
 3098 owner thereof and the person using or possessing said net. The
 3099 provisions of this subsection shall not apply to shrimp nets, to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3100 pound nets or purse nets when used in taking menhaden fish, to
 3101 seines used exclusively for taking herring, or to legal beach
 3102 seines used in the open gulf or Atlantic Ocean if the possession
 3103 of such nets is not prohibited in the county where found.

3104 (2) STOP NETTING DEFINED; PROHIBITION.--

3105 (a) It is unlawful for any person to obstruct any river,
 3106 creek, canal, pass, bayou or other waterway in this state by
 3107 placing or setting therein any screen, net, seine, rack, wire or
 3108 other device, or to use, set, or place any net or seine or
 3109 similar device of any kind, either singularly or in rotation or
 3110 one behind another in any manner whatsoever so as to prevent the
 3111 free passage of fish.

3112 (b) It is unlawful for any person, while fishing or
 3113 attempting to fish for shrimp or saltwater fish, to attach or
 3114 otherwise secure a frame net, trawl net, trap net, or similar
 3115 device to any state road bridge or associated structure situated
 3116 over any saltwater body or to use more than one such net or
 3117 device while fishing from such bridge or structure. For the
 3118 purposes of this paragraph, a "frame net" is any net similar to
 3119 a hoop net, the mouth of which is held open by a frame, with a
 3120 trailing mesh net, of any size. Cast nets, dip nets, and similar
 3121 devices are specifically excluded from the operation of this
 3122 paragraph.

3123 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS, ETC.--No
 3124 person may take food fish within or without the waters of this
 3125 state with a purse seine, purse gill net, or other net using
 3126 rings or other devices on the lead line thereof, through which a
 3127 purse line is drawn, or pound net, or have any food fish so

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3128 taken in his or her possession for sale or shipment. The
 3129 provisions of this section shall not apply to shrimp nets or to
 3130 pound nets or purse seines when used for the taking of tuna or
 3131 menhaden fish only.

3132 (4) RETURN OF FISH TO WATER.--All persons taking food fish
 3133 from any of the waters of this state by use of seines, nets, or
 3134 other fishing devices and not using any of such fish because of
 3135 size or other reasons shall immediately release and return such
 3136 fish alive to the water from which taken and no such fish may be
 3137 placed or deposited on any bank, shore, beach or other place out
 3138 of the water.

3139 ~~(5) THROWING EXPLOSIVES OR USE OF FIREARMS IN WATER FOR~~
 3140 ~~PURPOSE OF KILLING FOOD FISH PROHIBITED.--No person may throw or~~
 3141 ~~cause to be thrown, into any of the waters of this state, any~~
 3142 ~~dynamite, lime, other explosives or discharge any firearms~~
 3143 ~~whatsoever for the purpose of killing food fish therein. The~~
 3144 ~~landing ashore or possession on the water by any person of any~~
 3145 ~~food fish that has been damaged by explosives or the landing of~~
 3146 ~~headless jewfish or grouper, if the grouper is taken for~~
 3147 ~~commercial use, is prima facie evidence of violation of this~~
 3148 ~~section.~~

3149 (5)~~(6)~~ SEINES, POCKET BUNTS.--In any counties where seines
 3150 are not prohibited on the open gulf or Atlantic Ocean, such
 3151 seines may have a pocket bunt on the middle of the seine of a
 3152 mesh size less than that provided by law.

3153 (6)~~(7)~~ ~~ILLEGAL~~ USE OF POISONS, DRUGS, OR CHEMICALS.--
 3154 ~~(a) It is unlawful for any person to place poisons, drugs,~~
 3155 ~~or other chemicals in the marine waters of this state unless~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3156 ~~that person has first obtained a special activity license for~~
 3157 ~~such use pursuant to s. 370.06 from the Fish and Wildlife~~
 3158 ~~Conservation Commission.~~

3159 ~~(b)~~ Upon application on forms furnished by the commission,
 3160 the commission may issue a license to use poisons, drugs, or
 3161 other chemicals in the marine waters of this state for the
 3162 purpose of capturing live marine species. The application and
 3163 license shall specify the area in which collecting will be done;
 3164 the drugs, chemicals, or poisons to be used; and the maximum
 3165 amounts and concentrations at each sampling.

3166 (7) ~~(8)~~ PENALTIES.--A commercial harvester who violates
 3167 this section shall be punished under s. 379.407 ~~370.021~~. Any
 3168 other person who violates this section commits a Level Two
 3169 violation under s. 379.401 ~~372.83~~.

3170 Section 69. Section 370.093, Florida Statutes, is
 3171 renumbered as section 379.2422, Florida Statutes, and amended to
 3172 read:

3173 379.2422 ~~370.093~~ Illegal use of nets.--

3174 (1) It is unlawful to take or harvest, or to attempt to
 3175 take or harvest, any marine life in Florida waters with any net
 3176 that is not consistent with the provisions of s. 16, Art. X of
 3177 the State Constitution.

3178 (2) (a) Beginning July 1, 1998, it is also unlawful to take
 3179 or harvest, or to attempt to take or harvest, any marine life in
 3180 Florida waters with any net, as defined in subsection (3) and
 3181 any attachments to such net, that combined are larger than 500
 3182 square feet and have not been expressly authorized for such use
 3183 by rule of the Fish and Wildlife Conservation Commission. The

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3184 use of currently legal shrimp trawls and purse seines outside
 3185 nearshore and inshore Florida waters shall continue to be legal
 3186 until the commission implements rules regulating those types of
 3187 gear.

3188 (b) The use of gill or entangling nets of any size is
 3189 prohibited, as such nets are defined in s. 16, Art. X of the
 3190 State Constitution. Any net constructed wholly or partially of
 3191 monofilament or multistrand monofilament material, other than a
 3192 hand thrown cast net, or a handheld landing or dip net, shall be
 3193 considered to be an entangling net within the prohibition of s.
 3194 16, Art. X of the State Constitution unless specifically
 3195 authorized by rule of the commission. Multistrand monofilament
 3196 material shall not be defined to include nets constructed of
 3197 braided or twisted nylon, cotton, linen twine, or polypropylene
 3198 twine.

3199 (c) This subsection shall not be construed to apply to
 3200 aquaculture activities licenses issued pursuant to s. 379.2523
 3201 ~~370.26~~.

3202 (3) As used in s. 16, Art. X of the State Constitution and
 3203 this subsection, the term "net" or "netting" must be broadly
 3204 construed to include all manner or combination of mesh or
 3205 webbing or any other solid or semisolid fabric or other material
 3206 used to comprise a device that is used to take or harvest marine
 3207 life.

3208 (4) Upon the arrest of any person for violation of this
 3209 subsection, the arresting officer shall seize the nets illegally
 3210 used. Upon conviction of the offender, the arresting authority
 3211 shall destroy the nets.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3212 (5) Any person who violates this section shall be punished
 3213 as provided in s. 379.407(3) ~~370.021(3)~~.

3214 (6) The Fish and Wildlife Conservation Commission is
 3215 granted authority to adopt rules pursuant to s. 379.2401 ~~370.025~~
 3216 implementing this section and the prohibitions and restrictions
 3217 of s. 16, Art. X of the State Constitution.

3218 Section 70. Section 370.092, Florida Statutes, is
 3219 renumbered as section 379.2423, Florida Statutes, and amended to
 3220 read:

3221 379.2423 ~~370.092~~ Carriage of proscribed nets across
 3222 Florida waters.--

3223 (1) This section applies to all vessels containing or
 3224 otherwise transporting in or on Florida waters any gill net or
 3225 other entangling net and to all vessels containing or otherwise
 3226 transporting in or on Florida waters any net containing more
 3227 than 500 square feet of mesh area the use of which is restricted
 3228 or prohibited by s. 16, Art. X of the State Constitution. This
 3229 section does not apply to vessels containing or otherwise
 3230 transporting in or on Florida waters dry nets which are rolled,
 3231 folded, or otherwise properly stowed in sealed containers so as
 3232 to make their immediate use as fishing implements impracticable.

3233 (2) Every vessel containing or otherwise transporting in
 3234 or on Florida waters any gill net or other entangling net and
 3235 every vessel containing or otherwise transporting in or on
 3236 nearshore and inshore Florida waters any net containing more
 3237 than 500 square feet of mesh area shall proceed as directly,
 3238 continuously, and expeditiously as possible from the place where
 3239 the vessel is regularly docked, moored, or otherwise stored to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3240 | waters where the use of said nets is lawful and from waters
 3241 | where the use of said nets is lawful back to the place where the
 3242 | vessel is regularly docked, moored, or otherwise stored or back
 3243 | to the licensed wholesale dealer where the catch is to be sold.
 3244 | Exceptions shall be provided for docked vessels, for vessels
 3245 | which utilize nets in a licensed aquaculture operation, and for
 3246 | vessels containing trawl nets as long as the trawl's doors or
 3247 | frame are not deployed in the water. Otherwise, hovering,
 3248 | drifting, and other similar activities inconsistent with the
 3249 | direct, continuous, and expeditious transit of such vessels
 3250 | shall be evidence of the unlawful use of such nets. The presence
 3251 | of fish in such a net is not evidence of the unlawful use of the
 3252 | net if the vessel is otherwise in compliance with this section.

3253 | (3) Notwithstanding subsections (1) and (2), unless
 3254 | authorized by rule of the Fish and Wildlife Conservation
 3255 | Commission, it is a major violation under this section,
 3256 | punishable as provided in s. 379.407(3) ~~370.021(3)~~, for any
 3257 | person, firm, or corporation to possess any gill or entangling
 3258 | net, or any seine net larger than 500 square feet in mesh area,
 3259 | on any airboat or on any other vessel less than 22 feet in
 3260 | length and on any vessel less than 25 feet if primary power of
 3261 | the vessel is mounted forward of the vessel center point. Gill
 3262 | or entangling nets shall be as defined in s. 16, Art. X of the
 3263 | State Constitution, s. 379.2422(2)(b) ~~370.093(2)(b)~~, or in a
 3264 | rule of the Fish and Wildlife Conservation Commission
 3265 | implementing s. 16, Art. X of the State Constitution. Vessel
 3266 | length shall be determined in accordance with current United
 3267 | States Coast Guard regulations specified in the Code of Federal

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3268 Regulations or as titled by the State of Florida. The Marine
 3269 Fisheries Commission is directed to initiate by July 1, 1998,
 3270 rulemaking to adjust by rule the use of gear on vessels longer
 3271 than 22 feet where the primary power of the vessel is mounted
 3272 forward of the vessel center point in order to prevent the
 3273 illegal use of gill and entangling nets in state waters and to
 3274 provide reasonable opportunities for the use of legal net gear
 3275 in adjacent federal waters.

3276 (4) The Fish and Wildlife Conservation Commission shall
 3277 adopt rules to prohibit the possession and sale of mullet taken
 3278 in illegal gill or entangling nets. Violations of such rules
 3279 shall be punishable as provided in s. 379.407(3) ~~370.021(3)~~.

3280 (5) The commission has authority to adopt rules pursuant
 3281 to ss. 120.536(1) and 120.54 to implement the provisions of this
 3282 section.

3283 Section 71. Subsection (1) of section 370.143, Florida
 3284 Statutes, is renumbered as section 379.2424, Florida Statutes,
 3285 and amended to read:

3286 379.2424 Retrieval of spiny lobster, stone crab, blue
 3287 crab, and black sea bass traps during closed season; commission
 3288 authority.--

3289 ~~(1)~~ The Fish and Wildlife Conservation Commission is
 3290 authorized to implement a trap retrieval program for retrieval
 3291 of spiny lobster, stone crab, blue crab, and black sea bass
 3292 traps remaining in the water during the closed season for each
 3293 species. The commission is authorized to contract with outside
 3294 agents for the program operation.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3295 Section 72. Section 370.172, Florida Statutes, is
 3296 renumbered as section 379.2425, Florida Statutes, to read:
 3297 379.2425 ~~370.172~~ Spearfishing; definition; limitations;
 3298 penalty.--
 3299 (1) For the purposes of this section, "spearfishing" means
 3300 the taking of any saltwater fish through the instrumentality of
 3301 a spear, gig, or lance operated by a person swimming at or below
 3302 the surface of the water.
 3303 (2) (a) Spearfishing is prohibited within the boundaries of
 3304 the John Pennekamp Coral Reef State Park, the waters of Collier
 3305 County, and the area in Monroe County known as Upper Keys, which
 3306 includes all salt waters under the jurisdiction of the Fish and
 3307 Wildlife Conservation Commission beginning at the county line
 3308 between Dade and Monroe Counties and running south, including
 3309 all of the keys down to and including Long Key.
 3310 (b) For the purposes of this subsection, the possession in
 3311 the water of a spear, gig, or lance by a person swimming at or
 3312 below the surface of the water in a prohibited area is prima
 3313 facie evidence of a violation of the provisions of this
 3314 subsection regarding spearfishing.
 3315 (3) The Fish and Wildlife Conservation Commission shall
 3316 have the power to establish restricted areas when it is
 3317 determined that safety hazards exist or when needs are
 3318 determined by biological findings. Restricted areas shall be
 3319 established only after an investigation has been conducted and
 3320 upon application by the governing body of the county or
 3321 municipality in which the restricted areas are to be located and
 3322 one publication in a local newspaper of general circulation in

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3323 | said county or municipality in addition to any other notice
 3324 | required by law. Prior to promulgation of regulations, the local
 3325 | governing body of the area affected shall agree to post and
 3326 | maintain notices in the area affected.

3327 | Section 73. Section 370.12, Florida Statutes, is
 3328 | renumbered as section 379.2431, Florida Statutes, and amended to
 3329 | read:

3330 | 379.2431 ~~370.12~~ Marine animals; regulation.--

3331 | (1) PROTECTION OF MARINE TURTLES.--

3332 | (a) This subsection may be cited as the "Marine Turtle
 3333 | Protection Act."

3334 | (b) The Legislature intends, pursuant to the provisions of
 3335 | this subsection, to ensure that the Fish and Wildlife
 3336 | Conservation Commission has the appropriate authority and
 3337 | resources to implement its responsibilities under the recovery
 3338 | plans of the United States Fish and Wildlife Service for the
 3339 | following species of marine turtle:

- 3340 | 1. Atlantic loggerhead turtle (*Caretta caretta*).
- 3341 | 2. Atlantic green turtle (*Chelonia mydas*).
- 3342 | 3. Leatherback turtle (*Dermochelys coriacea*).
- 3343 | 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*).
- 3344 | 5. Atlantic ridley turtle (*Lepidochelys kemp*).

3345 | (c) As used in this subsection, the following phrases have
 3346 | the following meanings:

- 3347 | 1. A "properly accredited person" is:
 - 3348 | a. Students of colleges or universities whose studies with
 - 3349 | saltwater animals are under the direction of their teacher or
 - 3350 | professor; or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3351 b. Scientific or technical faculty of public or private
 3352 colleges or universities; or
 3353 c. Scientific or technical employees of private research
 3354 institutions and consulting firms; or
 3355 d. Scientific or technical employees of city, county,
 3356 state, or federal research or regulatory agencies; or
 3357 e. Members in good standing or recognized and properly
 3358 chartered conservation organizations, the Audubon Society, or
 3359 the Sierra Club; or
 3360 f. Persons affiliated with aquarium facilities or museums,
 3361 or contracted as an agent therefor, which are open to the public
 3362 with or without an admission fee; or
 3363 g. Persons without specific affiliations listed above, but
 3364 who are recognized by the commission for their contributions to
 3365 marine conservation such as scientific or technical
 3366 publications, or through a history of cooperation with the
 3367 commission in conservation programs such as turtle nesting
 3368 surveys, or through advanced educational programs such as high
 3369 school marine science centers.

3370 2. "Take" means an act that actually kills or injures
 3371 marine turtles, and includes significant habitat modification or
 3372 degradation that kills or injures marine turtles by
 3373 significantly impairing essential behavioral patterns, such as
 3374 breeding, feeding, or sheltering.

3375 (d) Except as authorized in this paragraph, or unless
 3376 otherwise provided by the Federal Endangered Species Act or its
 3377 implementing regulations, a person, firm, or corporation may
 3378 not:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3379 | 1. Knowingly possess the eggs of any marine turtle species
 3380 | described in this subsection.

3381 | 2. Knowingly take, disturb, mutilate, destroy, cause to be
 3382 | destroyed, transfer, sell, offer to sell, molest, or harass any
 3383 | marine turtles or the eggs or nest of any marine turtles
 3384 | described in this subsection.

3385 | 3. The commission may issue a special permit or loan
 3386 | agreement to any person, firm, or corporation, to enable the
 3387 | holder to possess a marine turtle or parts thereof, including
 3388 | nests, eggs, or hatchlings, for scientific, education, or
 3389 | exhibition purposes, or for conservation activities such as the
 3390 | relocation of nests, eggs, or marine turtles away from
 3391 | construction sites. Notwithstanding other provisions of law, the
 3392 | commission may issue such special permit or loan agreement to
 3393 | any properly accredited person as defined in paragraph (c) for
 3394 | the purposes of marine turtle conservation.

3395 | 4. The commission shall have the authority to adopt rules
 3396 | pursuant to chapter 120 to prescribe terms, conditions, and
 3397 | restrictions for marine turtle conservation, and to permit the
 3398 | possession of marine turtles or parts thereof.

3399 | (e)1. Any person, firm, or corporation that commits any
 3400 | act prohibited in paragraph (d) involving any egg of any marine
 3401 | turtle species described in this subsection shall pay a penalty
 3402 | of \$100 per egg in addition to other penalties provided in this
 3403 | paragraph.

3404 | 2. Any person, firm, or corporation that illegally
 3405 | possesses 11 or fewer of any eggs of any marine turtle species

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3406 described in this subsection commits a first degree misdemeanor,
 3407 punishable as provided in ss. 775.082 and 775.083.

3408 3. For a second or subsequent violation of subparagraph
 3409 2., any person, firm, or corporation that illegally possesses 11
 3410 or fewer of any eggs of any marine turtle species described in
 3411 this subsection commits a third degree felony, punishable as
 3412 provided in s. 775.082, s. 775.083, or s. 775.084.

3413 4. Any person, firm, or corporation that illegally
 3414 possesses more than 11 of any eggs of any marine turtle species
 3415 described in this subsection commits a third degree felony,
 3416 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3417 5. Any person, firm, or corporation that illegally takes,
 3418 disturbs, mutilates, destroys, causes to be destroyed,
 3419 transfers, sells, offers to sell, molests, or harasses any
 3420 marine turtle species, or the eggs or nest of any marine turtle
 3421 species as described in this subsection, commits a third degree
 3422 felony, punishable as provided in s. 775.082, s. 775.083, or s.
 3423 775.084.

3424 6. Notwithstanding s. 777.04, any person, firm, or
 3425 corporation that solicits or conspires with another person,
 3426 firm, or corporation, to commit an act prohibited by this
 3427 subsection commits a felony of the third degree, punishable as
 3428 provided in s. 775.082, s. 775.083, or s. 775.084.

3429 7. The proceeds from the penalties assessed pursuant to
 3430 this paragraph shall be deposited into the Marine Resources
 3431 Conservation Trust Fund.

3432 (f) Any application for a Department of Environmental
 3433 Protection permit or other type of approval for an activity that

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3434 affects marine turtles or their nests or habitat shall be
 3435 subject to conditions and requirements for marine turtle
 3436 protection as part of the permitting or approval process.

3437 (g) The Department of Environmental Protection may
 3438 condition the nature, timing, and sequence of construction of
 3439 permitted activities to provide protection to nesting marine
 3440 turtles and hatchlings and their habitat pursuant to the
 3441 provisions of s. 161.053(5). When the department is considering
 3442 a permit for a beach restoration, beach renourishment, or inlet
 3443 sand transfer project and the applicant has had an active marine
 3444 turtle nest relocation program or the applicant has agreed to
 3445 and has the ability to administer a program, the department must
 3446 not restrict the timing of the project. Where appropriate, the
 3447 department, in accordance with the applicable rules of the Fish
 3448 and Wildlife Conservation Commission, shall require as a
 3449 condition of the permit that the applicant relocate and monitor
 3450 all turtle nests that would be affected by the beach
 3451 restoration, beach renourishment, or sand transfer activities.
 3452 Such relocation and monitoring activities shall be conducted in
 3453 a manner that ensures successful hatching. This limitation on
 3454 the department's authority applies only on the Atlantic coast of
 3455 Florida.

3456 (h) The department shall recommend denial of a permit
 3457 application if the activity would result in a "take" as defined
 3458 in this subsection, unless, as provided for in the federal
 3459 Endangered Species Act and its implementing regulations, such
 3460 taking is incidental to, and not the purpose of, the carrying
 3461 out of an otherwise lawful activity.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3462 (i) The department shall give special consideration to
 3463 beach preservation and beach nourishment projects that restore
 3464 habitat of endangered marine turtle species. Nest relocation
 3465 shall be considered for all such projects in urbanized areas.
 3466 When an applicant for a beach restoration, beach renourishment,
 3467 or inlet sand transfer project has had an active marine turtle
 3468 nest relocation program or the applicant has agreed to have and
 3469 has the ability to administer a program, the department in
 3470 issuing a permit for a project must not restrict the timing of
 3471 the project. Where appropriate, the department, in accordance
 3472 with the applicable rules of the Fish and Wildlife Conservation
 3473 Commission, shall require as a condition of the permit that the
 3474 applicant relocate and monitor all turtle nests that would be
 3475 affected by the beach restoration, beach renourishment, or sand
 3476 transfer activities. Such relocation and monitoring activities
 3477 shall be conducted in a manner that ensures successful hatching.
 3478 This limitation on the department's authority applies only on
 3479 the Atlantic coast of Florida.

3480 (2) PROTECTION OF MANATEES OR SEA COWS.--

3481 (a) This subsection shall be known and may be cited as the
 3482 "Florida Manatee Sanctuary Act."

3483 (b) The State of Florida is hereby declared to be a refuge
 3484 and sanctuary for the manatee, the "Florida state marine
 3485 mammal." The protections extended to and authorized on behalf of
 3486 the manatee by this act are independent of, and therefore are
 3487 not contingent upon, its status as a state or federal listed
 3488 species.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

3489 (c) Whenever the Fish and Wildlife Conservation Commission
3490 is satisfied that the interest of science will be subserved, and
3491 that the application for a permit to possess a manatee or sea
3492 cow (*Trichechus manatus*) is for a scientific or propagational
3493 purpose and should be granted, and after concurrence by the
3494 United States Department of the Interior, the commission may
3495 grant to any person making such application a special permit to
3496 possess a manatee or sea cow, which permit shall specify the
3497 exact number which shall be maintained in captivity.

3498 (d) Except as may be authorized by the terms of a valid
3499 state permit issued pursuant to paragraph (c) or by the terms of
3500 a valid federal permit, it is unlawful for any person at any
3501 time, by any means, or in any manner intentionally or
3502 negligently to annoy, molest, harass, or disturb or attempt to
3503 molest, harass, or disturb any manatee; injure or harm or
3504 attempt to injure or harm any manatee; capture or collect or
3505 attempt to capture or collect any manatee; pursue, hunt, wound,
3506 or kill or attempt to pursue, hunt, wound, or kill any manatee;
3507 or possess, literally or constructively, any manatee or any part
3508 of any manatee.

3509 (e) Any gun, net, trap, spear, harpoon, boat of any kind,
3510 aircraft, automobile of any kind, other motorized vehicle,
3511 chemical, explosive, electrical equipment, scuba or other
3512 subaquatic gear, or other instrument, device, or apparatus of
3513 any kind or description used in violation of any provision of
3514 paragraph (d) may be forfeited upon conviction. The foregoing
3515 provisions relating to seizure and forfeiture of vehicles,
3516 vessels, equipment, or supplies do not apply when such vehicles,

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

3517 vessels, equipment, or supplies are owned by, or titled in the
3518 name of, innocent parties; and such provisions shall not vitiate
3519 any valid lien, retain title contract, or chattel mortgage on
3520 such vehicles, vessels, equipment, or supplies if such lien,
3521 retain title contract, or chattel mortgage is property of public
3522 record at the time of the seizure.

3523 (f)1. Except for emergency rules adopted under s. 120.54,
3524 all proposed rules of the commission for which a notice of
3525 intended agency action is filed proposing to govern the speed
3526 and operation of motorboats for purposes of manatee protection
3527 shall be submitted to the counties in which the proposed rules
3528 will take effect for review by local rule review committees.

3529 2. No less than 60 days prior to filing a notice of rule
3530 development in the Florida Administrative Weekly, as provided in
3531 s. 120.54(3)(a), the commission shall notify the counties for
3532 which a rule to regulate the speed and operation of motorboats
3533 for the protection of manatees is proposed. A county so notified
3534 shall establish a rule review committee or several counties may
3535 combine rule review committees.

3536 3. The county commission of each county in which a rule to
3537 regulate the speed and operation of motorboats for the
3538 protection of manatees is proposed shall designate a rule review
3539 committee. The designated voting membership of the rule review
3540 committee must be comprised of waterway users, such as fishers,
3541 boaters, water skiers, other waterway users, as compared to the
3542 number of manatee and other environmental advocates. A county
3543 commission may designate an existing advisory group as the rule
3544 review committee. With regard to each committee, fifty percent

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3545 of the voting members shall be manatee advocates and other
 3546 environmental advocates, and fifty percent of the voting members
 3547 shall be waterway users.

3548 4. The county shall invite other state, federal, county,
 3549 municipal, or local agency representatives to participate as
 3550 nonvoting members of the local rule review committee.

3551 5. The county shall provide logistical and administrative
 3552 staff support to the local rule review committee and may request
 3553 technical assistance from commission staff.

3554 6. Each local rule review committee shall elect a chair
 3555 and recording secretary from among its voting members.

3556 7. Commission staff shall submit the proposed rule and
 3557 supporting data used to develop the rule to the local rule
 3558 review committees.

3559 8. The local rule review committees shall have 60 days
 3560 from the date of receipt of the proposed rule to submit a
 3561 written report to commission members and staff. The local rule
 3562 review committees may use supporting data supplied by the
 3563 commission, as well as public testimony which may be collected
 3564 by the committee, to develop the written report. The report may
 3565 contain recommended changes to proposed manatee protection zones
 3566 or speed zones, including a recommendation that no rule be
 3567 adopted, if that is the decision of the committee.

3568 9. Prior to filing a notice of proposed rulemaking in the
 3569 Florida Administrative Weekly as provided in s. 120.54(3)(a),
 3570 the commission staff shall provide a written response to the
 3571 local rule review committee reports to the appropriate counties,
 3572 to the commission members, and to the public upon request.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

3573 10. In conducting a review of the proposed manatee
3574 protection rule, the local rule review committees may address
3575 such factors as whether the best available scientific
3576 information supports the proposed rule, whether seasonal zones
3577 are warranted, and such other factors as may be necessary to
3578 balance manatee protection and public access to and use of the
3579 waters being regulated under the proposed rule.

3580 11. The written reports submitted by the local rule review
3581 committees shall contain a majority opinion. If the majority
3582 opinion is not unanimous, a minority opinion shall also be
3583 included.

3584 12. The members of the commission shall fully consider any
3585 timely submitted written report submitted by a local rule review
3586 committee prior to authorizing commission staff to move forward
3587 with proposed rulemaking and shall fully consider any timely
3588 submitted subsequent reports of the committee prior to adoption
3589 of a final rule. The written reports of the local rule review
3590 committees and the written responses of the commission staff
3591 shall be part of the rulemaking record and may be submitted as
3592 evidence regarding the committee's recommendations in any
3593 proceeding relating to a rule proposed or adopted pursuant to
3594 this subsection.

3595 13. The commission is relieved of any obligations
3596 regarding the local rule review committee process created in
3597 this paragraph if a timely noticed county commission fails to
3598 timely designate the required rule review committee.

3599 (g) In order to protect manatees or sea cows from harmful
3600 collisions with motorboats or from harassment, the Fish and

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

3601 Wildlife Conservation Commission is authorized, in addition to
 3602 all other authority, to provide a permitting agency with
 3603 comments regarding the expansion of existing, or the
 3604 construction of new, marine facilities and mooring or docking
 3605 slips, by the addition or construction of five or more powerboat
 3606 slips. The commission shall adopt rules under chapter 120
 3607 regulating the operation and speed of motorboat traffic only
 3608 where manatee sightings are frequent and the best available
 3609 scientific information, as well as other available, relevant,
 3610 and reliable information, which may include but is not limited
 3611 to, manatee surveys, observations, available studies of food
 3612 sources, and water depths, supports the conclusions that
 3613 manatees inhabit these areas on a regular basis:

3614 1. In Lee County: the entire Orange River, including the
 3615 Tice Florida Power and Light Corporation discharge canal and
 3616 adjoining waters of the Caloosahatchee River within 1 mile of
 3617 the confluence of the Orange and Caloosahatchee Rivers.

3618 2. In Brevard County: those portions of the Indian River
 3619 within three-fourths of a mile of the Orlando Utilities
 3620 Commission Delespine power plant effluent and the Florida Power
 3621 and Light Frontenac power plant effluents.

3622 3. In Indian River County: the discharge canals of the
 3623 Vero Beach Municipal Power Plant and connecting waters within
 3624 1 1/4 miles thereof.

3625 4. In St. Lucie County: the discharge of the Henry D. King
 3626 Municipal Electric Station and connecting waters within 1 mile
 3627 thereof.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3628 5. In Palm Beach County: the discharges of the Florida
 3629 Power and Light Riviera Beach power plant and connecting waters
 3630 within 11/2 miles thereof.

3631 6. In Broward County: the discharge canal of the Florida
 3632 Power and Light Port Everglades power plant and connecting
 3633 waters within 11/2 miles thereof and the discharge canal of the
 3634 Florida Power and Light Fort Lauderdale power plant and
 3635 connecting waters within 2 miles thereof. For purposes of
 3636 ensuring the physical safety of boaters in a sometimes turbulent
 3637 area, the area from the easternmost edge of the authorized
 3638 navigation project of the intracoastal waterway east through the
 3639 Port Everglades Inlet is excluded from this regulatory zone.

3640 7. In Citrus County: headwaters of the Crystal River,
 3641 commonly referred to as King's Bay, and the Homosassa River.

3642 8. In Volusia County: Blue Springs Run and connecting
 3643 waters of the St. Johns River within 1 mile of the confluence of
 3644 Blue Springs and the St. Johns River; and Thompson Creek,
 3645 Strickland Creek, Dodson Creek, and the Tomoka River.

3646 9. In Hillsborough County: that portion of the Alafia
 3647 River from the main shipping channel in Tampa Bay to U.S.
 3648 Highway 41.

3649 10. In Sarasota County: the Venice Inlet and connecting
 3650 waters within 1 mile thereof, including Lyons Bay, Donna Bay,
 3651 Roberts Bay, and Hatchett Creek, excluding the waters of the
 3652 intracoastal waterway and the right-of-way bordering the
 3653 centerline of the intracoastal waterway.

3654 11. In Collier County: within the Port of Islands, within
 3655 section 9, township 52 south, range 28 east, and certain

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3656 | unsurveyed lands, all east-west canals and the north-south
 3657 | canals to the southerly extent of the intersecting east-west
 3658 | canals which lie southerly of the centerline of U.S. Highway 41.

3659 | 12. In Manatee County: that portion of the Manatee River
 3660 | east of the west line of section 17, range 19 east, township 34
 3661 | south; the Braden River south of the north line and east of the
 3662 | west line of section 29, range 18 east, township 34 south; Terra
 3663 | Ceia Bay and River, east of the west line of sections 26 and 35
 3664 | of range 17 east, township 33 south, and east of the west line
 3665 | of section 2, range 17 east, township 34 south; and Bishop
 3666 | Harbor east of the west line of section 13, range 17 east,
 3667 | township 33 south.

3668 | 13. In Miami-Dade County: those portions of Black Creek
 3669 | lying south and east of the water control dam, including all
 3670 | boat basins and connecting canals within 1 mile of the dam.

3671 | (h) The Fish and Wildlife Conservation Commission shall
 3672 | adopt rules pursuant to chapter 120 regulating the operation and
 3673 | speed of motorboat traffic only where manatee sightings are
 3674 | frequent and the best available scientific information, as well
 3675 | as other available, relevant, and reliable information, which
 3676 | may include but is not limited to, manatee surveys,
 3677 | observations, available studies of food sources, and water
 3678 | depths, supports the conclusion that manatees inhabit these
 3679 | areas on a regular basis within that portion of the Indian River
 3680 | between the St. Lucie Inlet in Martin County and the Jupiter
 3681 | Inlet in Palm Beach County and within the Loxahatchee River in
 3682 | Palm Beach and Martin Counties, including the north and
 3683 | southwest forks thereof.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

3684 (i) The commission shall adopt rules pursuant to chapter
3685 120 regulating the operation and speed of motorboat traffic only
3686 where manatee sightings are frequent and the best available
3687 scientific information, as well as other available, relevant,
3688 and reliable information, which may include but is not limited
3689 to, manatee surveys, observations, available studies of food
3690 sources, and water depths, supports the conclusion that manatees
3691 inhabit these areas on a regular basis within the Withlacoochee
3692 River and its tributaries in Citrus and Levy Counties. The
3693 specific areas to be regulated include the Withlacoochee River
3694 and the U.S. 19 bridge westward to a line between U.S. Coast
3695 Guard markers number 33 and number 34 at the mouth of the river,
3696 including all side channels and coves along that portion of the
3697 river; Bennets' Creek from its beginning to its confluence with
3698 the Withlacoochee River; Bird's Creek from its beginning to its
3699 confluence with the Withlacoochee River; and the two dredged
3700 canal systems on the north side of the Withlacoochee River
3701 southwest of Yankeetown.

3702 (j) If any new power plant is constructed or other source
3703 of warm water discharge is discovered within the state which
3704 attracts a concentration of manatees or sea cows, the commission
3705 is directed to adopt rules pursuant to chapter 120 regulating
3706 the operation and speed of motorboat traffic within the area of
3707 such discharge. Such rules shall designate a zone which is
3708 sufficient in size, and which shall remain in effect for a
3709 sufficient period of time, to protect the manatees or sea cows.

3710 (k) It is the intent of the Legislature to allow the Fish
3711 and Wildlife Conservation Commission to post and regulate boat

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3712 speeds only where the best available scientific information, as
 3713 well as other available, relevant, and reliable information,
 3714 which may include but is not limited to, manatee surveys,
 3715 observations, available studies of food sources, and water
 3716 depth, supports the conclusion that manatees inhabit these areas
 3717 on a periodic basis. It is not the intent of the Legislature to
 3718 permit the commission to post and regulate boat speeds generally
 3719 throughout the waters of the state, thereby unduly interfering
 3720 with the rights of fishers, boaters, and water skiers using the
 3721 areas for recreational and commercial purposes. The Legislature
 3722 further intends that the commission may identify and designate
 3723 limited lanes or corridors providing for reasonable motorboat
 3724 speeds within waters of the state whenever such lanes and
 3725 corridors are consistent with manatee protection.

3726 (1) The commission shall adopt rules pursuant to chapter
 3727 120 regulating the operation and speed of motorboat traffic all
 3728 year around within Turkey Creek and its tributaries and within
 3729 Manatee Cove in Brevard County. The specific areas to be
 3730 regulated consist of:

3731 1. A body of water which starts at Melbourne-Tillman
 3732 Drainage District structure MS-1, section 35, township 28 south,
 3733 range 37 east, running east to include all natural waters and
 3734 tributaries of Turkey Creek, section 26, township 28 south,
 3735 range 37 east, to the confluence of Turkey Creek and the Indian
 3736 River, section 24, township 28 south, range 37 east, including
 3737 all lagoon waters of the Indian River bordered on the west by
 3738 Palm Bay Point, the north by Castaway Point, the east by the
 3739 four immediate spoil islands, and the south by Cape Malabar,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3740 | thence northward along the shoreline of the Indian River to Palm
 3741 | Bay Point.

3742 | 2. A triangle-shaped body of water forming a cove
 3743 | (commonly referred to as Manatee Cove) on the east side of the
 3744 | Banana River, with northern boundaries beginning and running
 3745 | parallel to the east-west cement bulkhead located 870 feet south
 3746 | of SR 520 Relief Bridge in Cocoa Beach and with western
 3747 | boundaries running in line with the City of Cocoa Beach channel
 3748 | markers 121 and 127 and all waters east of these boundaries in
 3749 | section 34, township 24 south, range 37 east; the center
 3750 | coordinates of this cove are 28°20'14" north, 80°35'17" west.

3751 | (m) The commission shall promulgate regulations pursuant
 3752 | to chapter 120 relating to the operation and speed of motor boat
 3753 | traffic in port waters with due regard to the safety
 3754 | requirements of such traffic and the navigational hazards
 3755 | related to the movement of commercial vessels.

3756 | (n) The commission may designate by rule adopted pursuant
 3757 | to chapter 120 other portions of state waters where manatees are
 3758 | frequently sighted and the best available scientific
 3759 | information, as well as other available, relevant, and reliable
 3760 | information, which may include but is not limited to, manatee
 3761 | surveys, observations, available studies of food sources, and
 3762 | water depths, supports the conclusion that manatees inhabit such
 3763 | waters periodically. Upon designation of such waters, the
 3764 | commission shall adopt rules pursuant to chapter 120 to regulate
 3765 | motorboat speed and operation which are necessary to protect
 3766 | manatees from harmful collisions with motorboats and from
 3767 | harassment. The commission may adopt rules pursuant to chapter

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3768 120 to protect manatee habitat, such as seagrass beds, within
 3769 such waters from destruction by boats or other human activity.
 3770 Such rules shall not protect noxious aquatic plants subject to
 3771 control under s. 369.20.

3772 (o) The commission may designate, by rule adopted pursuant
 3773 to chapter 120, limited areas as a safe haven for manatees to
 3774 rest, feed, reproduce, give birth, or nurse undisturbed by human
 3775 activity. Access by motor boat to private residences, boat
 3776 houses, and boat docks through these areas by residents, and
 3777 their authorized guests, who must cross one of these areas to
 3778 have water access to their property is permitted when the
 3779 motorboat is operated at idle speed, no wake.

3780 (p) Except in the marked navigation channel of the Florida
 3781 Intracoastal Waterway as defined in s. 327.02 and the area
 3782 within 100 feet of such channel, a local government may
 3783 regulate, by ordinance, motorboat speed and operation on waters
 3784 within its jurisdiction where the best available scientific
 3785 information, as well as other available, relevant, and reliable
 3786 information, which may include but is not limited to, manatee
 3787 surveys, observations, available studies of food sources, and
 3788 water depths, supports the conclusion that manatees inhabit
 3789 these areas on a regular basis. However, such an ordinance may
 3790 not take effect until it has been reviewed and approved by the
 3791 commission. If the commission and a local government disagree on
 3792 the provisions of an ordinance, a local manatee protection
 3793 committee must be formed to review the technical data of the
 3794 commission and the United States Fish and Wildlife Service, and

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

- 3795 to resolve conflicts regarding the ordinance. The manatee
 3796 protection committee must be comprised of:
- 3797 1. A representative of the commission;
 - 3798 2. A representative of the county;
 - 3799 3. A representative of the United States Fish and Wildlife
 3800 Service;
 - 3801 4. A representative of a local marine-related business;
 - 3802 5. A representative of the Save the Manatee Club;
 - 3803 6. A local fisher;
 - 3804 7. An affected property owner; and
 - 3805 8. A representative of the Florida Marine Patrol.

3806
 3807 If local and state regulations are established for the same
 3808 area, the more restrictive regulation shall prevail.

3809 (q) The commission shall evaluate the need for use of
 3810 fenders to prevent crushing of manatees between vessels (100' or
 3811 larger) and bulkheads or wharves in counties where manatees have
 3812 been crushed by such vessels. For areas in counties where
 3813 evidence indicates that manatees have been crushed between
 3814 vessels and bulkheads or wharves, the commission shall:

- 3815 1. Adopt rules pursuant to chapter 120 requiring use of
 3816 fenders for construction of future bulkheads or wharves; and
- 3817 2. Implement a plan and time schedule to require
 3818 retrofitting of existing bulkheads or wharves consistent with
 3819 port bulkhead or wharf repair or replacement schedules.

3820
 3821 The fenders shall provide sufficient standoff from the bulkhead
 3822 or wharf under maximum operational compression to ensure that

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3823 manatees cannot be crushed between the vessel and the bulkhead
 3824 or wharf.

3825 (r) Any violation of a restricted area established by this
 3826 subsection, or established by rule pursuant to chapter 120 or
 3827 ordinance pursuant to this subsection, shall be considered a
 3828 violation of the boating laws of this state and shall be charged
 3829 on a uniform boating citation as provided in s. 327.74, except
 3830 as otherwise provided in paragraph (s). Any person who refuses
 3831 to post a bond or accept and sign a uniform boating citation
 3832 shall, as provided in s. 327.73(3), be guilty of a misdemeanor
 3833 of the second degree, punishable as provided in s. 775.082 or s.
 3834 775.083.

3835 (s) Except as otherwise provided in this paragraph, any
 3836 person violating the provisions of this subsection or any rule
 3837 or ordinance adopted pursuant to this subsection commits a
 3838 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)
 3839 ~~370.021(1)(a) or (b)~~.

3840 1. Any person operating a vessel in excess of a posted
 3841 speed limit shall be guilty of a civil infraction, punishable as
 3842 provided in s. 327.73, except as provided in subparagraph 2.

3843 2. This paragraph does not apply to persons violating
 3844 restrictions governing "No Entry" zones or "Motorboat
 3845 Prohibited" zones, who, if convicted, shall be guilty of a
 3846 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)
 3847 ~~370.021(1)(a) or (b)~~, or, if such violation demonstrates blatant
 3848 or willful action, may be found guilty of harassment as
 3849 described in paragraph (d).

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3850 3. A person may engage in any activity otherwise
 3851 prohibited by this subsection or any rule or ordinance adopted
 3852 pursuant to this subsection if the activity is reasonably
 3853 necessary in order to prevent the loss of human life or a vessel
 3854 in distress due to weather conditions or other reasonably
 3855 unforeseen circumstances, or in order to render emergency
 3856 assistance to persons or a vessel in distress.

3857 (t)1. In order to protect manatees and manatee habitat,
 3858 the counties identified in the Governor and Cabinet's October
 3859 1989 Policy Directive shall develop manatee protection plans
 3860 consistent with commission criteria based upon "Schedule K" of
 3861 the directive, and shall submit such protection plans for review
 3862 and approval by the commission. Any manatee protection plans not
 3863 submitted by July 1, 2004, and any plans not subsequently
 3864 approved by the commission shall be addressed pursuant to
 3865 subparagraph 2.

3866 2. No later than January 1, 2005, the Fish and Wildlife
 3867 Conservation Commission shall designate any county it has
 3868 identified as a substantial risk county for manatee mortality as
 3869 a county that must complete a manatee protection plan by July 1,
 3870 2006. The commission is authorized to adopt rules pursuant to s.
 3871 120.54 for identifying substantial risk counties and
 3872 establishing criteria for approval of manatee protection plans
 3873 for counties so identified. Manatee protection plans shall
 3874 include the following elements at a minimum: education about
 3875 manatees and manatee habitat; boater education; an assessment of
 3876 the need for new or revised manatee protection speed zones;
 3877 local law enforcement; and a boat facility siting plan to

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

3878 address expansion of existing and the development of new
 3879 marinas, boat ramps, and other multislip boating facilities.

3880 3. Counties required to adopt manatee protection plans
 3881 under this paragraph shall incorporate the boating facility
 3882 siting element of those protection plans within their respective
 3883 comprehensive plans.

3884 4. Counties that have already adopted approved manatee
 3885 protection plans, or that adopt subsequently approved manatee
 3886 protection plans by the effective date of this act, are in
 3887 compliance with the provisions of this paragraph so long as they
 3888 incorporate their approved boat facility siting plan into the
 3889 appropriate element of their local comprehensive plan no later
 3890 than July 1, 2003.

3891 (u)1. Existing state manatee protection rules shall be
 3892 given great weight in determining whether additional rules are
 3893 necessary in a region where the measurable goals developed
 3894 pursuant to s. 379.2291 ~~372.072~~ have been achieved. However, the
 3895 commission may amend existing rules or adopt new rules to
 3896 address risks or circumstances in a particular area or waterbody
 3897 to protect manatees.

3898 2. As used in this paragraph, the term "region" means one
 3899 of the four geographic areas defined by the United States Fish
 3900 and Wildlife Service in the Florida Manatee Recovery Plan, 3rd
 3901 revision (October 30, 2001).

3902 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It is
 3903 unlawful to catch, attempt to catch, molest, injure, kill, or
 3904 annoy, or otherwise interfere with the normal activity and well-

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3905 | being of, mammalian dolphins (porpoises), except as may be
 3906 | authorized by a federal permit.

3907 | (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

3908 | (a) Each fiscal year the Save the Manatee Trust Fund shall
 3909 | be available to fund an impartial scientific benchmark census of
 3910 | the manatee population in the state. Weather permitting, the
 3911 | study shall be conducted annually by the Fish and Wildlife
 3912 | Conservation Commission and the results shall be made available
 3913 | to the President of the Senate, the Speaker of the House of
 3914 | Representatives, and the Governor and Cabinet for use in the
 3915 | evaluation and development of manatee protection measures. In
 3916 | addition, the Save the Manatee Trust Fund shall be available for
 3917 | annual funding of activities of public and private organizations
 3918 | and those of the commission intended to provide manatee and
 3919 | marine mammal protection and recovery effort; manufacture and
 3920 | erection of informational and regulatory signs; production,
 3921 | publication, and distribution of educational materials;
 3922 | participation in manatee and marine mammal research programs,
 3923 | including carcass salvage and other programs; programs intended
 3924 | to assist the recovery of the manatee as an endangered species,
 3925 | assist the recovery of the endangered or threatened marine
 3926 | mammals, and prevent the endangerment of other species of marine
 3927 | mammals; and other similar programs intended to protect and
 3928 | enhance the recovery of the manatee and other species of marine
 3929 | mammals.

3930 | (b) By December 1 each year, the Fish and Wildlife
 3931 | Conservation Commission shall provide the President of the
 3932 | Senate and the Speaker of the House of Representatives a written

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3933 | report, enumerating the amounts and purposes for which all
 3934 | proceeds in the Save the Manatee Trust Fund for the previous
 3935 | fiscal year are expended, in a manner consistent with those
 3936 | recovery tasks enumerated within the manatee recovery plan as
 3937 | required by the Endangered Species Act.

3938 | (c) When the federal and state governments remove the
 3939 | manatee from status as an endangered or threatened species, the
 3940 | annual allocation may be reduced.

3941 | (d) Up to 10 percent of the annual use fee deposited in
 3942 | the Save the Manatee Trust Fund from the sale of the manatee
 3943 | license plate authorized in s. 320.08058 may be used to promote
 3944 | and market the license plate issued by the Department of Highway
 3945 | Safety and Motor Vehicles after June 30, 2007.

3946 | ~~(e) During the 2007-2008 fiscal year, the annual use fee~~
 3947 | ~~deposited into the Save the Manatee Trust Fund from the sale of~~
 3948 | ~~the manatee license plate authorized in s. 320.08058 may be used~~
 3949 | ~~by the commission to buy back any manatee license plates not~~
 3950 | ~~issued by the Department of Highway Safety and Motor Vehicles.~~
 3951 | ~~This paragraph expires July 1, 2008.~~

3952 | Section 74. Section 370.1201, Florida Statutes, is
 3953 | renumbered as section, 379.2432, Florida Statutes, to read:

3954 | 379.2432 ~~370.1201~~ Manatee protection; intent; conduct of
 3955 | studies; initiatives and plans.--It is the intent of the
 3956 | Legislature that the commission request the necessary funding
 3957 | and staffing through a general revenue budget request to ensure
 3958 | that manatees receive the maximum protection possible. The
 3959 | Legislature recognizes that strong manatee protection depends
 3960 | upon consistently achieving a high degree of compliance with

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

3961 existing and future rules. The commission shall conduct
 3962 standardized studies to determine levels of public compliance
 3963 with manatee protection rules, and shall use the results of the
 3964 studies, together with other relevant information, to develop
 3965 and implement strategic law enforcement initiatives and boater
 3966 education plans. Drawing upon information obtained from the
 3967 compliance studies and the implementation of enforcement
 3968 initiatives together with boater education plans, the commission
 3969 shall identify any impediments in consistently achieving high
 3970 levels of compliance, and adjust their enforcement and boater
 3971 education efforts accordingly.

3972 Section 75. Section 370.1202, Florida Statutes, is
 3973 renumbered as section 379.2433, Florida Statutes, to read:

3974 379.2433 ~~370.1202~~ Enhanced manatee protection study.--

3975 (1) The Fish and Wildlife Conservation Commission shall
 3976 implement and administer an enhanced manatee protection study
 3977 designed to increase knowledge of the factors that determine the
 3978 size and distribution of the manatee population in the waters of
 3979 the state. The enhanced study shall be used by the commission in
 3980 its mission to provide manatees with the maximum protection
 3981 possible, while also allowing maximum recreational use of the
 3982 state's waterways. The goal of the enhanced study is to collect
 3983 data that will enable resource managers and state and local
 3984 policymakers, in consultation with the public, to develop and
 3985 implement sound science-based policies to improve manatee
 3986 habitat, establish manatee protection zones, and maximize the
 3987 size of safe boating areas for recreational use of state waters
 3988 without endangering the manatee population.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

3989 (2) (a) As part of the enhanced manatee protection study,
3990 the Legislature intends that the commission shall contract with
3991 Mote Marine Laboratory to conduct a manatee habitat and
3992 submerged aquatic vegetation assessment that specifically
3993 considers:

3994 1. Manatee populations that congregate in the warm water
3995 discharge sites at power plants in the state and the potential
3996 risks for disease resulting from increased congregation of
3997 manatees at these sites;

3998 2. Development of research, monitoring, and submerged
3999 aquatic vegetation restoration priorities for manatee habitat in
4000 and near the warm water discharge sites at power plants in the
4001 state; and

4002 3. The potential impacts on manatees and manatee habitat
4003 if power plants that provide warm water discharge sites where
4004 manatees congregate are closed, including how closure will
4005 affect the size and health of submerged aquatic vegetation
4006 areas.

4007 (b) The Mote Marine Laboratory must submit an interim
4008 report on the manatee habitat and submerged aquatic vegetation
4009 assessment to the Governor, the Legislature, and the commission
4010 by September 1, 2006. The interim report must detail the
4011 progress of the assessment. The final report, due to the
4012 Governor, the Legislature, and the commission by January 1,
4013 2007, must detail the results of the assessment and include
4014 recommendations for protection of manatee habitat in warm water
4015 discharge sites at power plants in the state.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

4016 (c) The commission shall ensure that funds allocated to
4017 implement the manatee habitat and submerged aquatic vegetation
4018 assessment are expended in a manner that is consistent with the
4019 requirements of this subsection. The commission may require an
4020 annual audit of the expenditures made by Mote Marine Laboratory.
4021 Copies of any audit requested under this subsection must be
4022 provided to the appropriate substantive and appropriations
4023 committees of the Senate and the House of Representatives as
4024 they become available.

4025 (3) As part of the enhanced manatee protection study, the
4026 Legislature intends that the commission must conduct a signage
4027 and boat speed assessment to evaluate the effectiveness of
4028 manatee protection signs and sign placement and to assess boat
4029 speeds. The commission shall evaluate existing data on manatee
4030 mortality before and after existing manatee protection zones
4031 were established, boater compliance and comprehension of
4032 regulatory signs and buoys, changes in boating traffic patterns,
4033 and manatee distribution and behavior. The commission shall also
4034 provide recommendations on innovative marker designs that are in
4035 compliance with the federal aids to navigation system. The
4036 signage and boat speed assessment must address:

4037 (a) The effectiveness of signs and buoys to warn boaters
4038 of manatee slow-speed zones, with a goal of developing federally
4039 approved standards for marking manatee protection zones;

4040 (b) A determination of where buoys may be used in place of
4041 pilings for boating safety purposes; and

4042 (c) An evaluation of higher speed travel corridors in
4043 manatee zones to determine the most effective speed to balance

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4044 safe boating, recreational use, vessel operating
 4045 characteristics, and manatee protection.

4046
 4047 The commission shall complete its signage and boat speed
 4048 assessment by January 1, 2007, and must submit a report of its
 4049 findings to the Governor, the President of the Senate, and the
 4050 Speaker of the House of Representatives by February 1, 2007. The
 4051 report must detail the results of the assessment and identify
 4052 specific recommendations for developing state and local policies
 4053 relating to the appropriate placement of signs, including
 4054 innovative markers, in manatee slow-speed zones.

4055 (4) The commission is authorized to develop and implement
 4056 the use of genetic tagging to improve its ability to assess the
 4057 status and health of the manatee population, including the
 4058 health and reproductive capacity of manatees, estimating annual
 4059 survival rates through mark recapture studies, determining
 4060 migration patterns, and determining maternity and paternity. The
 4061 development and use of genetic tagging may be done in
 4062 cooperation with federal agencies or other entities, such as
 4063 genetic laboratories at schools within the State University
 4064 System.

4065 Section 76. Section 370.10, Florida Statutes, is
 4066 renumbered as section 379.244, Florida Statutes, to read:

4067 379.244 ~~370.10~~ Crustacea, marine animals, fish;
 4068 regulations; general provisions.--

4069 (1) OWNERSHIP OF FISH, SPONGES, ETC.--All fish, shellfish,
 4070 sponges, oysters, clams, and crustacea found within the rivers,
 4071 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4072 and other bodies of water within the jurisdiction of the state,
 4073 and within the Gulf of Mexico and the Atlantic Ocean within the
 4074 jurisdiction of the state, excluding all privately owned
 4075 enclosed fish ponds not exceeding 150 acres, are the property of
 4076 the state and may be taken and used by its citizens and persons
 4077 not citizens, subject to the reservations and restrictions
 4078 imposed by these statutes. No water bottoms owned by the state
 4079 shall ever be sold, transferred, dedicated, or otherwise
 4080 conveyed without reserving in the people the absolute right to
 4081 fish thereon, except as otherwise provided in these statutes.

4082 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
 4083 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION
 4084 PURPOSES.--Notwithstanding any other provisions of general or
 4085 special law to the contrary, the Fish and Wildlife Conservation
 4086 Commission may authorize, upon such terms, conditions, and
 4087 restrictions as it may prescribe by rule, any properly
 4088 accredited person to harvest or possess indigenous or
 4089 nonindigenous saltwater species for experimental, scientific,
 4090 education, and exhibition purposes or to harvest or possess
 4091 reasonable quantities of aquacultural species for brood stock.
 4092 Such authorizations may allow collection of specimens without
 4093 regard to, and not limited to, size, seasonal closure,
 4094 collection method, reproductive state, or bag limit.
 4095 Authorizations issued under the provisions of this section may
 4096 be suspended or revoked by the Fish and Wildlife Conservation
 4097 Commission if it finds that the person has violated this
 4098 section, Fish and Wildlife Conservation Commission rules or
 4099 orders, or terms or conditions of the authorization or has

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4100 submitted false or inaccurate information in his or her
 4101 application.

4102 Section 77. Section 370.1405, Florida Statutes, is
 4103 renumbered as section 379.245, Florida Statutes, and amended to
 4104 read:

4105 379.245 ~~370.1405~~ Spiny lobster reports by dealers during
 4106 closed season required.--

4107 (1) Within 3 days after the commencement of the closed
 4108 season for the taking of spiny lobster, each and every seafood
 4109 dealer, either retail or wholesale, intending to possess whole
 4110 spiny lobster, spiny lobster tails, or spiny lobster meat during
 4111 closed season shall submit to the Fish and Wildlife Conservation
 4112 Commission, on forms provided by the commission, a sworn report
 4113 of the quantity, in pounds, of whole spiny lobster, spiny
 4114 lobster tails, and spiny lobster meat in the dealer's name or
 4115 possession as of the date the season closed. This report shall
 4116 state the location and number of pounds of whole spiny lobster,
 4117 spiny lobster tails, and spiny lobster meat. The commission
 4118 shall not accept any reports not delivered or postmarked by
 4119 midnight of the 3rd calendar day after the commencement of the
 4120 closed season, and any stocks of spiny lobster reported therein
 4121 are declared a nuisance and may be seized by the commission.

4122 (2) Failure to submit a report as described in subsection
 4123 (1) or reporting a greater or lesser amount of whole spiny
 4124 lobster, spiny lobster tails, or spiny lobster meat than is
 4125 actually in the dealer's possession or name is a major violation
 4126 of this chapter, punishable as provided in s. 379.407(1),
 4127 379.414 ~~370.021(1)~~, ~~s. 370.07(6)(b)~~, or both. The commission

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

4128 shall seize the entire supply of unreported or falsely reported
4129 whole spiny lobster, spiny lobster tails, or spiny lobster meat,
4130 and shall carry the same before the court for disposal. The
4131 dealer shall post a cash bond in the amount of the fair value of
4132 the entire quantity of unreported or falsely reported spiny
4133 lobster as determined by the judge. After posting the cash bond,
4134 the dealer shall have 24 hours to transport said products
4135 outside the limits of Florida for sale as provided by s. 379.337
4136 ~~370.061~~. Otherwise, the product shall be declared a nuisance and
4137 disposed of by the commission according to law.

4138 (3) All dealers having reported stocks of spiny lobster
4139 may sell or offer to sell such stocks of spiny lobster; however,
4140 such dealers shall submit an additional report on the last day
4141 of each month during the duration of the closed season. Reports
4142 shall be made on forms supplied by the commission. Each dealer
4143 shall state on this report the number of pounds brought forward
4144 from the previous report period, the number of pounds sold
4145 during the report period, the number of pounds, if any, acquired
4146 from a licensed wholesale dealer during the report period, and
4147 the number of pounds remaining on hand. In every case, the
4148 amount of spiny lobster sold plus the amount reported on hand
4149 shall equal the amount acquired plus the amount reported
4150 remaining on hand in the last submitted report. Copies of
4151 records or invoices documenting the number of pounds acquired
4152 during the closed season must be maintained by the wholesale or
4153 retail dealer and shall be kept available for inspection by the
4154 commission for a period not less than 3 years from the date of
4155 the recorded transaction. Reports postmarked later than midnight

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4156 on the 3rd calendar day of each month during the duration of the
 4157 closed season will not be accepted by the commission. Dealers
 4158 for which late supplementary reports are not accepted by the
 4159 commission must show just cause why their entire stock of whole
 4160 spiny lobster, spiny lobster tails, or spiny lobster meat should
 4161 not be seized by the commission. Whenever a dealer fails to
 4162 timely submit the monthly supplementary report as described in
 4163 this subsection, the dealer may be subject to the following
 4164 civil penalties:

4165 (a) For a first violation, the commission shall assess a
 4166 civil penalty of \$500.

4167 (b) For a second violation within the same spiny lobster
 4168 closed season, the commission shall assess a civil penalty of
 4169 \$1,000.

4170 (c) For a third violation within the same spiny lobster
 4171 closed season, the commission shall assess a civil penalty of
 4172 \$2,500 and may seize said dealer's entire stock of whole spiny
 4173 lobster, spiny lobster tails, or spiny lobster meat and carry
 4174 the same before the court for disposal. The dealer shall post a
 4175 cash bond in the amount of the fair value of the entire
 4176 remaining quantity of spiny lobster as determined by the judge.
 4177 After posting the cash bond, a dealer shall have 24 hours to
 4178 transport said products outside the limits of Florida for sale
 4179 as provided by s. 379.337 ~~370.061~~. Otherwise, the product shall
 4180 be declared a nuisance and disposed of by the commission
 4181 according to law.

4182 (4) All seafood dealers shall at all times during the
 4183 closed season make their stocks of whole spiny lobster, spiny

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4184 lobster tails, or spiny lobster meat available for inspection by
 4185 the commission.

4186 (5) Each wholesale and retail dealer in whole spiny
 4187 lobster, spiny lobster tails, or spiny lobster meat shall keep
 4188 throughout the period of the spiny lobster closed season copies
 4189 of the bill of sale or invoice covering each transaction
 4190 involving whole spiny lobster, spiny lobster tails, or spiny
 4191 lobster meat. Such invoices and bills shall be kept available at
 4192 all times for inspection by the commission.

4193 (6) The Fish and Wildlife Conservation Commission may
 4194 adopt rules incorporating by reference such forms as are
 4195 necessary to administer this section.

4196 Section 78. Section 370.151, Florida Statutes, is
 4197 renumbered as section 379.246, Florida Statutes, and amended to
 4198 read:

4199 379.246 ~~370.151~~ Tortugas shrimp beds; gifted and loan
 4200 property penalties.--

4201 ~~(1) It is the intention of the Legislature that action~~
 4202 ~~should be taken to conserve the supply of shrimp in the large~~
 4203 ~~shrimp beds which lie in and around the coast of the Lower Keys~~
 4204 ~~of Florida and in the vicinity of the islands of Dry Tortugas in~~
 4205 ~~the Florida Keys, hereinafter referred to as the "Tortugas~~
 4206 ~~Shrimp Bed," and which furnish more than 50 percent of the~~
 4207 ~~shrimp in waters adjacent to the coast of Florida. It is further~~
 4208 ~~the sense of this Legislature that the shrimp industry is a~~
 4209 ~~valuable industry to the economy of this state and deserves~~
 4210 ~~adequate protection.~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4211 (1)~~(2)(a)~~ The Fish and Wildlife Conservation Commission is
 4212 authorized to take title in the name of the state to any vessel
 4213 or vessels suitable for use in carrying out the inspection and
 4214 patrol of the Tortugas Bed which may be offered as a gift to the
 4215 state by any person, firm, corporation, or association in the
 4216 shrimp industry for the purpose of carrying out the provisions
 4217 of this section. In the event such title is taken to such vessel
 4218 or vessels, the commission is authorized to operate and keep
 4219 said vessel or vessels in proper repair.

4220 (2)~~(b)~~ The commission is further authorized to accept the
 4221 temporary loan of any vessel or vessels, suitable for use in
 4222 carrying out the provisions of this section, for periods not
 4223 exceeding 1 year. However, the state shall not assume any
 4224 liability to the owner or owners of said vessels for any damage
 4225 done by said vessels to other vessels, persons, or property. In
 4226 the operation of said loaned vessels, upkeep and repair shall
 4227 consist only of minor repairs and routine maintenance. The owner
 4228 or owners shall carry full marine insurance coverage on said
 4229 loaned vessel or vessels for the duration of the period during
 4230 which said vessels are operated by the state.

4231 ~~(3) The owner or master of any vessel not equipped with~~
 4232 ~~live shrimp bait tanks dragging shrimp nets in the above defined~~
 4233 ~~area without a live bait shrimping license for this area is~~
 4234 ~~guilty of a violation of this section. A third or any subsequent~~
 4235 ~~violation by any person under this subsection within a 3 year~~
 4236 ~~period shall be a felony of the third degree, punishable as~~
 4237 ~~provided in ss. 775.082 and 775.083.~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4238 Section 79. Section 370.153, Florida Statutes, is
 4239 renumbered as section 379.247, Florida Statutes, and amended to
 4240 read:

4241 379.247 ~~370.153~~ Regulation of shrimp fishing; Clay, Duval,
 4242 Nassau, Putnam, Flagler, and St. Johns Counties.--

4243 (1) DEFINITIONS.--When used in this section, unless the
 4244 context clearly requires otherwise:

4245 (a) "Inland waters" means all creeks, rivers, bayous,
 4246 bays, inlets, and canals.

4247 (b) "Sample" means one or more shrimp taken from an
 4248 accurately defined part of the area defined.

4249 (c) "Series" means 10 or more samples taken within a
 4250 period of not more than 1 week, each sample being taken at a
 4251 different station within the pattern.

4252 (d) "Pattern" means 10 or more stations.

4253 (e) "Station" means a single location on the water of the
 4254 areas defined.

4255 (f) "Licensed live bait shrimp producer" means any
 4256 individual licensed by the Fish and Wildlife Conservation
 4257 Commission to employ the use of any trawl for the taking of live
 4258 bait shrimp within the inland waters of Nassau, Duval, St.
 4259 Johns, Putnam, Flagler, or Clay Counties.

4260 (g) "Licensed dead shrimp producer" means any individual
 4261 licensed by the Fish and Wildlife Conservation Commission to
 4262 employ the use of any trawl for the taking of shrimp within the
 4263 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
 4264 Clay Counties.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

4265 (2) SHRIMPING PROHIBITED.--It is unlawful to employ the
 4266 use of any trawl or other net, except a common cast net,
 4267 designed for or capable of taking shrimp, within the inland
 4268 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
 4269 Counties, except as hereinafter provided.

4270 (3) LIVE BAIT SHRIMP PRODUCTION.--

4271 (a) A live bait shrimp production license shall be issued
 4272 by the Fish and Wildlife Conservation Commission upon the
 4273 receipt of an application by a person intending to use a boat,
 4274 not to exceed 35 feet in length in Duval, St. Johns, Putnam,
 4275 Flagler, and Clay Counties and not to exceed 45 feet in length
 4276 in Nassau County, for live shrimp production within the inland
 4277 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
 4278 Counties and the payment of a fee of \$250. The annual fee of
 4279 \$250 shall be collected by the commission for the issuance of
 4280 the license during a 60-day period beginning June 1 of each
 4281 year. The design of the application and permit shall be
 4282 determined by the commission. The proceeds of the fee imposed by
 4283 this paragraph shall be used by the Fish and Wildlife
 4284 Conservation Commission for the purposes of enforcement of
 4285 marine resource laws.

4286 (b) The Executive Director of the Fish and Wildlife
 4287 Conservation Commission, or his or her designated
 4288 representative, may by order close certain areas to live bait
 4289 shrimp production when sampling procedures justify the closing
 4290 based upon sound conservation practices. The revocation of any
 4291 order to close has the effect of opening the area.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4292 (c)1. Each licensed live bait shrimp producer who stores
 4293 his or her catch for sale or sells his or her catch shall
 4294 either:

4295 a. Maintain onshore facilities which have been annually
 4296 checked and approved by the local commission office to assure
 4297 the facilities' ability to maintain the catch alive when the
 4298 live bait shrimp producer produces for his or her own facility;
 4299 or

4300 b. Sell his or her catch only to persons who have onshore
 4301 facilities that have been annually checked and approved by the
 4302 local commission office to assure the facilities' ability to
 4303 maintain the catch alive, when the producer sells his or her
 4304 catch to an onshore facility. The producer shall provide the
 4305 commission with the wholesale number of the facility to which
 4306 the shrimp have been sold and shall submit this number on a form
 4307 designed and approved by the commission.

4308 2. All persons who maintain onshore facilities as
 4309 described in this paragraph, whether the facilities are
 4310 maintained by the licensed live bait shrimp producer or by
 4311 another party who purchases shrimp from live bait shrimp
 4312 producers, shall keep records of their transactions in
 4313 conformance with the provisions of s. 379.362(6) ~~370.07(6)~~.

4314 (d) All commercial trawling in Clay, Duval, and St. Johns
 4315 Counties shall be restricted to the inland waters of the St.
 4316 Johns River proper in the area north of the Acosta Bridge in
 4317 Jacksonville and at least 100 yards from the nearest shoreline.

4318 (e) A live shrimp producer must also be a licensed
 4319 wholesale dealer. Such person shall not sell live bait shrimp

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4320 unless he or she produces a live bait shrimp production license
 4321 at the time of sale.

4322 (f) The commission shall rename the Live Bait Shrimp
 4323 Production License as the Commercial Live Shrimp Production
 4324 License.

4325 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as a
 4326 commercial dead shrimp producer provided that:

4327 (a) A dead shrimp production permit is procured from the
 4328 Fish and Wildlife Conservation Commission upon the receipt by
 4329 the commission of a properly filled out and approved application
 4330 by a person intending to use a boat, not to exceed 35 feet in
 4331 length in Duval, St. Johns, Putnam, and Clay Counties, and not
 4332 to exceed 45 feet in length in Nassau County, for dead shrimp
 4333 production within the inland waters of Nassau County and the
 4334 inland waters of the St. Johns River of Duval, Putnam, St.
 4335 Johns, Flagler, or Clay Counties, which permit shall cost \$250
 4336 and shall be required for each vessel used for dead shrimp
 4337 production. The design of the application and permit shall be
 4338 determined by the Fish and Wildlife Conservation Commission. The
 4339 proceeds of the fees imposed by this paragraph shall be
 4340 deposited into the account of the Marine Resources Conservation
 4341 Trust Fund to be used by the commission for the purpose of
 4342 enforcement of marine resource laws.

4343 (b) All commercial trawling in the St. Johns River proper
 4344 shall be restricted to the area north of the Acosta Bridge in
 4345 Jacksonville and at least 100 yards from the nearest shoreline.

4346 (c) All commercial shrimping activities shall be allowed
 4347 during daylight hours from Tuesday through Friday each week.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4348 (d) No person holding a dead shrimp production permit
 4349 issued pursuant to this subsection shall simultaneously hold a
 4350 permit for noncommercial trawling under the provisions of
 4351 subsection (5). The number of permits issued by the commission
 4352 for commercial trawling or dead shrimp production in any one
 4353 year shall be limited to those active in the base year, 1976,
 4354 and renewed annually since 1976. All permits for dead shrimp
 4355 production issued pursuant to this section shall be inheritable
 4356 or transferable to an immediate family member and annually
 4357 renewable by the holder thereof. Such inheritance or transfer
 4358 shall be valid upon being registered with the commission. Each
 4359 permit not renewed shall expire and shall not be renewed under
 4360 any circumstances.

4361 (e) It is illegal for any person to sell dead shrimp
 4362 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
 4363 St. Johns Counties, unless the seller is in possession of a dead
 4364 shrimp production license issued pursuant to this subsection.

4365 (f) It is illegal for any person to purchase shrimp for
 4366 consumption or bait from any seller (with respect to shrimp
 4367 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
 4368 St. Johns Counties (St. Johns River)) who does not produce his
 4369 or her dead shrimp production license prior to the sale of the
 4370 shrimp.

4371 (g) In addition to any other penalties provided for in
 4372 this section, any person who violates the provisions of this
 4373 subsection shall have his or her license revoked by the
 4374 commission.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4375 (h) The commission shall rename the Dead Shrimp Production
 4376 License as the Commercial Food Shrimp Production License.

4377 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling is
 4378 authorized by the Fish and Wildlife Conservation Commission, any
 4379 person may trawl for shrimp in the St. Johns River for his or
 4380 her own use as food under the following conditions:

4381 (a) Each person who desires to trawl for shrimp for use as
 4382 food shall obtain a noncommercial trawling permit from the local
 4383 office of the Fish and Wildlife Conservation Commission upon
 4384 filling out an application on a form prescribed by the
 4385 commission and upon paying a fee for the permit, which shall
 4386 cost \$50.

4387 (b) All trawling shall be restricted to the confines of
 4388 the St. Johns River proper in the area north of the Acosta
 4389 Bridge in Jacksonville and at least 100 yards from the nearest
 4390 shoreline.

4391 (c) No shrimp caught by a person licensed under the
 4392 provisions of this subsection may be sold or offered for sale.

4393 (6) SAMPLING PROCEDURE.--

4394 (a) The Executive Director of the Fish and Wildlife
 4395 Conservation Commission shall have samples taken at established
 4396 stations within patterns at frequent intervals.

4397 (b) No area may be closed to live bait shrimp production
 4398 unless a series of samples has been taken and it has been
 4399 determined that the shrimp are undersized or that continued
 4400 shrimping in this area would have an adverse effect on
 4401 conservation. Standards for size may be established by rule of
 4402 the commission.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4403 (c) No area may be opened to dead shrimp production unless
 4404 a series of samples has been taken and it has been determined
 4405 that the shrimp are of legal size. Legal-sized shrimp shall be
 4406 defined as not more than 47 shrimp with heads on, or 70 shrimp
 4407 with heads off, per pound.

4408 (7) LICENSE POSSESSION.--The operator of a boat employing
 4409 the use of any trawl for shrimp production must be in possession
 4410 of a current shrimp production license issued to him or her
 4411 pursuant to the provisions of this section.

4412 (8) USE OF TRAWL; LIMITATION.--

4413 (a) The use of a trawl by either a live bait shrimp
 4414 producer or dead shrimp producer shall be limited to the
 4415 daylight hours, and the taking of dead shrimp shall not take
 4416 place on Saturdays, Sundays, or legal state holidays.

4417 (b) The use of a trawl by either a live bait shrimp
 4418 producer or dead shrimp producer within 100 yards of any
 4419 shoreline is prohibited. The Fish and Wildlife Conservation
 4420 Commission, by rule or order, may define the area or areas where
 4421 this subsection shall apply.

4422 (c)1. It is unlawful to employ the use of any trawl
 4423 designed for, or capable of, taking shrimp within 1/4 mile of
 4424 any natural or manmade inlet in Duval County or St. Johns
 4425 County.

4426 2. It is unlawful for anyone to trawl in the Trout River
 4427 west of the bridge on U.S. 17 in Duval County.

4428 (9) CREDITS.--Fees paid pursuant to paragraphs (3)(a) and
 4429 (4)(a) of this section shall be credited against the saltwater
 4430 products license fee.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4431 Section 80. Section 370.17, Florida Statutes, is
 4432 renumbered as section 379.248, Florida Statutes, and amended to
 4433 read:

4434 379.248 ~~370.17~~ Sponges; regulation.--

4435 (1) NONRESIDENT LICENSE; SPONGE FISHING.--Any nonresident
 4436 of the state, who desires to engage in the business or
 4437 occupation of sponge fishing, either for that person or any
 4438 other person, shall, before entering into said business or
 4439 occupation, procure a nonresident saltwater products license
 4440 issued in the name of an individual or to a valid boat
 4441 registration pursuant to s. 379.361 ~~370.06~~.

4442 (2) USE AND SIZE OF HOOKS.--Any person engaged in
 4443 gathering sponges by use of a hook shall use a hook 5 inches
 4444 wide for the purpose of removing sponges from the bottom, and no
 4445 hook of other dimensions may be used.

4446 (3) TAKING, POSSESSING COMMERCIAL; SIZE.--

4447 (a) No person may take, by any means or method, from the
 4448 waters of the Gulf of Mexico, the straits of this state or the
 4449 other waters within the territorial limits of this state, any
 4450 commercial sponges, measuring, when wet, less than 5 inches in
 4451 their maximum diameter.

4452 (b) To make effective the foregoing subsection it is
 4453 further provided that no person may land, cure, deliver, offer
 4454 for sale, sell, or have in his or her possession, within the
 4455 territorial limits of this state, or upon any boat, vessel, or
 4456 vehicle, other than those operated interstate by common
 4457 carriers, within the territorial limits of this state, any

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4458 commercial sponges measuring, when wet, less than 5 inches in
 4459 their maximum diameter.

4460 (c) The presence of commercial sponges within the
 4461 territorial limits of this state, or upon any boat, vessel, or
 4462 vehicle, other than those operated interstate by common
 4463 carriers, within the territorial limits of this state,
 4464 measuring, when wet, less than 5 inches in their maximum
 4465 diameter, shall be evidence that the person having such sponges
 4466 in his or her possession has violated this section.

4467 (4) POWERS OF THE COMMISSION.--The commission is
 4468 authorized and empowered to make, promulgate, and put into
 4469 effect all rules and regulations which the commission may
 4470 consider and decide to be necessary to accomplish the purpose of
 4471 this chapter for the taking and cultivation of sponges,
 4472 including the power and authority to determine and fix, in its
 4473 discretion, the seasons and period of time within which public
 4474 state grounds may be closed to the taking, possessing, buying,
 4475 selling, or transporting of sponges from the sponge cultivation
 4476 districts herein provided for and to regulate and prescribe the
 4477 means and methods to be employed in the harvesting thereof;
 4478 however, notice of all rules, regulations, and orders, and all
 4479 revisions and amendments thereto, prescribing closed seasons or
 4480 prescribing the means and methods of harvesting sponges adopted
 4481 by the commission shall be published in a newspaper of general
 4482 circulation in the conservation district affected within 10 days
 4483 from the adoption thereof, in addition to any notice required by
 4484 chapter 120.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4485 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
 4486 SERVICE.--The commission shall cooperate with the United States
 4487 Fish and Wildlife Service, under existing federal laws, rules
 4488 and regulations, and is authorized to accept donations, grants
 4489 and matching funds from said federal government under such
 4490 conditions as are reasonable and proper, for the purposes of
 4491 carrying out this chapter, and the commission is further
 4492 authorized to accept any and all donations including funds and
 4493 loan of vessels.

4494 (6) PENALTY.--Any person violating any of the foregoing
 4495 provisions shall, for the second offense, be guilty of a felony
 4496 of the third degree, punishable as provided in s. 775.082, s.
 4497 775.083, or s. 775.084, and by the confiscation of all boats,
 4498 tackle and equipment used in the commission of such violation.

4499 Section 81. Section 370.25, Florida Statutes, is
 4500 renumbered as section 379.249, Florida Statutes, to read:

4501 379.249 ~~370.25~~ Artificial reef program; grants and
 4502 financial and technical assistance to local governments.--

4503 (1) An artificial reef program is created within the
 4504 commission to enhance saltwater opportunities and to promote
 4505 proper management of fisheries resources associated with
 4506 artificial reefs for the public interest. Under the program, the
 4507 commission may provide grants and financial and technical
 4508 assistance to coastal local governments, state universities, and
 4509 nonprofit corporations qualified under s. 501(c)(3) of the
 4510 Internal Revenue Code for the siting and development of
 4511 artificial reefs as well as for monitoring and evaluating such
 4512 reefs and their recreational, economic, and biological

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4513 effectiveness. The commission is authorized to accept title, on
 4514 behalf of the state, to vessels for use in the artificial reef
 4515 program as offshore artificial reefs. The program may be funded
 4516 from state, federal, and private contributions.

4517 (2) The commission may adopt by rule procedures for
 4518 submitting an application for financial assistance and criteria
 4519 for allocating available funds.

4520 (3) The commission may adopt by rule criteria for siting,
 4521 constructing, managing, and evaluating the effectiveness of
 4522 artificial reefs placed in state or adjacent federal waters and
 4523 criteria implementing the transfer of vessel titles to the state
 4524 for use as an offshore artificial reef.

4525 (4) The commission may adopt by rule criteria for
 4526 determining the eligibility of nonprofit corporations qualified
 4527 under s. 501(c)(3) of the Internal Revenue Code to apply for and
 4528 receive funds available for artificial reef development or
 4529 evaluation. The criteria must include, but are not limited to,
 4530 the following:

4531 (a) The corporation must show proof that it is a nonprofit
 4532 corporation qualified under s. 501(c)(3) of the Internal Revenue
 4533 Code.

4534 (b) The corporation must state in its articles of
 4535 incorporation or bylaws that one of its objectives is the
 4536 development or monitoring of artificial reefs.

4537 (5) The commission's artificial reef program shall track
 4538 all artificial-reef-development activities statewide, and
 4539 maintain a computer database of these activities for the public

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4540 interest and to facilitate long-range planning and coordination
 4541 within the commission and among local governments.

4542 (6) It is unlawful for any person to:

4543 (a) Place artificial-reef-construction materials in state
 4544 waters outside zones permitted under the terms and conditions
 4545 defined in any artificial-reef permits issued by the United
 4546 States Army Corps of Engineers or by the Department of
 4547 Environmental Protection.

4548 (b) Store, possess, or transport on or across state waters
 4549 any materials reasonably suited for artificial-reef construction
 4550 and stored in a manner providing ready access for use and
 4551 placement as an artificial reef, unless a valid cargo manifest
 4552 issued by the commission or a commission-certified inspector is
 4553 onboard the transporting vessel. The manifest will serve as
 4554 authorization to use a valid permitted site or land-based
 4555 staging area, will validate that the type of artificial-reef
 4556 construction material being transported is permissible for use
 4557 at the permitted site, and will describe and quantify the
 4558 artificial-reef material being transported. The manifest will
 4559 also include the latitude and longitude coordinates of the
 4560 proposed deployment location, the valid permit number, and a
 4561 copy of the permit conditions for the permitted site. The
 4562 manifest must be available for inspection by any authorized law
 4563 enforcement officer or commission employee.

4564 (7) (a) An initial violation of subsection (6) is a
 4565 misdemeanor of the first degree, punishable as provided in s.
 4566 775.082 or s. 775.083. A subsequent violation of subsection (6)
 4567 which is committed within 12 months after a previous violation

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4568 of that subsection is a felony of the third degree, punishable
 4569 as provided in s. 775.082, s. 775.083, or s. 775.084.

4570 (b) If a violation of subsection (6) occurs, a law
 4571 enforcement officer may terminate a vessel's voyage and order
 4572 the vessel operator to return immediately to port. Failure or
 4573 refusal to comply with an order to return to port constitutes a
 4574 felony of the third degree, punishable as provided in s.
 4575 775.082, s. 775.083, or s. 775.084. The vessel operator must
 4576 immediately dispose of the materials on shore according to
 4577 applicable waste disposal laws.

4578 (c) If, at the time of the violation, the vessel that is
 4579 involved in the violation:

4580 1. Is moored at a land-based facility, the registered
 4581 owner of the vessel is responsible for the violation.

4582 2. Is underway or anchored, the captain or operator of the
 4583 vessel and the registered owner of the vessel are jointly
 4584 responsible for the violation.

4585 (d) In addition to the penalties imposed in this
 4586 subsection, the commission shall assess civil penalties of up to
 4587 \$5,000 against any person convicted of violating subsection (6)
 4588 and may seek the suspension or revocation of the vessel
 4589 registration, existing reef-construction permits, or other state
 4590 marine licenses held by the violator. For the purposes of this
 4591 section, conviction includes any judicial disposition other than
 4592 acquittal or dismissal.

4593 Section 82. Section 370.23, Florida Statutes, is
 4594 renumbered as section 379.25, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4595 379.25 ~~370.23~~ Sale of unlawfully landed product;
 4596 jurisdiction.--It is unlawful for any person to bring to port,
 4597 sell, or offer to sell any saltwater life landed in violation of
 4598 the provisions of this chapter. Any person committing such a
 4599 violation and docking his or her vessel at any port in the
 4600 state, whether or not such product was landed in the territorial
 4601 waters of the state, shall be deemed to have submitted himself
 4602 or herself to the jurisdiction of the courts of this state for
 4603 the purpose of the enforcement of the provisions of this
 4604 chapter.

4605 Section 83. Section 370.1601, Florida Statutes, is
 4606 renumbered as section 379.2511, Florida Statutes, and amended to
 4607 read:

4608 379.2511 ~~370.1601~~ Lease of state-owned water bottoms for
 4609 growing oysters and clams.--Effective July 1, 1988, persons
 4610 wishing to lease state-owned water bottoms for the purpose of
 4611 growing oysters and clams shall no longer be required to apply
 4612 under the provisions of s. 379.2525 ~~370.16~~; such leases shall be
 4613 issued pursuant to the provisions of ss. 253.67-253.75.

4614 Section 84. Section 370.161, Florida Statutes, is
 4615 renumbered as section 379.2512, Florida Statutes, to read:

4616 379.2512 ~~370.161~~ Oyster bottom land grants made pursuant
 4617 to ch. 3293.--

4618 (1) All grants previously issued by the several boards of
 4619 county commissioners under the authority of chapter 3293, 1881,
 4620 Laws of Florida, shall be subject to provisions of s. 597.010,
 4621 relating to the marking of such lands, the payment of rents, the
 4622 cultivation of such lands and the forfeiture provisions.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4623 (2) Any grantee of lands referred to in subsection (1)
 4624 shall mark such lands and begin cultivation thereof as set forth
 4625 in s. 597.010, within 90 days after the effective date of this
 4626 act. The rentals prescribed by s. 597.010, shall be payable
 4627 immediately upon the effective date of this act and in
 4628 accordance with the provisions of said section.

4629 (3) If any grantee shall fail to comply with the
 4630 provisions of this act his or her grant shall become null and
 4631 void and the lands shall return to the ownership and
 4632 jurisdiction of the state.

4633 Section 85. Section 370.027, Florida Statutes, is
 4634 renumbered as section 379.2521, Florida Statutes, and amended to
 4635 read:

4636 379.2521 ~~370.027~~ Rulemaking authority with respect to
 4637 marine life.--Marine aquaculture producers shall be regulated by
 4638 the Department of Agriculture and Consumer Services. The Fish
 4639 and Wildlife Conservation Commission shall adopt rules, by March
 4640 1, 2000, to regulate the sale of farmed red drum and spotted sea
 4641 trout. These rules shall specifically provide for the protection
 4642 of the wild resource, without restricting a certified
 4643 aquaculture producer pursuant to s. 597.004 from being able to
 4644 sell farmed fish. To that extent, these rules must only require
 4645 that farmed fish be kept separate from wild fish and be fed
 4646 commercial feed; that farmed fish be placed in sealed
 4647 containers; that these sealed containers must have the name,
 4648 address, telephone number and aquaculture certificate number,
 4649 issued pursuant to s. 597.004, of the farmer clearly and
 4650 indelibly placed on the container; and that this information

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4651 must accompany the fish to the ultimate point of sale. Marine
 4652 aquaculture products produced by a marine aquaculture producer,
 4653 certified pursuant to s. 597.004, are exempt from Fish and
 4654 Wildlife Conservation Commission resource management rules, with
 4655 the exception of such rules governing any fish of the genus
 4656 Centropomus (snook). By July 1, 2000, the Fish and Wildlife
 4657 Conservation Commission shall develop procedures to allow
 4658 persons possessing a valid aquaculture certificate of
 4659 registration to sell and transport live snook produced in
 4660 private ponds or private hatcheries as brood stock, to stock
 4661 private ponds, or for aquarium display consistent with the
 4662 provisions of rules adopted by the Department of Agriculture and
 4663 Consumer Services rule 39-23.009, Florida Administrative Code.

4664 Section 86. Section 370.1603, Florida Statutes, is
 4665 renumbered as section 379.2522, Florida Statutes, and amended to
 4666 read:

4667 379.2522 ~~370.1603~~ Oysters produced in and outside state;
 4668 labeling; tracing; rules.--

4669 (1) No wholesale or retail dealer, as defined in s.
 4670 379.362 (1) ~~370.07(1)~~, shall sell any oysters produced outside
 4671 this state unless they are labeled as such, or unless it is
 4672 otherwise reasonably made known to the purchaser that the
 4673 oysters were not produced in this state.

4674 (2) The Department of Agriculture and Consumer Services
 4675 shall promulgate rules whereby oysters produced in Florida
 4676 waters can be traced to the location from which they were
 4677 harvested. A wholesale or retail dealer may not sell any oysters

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4678 produced in this state unless they are labeled so that they may
 4679 be traced to the point of harvesting.

4680 Section 87. Section 370.26, Florida Statutes, is
 4681 renumbered as section 379.2523, Florida Statutes, and amended to
 4682 read:

4683 379.2523 ~~370.26~~ Aquaculture definitions; marine
 4684 aquaculture products, producers, and facilities.--

4685 (1) As used in this section, the term:

4686 (a) "Marine aquaculture facility" means a facility built
 4687 and operated for the purpose of producing marine aquaculture
 4688 products. Marine aquaculture facilities contain culture systems
 4689 such as, but not limited to, ponds, tanks, raceways, cages, and
 4690 bags used for commercial production, propagation, growout, or
 4691 product enhancement of marine products. Marine aquaculture
 4692 facilities specifically do not include:

4693 1. Facilities that maintain marine aquatic organisms
 4694 exclusively for the purpose of shipping, distribution,
 4695 marketing, or wholesale and retail sales;

4696 2. Facilities that maintain marine aquatic organisms for
 4697 noncommercial, education, exhibition, or scientific purposes;

4698 3. Facilities in which the activity does not require an
 4699 aquaculture certification pursuant to s. 597.004; or

4700 4. Facilities used by marine aquarium hobbyists.

4701 (b) "Marine aquaculture producer" means a person holding
 4702 an aquaculture certificate pursuant to s. 597.004 to produce
 4703 marine aquaculture products.

4704 (c) "Marine aquaculture product" means any product derived
 4705 from marine aquatic organisms that are owned and propagated,

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

4706 grown, or produced under controlled conditions by a person
 4707 holding an aquaculture certificate pursuant to s. 597.004. Such
 4708 product does not include organisms harvested from the wild for
 4709 depuration, wet storage, or relayed for the purpose of
 4710 controlled purification. Marine aquaculture products are
 4711 considered saltwater products for the purposes of this chapter,
 4712 except the holder of an aquaculture certificate is not required
 4713 to purchase and possess a saltwater products license in order to
 4714 possess, transport, or sell marine aquaculture products pursuant
 4715 to s. 379.361 ~~370.06~~. To renew an existing restricted species
 4716 endorsement, marine aquaculture producers possessing a valid
 4717 saltwater products license with a restricted species endorsement
 4718 may apply income from the sales of marine aquaculture products
 4719 to licensed wholesale dealers. Income from the sales of marine
 4720 aquaculture products shall not be eligible for the purpose of
 4721 acquiring a new restricted species endorsement. The holder of an
 4722 aquaculture certificate must purchase and possess a saltwater
 4723 products license in order to possess, transport, or sell
 4724 saltwater products not specifically provided for in s. 597.004.

4725 (2) The Department of Environmental Protection shall
 4726 encourage the development of aquaculture and the production of
 4727 aquaculture products. The department shall develop a process
 4728 consistent with this section that would consolidate permits,
 4729 general permits, and other regulatory requirements to streamline
 4730 the permitting process and result in effective regulation of
 4731 aquaculture activities. This process shall provide for a single
 4732 application and application fee for marine aquaculture
 4733 activities which are regulated by the department. Procedures to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4734 consolidate permitting actions under this section do not
 4735 constitute rules within the meaning of s. 120.52.

4736 (3) Until aquaculture general permits under s. 403.814 can
 4737 be expanded and developed, the department shall establish
 4738 criteria to temporarily permit aquaculture activities that may
 4739 be presumed not to result in adverse environmental impacts. The
 4740 criteria developed pursuant to this subsection do not constitute
 4741 rules within the meaning of s. 120.52. Permit application fees
 4742 under this subsection shall be no more than that established for
 4743 a general permit. The department may delegate to the water
 4744 management districts the regulatory authority for aquaculture
 4745 facilities subject to the temporary general permitting criteria
 4746 of this subsection. During the period prior to development of a
 4747 general permit under s. 403.814, the department shall establish
 4748 a compliance plan based on monitoring results that will assist
 4749 in the development of the general permit.

4750 (4) The department shall request that the Aquaculture
 4751 Review Council identify a working group of industry
 4752 representatives who can provide technical assistance in
 4753 developing aquaculture general permits. The industry
 4754 representatives shall come from the segment of the industry to
 4755 be affected by the specific general permit to be developed. The
 4756 working group shall be included in all phases of developing the
 4757 aquaculture general permits.

4758 (5) The department shall:

4759 (a) Coordinate with the Aquaculture Review Council, the
 4760 Aquaculture Interagency Coordinating Council, and the Department

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4761 of Agriculture and Consumer Services when developing criteria
 4762 for aquaculture general permits.

4763 (b) Permit experimental technologies to collect and
 4764 evaluate data necessary to reduce or mitigate environmental
 4765 concerns.

4766 (c) Provide technical expertise and promote the transfer
 4767 of information that would be beneficial to the development of
 4768 aquaculture.

4769 (6) The Fish and Wildlife Conservation Commission shall
 4770 encourage the development of aquaculture in the state through
 4771 the following:

4772 (a) Providing assistance in developing technologies
 4773 applicable to aquaculture activities, evaluating practicable
 4774 production alternatives, and providing management agreements to
 4775 develop innovative culture practices.

4776 (b) Facilitating aquaculture research on life histories,
 4777 stock enhancement, and alternative species, and providing
 4778 research results that would assist in the evaluation,
 4779 development, and commercial production of candidate species for
 4780 aquaculture, including:

4781 1. Providing eggs, larvae, fry, and fingerlings to
 4782 aquaculturists when excess cultured stocks are available from
 4783 the commission's facilities and the culture activities are
 4784 consistent with the commission's stock enhancement projects.
 4785 Such stocks may be obtained by reimbursing the commission for
 4786 the cost of production on a per-unit basis. Revenues resulting
 4787 from the sale of stocks shall be deposited into the trust fund
 4788 used to support the production of such stocks.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4789 2. Conducting research programs to evaluate candidate
 4790 species when funding and staff are available.

4791 3. Encouraging the private production of marine fish and
 4792 shellfish stocks for the purpose of providing such stocks for
 4793 statewide stock enhancement programs. When such stocks become
 4794 available, the commission shall reduce or eliminate duplicative
 4795 production practices that would result in direct competition
 4796 with private commercial producers.

4797 4. Developing a working group, in cooperation with the
 4798 Department of Agriculture and Consumer Services, the Aquaculture
 4799 Review Council, and the Aquaculture Interagency Coordinating
 4800 Council, to plan and facilitate the development of private
 4801 marine fish and nonfish hatcheries and to encourage
 4802 private/public partnerships to promote the production of marine
 4803 aquaculture products.

4804 (c) Coordinating with public and private research
 4805 institutions within the state to advance the aquaculture
 4806 production and sale of sturgeon as a food fish.

4807 (7) The Fish and Wildlife Conservation Commission shall
 4808 coordinate with the Aquaculture Review Council and the
 4809 Department of Agriculture and Consumer Services to establish and
 4810 implement grant programs to provide funding for projects and
 4811 programs that are identified in the state's aquaculture plan,
 4812 pending legislative appropriations. The commission and the
 4813 Department of Agriculture and Consumer Services shall establish
 4814 and implement a grant program to make grants available to
 4815 qualified nonprofit, educational, and research entities or local
 4816 governments to fund infrastructure, planning, practical and

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4817 applied research, development projects, production economic
 4818 analysis, and training and stock enhancement projects, and to
 4819 make grants available to counties, municipalities, and other
 4820 state and local entities for applied aquaculture projects that
 4821 are directed to economic development, pending legislative
 4822 appropriations.

4823 (8) The Fish and Wildlife Conservation Commission shall
 4824 provide assistance to the Department of Agriculture and Consumer
 4825 Services in the development of an aquaculture plan for the
 4826 state.

4827 Section 88. Section 370.31, Florida Statutes, is
 4828 renumbered as section 379.2524, Florida Statutes, to read:

4829 379.2524 ~~370.31~~ Commercial production of sturgeon.--

4830 (1) INTENT.--The Legislature finds and declares that there
 4831 is a need to encourage the continuation and advancement of work
 4832 being done on aquaculture sturgeon production in keeping with
 4833 the state's legislative public policy regarding aquaculture
 4834 provided in chapter 597. It also finds that it is in the state's
 4835 economic interest to promote the commercial production and stock
 4836 enhancement of sturgeon. It is therefore the intent of the
 4837 Legislature to hereby create a Sturgeon Production Working
 4838 Group.

4839 (2) CREATION.--The Sturgeon Production Working Group is
 4840 created within the Department of Agriculture and Consumer
 4841 Services and shall be composed of seven members as follows:

4842 (a) The head of the sturgeon research program or designee
 4843 from the University of Florida, Institute of Food and

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4844 Agricultural Sciences. Such member shall be appointed by the
 4845 University of Florida's Vice President for Agricultural Affairs.

4846 (b) One representative from the Department of
 4847 Environmental Protection to be appointed by the Secretary of
 4848 Environmental Protection.

4849 (c) One representative from the Fish and Wildlife
 4850 Conservation Commission to be appointed by the executive
 4851 director of the Fish and Wildlife Conservation Commission.

4852 (d) One representative from the Department of Agriculture
 4853 and Consumer Services to be appointed by the Commissioner of
 4854 Agriculture.

4855 (e) Two representatives from the aquaculture industry to
 4856 be appointed by the Aquaculture Review Council.

4857 (f) One representative from a private nonprofit
 4858 organization involved in sturgeon production work, to be
 4859 appointed by the Commissioner of Agriculture.

4860 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
 4861 shall meet at least twice a year and elect, by a quorum, a chair
 4862 and vice chair.

4863 (a) The chair of the working group shall preside at all
 4864 meetings and shall call a meeting as often as necessary to carry
 4865 out the provisions of this section.

4866 (b) The Department of Agriculture and Consumer Services
 4867 shall keep a complete record of the proceedings of each meeting,
 4868 which includes the names of the members present at each meeting
 4869 and the actions taken. The records shall be public records
 4870 pursuant to chapter 119.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4871 (c) A quorum shall consist of a majority of the group
 4872 members. Members of the group shall not receive compensation,
 4873 but shall be entitled to per diem and travel expenses, including
 4874 attendance at meetings, as allowed public officers and employees
 4875 pursuant to s. 112.061.

4876 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
 4877 Sturgeon Production Working Group is to coordinate the
 4878 implementation of a state sturgeon production management plan to
 4879 promote the commercial production and stock enhancement of
 4880 sturgeon in Florida. In carrying out this purpose, the working
 4881 group shall:

4882 (a) Establish a state sturgeon production management plan
 4883 to inform public or private interested parties of how to
 4884 aquaculturally produce sturgeon for commercial purposes and for
 4885 stock enhancement. The sturgeon production management plan
 4886 shall:

4887 1. Provide the regulatory policies for the commercial
 4888 production of sturgeon meat and roe, including a strategy for
 4889 obtaining the required permits, licenses, authorizations, or
 4890 certificates.

4891 2. Provide the management practices for culturing sturgeon
 4892 and ensure that aquacultural development does not impede the
 4893 recovery and conservation of wild sturgeon populations.

4894 3. Establish priorities for research needed to support the
 4895 commercial production of sturgeon and the recovery of native
 4896 stocks in the state.

4897 (b) Support management strategies to permit the commercial
 4898 production of native and nonnative sturgeon, including the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4899 distribution of captive-bred Gulf sturgeon to approved certified
 4900 aquaculture facilities.

4901 (c) Support the development of a cooperative sturgeon
 4902 conservation program to coordinate conservation, habitat, and
 4903 resource management programs for native sturgeon, including an
 4904 evaluation of how stock enhancement can facilitate the
 4905 conservation and recovery of native sturgeon populations.

4906 (d) Seek federal cooperation to implement the sturgeon
 4907 production management plan, including federal designation of
 4908 captive-bred sturgeon as distinct population segments to
 4909 distinguish cultivated stocks from wild native populations.

4910 (e) Develop enforcement guidelines to ensure continued
 4911 protection of wild native sturgeon populations.

4912 (f) In furtherance of the purposes and responsibilities of
 4913 the Sturgeon Production Working Group, the state shall:

- 4914 1. Establish a program to coordinate conservation and
 4915 aquaculture activities for native sturgeon.
- 4916 2. Develop a conservation plan for native sturgeon.
- 4917 3. Initiate the process to petition for delisting captive-
 4918 bred shortnose sturgeon.
- 4919 4. Initiate the process to petition for delisting captive-
 4920 bred Gulf sturgeon.

4921 (g) Establish a sturgeon broodstock committee composed of
 4922 fishery scientists, fish farmers, and agency representatives to
 4923 manage the taking of wild sturgeon for brood fish and spawning.

4924 (h) Establish the Cooperative Broodstock Development and
 4925 Husbandry Board composed of fishery scientists, fish farmers,
 4926 and agency representatives to establish standards and criteria

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4927 for the management and maintenance of captive-reared sturgeon,
 4928 to collect biological data, and to administer the Cooperative
 4929 Broodstock Development and Husbandry Program.

4930 Section 89. Section 370.16, Florida Statutes, is
 4931 renumbered as section 379.2525, Florida Statutes, and amended to
 4932 read:

4933 379.2525 ~~370.16~~ Noncultured shellfish harvesting.--

4934 (1) PROTECTION OF SHELLFISH AQUACULTURE PRODUCTS.--

4935 (a) The Fish and Wildlife Conservation Commission shall
 4936 assist in protecting shellfish aquaculture products produced on
 4937 leased or granted reefs in the hands of lessees or grantees from
 4938 the state. Harvesting shellfish is prohibited within a distance
 4939 of 25 feet outside lawfully marked lease boundaries or within
 4940 setback and access corridors within specifically designated
 4941 high-density aquaculture lease areas and aquaculture use zones.

4942 (b) The department, in cooperation with the commission,
 4943 shall provide the Legislature with recommendations as needed for
 4944 the development and the proper protection of the rights of the
 4945 state and private holders therein with respect to the oyster and
 4946 clam business.

4947 (2) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
 4948 REEFS; LICENSES, ETC., PENALTY.--

4949 (a) It is unlawful to use a dredge or any means or
 4950 implement other than hand tongs in removing oysters from the
 4951 natural or artificial state reefs. This restriction shall apply
 4952 to all areas of Apalachicola Bay for all shellfish harvesting,
 4953 excluding private grounds leased or granted by the state prior
 4954 to July 1, 1989, if the lease or grant specifically authorizes

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

4955 the use of implements other than hand tongs for harvesting.
 4956 Except in Apalachicola Bay, upon the payment of \$25 annually,
 4957 for each vessel or boat using a dredge or machinery in the
 4958 gathering of clams or mussels, a special activity license may be
 4959 issued by the Fish and Wildlife Conservation Commission pursuant
 4960 to s. 379.361 ~~370.06~~ for such use to such person.

4961 (b) The use of any mechanical harvesting device other than
 4962 ordinary hand tongs for taking shellfish for any purpose from
 4963 public shellfish beds in Apalachicola Bay shall be unlawful.

4964 (c) The possession of any mechanical harvesting device on
 4965 the waters of Apalachicola Bay from 5 p.m. until sunrise shall
 4966 be unlawful.

4967 (d) Each vessel used for the transport or deployment of a
 4968 dredge or scrape shall prominently display the lease or grant
 4969 number or numbers, in numerals which are at least 12 inches high
 4970 and 6 inches wide, in such a manner that the lease or grant
 4971 number or numbers are readily identifiable from both the air and
 4972 the water.

4973 (e) Oysters may be harvested from natural or public
 4974 grounds by common hand tongs or by hand, by scuba diving, free
 4975 diving, leaning from vessels, or wading. In the Apalachicola
 4976 Bay, this provision shall apply to all shellfish.

4977
 4978 The commission shall apply other statutes, rules, or conditions
 4979 necessary to protect the environment and natural resources from
 4980 improper transport, deployment, and operation of a dredge or
 4981 scrape. Any violation of this subsection or of any other
 4982 statutes, rules, or conditions referenced in the special

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

4983 activity license shall be considered a violation of the license
 4984 and shall result in revocation of the license and forfeiture of
 4985 the bond submitted to the commission as a prerequisite to the
 4986 issuance of this license.

4987 (3) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.--Each
 4988 packer, canner, corporation, firm, commission person, or dealer
 4989 in fish shall, on the first day of each month, make a return
 4990 under oath to the Fish and Wildlife Conservation Commission, as
 4991 to the number of oysters, clams, and shellfish purchased,
 4992 caught, or handled during the preceding month. Whoever is found
 4993 guilty of making any false affidavit to any such report is
 4994 guilty of perjury and punished as provided by law, and any
 4995 person who fails to make such report shall be punished by a fine
 4996 not exceeding \$500 or by imprisonment in the county jail not
 4997 exceeding 6 months.

4998 (4) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND
 4999 CLAM LAWS, ETC.--Vessels, with their cargoes, violating the
 5000 provisions of the laws relating to oysters and clams may be
 5001 seized by anyone duly and lawfully authorized to make arrests
 5002 under this section or by any sheriff or the sheriff's deputies,
 5003 and taken into custody, and when not arrested by the sheriff or
 5004 the sheriff's deputies, delivered to the sheriff of the county
 5005 in which the seizure is made, and shall be liable to forfeiture,
 5006 on appropriate proceedings being instituted by the Fish and
 5007 Wildlife Conservation Commission, before the courts of that
 5008 county. In such case the cargo shall at once be disposed of by
 5009 the sheriff, for account of whom it may concern. Should the
 5010 master or any of the crew of said vessel be found guilty of

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5011 using dredges or other instruments in fishing oysters on natural
 5012 reefs contrary to law, or fishing on the natural oyster or clam
 5013 reefs out of season, or unlawfully taking oysters or clams
 5014 belonging to a lessee, such vessel shall be declared forfeited
 5015 by the court, and ordered sold and the proceeds of the sale
 5016 shall be deposited with the Chief Financial Officer to the
 5017 credit of the General Revenue Fund; any person guilty of such
 5018 violations shall not be permitted to have any license provided
 5019 for in this chapter within a period of 1 year from the date of
 5020 conviction. Pending proceedings such vessel may be released upon
 5021 the owner furnishing bond, with good and solvent security in
 5022 double the value of the vessel, conditioned upon its being
 5023 returned in good condition to the sheriff to abide the judgment
 5024 of the court.

5025 (5) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging of
 5026 dead shell deposits is prohibited in the state.

5027 (6) REQUIREMENTS FOR OYSTER VESSELS.--All vessels used for
 5028 the harvesting, gathering, or transporting of noncultured
 5029 oysters for commercial use shall be constructed and maintained
 5030 to prevent contamination or deterioration of oysters. To this
 5031 end, all such vessels shall be provided with false bottoms and
 5032 bulkheads fore and aft to prevent oysters from coming in contact
 5033 with any bilge water. No dogs or other animals shall be allowed
 5034 at any time on vessels used to harvest or transport oysters. A
 5035 violation of any provision of this subsection shall result in at
 5036 least the revocation of the violator's license.

5037 Section 90. Section 370.081, Florida Statutes, is
 5038 renumbered as section 379.26, Florida Statutes, and amended to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5039 read:

5040 379.26 ~~370.081~~ Illegal importation or possession of

5041 nonindigenous marine plants and animals; rules and

5042 regulations.--

5043 (1) It is unlawful to import or possess any marine plant

5044 or marine animal, not indigenous to the state, which, due to the

5045 stimulating effect of the waters of the state on procreation,

5046 may endanger or infect the marine resources of the state or pose

5047 a human health hazard, except as provided in this section.

5048 (2) Marine animals not to be imported shall include, but

5049 are not limited to, all species of the following:

5050 (a) Sea snakes (Family Hydrophiidae), except as provided

5051 in subsection (4);

5052 (b) Weeverfishes (Family Trachinidae); and

5053 (c) Stonefishes (Genus Synanceja).

5054 (3) The Fish and Wildlife Conservation Commission is

5055 authorized to adopt, pursuant to chapter 120, rules and

5056 regulations to include any additional marine plant or marine

5057 animal which may endanger or infect the marine resources of the

5058 state or pose a human health hazard.

5059 (4) A zoological park and aquarium may import sea snakes

5060 of the family Hydrophiidae for exhibition purposes only under

5061 the following conditions:

5062 (a) Only male sea snakes may be possessed.

5063 (b) A zoological park and aquarium possessing sea snakes

5064 shall not be located in a coastal county and shall have no

5065 contiguous connection with any waters of the state.

5066 (c) Each zoological park and aquarium possessing sea

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5067 snakes shall provide quarterly reports to the department
 5068 regarding the number of each species of sea snakes on the
 5069 premises and any changes in inventory resulting from death or
 5070 additions by importation.

5071 (d) Sea snakes shall not be released into the waters of
 5072 the state.

5073 (e) Each zoological park and aquarium possessing sea
 5074 snakes shall post with the commission a \$1 million letter of
 5075 credit. The letter of credit shall be in favor of the State of
 5076 Florida, Fish and Wildlife Conservation Commission, for use by
 5077 the commission to remove any sea snake accidentally or
 5078 intentionally introduced into waters of the state. The letter of
 5079 credit shall be written in the form determined by the
 5080 commission. The letter of credit shall provide that the
 5081 zoological park and aquarium is responsible for the sea snakes
 5082 within that facility and shall be in effect at all times that
 5083 the zoological park and aquarium possesses sea snakes.

5084 (f) A zoological park and aquarium shall not barter, sell,
 5085 or trade sea snakes within this state.

5086 (g) A zoological park and aquarium that imports sea snakes
 5087 may bring the sea snakes into this state only by airplane that
 5088 may only land at an airport located in a noncoastal county
 5089 within this state.

5090 (h) A zoological park and aquarium possessing sea snakes
 5091 shall abide by all statutory and regulatory requirements of the
 5092 Fish and Wildlife Conservation Commission with respect to
 5093 venomous reptiles.

5094 (5) It is unlawful to release into the waters of the state

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5095 any nonindigenous saltwater species whether or not included in
 5096 subsection (2) or prohibited by rules and regulations adopted
 5097 pursuant to subsection (3) or authorized by subsection (4).

5098 (6) Any person who violates this section commits a Level
 5099 Three violation under s. 379.401 ~~372.83~~.

5100 Section 91. Part III of chapter 379, Florida Statutes,
 5101 consisting of section 379.28, is created to read:

5102 PART III

5103 FRESHWATER AQUATIC LIFE

5104
 5105 Section 92. Section 372.26, Florida Statutes, is
 5106 renumbered as section 379.28, Florida Statutes, and amended to
 5107 read:

5108 379.28 ~~372.26~~ Imported fish.--

5109 (1) No person shall import into the state or place in any
 5110 of the fresh waters of the state any freshwater fish of any
 5111 species without having first obtained a permit from the Fish and
 5112 Wildlife Conservation Commission. The commission is authorized
 5113 to issue or deny such a permit upon the completion of studies of
 5114 the species made by it to determine any detrimental effect the
 5115 species might have on the ecology of the state.

5116 (2) A person who violates this section commits a Level
 5117 Three violation under s. 379.401 ~~372.83~~.

5118 Section 93. Part IV of chapter 379, Florida Statutes,
 5119 consisting of sections 379.3001, 379.3002, 379.3003, 379.3004,
 5120 379.3011, 379.3012, 379.3013, 379.3014, 379.3015, 379.3016,
 5121 379.3017, 379.302, 379.303, 379.304, 379.305, 379.3061,
 5122 379.3062, and 379.3063, is created to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

PART IV

WILD ANIMAL LIFE

Section 94. 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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5151 managed by the commission, shall not result in any net loss of
 5152 habitat land acreage available for hunting opportunities on
 5153 commission-managed lands that exists on the effective date of
 5154 this act. The commission shall expeditiously find replacement
 5155 acreage for hunting to compensate for closures of any existing
 5156 hunting land. Replacement lands shall, to the greatest extent
 5157 possible, be located within the same administrative region of
 5158 the commission and shall be consistent with the hunting
 5159 discipline that the commission allowed on the closed land.

5160 (5) Any state agency or water management district that
 5161 owns or manages lands shall assist and coordinate and cooperate
 5162 with the commission to allow hunting on such lands if such lands
 5163 are determined by the commission to be suitable for hunting. To
 5164 ensure no net loss of land acreage available for hunting, state
 5165 agencies and water management districts shall cooperate with the
 5166 commission to open new, additional hunting lands to replace lost
 5167 hunting acreage. However, lands officially designated as units
 5168 within the state park system may not be considered for
 5169 replacement hunting lands and may only be opened for hunting
 5170 when necessary as a wildlife control or management tool as
 5171 determined by the Division of Recreation and Parks in the
 5172 Department of Environmental Protection.

5173 (6) By October 1 of each year, the executive director of
 5174 the commission shall submit to the Legislature a written report
 5175 describing:

5176 (a) The acreage managed by the commission that was closed
 5177 to hunting during the previous fiscal year and the reasons for
 5178 the closures.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5179 (b) The acreage managed by the commission that was opened
 5180 to hunting to compensate for closures of existing land pursuant
 5181 to subsection (4).

5182 (7) By October 1 of each year, any state agency or water
 5183 management district that owns or manages lands shall submit a
 5184 written report to the commission and the Legislature that
 5185 includes:

5186 (a) A list of properties that were open for hunting during
 5187 the previous fiscal year.

5188 (b) A list of properties that were not open for hunting
 5189 during the previous fiscal year.

5190 (c) The acreage for each property and the county where
 5191 each property is located, except for right-of-way lands and
 5192 parcels under 50 acres.

5193 Section 95. Section 372.023, Florida Statutes, is
 5194 renumbered as section 379.3002, Florida Statutes, to read:

5195 379.3002 ~~372.023~~ J. W. Corbett and Cecil M. Webb Wildlife
 5196 Management Areas.--

5197 (1) The Fish and Wildlife Conservation Commission of this
 5198 state is neither authorized nor empowered to do the following as
 5199 to the J. W. Corbett Wildlife Management Area in Palm Beach
 5200 County or the Cecil M. Webb Wildlife Management Area without the
 5201 approval of the Board of Trustees of the Internal Improvement
 5202 Trust Fund that such action is in the best interest of orderly
 5203 and economical development of said area, viz.:

5204 (a) To trade, barter, lease, or exchange lands therein for
 5205 lands of greater acreage contiguous to said wildlife management
 5206 areas.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5207 (b) To grant easements for construction and maintenance of
 5208 roads, railroads, canals, ditches, dikes, and utilities,
 5209 including but not limited to telephone, telegraph, oil, gas,
 5210 electric power, water, and sewers.

5211 (c) To convey or release all rights in and to the
 5212 phosphate, minerals, metals, and petroleum that is or may be in,
 5213 on or under any lands traded, bartered, leased, or exchanged
 5214 pursuant to paragraph (a).

5215 (2) The Board of Trustees of the Internal Improvement
 5216 Trust Fund and the State Board of Education and all and every
 5217 board, state department or state agency of the state having any
 5218 title, right and interest in or to the land including oil and
 5219 mineral rights in the lands to be traded, bartered, leased or
 5220 exchanged within the J. W. Corbett Wildlife Management Area in
 5221 Palm Beach County, is authorized and empowered to convey this
 5222 interest of whatsoever nature to the record owner.

5223 (3) Moneys received from the sale of lands within either
 5224 wildlife management area, less reasonable expenses incident to
 5225 the sale, shall be used by the Fish and Wildlife Conservation
 5226 Commission to acquire acreage contiguous to the wildlife
 5227 management area or lands of equal wildlife value. The sale shall
 5228 be made directly to the state, notwithstanding the procedures of
 5229 s. 270.08 to the contrary.

5230 Section 96. Section 372.988, Florida Statutes, is
 5231 renumbered as section 379.3003, Florida Statutes, and amended to
 5232 read:

5233 379.3003 ~~372.988~~ Required clothing for persons hunting
 5234 deer.--It is a Level One violation under s. 379.401 ~~372.83~~ for

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5235 any person to hunt deer, or for any person to accompany another
 5236 person hunting deer, during the open season for the taking of
 5237 deer on public lands unless each person shall wear a total of at
 5238 least 500 square inches of daylight fluorescent orange material
 5239 as an outer garment. Such clothing shall be worn above the
 5240 waistline and may include a head covering. The provisions of
 5241 this section shall not apply to any person hunting deer with a
 5242 bow and arrow during seasons restricted to hunting with a bow
 5243 and arrow.

5244 Section 97. Section 372.7016, Florida Statutes, is
 5245 renumbered as section 379.3004, Florida Statutes, and amended to
 5246 read:

5247 379.3004 ~~372.7016~~ Voluntary Authorized Hunter
 5248 Identification Program.--

5249 (1) There is created the "Voluntary Authorized Hunter
 5250 Identification Program" to assist landowners and law enforcement
 5251 officials in better controlling trespass and illegal or
 5252 unauthorized hunting. Landowners wishing to participate in the
 5253 program shall:

5254 (a) Annually notify the sheriff's office in the county in
 5255 which the land is situated and the respective area supervisor of
 5256 the Fish and Wildlife Conservation Commission by letter of their
 5257 desire to participate in the program, and provide a description
 5258 of their property which they wish to have in the program by
 5259 township, range, section, partial section, or other geographical
 5260 description.

5261 (b) Provide a means of identifying authorized hunters as
 5262 provided in subsection (2).

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5263 (2) Any person hunting on private land enrolled in the
 5264 Voluntary Authorized Hunter Identification Program shall have
 5265 readily available on the land at all times when hunting on the
 5266 property written authorization from the owner or his or her
 5267 authorized representative to be on the land for the purpose of
 5268 hunting. The written authorization shall be presented on demand
 5269 to any law enforcement officer, the owner, or the authorized
 5270 agent of the owner.

5271 (a) For purposes of this section, the term "hunting" means
 5272 to be engaged in or reasonably equipped to engage in the pursuit
 5273 or taking by any means of any animal described in s. 379.101
 5274 (19) or (20) ~~372.001(10) or (11)~~, and the term "written
 5275 authorization" means a card, letter, or other written instrument
 5276 which shall include, but need not be limited to, the name of the
 5277 person or entity owning the property, the name and signature of
 5278 the person granting the authorization, a description by
 5279 township, range, section, partial section, or other geographical
 5280 description of the land to which the authorization applies, and
 5281 a statement of the time period during which the authorization is
 5282 valid.

5283 (b) Failure by any person hunting on private land enrolled
 5284 in the program to present written authorization to hunt on said
 5285 land to any law enforcement officer or the owner or
 5286 representative thereof within 7 days of demand shall be prima
 5287 facie evidence of violation of s. 810.09(2)(c), punishable as
 5288 provided in s. 775.082, s. 775.083, or s. 775.084. However, such
 5289 evidence may be contradicted or rebutted by other evidence.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5290 Section 98. Section 372.6671, Florida Statutes, is
 5291 renumbered as section 379.3011, Florida Statutes, and amended to
 5292 read:

5293 379.3011 ~~372.6671~~ Alligator trapping program;
 5294 definitions.--Unless otherwise provided by a specific section or
 5295 the context otherwise requires, as used in ss. 379.3011,
 5296 379.3012, 379.3751, and 379.3752 ~~372.6671~~ ~~372.6674~~, the
 5297 following definitions shall apply:

- 5298 (1) "Alligator" means a member of the species of alligator
 5299 (Alligator mississippiensis) but does not mean its eggs.
- 5300 (2) "Alligator hatchling" means a juvenile alligator as
 5301 more specifically defined by commission rule.
- 5302 (3) "Process" or "processing" means the skinning,
 5303 butchering, or possession of alligators.

5304 Section 99. Section 372.6672, Florida Statutes, is
 5305 renumbered as section 379.3012, Florida Statutes, to read:

5306 379.3012 ~~372.6672~~ Alligator management and trapping
 5307 program implementation; commission authority.--

5308 (1) In any alligator management and trapping program that
 5309 the Fish and Wildlife Conservation Commission shall establish,
 5310 the commission shall have the authority to adopt all rules
 5311 necessary for full and complete implementation of such alligator
 5312 management and trapping program, and, in order to ensure its
 5313 lawful, safe, and efficient operation in accordance therewith,
 5314 may:

- 5315 (a) Regulate the marketing and sale of alligators, their
 5316 hides, eggs, meat, and byproducts, including the development and
 5317 maintenance of a state-sanctioned sale.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5318 (b) Regulate the handling and processing of alligators,
 5319 their eggs, hides, meat, and byproducts, for the lawful, safe,
 5320 and sanitary handling and processing of same.

5321 (c) Regulate commercial alligator farming facilities and
 5322 operations for the captive propagation and rearing of alligators
 5323 and their eggs.

5324 (d) Provide hide-grading services by two or more
 5325 individuals pursuant to state-sanctioned sales if rules are
 5326 first promulgated by the commission governing:

5327 1. All grading-related services to be provided pursuant to
 5328 this section;

5329 2. Criteria for qualifications of persons to serve as
 5330 hide-graders for grading services to be provided pursuant to
 5331 this section; and

5332 3. The certification process by which hide-graders
 5333 providing services pursuant to this section will be certified.

5334 (e) Provide sales-related services by contract pursuant to
 5335 state-sanctioned sales if rules governing such services are
 5336 first promulgated by the commission.

5337 (2) All contractors of the commission for the grading,
 5338 marketing, and sale of alligators and their hides, eggs, meat,
 5339 and byproducts shall not engage in any act constituting a
 5340 conflict of interest under part III of chapter 112.

5341 (3) The powers and duties of the commission hereunder
 5342 shall not be construed so as to supersede the regulatory
 5343 authority or lawful responsibility of the Department of
 5344 Agriculture and Consumer Services, the Department of Health, or
 5345 any local governmental entity regarding the processing or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5346 handling of food products, but shall be deemed supplemental
 5347 thereto.

5348 Section 100. Section 372.6678, Florida Statutes, is
 5349 renumbered as section 379.3013, Florida Statutes, to read:

5350 379.3013 ~~372.6678~~ Alligator study requirements.--The
 5351 commission shall conduct studies of all areas of the state which
 5352 it intends to open to alligator collection permits. The study
 5353 shall include individual wet areas, lakes, and rivers, or
 5354 reasonable numbers of wet areas, lakes, and rivers that may be
 5355 logically grouped. The studies shall determine the safe yield of
 5356 alligators for which collection permits may be issued. The
 5357 studies shall be based upon the best biological information that
 5358 indicates the number of alligators which can be removed from the
 5359 system without long-term adverse impacts on population levels.

5360 Section 101. Section 372.662, Florida Statutes, is
 5361 renumbered as section 379.3014, Florida Statutes, and amended to
 5362 read:

5363 379.3014 ~~372.662~~ Unlawful sale, possession, or
 5364 transporting of alligators or alligator skins.--Whenever the
 5365 sale, possession, or transporting of alligators or alligator
 5366 skins is prohibited by any law of this state, or by the rules,
 5367 regulations, or orders of the Fish and Wildlife Conservation
 5368 Commission adopted pursuant to s. 9, Art. IV of the State
 5369 Constitution, the sale, possession, or transporting of
 5370 alligators or alligator skins is a Level Three violation under
 5371 s. 379.401 ~~372.83~~.

5372 Section 102. Section 372.664, Florida Statutes, is
 5373 renumbered as section 379.3015, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5374 379.3015 ~~372.664~~ Prima facie evidence of intent to violate
 5375 laws protecting alligators.--Except as otherwise provided by
 5376 rule of the Fish and Wildlife Conservation Commission for the
 5377 purpose of the limited collection of alligators in designated
 5378 areas, the display or use of a light in a place where alligators
 5379 might be known to inhabit in a manner capable of disclosing the
 5380 presence of alligators, together with the possession of
 5381 firearms, spear guns, gigs, and harpoons customarily used for
 5382 the taking of alligators, during the period between 1 hour after
 5383 sunset and 1 hour before sunrise shall be prima facie evidence
 5384 of an intent to violate the provisions of law regarding the
 5385 protection of alligators.

5386 Section 103. Section 372.6645, Florida Statutes, is
 5387 renumbered as section 379.3016, Florida Statutes, to read:

5388 379.3016 ~~372.6645~~ Unlawful to sell alligator products;
 5389 penalty.--

5390 (1) It is unlawful for any person to sell any alligator
 5391 product manufactured in the form of a stuffed baby alligator or
 5392 other baby crocodilia.

5393 (2) No person shall sell any alligator product
 5394 manufactured from a species which has been declared to be
 5395 endangered by the United States Fish and Wildlife Service or the
 5396 Fish and Wildlife Conservation Commission.

5397 (3) Any person who violates this section is guilty of a
 5398 misdemeanor of the first degree, punishable as provided in s.
 5399 775.082 or s. 775.083.

5400 Section 104. Section 372.665, Florida Statutes, is
 5401 renumbered as section 379.3017, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5402 379.3017 ~~372.665~~ Word "alligator" or "gator" not to be
 5403 used in certain sales.--It is unlawful for any person to use the
 5404 word "gator" or "alligator" in connection with the sale of any
 5405 product derived or made from the skins of other crocodilia or in
 5406 connection with the sale of other crocodilia. Any person
 5407 violating this section shall, upon conviction, be guilty of a
 5408 misdemeanor.

5409 Section 105. Section 372.16, Florida Statutes, is
 5410 renumbered as section 379.302, Florida Statutes, and amended to
 5411 read:

5412 379.302 ~~372.16~~ Private game preserves and farms;
 5413 regulations; penalties~~penalty~~.--

5414 (1) Any person owning land in this state may establish,
 5415 maintain, and operate within the boundaries thereof, a private
 5416 preserve and farm, not exceeding an area of 640 acres, for the
 5417 protection, preservation, propagation, rearing, and production
 5418 of game birds and animals for private and commercial purposes,
 5419 provided that no two game preserves shall join each other or be
 5420 connected. ~~Before any private game preserve or farm is~~
 5421 ~~established, the owner or operator shall secure a license from~~
 5422 ~~the commission, the fee for which is \$50 per year.~~

5423 (2) All private game preserves or farms established under
 5424 the provisions of this section shall be fenced in such manner
 5425 that domestic game thereon may not escape and wild game on
 5426 surrounding lands may not enter and shall be subject at any time
 5427 to inspection by the Fish and Wildlife Conservation Commission,
 5428 or its conservation officers. Such private preserve or farm
 5429 shall be equipped and operated in such manner as to provide

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

5430 sufficient food and humane treatment for the game kept thereon.
5431 Game reared or produced on private game preserves and farms
5432 shall be considered domestic game and private property and may
5433 be sold or disposed of as such and shall be the subject of
5434 larceny. Live game may be purchased, sold, shipped, and
5435 transported for propagation and restocking purposes only at any
5436 time. Such game may be sold for food purposes only during the
5437 open season provided by law for such game. All game killed must
5438 be killed on the premises of such private game preserve or farm
5439 and must be killed by means other than shooting, except during
5440 the open season. All domestic game sold for food purposes must
5441 be marked or tagged in a manner prescribed by the Fish and
5442 Wildlife Conservation Commission; and the owner or operator of
5443 such private game preserve or farm shall report to the said
5444 commission, on blanks to be furnished by it, each sale or
5445 shipment of domestic game, such reports showing the quantity and
5446 kind of game shipped or sold and to whom sold. Such report shall
5447 be made not later than 5 days following such sale or shipment.
5448 Game reared or produced as aforesaid may be served as such by
5449 hotels, restaurants, or other public eating places during the
5450 open season provided by law on such particular species of game,
5451 under such regulations as the commission may prescribe.

5452 (3) It is unlawful for any common carrier to knowingly
5453 transport or receive for transportation any domestic game unless
5454 the package or container containing such shipment has attached
5455 thereto a permit for such shipment and such package or container
5456 shall be marked on the outside showing quantity and kind of game
5457 enclosed.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5458 (4) Any person violating this section for the first
 5459 offense commits a misdemeanor of the second degree, punishable
 5460 as provided in s. 775.082 or s. 775.083, and for a second or
 5461 subsequent offense commits a misdemeanor of the first degree,
 5462 punishable as provided in s. 775.082 or s. 775.083. Any person
 5463 convicted of violating this section shall forfeit to the
 5464 commission any license issued under s. 379.3711 ~~this section~~;
 5465 and no further license shall be issued to such person for a
 5466 period of 1 year following such conviction.

5467 Section 106. Subsections (3) and (4) of section 372.922,
 5468 Florida Statutes, are renumbered as section 379.303, Florida
 5469 Statutes, and amended to read:

5470 379.303 Classification of wildlife; seizure of captive
 5471 wildlife.--

5472 (1)~~(3)~~ The commission shall promulgate rules defining
 5473 Class I, Class II, and Class III types of wildlife. The
 5474 commission shall also establish rules and requirements necessary
 5475 to ensure that permits are granted only to persons qualified to
 5476 possess and care properly for wildlife and that permitted
 5477 wildlife possessed as personal pets will be maintained in
 5478 sanitary surroundings and appropriate neighborhoods.

5479 (2)~~(4)~~ In instances where wildlife is seized or taken into
 5480 custody by the commission, said owner or possessor of such
 5481 wildlife shall be responsible for payment of all expenses
 5482 relative to the capture, transport, boarding, veterinary care,
 5483 or other costs associated with or incurred due to seizure or
 5484 custody of wildlife. Such expenses shall be paid by said owner
 5485 or possessor upon any conviction or finding of guilt of a

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5486 criminal or noncriminal violation, regardless of adjudication or
 5487 plea entered, of any provision of chapter 828 or this chapter,
 5488 or rule of the commission or if such violation is disposed of
 5489 under s. 921.187. Failure to pay such expense may be grounds for
 5490 revocation or denial of permits to such individual to possess
 5491 wildlife.

5492 Section 107. Subsections (4), (5), (6), (9), and (10) of
 5493 section 372.921, Florida Statutes, are renumbered as section
 5494 379.304, Florida Statutes, and amended to read:

5495 379.304 ~~372.921~~ Exhibition or sale of wildlife.--

5496 (1) ~~(4)~~ Permits issued pursuant to this section and places
 5497 where wildlife is kept or held in captivity shall be subject to
 5498 inspection by officers of the commission at all times. The
 5499 commission shall have the power to release or confiscate any
 5500 specimens of any wildlife, specifically birds, mammals,
 5501 amphibians, or reptiles, whether indigenous to the state or not,
 5502 when it is found that conditions under which they are being
 5503 confined are unsanitary, or unsafe to the public in any manner,
 5504 or that the species of wildlife are being maltreated,
 5505 mistreated, or neglected or kept in any manner contrary to the
 5506 provisions of chapter 828, any such permit to the contrary
 5507 notwithstanding. Before any such wildlife is confiscated or
 5508 released under the authority of this section, the owner thereof
 5509 shall have been advised in writing of the existence of such
 5510 unsatisfactory conditions; the owner shall have been given 30
 5511 days in which to correct such conditions; the owner shall have
 5512 failed to correct such conditions; the owner shall have had an
 5513 opportunity for a proceeding pursuant to chapter 120; and the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5514 commission shall have ordered such confiscation or release after
 5515 careful consideration of all evidence in the particular case in
 5516 question. The final order of the commission shall constitute
 5517 final agency action.

5518 (2)~~(5)~~ In instances where wildlife is seized or taken into
 5519 custody by the commission, said owner or possessor of such
 5520 wildlife shall be responsible for payment of all expenses
 5521 relative to the capture, transport, boarding, veterinary care,
 5522 or other costs associated with or incurred due to seizure or
 5523 custody of wildlife. Such expenses shall be paid by said owner
 5524 or possessor upon any conviction or finding of guilt of a
 5525 criminal or noncriminal violation, regardless of adjudication or
 5526 plea entered, of any provision of chapter 828 or this chapter,
 5527 or rule of the commission or if such violation is disposed of
 5528 under s. 921.187. Failure to pay such expense may be grounds for
 5529 revocation or denial of permits to such individual to possess
 5530 wildlife.

5531 (3)~~(6)~~ Any animal on exhibit of a type capable of
 5532 contracting or transmitting rabies shall be immunized against
 5533 rabies.

5534 (4)~~(9)~~ The commission is authorized to adopt rules
 5535 pursuant to ss. 120.536(1) and 120.54 to implement the
 5536 provisions of this section.

5537 (5)~~(10)~~ A violation of this section is punishable as
 5538 provided by s. 379.401 ~~372.83~~.

5539 Section 108. Section 372.92, Florida Statutes, is
 5540 renumbered as section 379.305, Florida Statutes, and amended to
 5541 read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5542 379.305 ~~372.92~~ Rules and regulations; penalties.--
 5543 (1) The Fish and Wildlife Conservation Commission may
 5544 prescribe such other rules and regulations as it may deem
 5545 necessary to prevent the escape of venomous reptiles or reptiles
 5546 of concern, either in connection of construction of such cages
 5547 or otherwise to carry out the intent of ss. 379.372-379.374
 5548 ~~372.86-372.88~~.

5549 (2) A person who knowingly releases a nonnative venomous
 5550 reptile or reptile of concern to the wild or who through gross
 5551 negligence allows a nonnative venomous reptile or reptile of
 5552 concern to escape commits a Level Three violation, punishable as
 5553 provided in s. 379.4015 ~~372.935~~.

5554 Section 109. Section 372.673, Florida Statutes, is
 5555 renumbered as section 379.3061, Florida Statutes, to read:
 5556 379.3061 ~~372.673~~ Florida Panther Technical Advisory
 5557 Council.--

5558 (1) The Florida Panther Technical Advisory Council is
 5559 established within the Fish and Wildlife Conservation
 5560 Commission. The council shall be appointed by the Governor and
 5561 shall consist of seven members with technical knowledge and
 5562 expertise in the research and management of large mammals.

5563 (a) Two members shall represent state or federal agencies
 5564 responsible for management of endangered species; two members,
 5565 who must have specific experience in the research and management
 5566 of large felines or large mammals, shall be appointed from
 5567 universities, colleges, or associated institutions; and three
 5568 members, with similar expertise, shall be appointed from the
 5569 public at large.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5570 (b) As soon as practicable after July 1, 1983, one member
 5571 representing a state or federal agency and one member appointed
 5572 from a university, college, or associated institution shall be
 5573 appointed for terms ending August 1, 1985, and the remaining
 5574 members shall be appointed for terms ending August 1, 1987.
 5575 Thereafter, all appointments shall be for 4-year terms. If a
 5576 vacancy occurs, a member shall be appointed for the remainder of
 5577 the unexpired term. A member whose term has expired shall
 5578 continue sitting on the council with full rights until a
 5579 replacement has been appointed.

5580 (c) Council members shall be reimbursed pursuant to s.
 5581 112.061 but shall receive no additional compensation or
 5582 honorarium.

5583 (2) The purposes of the council are:

5584 (a) To serve in an advisory capacity to the Fish and
 5585 Wildlife Conservation Commission on technical matters of
 5586 relevance to the Florida panther recovery program, and to
 5587 recommend specific actions that should be taken to accomplish
 5588 the purposes of this act.

5589 (b) To review and comment on research and management
 5590 programs and practices to identify potential harm to the Florida
 5591 panther population.

5592 (c) To provide a forum for technical review and discussion
 5593 of the status and development of the Florida panther recovery
 5594 program.

5595 Section 110. Section 372.5714, Florida Statutes, is
 5596 renumbered as section 379.3062, Florida Statutes, and amended to
 5597 read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5598 379.3062 ~~372.5714~~ Waterfowl Advisory Council.--
 5599 (1) There is created a Waterfowl Advisory Council
 5600 consisting of three members, one appointed by the Governor, one
 5601 appointed by the Speaker of the House of Representatives, and
 5602 one appointed by the President of the Senate. Members may be
 5603 representative of appropriate state agencies, private
 5604 conservation groups, or private citizens and shall possess
 5605 knowledge and experience in the area of waterfowl management and
 5606 protection. Members shall be appointed for 4-year, staggered
 5607 terms and shall be eligible for reappointment. A vacancy shall
 5608 be filled by appointment for the remainder of the unexpired
 5609 term.
 5610 (2) The council shall meet at least once a year either in
 5611 person or by a telephone conference call, shall elect a chair
 5612 annually to preside over its meetings and perform any other
 5613 duties directed by the council, and shall maintain minutes of
 5614 each meeting. All records of council activities shall be kept on
 5615 file with the Fish and Wildlife Conservation Commission and
 5616 shall be made available to any interested person. The Fish and
 5617 Wildlife Conservation Commission shall provide such staff
 5618 support as is necessary to the council to carry out its duties.
 5619 Members of the council shall serve without compensation, but
 5620 shall be reimbursed for per diem and travel expenses as provided
 5621 in s. 112.061 when carrying out the official business of the
 5622 council.
 5623 (3) It shall be the duty of the council to advise the
 5624 commission regarding the administration of revenues generated by
 5625 the sale of the Florida waterfowl permit provided for by s.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5626 379.2211 ~~372.5712~~. In particular, the council shall consult with
 5627 and advise the commission with respect to the establishment and
 5628 operation of projects for the protection and propagation of
 5629 migratory waterfowl and the development, restoration,
 5630 maintenance, and preservation of wetlands within the state, to
 5631 be financed by such revenues as specified in said section.

5632 Section 111. Section 372.992, Florida Statutes, is
 5633 renumbered as section 379.3063, Florida Statutes, to read:

5634 379.3063 ~~372.992~~ Nongame Wildlife Advisory Council.--

5635 (1) There is created the Nongame Wildlife Advisory
 5636 Council, which shall consist of the following 11 members
 5637 appointed by the Governor: one representative each from the Fish
 5638 and Wildlife Conservation Commission, the Department of
 5639 Environmental Protection, and the United States Fish and
 5640 Wildlife Services; the director of the Florida Museum of Natural
 5641 History or her or his designee; one representative from a
 5642 professional wildlife organization; one representative from a
 5643 private wildlife institution; one representative from a Florida
 5644 university or college who has expertise in nongame biology; one
 5645 representative of business interests from a private consulting
 5646 firm who has expertise in nongame biology; one representative of
 5647 a statewide organization of landowner interests; and two members
 5648 from conservation organizations. All appointments shall be for
 5649 4-year terms. Members shall be eligible for reappointment.

5650 (2) The council shall recommend to the commission
 5651 policies, objectives, and specific actions for nongame wildlife
 5652 research and management.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5653 (3) Members of the council shall receive no compensation
 5654 but shall be entitled to receive per diem and travel expenses as
 5655 provided in s. 112.061, while carrying out official business
 5656 with the council, from funds provided under s. 379.209 ~~372.991~~.

5657 Section 112. Part V of chapter 379, Florida Statutes,
 5658 consisting of sections 379.33, 379.3311, 379.3312, 379.3313,
 5659 379.332, 379.333, 379.334, 379.335, 379.336, 379.337, 379.338,
 5660 379.339, 379.340, 379.341, 379.342, and 379.343, is created to
 5661 read:

5662 PART V
 5663 LAW ENFORCEMENT

5664
 5665 Section 113. Section 370.028, Florida Statutes, is
 5666 renumbered as section 379.33, Florida Statutes, and amended to
 5667 read:

5668 379.33 ~~370.028~~ Enforcement of commission rules; penalties
 5669 for violation of rule.--Rules of the Fish and Wildlife
 5670 Conservation Commission shall be enforced by any law enforcement
 5671 officer certified pursuant to s. 943.13. Except as provided
 5672 under s. 379.401 ~~372.83~~, any person who violates or otherwise
 5673 fails to comply with any rule adopted by the commission shall be
 5674 punished pursuant to s. 379.407 (1) ~~370.021(1)~~.

5675 Section 114. Section 372.07, Florida Statutes, is
 5676 renumbered as section 379.3311, Florida Statutes, to read:

5677 379.3311 ~~372.07~~ Police powers of commission and its
 5678 agents.--

5679 (1) The Fish and Wildlife Conservation Commission, the
 5680 executive director and the executive director's assistants

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

5681 designated by her or him, and each wildlife officer are
5682 constituted peace officers with the power to make arrests for
5683 violations of the laws of this state when committed in the
5684 presence of the officer or when committed on lands under the
5685 supervision and management of the commission. The general laws
5686 applicable to arrests by peace officers of this state shall also
5687 be applicable to said director, assistants, and wildlife
5688 officers. Such persons may enter upon any land or waters of the
5689 state for performance of their lawful duties and may take with
5690 them any necessary equipment, and such entry shall not
5691 constitute a trespass.

5692 (2) Such officers shall have power and authority to
5693 enforce throughout the state all laws relating to game, nongame
5694 birds, fish, and fur-bearing animals and all rules and
5695 regulations of the Fish and Wildlife Conservation Commission
5696 relating to wild animal life, marine life, and freshwater
5697 aquatic life, and in connection with said laws, rules, and
5698 regulations, in the enforcement thereof and in the performance
5699 of their duties thereunder, to:

5700 (a) Go upon all premises, posted or otherwise;

5701 (b) Execute warrants and search warrants for the violation
5702 of said laws;

5703 (c) Serve subpoenas issued for the examination,
5704 investigation, and trial of all offenses against said laws;

5705 (d) Carry firearms or other weapons, concealed or
5706 otherwise, in the performance of their duties;

5707 (e) Arrest upon probable cause without warrant any person
5708 found in the act of violating any of the provisions of said laws

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5709 or, in pursuit immediately following such violations, to examine
 5710 any person, boat, conveyance, vehicle, game bag, game coat, or
 5711 other receptacle for wild animal life, marine life, or
 5712 freshwater aquatic life, or any camp, tent, cabin, or roster, in
 5713 the presence of any person stopping at or belonging to such
 5714 camp, tent, cabin, or roster, when said officer has reason to
 5715 believe, and has exhibited her or his authority and stated to
 5716 the suspected person in charge the officer's reason for
 5717 believing, that any of the aforesaid laws have been violated at
 5718 such c

5719 (f) Secure and execute search warrants and in pursuance
 5720 thereof to enter any building, enclosure, or car and to break
 5721 open, when found necessary, any apartment, chest, locker, box,
 5722 trunk, crate, basket, bag, package, or container and examine the
 5723 contents thereof;

5724 (g) Seize and take possession of all wild animal life,
 5725 marine life, or freshwater aquatic life taken or in possession
 5726 or under control of, or shipped or about to be shipped by, any
 5727 person at any time in any manner contrary to said laws.

5728 (3) It is unlawful for any person to resist an arrest
 5729 authorized by this section or in any manner to interfere, either
 5730 by abetting, assisting such resistance, or otherwise interfering
 5731 with said executive director, assistants, or wildlife officers
 5732 while engaged in the performance of the duties imposed upon them
 5733 by law or regulation of the Fish and Wildlife Conservation
 5734 Commission.

5735 (4) Upon final disposition of any alleged offense for
 5736 which a citation for any violation of this chapter or the rules

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5737 of the commission has been issued, the court shall, within 10
 5738 days after the final disposition of the action, certify the
 5739 disposition to the commission.

5740 Section 115. Section 372.071, Florida Statutes, is
 5741 renumbered as section 379.3312, Florida Statutes, and amended to
 5742 read:

5743 379.3312 ~~372.071~~ Powers of arrest by agents of Department
 5744 of Environmental Protection or Fish and Wildlife Conservation
 5745 Commission.--Any certified law enforcement officer of the
 5746 Department of Environmental Protection or the Fish and Wildlife
 5747 Conservation Commission, upon receiving information, relayed to
 5748 her or him from any law enforcement officer stationed on the
 5749 ground, on the water, or in the air, that a driver, operator, or
 5750 occupant of any vehicle, boat, or airboat has violated any
 5751 section of chapter 327, chapter 328, ~~chapter 370~~, or this
 5752 chapter, or s. 597.010 or s. 597.020, may arrest the driver,
 5753 operator, or occupant for violation of said laws when reasonable
 5754 and proper identification of the vehicle, boat, or airboat and
 5755 reasonable and probable grounds to believe that the driver,
 5756 operator, or occupant has committed or is committing any such
 5757 offense have been communicated to the arresting officer by the
 5758 other officer stationed on the ground, on the water, or in the
 5759 air.

5760 Section 116. Subsection(8) of section 370.021, Florida
 5761 Statutes, is renumbered as section 379.3313, Florida Statutes,
 5762 and amended to read:

5763 379.3313 Powers of commission law enforcement officers.--
 5764 ~~(8) POWERS OF OFFICERS.—~~

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

5765 (1)~~(a)~~ Law enforcement officers of the commission are
5766 constituted law enforcement officers of this state with full
5767 power to investigate and arrest for any violation of the laws of
5768 this state and the rules of the commission under their
5769 jurisdiction. The general laws applicable to arrests by peace
5770 officers of this state shall also be applicable to law
5771 enforcement officers of the commission. Such law enforcement
5772 officers may enter upon any land or waters of the state for
5773 performance of their lawful duties and may take with them any
5774 necessary equipment, and such entry will not constitute a
5775 trespass. It is lawful for any boat, motor vehicle, or aircraft
5776 owned or chartered by the commission or its agents or employees
5777 to land on and depart from any of the beaches or waters of the
5778 state. Such law enforcement officers have the authority, without
5779 warrant, to board, inspect, and search any boat, fishing
5780 appliance, storage or processing plant, fishhouse, spongehouse,
5781 oysterhouse, or other warehouse, building, or vehicle engaged in
5782 transporting or storing any fish or fishery products. Such
5783 authority to search and inspect without a search warrant is
5784 limited to those cases in which such law enforcement officers
5785 have reason to believe that fish or any saltwater products are
5786 taken or kept for sale, barter, transportation, or other
5787 purposes in violation of laws or rules promulgated under this
5788 law. Any such law enforcement officer may at any time seize or
5789 take possession of any saltwater products or contraband which
5790 have been unlawfully caught, taken, or processed or which are
5791 unlawfully possessed or transported in violation of any of the
5792 laws of this state or any rule of the commission. Such law

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5793 enforcement officers may arrest any person in the act of
 5794 violating any of the provisions of this law, the rules of the
 5795 commission, or any of the laws of this state. It is hereby
 5796 declared unlawful for any person to resist such arrest or in any
 5797 manner interfere, either by abetting or assisting such
 5798 resistance or otherwise interfering, with any such law
 5799 enforcement officer while engaged in the performance of the
 5800 duties imposed upon him or her by law or rule of the commission.

5801 (2)~~(b)~~ The Legislature finds that the checking and
 5802 inspection of saltwater products aboard vessels is critical to
 5803 good fishery management and conservation and that, because
 5804 almost all saltwater products are either iced or cooled in
 5805 closed areas or containers, the enforcement of seasons, size
 5806 limits, and bag limits can only be effective when inspection of
 5807 saltwater products so stored is immediate and routine.
 5808 Therefore, in addition to the authority granted in subsection
 5809 (1), a law enforcement officer of the commission who has
 5810 probable cause to believe that the vessel has been used for
 5811 fishing prior to the inspection shall have full authority to
 5812 open and inspect all containers or areas where saltwater
 5813 products are normally kept aboard vessels while such vessels are
 5814 on the water, such as refrigerated or iced locations, coolers,
 5815 fish boxes, and bait wells, but specifically excluding such
 5816 containers that are located in sleeping or living areas of the
 5817 vessel.

5818 Section 117. Section 372.70, Florida Statutes, is
 5819 renumbered as section 379.332, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5820 379.332 ~~372.70~~ Prosecutions; state attorney to represent
 5821 state.--

5822 (1) The prosecuting officers of the several courts of
 5823 criminal jurisdiction of this state shall investigate and
 5824 prosecute all violations of the laws relating to game,
 5825 freshwater fish, nongame birds, and fur-bearing animals which
 5826 may be brought to their attention by the commission or its
 5827 conservation officers, or which may otherwise come to their
 5828 knowledge.

5829 (2) The state attorney shall represent the state in any
 5830 forfeiture proceeding under this chapter. The Department of
 5831 Legal Affairs shall represent the state in all appeals from
 5832 judgments of forfeiture to the Supreme Court. The state may
 5833 appeal any judgment denying forfeiture in whole or in part that
 5834 may be otherwise adverse to the state.

5835 Section 118. Section 372.701, Florida Statutes, is
 5836 renumbered as section 379.333, Florida Statutes, to read:

5837 379.333 ~~372.701~~ Arrest by officers of the Fish and
 5838 Wildlife Conservation Commission; recognizance; cash bond;
 5839 citation.--

5840 (1) In all cases of arrest by officers of the Fish and
 5841 Wildlife Conservation Commission and the Department of
 5842 Environmental Protection, the person arrested shall be delivered
 5843 forthwith by said officer to the sheriff of the county, or shall
 5844 obtain from such person arrested a recognizance or, if deemed
 5845 necessary, a cash bond or other sufficient security conditioned
 5846 for her or his appearance before the proper tribunal of such

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5847 county to answer the charge for which the person has been
 5848 arrested.

5849 (2) All officers of the commission and the department are
 5850 hereby directed to deliver all bonds accepted and approved by
 5851 them to the sheriff of the county in which the offense is
 5852 alleged to have been committed.

5853 (3) Any person so arrested and released on her or his own
 5854 recognizance by an officer and who shall fail to appear or
 5855 respond to the proper citation to appear, shall, in addition to
 5856 the charge relating to wildlife or freshwater fish, be charged
 5857 with that offense of failing to respond to such citation and,
 5858 upon conviction, be punished as for a misdemeanor. A written
 5859 warning to this effect shall be given at the time of arrest of
 5860 such person.

5861 Section 119. Section 372.76, Florida Statutes, is
 5862 renumbered as section 379.334, Florida Statutes, to read:

5863 379.334 ~~372.76~~ Search and seizure authorized and
 5864 limited.--The Fish and Wildlife Conservation Commission and its
 5865 conservation officers shall have authority when they have
 5866 reasonable and probable cause to believe that the provisions of
 5867 this chapter have been violated, to board any vessel, boat, or
 5868 vehicle or to enter any fishhouse or warehouse or other
 5869 building, exclusive of residence, in which game, hides, fur-
 5870 bearing animals, fish, or fish nets are kept and to search for
 5871 and seize any such game, hides, fur-bearing animals, fish, or
 5872 fish nets had or held therein in violation of law. Provided,
 5873 however, that no search without warrant shall be made under any
 5874 of the provisions of this chapter, unless the officer making

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5875 | such search has such information from a reliable source as would
 5876 | lead a prudent and cautious person to believe that some
 5877 | provision of this chapter is being violated.

5878 | Section 120. Section 372.761, Florida Statutes, is
 5879 | renumbered as section 379.335, Florida Statutes, to read:

5880 | 379.335 ~~372.761~~ Issuance of warrant for search of private
 5881 | dwelling.--

5882 | (1) A search warrant may be issued on application by a
 5883 | commissioned officer of the Fish and Wildlife Conservation
 5884 | Commission to search any private dwelling occupied as such when
 5885 | it is being used for the unlawful sale or purchase of wildlife
 5886 | or freshwater fish being unlawfully kept therein. The term
 5887 | "private dwelling" shall be construed to include the room or
 5888 | rooms used and occupied, not transiently but solely as a
 5889 | residence, in an apartment house, hotel, boardinghouse, or
 5890 | lodginghouse. No warrant for the search of any private dwelling
 5891 | shall be issued except upon probable cause supported by sworn
 5892 | affidavit of some creditable witness that she or he has reason
 5893 | to believe that the said conditions exist, which affidavit shall
 5894 | set forth the facts on which such reason for belief is based.

5895 | (2) This section shall not be construed as being in
 5896 | conflict with, but is supplemental to, chapter 933.

5897 | Section 121. Section 370.22, Florida Statutes, is
 5898 | renumbered as section 379.336, Florida Statutes, to read:

5899 | 379.336 ~~370.22~~ Venue for proceedings against citizens and
 5900 | residents charged with violations outside state boundaries.--

5901 | (1) In any proceeding against a resident or citizen of the
 5902 | state to enforce the provisions of this chapter with respect to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5903 | alleged violations occurring beyond the territorial waters of
 5904 | the state, the proper venue shall be the county within the state
 5905 | which is nearest the site of the violation.

5906 | (2) For the purpose of this section, any person having
 5907 | embarked from, or having docked his or her vessel in, a port
 5908 | within this state who violates any provision of this chapter
 5909 | with respect to the unlawful landing of saltwater life, whether
 5910 | or not outside the territorial waters of the state, shall be
 5911 | considered a citizen of the state for the purpose of subjecting
 5912 | that person to the police powers of the state.

5913 | Section 122. Section 370.061, Florida Statutes, is
 5914 | renumbered as section 379.337, Florida Statutes, and amended to
 5915 | read:

5916 | 379.337 ~~370.061~~ Confiscation, seizure, and forfeiture of
 5917 | property and products.--

5918 | (1) SEIZURE, FORFEITURE; PROCEDURE.--Nothing in this
 5919 | subsection affects the commission's authority to confiscate in
 5920 | any case illegal saltwater products, illegally taken saltwater
 5921 | products, or illegal fishing gear in accordance with this
 5922 | section.

5923 | (a) Property used in connection with a violation resulting
 5924 | in a conviction for the illegal taking, or attempted taking,
 5925 | sale, possession, or transportation of saltwater products is
 5926 | subject to seizure and forfeiture as part of the commission's
 5927 | efforts to protect the state's marine life. Saltwater products
 5928 | and seines, nets, boats, motors, other fishing devices or
 5929 | equipment, and vehicles or other means of transportation used or
 5930 | attempted to be used in connection with, as an instrumentality

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

5931 of, or in aiding and abetting such illegal taking or attempted
5932 taking are hereby declared to be nuisances.

5933 (b) Upon a conviction of a person in whose possession the
5934 property was found, the court having jurisdiction over the
5935 criminal offense, notwithstanding any jurisdictional limitations
5936 on the amount in controversy, may make a finding that the
5937 property was used in connection with a saltwater products
5938 violation and may order such property forfeited to the
5939 commission.

5940 (c) For purposes of this section, a conviction, except
5941 with respect to a first time offender under this chapter for
5942 whom adjudication is withheld, is any disposition other than
5943 acquittal or dismissal.

5944 (2) SEIZURE, FORFEITURE; NOTICE.--The requirement for a
5945 conviction before forfeiture of property establishes to the
5946 exclusion of any reasonable doubt that the property was used in
5947 connection with the violation resulting in conviction. Prior to
5948 the issuance of a forfeiture order for any vessel, vehicle, or
5949 other property under subsection (1), the commission shall seize
5950 the property and notify the registered owner, if any, that the
5951 property has been seized by the commission. Except as provided
5952 in subsection (6), the procedures of chapter 932 do not apply to
5953 any seizure or forfeiture of property under this section.

5954 (a) Notification of property seized under this section
5955 must be sent by certified mail to a registered owner within 14
5956 days after seizure. If the commission, after diligent inquiry,
5957 cannot ascertain the registered owner, the notice requirement is
5958 satisfied.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5959 (b) Upon a first conviction for a violation under this
 5960 chapter, the property seized under this section shall be
 5961 returned to the registered owner if the commission fails to
 5962 prove by a preponderance of the evidence before the court having
 5963 jurisdiction over the criminal offense that the registered owner
 5964 aided in, abetted in, participated in, gave consent to, knew of,
 5965 or had reason to know of the violation.

5966 (c) Upon a second or subsequent conviction for a violation
 5967 under this chapter, the burden shall be on the registered owner
 5968 to prove by a preponderance of the evidence before the court
 5969 having jurisdiction over the criminal offense that the
 5970 registered owner in no way aided in, abetted in, participated
 5971 in, knew of, or had reason to know of the second or subsequent
 5972 violation which resulted in seizure of the lawful property.

5973 (d) Any request for a hearing from a registered owner
 5974 asserting innocence to recover property seized under these
 5975 provisions must be sent to the commission's Division of Law
 5976 Enforcement within 21 days after the registered owner's receipt
 5977 of the notice of seizure. If a request for a hearing is not
 5978 timely received, the court shall forfeit to the commission the
 5979 right to, title to, and interest in the property seized, subject
 5980 only to the rights and interests of bona fide lienholders.

5981 (e) If a motor vehicle is seized under this section and is
 5982 subject to any existing liens recorded under s. 319.27, all
 5983 further proceedings shall be governed by the expressed intent of
 5984 the Legislature not to divest any innocent person, firm, or
 5985 corporation holding such a recorded lien of any of its
 5986 reversionary rights in such motor vehicle or of any of its

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

5987 | rights as prescribed in s. 319.27, and upon any default by the
 5988 | violator purchaser, the lienholder may foreclose its lien and
 5989 | take possession of the motor vehicle involved.

5990 | (3) COURT ORDER OF FORFEITURE.--When any illegal or
 5991 | illegally used seine, net, trap, or other fishing device or
 5992 | equipment, or illegally taken, possessed, or transported
 5993 | saltwater products, are found and taken into custody, and the
 5994 | owner thereof is not known to the officer finding the item or
 5995 | items, such officer shall immediately procure from the county
 5996 | court judge of the county wherein the item or items were found
 5997 | an order forfeiting the illegally used or illegally taken
 5998 | saltwater products, seines, nets, traps, boats, motors, or other
 5999 | fishing devices to the commission.

6000 | (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property
 6001 | forfeited under this section may be destroyed, used by the
 6002 | commission, disposed of by gift to charitable or state
 6003 | institutions, or sold, with the proceeds derived from the sale
 6004 | deposited into the Marine Resources Conservation Trust Fund to
 6005 | be used for law enforcement purposes, ~~or into the commission's~~
 6006 | ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~
 6007 | ~~applicable.~~

6008 | (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
 6009 | PRODUCTS; PROCEDURE.--

6010 | (a) When an arrest is made pursuant to the provisions of
 6011 | this chapter and illegal, perishable saltwater products or
 6012 | saltwater products illegally taken or landed are confiscated,
 6013 | the defendant may post bond or cash deposit in an amount
 6014 | determined by the judge to be the fair value of such confiscated

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6015 products. The defendant shall have 24 hours to transport the
 6016 products outside the limits of Florida for sale or other
 6017 disposition. Should no bond or cash deposit be given within the
 6018 time fixed by the judge, the judge shall order the sale of the
 6019 confiscated saltwater products at the highest price obtainable.
 6020 When feasible, at least three bids shall be requested.

6021 (b) Moneys received from the sale of confiscated saltwater
 6022 products, either by the defendant or by order of the court,
 6023 shall be received by the judge and shall be remitted to the
 6024 commission to be deposited into a special escrow account in the
 6025 State Treasury to be held in trust pending the outcome of the
 6026 trial of the defendant. If bond is posted by the defendant, it
 6027 shall also be remitted to the commission to be held in escrow
 6028 pending the outcome of the trial of the defendant.

6029 (c) In the event of acquittal, the proceeds of a sale or
 6030 the bond or cash deposit required by this subsection shall be
 6031 returned to the defendant. In the event of a conviction, the
 6032 proceeds of a sale or the bond or cash deposit required by this
 6033 subsection shall be deposited into the Marine Resources
 6034 Conservation Trust Fund to be used for law enforcement purposes
 6035 ~~or into the commission's Federal Law Enforcement Trust Fund as~~
 6036 ~~provided in s. 372.107, as applicable.~~ Such deposit into the
 6037 Marine Resources Conservation Trust Fund ~~or the Federal Law~~
 6038 ~~Enforcement Trust Fund~~ shall constitute confiscation.

6039 (d) For purposes of confiscation under this subsection,
 6040 the term "saltwater products" has the meaning set out in s.
 6041 379.101(36) ~~370.01(27)~~, except that the term does not include
 6042 saltwater products harvested under the authority of a

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6043 recreational license unless the amount of such harvested
 6044 products exceeds three times the applicable recreational bag
 6045 limit for trout, snook, or redfish.

6046 (6) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
 6047 FUNDING.--

6048 (a) Any municipal or county law enforcement agency that
 6049 enforces or assists the commission in enforcing the provisions
 6050 of this chapter, which results in a forfeiture of property as
 6051 provided in this section, shall be entitled to receive all or a
 6052 share of any property based upon its participation in such
 6053 enforcement.

6054 (b) If a municipal or county law enforcement agency has a
 6055 marine enforcement unit, any property delivered to any municipal
 6056 or county law enforcement agency as provided in paragraph (a)
 6057 may be retained or sold by the municipal or county law
 6058 enforcement agency, and the property or proceeds shall be used
 6059 to enforce the provisions of this chapter and chapters 327 and
 6060 328. If a municipal or county law enforcement agency does not
 6061 have a marine enforcement unit, such property or proceeds shall
 6062 be disposed of under the provisions of chapter 932.

6063 (c) Any funds received by a municipal or county law
 6064 enforcement agency pursuant to this subsection shall be
 6065 supplemental funds and may not be used as replacement funds by
 6066 the municipality or county.

6067 Section 123. Section 372.73, Florida Statutes, is
 6068 renumbered as section 379.338, Florida Statutes, and amended to
 6069 read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6070 379.338 ~~372.73~~ Confiscation and disposition of illegally
 6071 taken game.--All game and freshwater fish seized under the
 6072 authority of this chapter shall, upon conviction of the offender
 6073 or sooner if the court so orders, be forfeited and given to some
 6074 hospital or charitable institution and receipt therefor sent to
 6075 the Fish and Wildlife Conservation Commission. All furs or hides
 6076 or fur-bearing animals seized under the authority of this
 6077 chapter shall, upon conviction of the offender, be forfeited and
 6078 sent to the commission, which shall sell the same and deposit
 6079 the proceeds of such sale to the credit of the State Game Trust
 6080 Fund ~~or into the commission's Federal Law Enforcement Trust Fund~~
 6081 ~~as provided in s. 372.107, as applicable.~~ If any such hides or
 6082 furs are seized and the offender is unknown, the court shall
 6083 order such hides or furs sent to the Fish and Wildlife
 6084 Conservation Commission, which shall sell such hides and furs
 6085 and deposit the proceeds of such sale to the credit of the State
 6086 Game Trust Fund ~~or into the commission's Federal Law Enforcement~~
 6087 ~~Trust Fund as provided in s. 372.107, as applicable.~~

6088 Section 124. Section 372.9901, Florida Statutes, is
 6089 renumbered as section 379.339, Florida Statutes, and amended to
 6090 read:

6091 379.339 ~~372.9901~~ Seizure of illegal hunting devices;
 6092 disposition; notice; forfeiture.--In order to protect the
 6093 state's wildlife resources, any vehicle, vessel, animal, gun,
 6094 light, or other hunting device used or attempted to be used in
 6095 connection with, as an instrumentality of, or in aiding and
 6096 abetting in the commission of an offense prohibited by s.
 6097 379.404 ~~372.99~~ is subject to seizure and forfeiture. The

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

6098 provisions of chapter 932 do not apply to any seizure or
6099 forfeiture under this section. For purposes of this section, a
6100 conviction is any disposition other than acquittal or dismissal.

6101 (1) (a) Upon a first conviction of the person in whose
6102 possession the property was found, the court having jurisdiction
6103 over the criminal offense, notwithstanding any jurisdictional
6104 limitations on the amount in controversy, may make a finding
6105 that the property was used in connection with a violation of s.
6106 379.404 ~~372.99~~. Upon such finding, the court may order the
6107 property forfeited to the commission.

6108 (b) Upon a second or subsequent conviction of a person in
6109 whose possession the property was found for a violation of s.
6110 379.404 ~~372.99~~, the court shall order the forfeiture to the
6111 commission of any property used in connection with that
6112 violation.

6113 (2) The requirement for a conviction before forfeiture
6114 establishes, to the exclusion of any reasonable doubt, that the
6115 property was used in connection with that violation. Prior to
6116 the issuance of a forfeiture order for any vessel, vehicle, or
6117 other property under subsection (1), the commission shall seize
6118 the property and notify the registered owner, if any, that the
6119 property has been seized by the commission.

6120 (3) Notification of property seized under this section
6121 must be sent by certified mail to a registered owner within 14
6122 days after seizure. If the commission, after diligent inquiry,
6123 cannot ascertain the registered owner, the notice requirement is
6124 satisfied.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6125 (4) (a) For a first conviction of an offense under s.
 6126 379.404 ~~372.99~~, property seized by the commission shall be
 6127 returned to the registered owner if the commission fails to
 6128 prove by a preponderance of the evidence before the court having
 6129 jurisdiction over the criminal offense that the registered owner
 6130 aided in, abetted in, participated in, gave consent to, knew of,
 6131 or had reason to know of the offense.

6132 (b) Upon a second or subsequent conviction for an offense
 6133 under s. 379.404 ~~372.99~~, the burden shall be on the registered
 6134 owner to prove by a preponderance of the evidence before the
 6135 court having jurisdiction over the criminal offense that the
 6136 registered owner in no way aided in, abetted in, participated
 6137 in, knew of, or had reason to know of the second offense which
 6138 resulted in seizure of the lawful property.

6139 (c) Any request for a hearing from a registered owner
 6140 asserting innocence to recover property seized under these
 6141 provisions must be sent to the commission's Division of Law
 6142 Enforcement within 21 days after the registered owner's receipt
 6143 of the notice of seizure. If a request for a hearing is not
 6144 timely received, the court shall forfeit to the commission the
 6145 right to, title to, and interest in the property seized, subject
 6146 only to the rights and interests of bona fide lienholders.

6147 (5) All amounts received from the sale or other
 6148 disposition of the property shall be paid into the State Game
 6149 Trust Fund ~~or into the commission's Federal Law Enforcement~~
 6150 ~~Trust Fund as provided in s. 372.107, as applicable.~~ If the
 6151 property is not sold or converted, it shall be delivered to the
 6152 executive director of the commission.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6153 Section 125. Section 372.9904, Florida Statutes, is
 6154 renumbered as section 379.3395, Florida Statutes, and amended to
 6155 read:

6156 379.3395 ~~372.9904~~ Seizure of illegal transportation
 6157 devices; disposition; appraisal; forfeiture.--

6158 (1) Any vehicle, vessel, or other transportation device
 6159 used in the commission of the offense prohibited by s. 379.406
 6160 ~~372.9903~~, except a vehicle, vessel, or other transportation
 6161 device duly registered as a common carrier and operated in
 6162 lawful transaction of business as such carrier, shall be seized
 6163 by the arresting officer, who shall promptly make return of the
 6164 seizure and deliver the property to the director of the Fish and
 6165 Wildlife Conservation Commission. The return shall describe the
 6166 property seized and recite in detail the facts and circumstances
 6167 under which it was seized, together with the reason that the
 6168 property was subject to seizure. The return shall also contain
 6169 the names of all persons known to the officer to be interested
 6170 in the property.

6171 (2) The commission, upon receipt of the property, shall
 6172 promptly fix its value and make return thereof to the clerk of
 6173 the circuit court of the county wherein the article was seized;
 6174 after which, on proper showing of ownership of the property by
 6175 someone other than the person arrested, the property shall be
 6176 returned by the court to the said owner.

6177 (3) Upon conviction of the violator, the property, if
 6178 owned by the person convicted, shall be forfeited to the state
 6179 under the procedure set forth in ss. 379.337 and 379.362 ~~370.061~~
 6180 ~~and 370.07~~, when not inconsistent with this section. All amounts

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6181 received from the sale or other disposition of the property
 6182 shall be paid into the State Game Trust Fund ~~or into the~~
 6183 ~~commission's Federal Law Enforcement Trust Fund as provided in~~
 6184 ~~s. 372.107, as applicable.~~ If the property is not sold or
 6185 converted, it shall be delivered to the director of the Fish and
 6186 Wildlife Conservation Commission.

6187 Section 126. Section 372.99021, Florida Statutes, is
 6188 renumbered as section 379.341, Florida Statutes, to read:

6189 379.341 ~~372.99021~~ Disposition of illegal fishing devices;
 6190 exercise of police power.--

6191 (1) In all cases of arrest and conviction for use of
 6192 illegal nets or traps or fishing devices, as provided in this
 6193 chapter, such illegal net, trap, or fishing device is declared
 6194 to be a nuisance and shall be seized and carried before the
 6195 court having jurisdiction of such offense and said court shall
 6196 order such illegal trap, net, or fishing device forfeited to the
 6197 commission immediately after trial and conviction of the person
 6198 in whose possession they were found. When any illegal net, trap,
 6199 or fishing device is found in the fresh waters of the state, and
 6200 the owner of same shall not be known to the officer finding the
 6201 same, such officer shall immediately procure from the county
 6202 court judge an order forfeiting said illegal net, trap, or
 6203 fishing device to the commission. The commission may destroy
 6204 such illegal net, trap, or fishing device, if in its judgment
 6205 said net, trap, or fishing device is not of value in the work of
 6206 the department.

6207 (2) When any nets, traps, or fishing devices are found
 6208 being used illegally as provided in this chapter, the same shall

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6209 | be seized and forfeited to the commission as provided in this
 6210 | chapter.

6211 | (3) This section is necessary for the more efficient and
 6212 | proper enforcement of the statutes and laws of this state
 6213 | prohibiting the illegal use of nets, traps, or fishing devices
 6214 | and is a lawful exercise of the police power of the state for
 6215 | the protection of the public welfare, health, and safety of the
 6216 | people of the state. All the provisions of this section shall be
 6217 | liberally construed for the accomplishment of these purposes.

6218 | Section 127. Section 372.9905, Florida Statutes, is
 6219 | renumbered as section 379.342, Florida Statutes, and amended to
 6220 | read:

6221 | 379.342 ~~372.9905~~ Applicability of ss. 379.339, 379.340,
 6222 | 379.404, and 379.406 ~~372.99, 372.9901, 372.9903, and~~
 6223 | ~~372.9904.~~--The provisions of ss. 379.339, 379.340, 379.404, and
 6224 | 379.406 ~~372.99, 372.9901, 372.9903, and 372.9904~~ relating to
 6225 | seizure and forfeiture of animals or of vehicles, vessels, or
 6226 | other transportation devices do not vitiate any valid lien,
 6227 | retain title contract, or chattel mortgage on such animals or
 6228 | vehicles, vessels, or other transportation devices if such lien,
 6229 | retain title contract, or chattel mortgage is properly of public
 6230 | record at the time of the seizure.

6231 | Section 128. Section 372.0715, Florida Statutes, is
 6232 | renumbered as section 379.343, Florida Statutes, to read:

6233 | 379.343 ~~372.0715~~ Rewards.--The Fish and Wildlife
 6234 | Conservation Commission is authorized to offer rewards in
 6235 | amounts of up to \$500 to any person furnishing information
 6236 | leading to the arrest and conviction of any person who has

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6237 | inflicted or attempted to inflict bodily injury upon any
 6238 | wildlife officer engaged in the enforcement of the provisions of
 6239 | this chapter or the rules and regulations of the Fish and
 6240 | Wildlife Conservation Commission.

6241 | Section 129. Part VI of chapter 379, Florida Statutes,
 6242 | consisting of sections 379.350, 379.3501, 379.3502, 379.3503,
 6243 | 379.3504, 379.3511, 379.3512, 379.352, 379.353, 379.354,
 6244 | 379.355, 379.356, 379.357, 379.3581, 379.3582, and 379.3582, is
 6245 | created to read:

6246 | PART VI

6247 | LICENSES FOR RECREATIONAL ACTIVITIES

6248 |
 6249 | Section 130. Section 372.5711, Florida Statutes, is
 6250 | renumbered as section 379.35, Florida Statutes, to read:

6251 | 379.35 ~~372.5711~~ Review of fees for licenses and permits;
 6252 | review of exemptions.--The fees for licenses and permits
 6253 | established under this chapter, and exemptions thereto, shall be
 6254 | reviewed by the Legislature during its regular session every 5
 6255 | years beginning in 2000.

6256 | Section 131. Section 372.571, Florida Statutes, is
 6257 | renumbered as section 379.3501, Florida Statutes, and amended to
 6258 | read:

6259 | 379.3501 ~~372.571~~ Expiration of licenses and permits.--Each
 6260 | license or permit issued under this part ~~chapter~~ must be dated
 6261 | when issued. Each license or permit issued under this part
 6262 | ~~chapter~~ remains valid for 12 months after the date of issuance,
 6263 | except for a lifetime license issued pursuant to s. 379.354
 6264 | ~~372.57~~ which is valid from the date of issuance until the death

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6265 of the individual to whom the license is issued unless otherwise
 6266 revoked in accordance with s. 379.401 ~~372.83~~ or s. 379.404
 6267 ~~372.99~~, or a 5-year license issued pursuant to s. 379.354 ~~372.57~~
 6268 which is valid for 5 consecutive years from the date of purchase
 6269 unless otherwise revoked in accordance with s. 379.401 ~~372.83~~ or
 6270 s. 379.404 ~~372.99~~, or a license issued pursuant to s.
 6271 379.354(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.
 6272 ~~372.57(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.,~~
 6273 which is valid for the period specified on the license. A
 6274 resident lifetime license or a resident 5-year license that has
 6275 been purchased by a resident of this state and who subsequently
 6276 resides in another state shall be honored for activities
 6277 authorized by that license.

6278 Section 132. Section 372.59, Florida Statutes, is
 6279 renumbered as section 379.3502, Florida Statutes, and amended to
 6280 read:

6281 379.3502 ~~372.59~~ License and permit not transferable.--A
 6282 person may not alter or change in any manner, or loan or
 6283 transfer to another, unless otherwise provided, any license or
 6284 permit issued pursuant to the provisions of this chapter, nor
 6285 may any other person, other than the person to whom it is
 6286 issued, use the same.

6287 Section 133. Section 372.58, Florida Statutes, is
 6288 renumbered as section 379.3503, Florida Statutes, and amended to
 6289 read:

6290 379.3503 ~~372.58~~ False statement in application for license
 6291 or permit.--Any person who swears or affirms to any false
 6292 statement in any application for license or permit provided by

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6293 | this chapter, is guilty of violating this chapter, and shall be
 6294 | subject to the penalty provided in s. 379.401 ~~372.83~~, and any
 6295 | false statement contained in any application for such license or
 6296 | permit renders the license or permit void.

6297 | Section 134. Section 372.581, Florida Statutes, is
 6298 | renumbered as section 379.3504, Florida Statutes, and amended to
 6299 | read:

6300 | 379.3504 ~~372.581~~ Entering false information on licenses or
 6301 | permits.--Whoever knowingly and willfully enters false
 6302 | information on, or allows or causes false information to be
 6303 | entered on or shown upon any license or permit issued under the
 6304 | provisions of this chapter in order to avoid prosecution or to
 6305 | assist another to avoid prosecution, or for any other wrongful
 6306 | purpose shall be punished as provided in s. 379.401 ~~372.83~~.

6307 | Section 135. Section 372.574, Florida Statutes, is
 6308 | renumbered as section 379.3511, Florida Statutes, and amended to
 6309 | read:

6310 | 379.3511 ~~372.574~~ Appointment of subagents for the sale of
 6311 | hunting, fishing, and trapping licenses and permits.--

6312 | (1) Subagents shall serve at the pleasure of the
 6313 | commission. The commission may establish, by rule, procedures
 6314 | for the selection and appointment of subagents. The following
 6315 | are requirements for subagents so appointed:

6316 | (a) The commission may require each subagent to post an
 6317 | appropriate bond as determined by the commission, using an
 6318 | insurance company acceptable to the commission. In lieu of the
 6319 | bond, the commission may purchase blanket bonds covering all or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6320 selected subagents or may allow a subagent to post other
 6321 security as required by the commission.

6322 (b) A subagent may sell licenses and permits as authorized
 6323 by the commission at specific locations within the county and in
 6324 states as will best serve the public interest and convenience in
 6325 obtaining licenses and permits. The commission may prohibit
 6326 subagents from selling certain licenses or permits.

6327 (c) It is unlawful for any person to handle licenses or
 6328 permits for a fee or compensation of any kind unless he or she
 6329 has been appointed as a subagent.

6330 (d) Any person who willfully violates any of the
 6331 provisions of this section commits a misdemeanor of the second
 6332 degree, punishable as provided in s. 775.082 or s. 775.083.

6333 (e) A subagent may charge and receive as his or her
 6334 compensation 50 cents for each license or permit sold. This
 6335 charge is in addition to the sum required by law to be collected
 6336 for the sale and issuance of each license or permit.

6337 (f) A subagent shall submit payment for and report the
 6338 sale of licenses and permits to the commission as prescribed by
 6339 the commission.

6340 (2) The Fish and Wildlife Conservation Commission or any
 6341 other law enforcement agency may carry out any investigation
 6342 necessary to secure information required to carry out and
 6343 enforce this section.

6344 (3) All social security numbers that are provided pursuant
 6345 to ss. 379.352 and 379.354 ~~372.561 and 372.57~~ and are contained
 6346 in records of any subagent appointed under this section are
 6347 confidential as provided in those sections.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6348 Section 136. Section 372.551, Florida Statutes, is
 6349 renumbered as section 379.3512, Florida Statutes, to read:
 6350 379.3512 ~~372.551~~ Competitive bidding for certain sale of
 6351 licenses and permits and the issuance of authorization
 6352 numbers.--The commission is authorized to establish the
 6353 following, using competitive bidding procedures:
 6354 (1) A process and a vendor fee for the sale of licenses
 6355 and permits, and the issuance of authorization numbers, over the
 6356 telephone.
 6357 (2) A process and a vendor fee for the electronic sale of
 6358 licenses and permits and for the electronic issuance of
 6359 authorization numbers.
 6360 Section 137. Section 372.561, Florida Statutes, is
 6361 renumbered as section 379.352, Florida Statutes, and amended to
 6362 read:
 6363 379.352 ~~372.561~~ Recreational licenses, permits, and
 6364 authorization numbers to take wild animal life, freshwater
 6365 aquatic life, and marine life; issuance; costs; reporting.--
 6366 (1) This section applies to all recreational licenses and
 6367 permits and to any authorization numbers issued by the
 6368 commission for the use of such recreational licenses or permits.
 6369 (2) The commission shall establish forms for the issuance
 6370 of recreational licenses and permits.
 6371 (3) The commission shall issue a license, permit, or
 6372 authorization number to take wild animal life, freshwater
 6373 aquatic life, or marine life when an applicant provides proof
 6374 that she or he is entitled to such license, permit, or
 6375 authorization number. Each applicant for a recreational license,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6376 permit, or authorization number shall provide her or his social
 6377 security number on the application form. Disclosure of social
 6378 security numbers obtained through this requirement shall be
 6379 limited to the purposes of administration of the Title IV-D
 6380 program for child support enforcement, use by the commission,
 6381 and as otherwise provided by law.

6382 (4) Licenses and permits to take wild animal life,
 6383 freshwater aquatic life, or marine life may be sold by the
 6384 commission, by any tax collector in the state, or by any
 6385 subagent authorized under s. 379.3511 ~~372.574~~.

6386 (5) In addition to any license or permit fee, the sum of
 6387 \$1.50 shall be charged for each license or management area
 6388 permit, except for replacement licenses, to cover the cost of
 6389 issuing such license or permit.

6390 (6)(a) The fee established pursuant to subsection (5)
 6391 shall be distributed as follows:

6392 1. For each hunting license and freshwater fishing license
 6393 sold by a tax collector, including the combination freshwater
 6394 fishing and hunting license, the sportsman's license, and the
 6395 gold sportsman's license, a tax collector may retain \$1.00.

6396 2. For each management area permit sold by a tax
 6397 collector, a tax collector may retain \$1.00.

6398 3. For each saltwater fishing tag and saltwater fishing
 6399 license sold by a tax collector, including the combination
 6400 saltwater fishing and freshwater fishing license and the
 6401 combination saltwater fishing, freshwater fishing, and hunting
 6402 license, a tax collector may retain \$1.50.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6403 4. For licenses and management area permits sold by
 6404 subagents, a tax collector may retain 50 cents for each license
 6405 sold in the tax collector's county.

6406 5. Any and all remaining fees shall be deposited in the
 6407 State Game Trust Fund and shall be used to support an automated
 6408 license system and administration of the license program.

6409 (b) Tax collectors shall remit license and permit revenue
 6410 to the commission weekly.

6411 (7) (a) The sum of \$10 shall be charged for each
 6412 replacement lifetime license and \$2 for all other replacement
 6413 licenses and permits. A tax collector may retain \$1.00 for each
 6414 replacement license.

6415 (b) Fees collected from the issuance of replacement
 6416 licenses shall be deposited in the State Game Trust Fund.

6417 (8) At each location where hunting, fishing, or trapping
 6418 licenses or permits are sold, voter registration applications
 6419 shall be displayed and made available to the public. Subagents
 6420 shall ask each person who applies for a hunting, fishing, or
 6421 trapping license or permit if he or she would like a voter
 6422 registration application and may provide such application to the
 6423 license or permit applicant but shall not assist such persons
 6424 with voter registration applications or collect complete or
 6425 incomplete voter registration applications.

6426 (9) Except as provided in subsections (8) and (12), each
 6427 person who applies for a hunting, fishing, or trapping license
 6428 or permit shall be asked if he or she would like the appropriate
 6429 supervisor of elections to provide a voter registration
 6430 application to the applicant at a later date. If at the time a

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

6431 license is purchased the applicant indicates that he or she
 6432 would like to receive a voter registration application, the
 6433 commission shall, within 7 days, make the request available to
 6434 the appropriate supervisor of elections or voter registration
 6435 agency so that an application may be sent to the applicant.
 6436 Supervisors of elections shall mail an application to each
 6437 person requesting such application within 5 business days after
 6438 receipt of the request.

6439 (10) The commission may satisfy the requirements of
 6440 subsection (9) by providing access to an Internet site with the
 6441 voter registration information included thereon.

6442 (11) When acting in its official capacity pursuant to this
 6443 section, neither the commission nor a subagent is deemed a
 6444 third-party registration organization, as defined in s.
 6445 97.021(36), or a voter registration agency, as defined in s.
 6446 97.021(40), and is not authorized to solicit, accept, or collect
 6447 voter registration applications or provide voter registration
 6448 services.

6449 (12) Each person who applies for a hunting, fishing, or
 6450 trapping license or permit on the Internet shall be provided a
 6451 link to the Department of State's online uniform statewide voter
 6452 registration application.

6453 (13) The commission, any tax collector in this state, or
 6454 any subagent authorized to sell licenses and permits under s.
 6455 379.3511 ~~372.574~~ may request and collect donations when selling
 6456 a recreational license or permit authorized under s. 379.354
 6457 ~~372.57~~. All donations collected under this subsection shall be
 6458 deposited into the State Game Trust Fund to be used solely for

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6459 the purpose of enhancing youth hunting and youth freshwater and
 6460 saltwater fishing programs. By January 1, the commission shall
 6461 provide a complete and detailed annual report on the status of
 6462 its youth programs and activities performed under this
 6463 subsection to the Governor, the President of the Senate, and the
 6464 Speaker of the House of Representatives.

6465 (14) The commission is authorized to adopt rules pursuant
 6466 to ss. 120.536(1) and 120.54 to implement the provisions of this
 6467 section.

6468 Section 138. Section 372.562, Florida Statutes, is
 6469 renumbered as section 379.353, Florida Statutes, and amended to
 6470 read:

6471 379.353 ~~372.562~~ Recreational licenses and permits;
 6472 exemptions from fees and requirements.--

6473 (1) Hunting, freshwater fishing, and saltwater fishing
 6474 licenses and permits shall be issued without fee to any resident
 6475 who is certified or determined:

6476 (a) To be totally and permanently disabled for purposes of
 6477 workers' compensation under chapter 440 as verified by an order
 6478 of a judge of compensation claims or written confirmation by the
 6479 carrier providing workers' compensation benefits, or to be
 6480 totally and permanently disabled by the Railroad Retirement
 6481 Board, by the United States Department of Veterans Affairs or
 6482 its predecessor, or by any branch of the United States Armed
 6483 Forces, or who holds a valid identification card issued under
 6484 the provisions of s. 295.17, upon proof of same. Any license
 6485 issued under this paragraph after January 1, 1997, expires after

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6486 5 years and must be reissued, upon request, every 5 years
 6487 thereafter.

6488 (b) To be disabled by the United States Social Security
 6489 Administration, upon proof of same. Any license issued under
 6490 this paragraph after October 1, 1999, expires after 2 years and
 6491 must be reissued, upon proof of certification of disability,
 6492 every 2 years thereafter.

6493
 6494 A disability license issued after July 1, 1997, and before July
 6495 1, 2000, retains the rights vested thereunder until the license
 6496 has expired.

6497 (2) A hunting, freshwater fishing, or saltwater fishing
 6498 license or permit is not required for:

6499 (a) Any child under 16 years of age, except as otherwise
 6500 provided in this part ~~chapter~~.

6501 (b) Any person hunting or freshwater fishing on her or his
 6502 homestead property, or on the homestead property of the person's
 6503 spouse or minor child; or any minor child hunting or freshwater
 6504 fishing on the homestead property of her or his parent.

6505 (c) Any resident who is a member of the United States
 6506 Armed Forces and not stationed in this state, when home on leave
 6507 for 30 days or less, upon submission of orders.

6508 (d) Any resident freshwater fishing for recreational
 6509 purposes only, within her or his county of residence with live
 6510 or natural bait, using poles or lines not equipped with a
 6511 fishing line retrieval mechanism. This exemption does not apply
 6512 to residents fishing in a legally established fish management
 6513 area.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6514 (e) Any person freshwater fishing in a fish pond of 20
 6515 acres or less that is located entirely within the private
 6516 property of the fish pond owner.

6517 (f) Any person freshwater fishing in a fish pond that is
 6518 licensed in accordance with s. 379.356 ~~372.5705~~.

6519 (g) Any person fishing who has been accepted as a client
 6520 for developmental disabilities services by the Department of
 6521 Children and Family Services, provided the department furnishes
 6522 proof thereof.

6523 (h) Any resident saltwater fishing from land or from a
 6524 structure fixed to the land.

6525 (i) Any person saltwater fishing from a vessel licensed
 6526 pursuant to s. 379.354(7) ~~372.57(7)~~.

6527 (j) Any person saltwater fishing from a vessel the
 6528 operator of which is licensed pursuant to s. 379.354(7)
 6529 ~~372.57(7)~~.

6530 (k) Any person saltwater fishing who holds a valid
 6531 saltwater products license issued under s. 379.361(2) ~~370.06(2)~~.

6532 (l) Any person saltwater fishing for recreational purposes
 6533 from a pier licensed under s. 379.354 ~~372.57~~.

6534 (m) Any resident fishing for a saltwater species in fresh
 6535 water from land or from a structure fixed to land.

6536 (n) Any resident fishing for mullet in fresh water who has
 6537 a valid Florida freshwater fishing license.

6538 (o) Any resident 65 years of age or older who has in her
 6539 or his possession proof of age and residency. A no-cost license
 6540 under this paragraph may be obtained from any tax collector's
 6541 office upon proof of age and residency and must be in the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6542 possession of the resident during hunting, freshwater fishing,
 6543 and saltwater fishing activities.

6544 (p) Any employee of the commission who takes freshwater
 6545 fish, saltwater fish, or game as part of employment with the
 6546 commission, or any other person authorized by commission permit
 6547 to take freshwater fish, saltwater fish, or game for scientific
 6548 or educational purposes.

6549 (q) Any resident recreationally freshwater fishing who
 6550 holds a valid commercial fishing license issued under s.
 6551 379.3625(1)(a) ~~372.65(1)(a)~~.

6552 Section 139. Section 372.57, Florida Statutes, is
 6553 renumbered as section 379.354, Florida Statutes, and amended to
 6554 read:

6555 379.354 ~~372.57~~ Recreational licenses, permits, and
 6556 authorization numbers; fees established.--

6557 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
 6558 REQUIRED.--Except as provided in s. 379.353 ~~372.562~~, no person
 6559 shall take game, freshwater or saltwater fish, or fur-bearing
 6560 animals within this state without having first obtained a
 6561 license, permit, or authorization number and paid the fees set
 6562 forth in this chapter. Such license, permit, or authorization
 6563 number shall authorize the person to whom it is issued to take
 6564 game, freshwater or saltwater fish, or fur-bearing animals, and
 6565 participate in outdoor recreational activities in accordance
 6566 with the laws of the state and rules of the commission.

6567 (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.--

6568 (a) Licenses, permits, and authorization numbers issued
 6569 under this part ~~chapter~~ are not transferable. Each license and

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6570 permit must bear on its face in indelible ink the name of the
 6571 person to whom it is issued and other information as deemed
 6572 necessary by the commission. Licenses issued to the owner,
 6573 operator, or custodian of a vessel that directly or indirectly
 6574 collects fees for taking or attempting to take or possess
 6575 saltwater fish for noncommercial purposes must include the
 6576 vessel registration number or federal documentation number.

6577 (b) The lifetime licenses and 5-year licenses authorized
 6578 in this section shall be embossed with the name, date of birth,
 6579 date of issuance, and other pertinent information as deemed
 6580 necessary by the commission. A certified copy of the applicant's
 6581 birth certificate shall accompany each application for a
 6582 lifetime license for a resident 12 years of age or younger.

6583 (c) A positive form of identification is required when
 6584 using a free license, a lifetime license, a 5-year license, or
 6585 an authorization number issued under this chapter, or when
 6586 otherwise required by a license or permit.

6587 (3) PERSONAL POSSESSION REQUIRED.--Each license, permit,
 6588 or authorization number must be in the personal possession of
 6589 the person to whom it is issued while such person is taking,
 6590 attempting to take, or possessing game, freshwater or saltwater
 6591 fish, or fur-bearing animals. Any person taking, attempting to
 6592 take, or possessing game, freshwater or saltwater fish, or fur-
 6593 bearing animals who fails to produce a license, permit, or
 6594 authorization number at the request of a commission law
 6595 enforcement officer commits a violation of the law.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6596 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
 6597 and fees for residents participating in hunting and fishing
 6598 activities in this state are as follows:

6599 (a) Annual freshwater fishing license, \$15.50.

6600 (b) Annual saltwater fishing license, \$15.50.

6601 (c) Annual hunting license to take game, \$15.50.

6602 (d) Annual combination hunting and freshwater fishing
 6603 license, \$31.

6604 (e) Annual combination freshwater fishing and saltwater
 6605 fishing license, \$31.

6606 (f) Annual combination hunting, freshwater fishing, and
 6607 saltwater fishing license, \$46.50.

6608 (g) Annual license to take fur-bearing animals, \$25.

6609 However, a resident with a valid hunting license or a no-cost
 6610 license who is taking fur-bearing animals for noncommercial
 6611 purposes using guns or dogs only, and not traps or other
 6612 devices, is not required to purchase this license. Also, a
 6613 resident 65 years of age or older is not required to purchase
 6614 this license.

6615 (h) Annual sportsman's license, \$79, except that an annual
 6616 sportsman's license for a resident 64 years of age or older is
 6617 \$12. A sportsman's license authorizes the person to whom it is
 6618 issued to take game and freshwater fish, subject to the state
 6619 and federal laws, rules, and regulations, including rules of the
 6620 commission, in effect at the time of the taking. Other
 6621 authorized activities include activities authorized by a
 6622 management area permit, a muzzle-loading gun season permit, a

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6623 crossbow season permit, a turkey permit, a Florida waterfowl
 6624 permit, and an archery season permit.

6625 (i) Annual gold sportsman's license, \$98.50. The gold
 6626 sportsman's license authorizes the person to whom it is issued
 6627 to take freshwater fish, saltwater fish, and game, subject to
 6628 the state and federal laws, rules, and regulations, including
 6629 rules of the commission, in effect at the time of taking. Other
 6630 authorized activities include activities authorized by a
 6631 management area permit, a muzzle-loading gun season permit, a
 6632 crossbow season permit, a turkey permit, a Florida waterfowl
 6633 permit, an archery season permit, a snook permit, and a spiny
 6634 lobster permit.

6635 (j) Annual military gold sportsman's license, \$18.50. The
 6636 gold sportsman's license authorizes the person to whom it is
 6637 issued to take freshwater fish, saltwater fish, and game,
 6638 subject to the state and federal laws, rules, and regulations,
 6639 including rules of the commission, in effect at the time of
 6640 taking. Other authorized activities include activities
 6641 authorized by a management area permit, a muzzle-loading gun
 6642 season permit, a crossbow season permit, a turkey permit, a
 6643 Florida waterfowl permit, an archery season permit, a snook
 6644 permit, and a spiny lobster permit. Any resident who is an
 6645 active or retired member of the United States Armed Forces, the
 6646 United States Armed Forces Reserve, the National Guard, the
 6647 United States Coast Guard, or the United States Coast Guard
 6648 Reserve is eligible to purchase the military gold sportsman's
 6649 license upon submission of a current military identification
 6650 card.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

6651 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The
 6652 licenses and fees for nonresidents participating in hunting and
 6653 fishing activities in the state are as follows:
 6654 (a) Freshwater fishing license to take freshwater fish for
 6655 3 consecutive days, \$15.50.
 6656 (b) Freshwater fishing license to take freshwater fish for
 6657 7 consecutive days, \$28.50.
 6658 (c) Saltwater fishing license to take saltwater fish for 3
 6659 consecutive days, \$15.50.
 6660 (d) Saltwater fishing license to take saltwater fish for 7
 6661 consecutive days, \$28.50.
 6662 (e) Annual freshwater fishing license, \$45.50.
 6663 (f) Annual saltwater fishing license, \$45.50.
 6664 (g) Hunting license to take game for 10 consecutive days,
 6665 \$45.
 6666 (h) Annual hunting license to take game, \$150.
 6667 (i) Annual license to take fur-bearing animals, \$25.
 6668 However, a nonresident with a valid Florida hunting license who
 6669 is taking fur-bearing animals for noncommercial purposes using
 6670 guns or dogs only, and not traps or other devices, is not
 6671 required to purchase this license.
 6672 (6) PIER LICENSE.--A pier license for any pier fixed to
 6673 land for the purpose of taking or attempting to take saltwater
 6674 fish is \$500 per year. The pier license may be purchased at the
 6675 option of the owner, operator, or custodian of such pier and
 6676 must be available for inspection at all times.
 6677 (7) VESSEL LICENSES.--

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

6678 (a) No person may operate any vessel wherein a fee is
6679 paid, either directly or indirectly, for the purpose of taking,
6680 attempting to take, or possessing any saltwater fish for
6681 noncommercial purposes unless she or he has obtained a license
6682 for each vessel for that purpose, and has paid the license fee
6683 pursuant to paragraphs (b) and (c) for such vessel.

6684 (b) A license for any person who operates any vessel
6685 licensed to carry more than 10 customers, wherein a fee is paid,
6686 either directly or indirectly, for the purpose of taking or
6687 attempting to take saltwater fish, is \$800 per year. The license
6688 must be kept aboard the vessel at all times.

6689 (c)1. A license for any person who operates any vessel
6690 licensed to carry no more than 10 customers, or for any person
6691 licensed to operate any vessel carrying 6 or fewer customers,
6692 wherein a fee is paid, either directly or indirectly, for the
6693 purpose of taking or attempting to take saltwater fish, is \$400
6694 per year.

6695 2. A license for any person licensed to operate any vessel
6696 carrying 6 or fewer customers but who operates a vessel carrying
6697 4 or fewer customers, wherein a fee is paid, either directly or
6698 indirectly, for the purpose of taking or attempting to take
6699 saltwater fish, is \$200 per year. The license must be kept
6700 aboard the vessel at all times.

6701 3. A person who operates a vessel required to be licensed
6702 pursuant to paragraph (b) or this paragraph may obtain a license
6703 in her or his own name, and such license shall be transferable
6704 and apply to any vessel operated by the purchaser, provided that
6705 the purchaser has paid the appropriate license fee.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6706 (d) A license for a recreational vessel not for hire and
 6707 for which no fee is paid, either directly or indirectly, by
 6708 guests for the purpose of taking or attempting to take saltwater
 6709 fish noncommercially is \$2,000 per year. The license may be
 6710 purchased at the option of the vessel owner and must be kept
 6711 aboard the vessel at all times. A log of species taken and the
 6712 date the species were taken shall be maintained and a copy of
 6713 the log filed with the commission at the time of renewal of the
 6714 license.

6715 (e) The owner, operator, or custodian of a vessel the
 6716 operator of which has been licensed pursuant to paragraph (a)
 6717 must maintain and report such statistical data as required by,
 6718 and in a manner set forth in, the rules of the commission.

6719 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
 6720 PERMITS.--In addition to any license required under this
 6721 chapter, the following permits and fees for specified hunting,
 6722 fishing, and recreational uses and activities are required:

6723 (a) An annual Florida waterfowl permit for a resident or
 6724 nonresident to take wild ducks or geese within the state or its
 6725 coastal waters is \$3.

6726 (b)1. An annual Florida turkey permit for a resident to
 6727 take wild turkeys within the state is \$5.

6728 2. An annual Florida turkey permit for a nonresident to
 6729 take wild turkeys within the state is \$100.

6730 (c) An annual snook permit for a resident or nonresident
 6731 to take or possess any snook from any waters of the state is \$2.
 6732 Revenue generated from the sale of snook permits shall be used
 6733 exclusively for programs to benefit the snook population.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6734 (d) An annual spiny lobster permit for a resident or
 6735 nonresident to take or possess any spiny lobster for
 6736 recreational purposes from any waters of the state is \$2.
 6737 Revenue generated from the sale of spiny lobster permits shall
 6738 be used exclusively for programs to benefit the spiny lobster
 6739 population.

6740 (e) A \$5 fee is imposed for each of the following permits:

6741 1. An annual archery season permit for a resident or
 6742 nonresident to hunt within the state during any archery season
 6743 authorized by the commission.

6744 2. An annual crossbow season permit for a resident or
 6745 nonresident to hunt within the state during any crossbow season
 6746 authorized by the commission.

6747 3. An annual muzzle-loading gun season permit for a
 6748 resident or nonresident to hunt within the state during any
 6749 muzzle-loading gun season authorized by the commission.

6750 (f) A special use permit for a resident or nonresident to
 6751 participate in limited entry hunting or fishing activities as
 6752 authorized by commission rule shall not exceed \$100 per day or
 6753 \$250 per week. Notwithstanding any other provision of this
 6754 chapter, there are no exclusions, exceptions, or exemptions from
 6755 this permit fee. In addition to the permit fee, the commission
 6756 may charge each special use permit applicant a nonrefundable
 6757 application fee not to exceed \$10.

6758 (g)1. A management area permit for a resident or
 6759 nonresident to hunt on, fish on, or otherwise use for outdoor
 6760 recreational purposes land owned, leased, or managed by the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6761 commission, or by the state for the use and benefit of the
 6762 commission, shall not exceed \$25 per year.

6763 2. Permit fees for short-term use of land that is owned,
 6764 leased, or managed by the commission may be established by rule
 6765 of the commission for activities on such lands. Such permits may
 6766 be in lieu of, or in addition to, the annual management area
 6767 permit authorized in subparagraph 1.

6768 3. Other than for hunting or fishing, the provisions of
 6769 this paragraph shall not apply on any lands not owned by the
 6770 commission, unless the commission has obtained the written
 6771 consent of the owner or primary custodian of such lands.

6772 (h)1. A recreational user permit is required to hunt on,
 6773 fish on, or otherwise use for outdoor recreational purposes land
 6774 leased by the commission from private nongovernmental owners,
 6775 except for those lands located directly north of the
 6776 Apalachicola National Forest, east of the Ochlocknee River until
 6777 the point the river meets the dam forming Lake Talquin, and
 6778 south of the closest federal highway. The fee for a recreational
 6779 user permit shall be based upon the economic compensation
 6780 desired by the landowner, game population levels, desired hunter
 6781 density, and administrative costs. The permit fee shall be set
 6782 by commission rule on a per-acre basis. The recreational user
 6783 permit fee, less administrative costs of up to \$25 per permit,
 6784 shall be remitted to the landowner as provided in the lease
 6785 agreement for each area.

6786 2. One minor dependent under 16 years of age may hunt
 6787 under the supervision of the permittee and is exempt from the
 6788 recreational user permit requirements. The spouse and dependent

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6789 children of a permittee are exempt from the recreational user
 6790 permit requirements when engaged in outdoor recreational
 6791 activities other than hunting and when accompanied by a
 6792 permittee. Notwithstanding any other provision of this chapter,
 6793 no other exclusions, exceptions, or exemptions from the
 6794 recreational user permit fee are authorized.

6795 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

6796 (a) Five-year licenses are available for residents only,
 6797 as follows:

6798 1. A 5-year freshwater fishing or saltwater fishing
 6799 license is \$77.50 for each type of license and authorizes the
 6800 person to whom the license is issued to take or attempt to take
 6801 or possess freshwater fish or saltwater fish consistent with the
 6802 state and federal laws and regulations and rules of the
 6803 commission in effect at the time of taking.

6804 2. A 5-year hunting license is \$77.50 and authorizes the
 6805 person to whom it is issued to take or attempt to take or
 6806 possess game consistent with the state and federal laws and
 6807 regulations and rules of the commission in effect at the time of
 6808 taking.

6809 3. The commission is authorized to sell the hunting,
 6810 fishing, and recreational activity permits authorized in
 6811 subsection (8) for a 5-year period to match the purchase of 5-
 6812 year fishing and hunting licenses. The fee for each permit
 6813 issued under this paragraph shall be five times the annual cost
 6814 established in subsection (8).

6815 (b) Proceeds from the sale of all 5-year licenses and
 6816 permits shall be deposited into the Dedicated License Trust

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6817 Fund, to be distributed in accordance with the provisions of s.
 6818 379.203 ~~372.106~~.

6819 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
 6820 LICENSES.--

6821 (a) Lifetime freshwater fishing licenses or saltwater
 6822 fishing licenses are available for residents only, as follows,
 6823 for:

- 6824 1. Persons 4 years of age or younger, for a fee of \$125.
- 6825 2. Persons 5 years of age or older, but under 13 years of
 6826 age, for a fee of \$225.
- 6827 3. Persons 13 years of age or older, for a fee of \$300.

6828 (b) The following activities are authorized by the
 6829 purchase of a lifetime freshwater fishing license:

- 6830 1. Taking, or attempting to take or possess, freshwater
 6831 fish consistent with the state and federal laws and regulations
 6832 and rules of the commission in effect at the time of the taking.

- 6833 2. All activities authorized by a management area permit,
 6834 excluding hunting.

6835 (c) The following activities are authorized by the
 6836 purchase of a lifetime saltwater fishing license:

- 6837 1. Taking, or attempting to take or possess, saltwater
 6838 fish consistent with the state and federal laws and regulations
 6839 and rules of the commission in effect at the time of the taking.

- 6840 2. All activities authorized by a snook permit and a spiny
 6841 lobster permit.

- 6842 3. All activities for which an additional license, permit,
 6843 or fee is required to take or attempt to take or possess
 6844 saltwater fish, which additional license, permit, or fee was

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

6845 imposed subsequent to the date of the purchase of the lifetime
6846 saltwater fishing license.

6847 (11) RESIDENT LIFETIME HUNTING LICENSES.--

6848 (a) Lifetime hunting licenses are available to residents
6849 only, as follows, for:

6850 1. Persons 4 years of age or younger, for a fee of \$200.

6851 2. Persons 5 years of age or older, but under 13 years of
6852 age, for a fee of \$350.

6853 3. Persons 13 years of age or older, for a fee of \$500.

6854 (b) The following activities are authorized by the
6855 purchase of a lifetime hunting license:

6856 1. Taking, or attempting to take or possess, game
6857 consistent with the state and federal laws and regulations and
6858 rules of the commission in effect at the time of the taking.

6859 2. All activities authorized by a muzzle-loading gun
6860 season permit, a crossbow season permit, a turkey permit, an
6861 archery season permit, a Florida waterfowl permit, and a
6862 management area permit, excluding fishing.

6863 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

6864 (a) Lifetime sportsman's licenses are available to
6865 residents only, as follows, for:

6866 1. Persons 4 years of age or younger, for a fee of \$400.

6867 2. Persons 5 years of age or older, but under 13 years of
6868 age, for a fee of \$700.

6869 3. Persons 13 years of age or older, for a fee of \$1,000.

6870 (b) The following activities are authorized by the
6871 purchase of a lifetime sportsman's license:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6872 1. Taking, or attempting to take or possess, freshwater
 6873 and saltwater fish, and game, consistent with the state and
 6874 federal laws and regulations and rules of the commission in
 6875 effect at the time of taking.

6876 2. All activities authorized by a management area permit,
 6877 a muzzle-loading gun season permit, a crossbow season permit, a
 6878 turkey permit, an archery season permit, a Florida waterfowl
 6879 permit, a snook permit, and a spiny lobster permit.

6880 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The
 6881 proceeds from the sale of all lifetime licenses authorized in
 6882 this section shall be deposited into the Lifetime Fish and
 6883 Wildlife Trust Fund, to be distributed as provided in s. 379.207
 6884 ~~372.105~~.

6885 (14) RECIPROCAL FEE AGREEMENTS.--The commission is
 6886 authorized to reduce the fees for licenses and permits under
 6887 this section for residents of those states with which the
 6888 commission has entered into reciprocal agreements with respect
 6889 to such fees.

6890 (15) FREE FISHING DAYS.--The commission may designate by
 6891 rule no more than 2 consecutive or nonconsecutive days in each
 6892 year as free freshwater fishing days and no more than 2
 6893 consecutive or nonconsecutive days in each year as free
 6894 saltwater fishing days. Notwithstanding any other provision of
 6895 this chapter, any person may take freshwater fish for
 6896 noncommercial purposes on a free freshwater fishing day and may
 6897 take saltwater fish for noncommercial purposes on a free
 6898 saltwater fishing day, without obtaining or possessing a license
 6899 or permit or paying a license or permit fee as prescribed in

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6900 | this section. A person who takes freshwater or saltwater fish on
 6901 | a free fishing day must comply with all laws, rules, and
 6902 | regulations governing the holders of a fishing license or permit
 6903 | and all other conditions and limitations regulating the taking
 6904 | of freshwater or saltwater fish as are imposed by law or rule.

6905 | (16) PROHIBITED LICENSES OR PERMITS.--A person may not
 6906 | make, forge, counterfeit, or reproduce a license or permit
 6907 | required under this section, except for those persons authorized
 6908 | by the commission to make or reproduce such a license or permit.
 6909 | A person may not knowingly possess a forgery, counterfeit, or
 6910 | unauthorized reproduction of such a license or permit. A person
 6911 | who violates this subsection commits a Level Four violation
 6912 | under s. 379.401 ~~372.83~~.

6913 | (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
 6914 | game, freshwater fish, saltwater fish, or fur-bearing animals
 6915 | within this state if a license issued to such person as required
 6916 | under this section or a privilege granted to such person under
 6917 | s. 379.353 ~~372.562~~ is suspended or revoked. A person who
 6918 | violates this subsection commits a Level Three violation under
 6919 | s. 379.401 ~~372.83~~.

6920 | Section 140. Section 370.063, Florida Statutes, is
 6921 | renumbered as section 379.355, Florida Statutes, and amended to
 6922 | read:

6923 | 379.355 ~~370.063~~ Special recreational spiny lobster
 6924 | license.--There is created a special recreational spiny lobster
 6925 | license, to be issued to qualified persons as provided by this
 6926 | section for the recreational harvest of spiny lobster beginning
 6927 | August 5, 1994.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6928 (1) The special recreational spiny lobster license shall
 6929 be available to any individual spiny lobster trap number holder
 6930 who also possesses a saltwater products license during the 1993-
 6931 1994 license year. A person issued a special recreational spiny
 6932 lobster license may not also possess a trap number.

6933 (2) The special recreational spiny lobster license is
 6934 required in order to harvest spiny lobster from state
 6935 territorial waters in quantities in excess of the regular
 6936 recreational bag limit but not in excess of a special bag limit
 6937 as established by the Marine Fisheries Commission for these
 6938 harvesters before the 1994-1995 license year. Such special bag
 6939 limit does not apply during the 2-day sport season established
 6940 by the Fish and Wildlife Conservation Commission.

6941 (3) The holder of a special recreational spiny lobster
 6942 license must also possess the recreational spiny lobster permit
 6943 required by s. 379.354(8)(d) ~~372.57(8)(d)~~.

6944 ~~(4) As a condition precedent to the issuance of a special~~
 6945 ~~recreational spiny lobster license, the applicant must agree to~~
 6946 ~~file quarterly reports with the Fish and Wildlife Conservation~~
 6947 ~~Commission in such form as the commission requires, detailing~~
 6948 ~~the amount of the licenseholder's spiny lobster harvest in the~~
 6949 ~~previous quarter, including the harvest of other recreational~~
 6950 ~~harvesters aboard the licenseholder's vessel.~~

6951 (4) ~~(5)~~ The Fish and Wildlife Conservation Commission shall
 6952 issue special recreational spiny lobster licenses. The fee for
 6953 each such license is \$100 per year. Each license issued in any
 6954 license year must be renewed by June 30 of each subsequent year
 6955 by the initial individual holder thereof. ~~Noncompliance with the~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6956 ~~reporting requirement in subsection (4) or with the special~~
 6957 ~~recreational bag limit established under subsection (6)~~
 6958 ~~constitutes grounds for which the commission may refuse to renew~~
 6959 ~~the license for a subsequent license year. The number of such~~
 6960 licenses outstanding in any one license year may not exceed the
 6961 number issued for the 1994-1995 license year. A license is not
 6962 transferable by any method. Licenses that are not renewed expire
 6963 and may be reissued by the commission in the subsequent license
 6964 year to new applicants otherwise qualified under this section.

6965 ~~(6) To promote conservation of the spiny lobster resource,~~
 6966 ~~consistent with equitable distribution and availability of the~~
 6967 ~~resource, the commission shall establish a spiny lobster~~
 6968 ~~management plan incorporating the special recreational spiny~~
 6969 ~~lobster license, including, but not limited to, the~~
 6970 ~~establishment of a special recreational bag limit for the~~
 6971 ~~holders of such license as required by subsection (2). Such~~
 6972 ~~special recreational bag limit must not be less than twice the~~
 6973 ~~higher of the daily recreational bag limits.~~

6974 (5)~~(7)~~ The proceeds of the fees collected under this
 6975 section must be deposited in the Marine Resources Conservation
 6976 Trust Fund and used as follows:

6977 (a) Thirty-five percent for research and the development
 6978 of reliable recreational catch statistics for the spiny lobster
 6979 fishery.

6980 (b) Twenty percent for administration of this section.

6981 (c) Forty-five percent to be used for enforcement of this
 6982 section.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

6983 (6)~~(8)~~ Any person who violates this section commits a
 6984 Level One violation under s. 379.401 ~~372.83~~.

6985 Section 141. Section 372.5705, Florida Statutes, is
 6986 renumbered as section 379.356, Florida Statutes, to read:

6987 379.356 ~~372.5705~~ Fish pond license.--The owner of a fish
 6988 pond of more than 20 acres which is located entirely within her
 6989 or his property may obtain a license from the commission for
 6990 such pond at a fee of \$3 per surface acre, and no fishing
 6991 license shall be required of any person fishing in such licensed
 6992 pond.

6993 Section 142. Section 372.5704, Florida Statutes, is
 6994 renumbered as section 379.357, Florida Statutes, and amended to
 6995 read:

6996 379.357 ~~372.5704~~ Fish and Wildlife Conservation Commission
 6997 license program for tarpon; fees; penalties.--

6998 (1) The commission shall establish a license program for
 6999 the purpose of issuing tags to individuals desiring to harvest
 7000 tarpon (*megalops atlantica*) from the waters of the state. The
 7001 tags shall be nontransferable, except that the commission may
 7002 allow for a limited number of tags to be purchased by
 7003 professional fishing guides for transfer to individuals, and
 7004 issued by the commission in order of receipt of a properly
 7005 completed application for a nonrefundable fee of \$50 per tag.
 7006 The commission and any tax collector may sell the tags and
 7007 collect the fees therefor. Tarpon tags are valid from July 1
 7008 through June 30. Before August 15 of each year, each tax
 7009 collector shall submit to the commission all unissued tags for
 7010 the previous fiscal year along with a written audit report, on

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7011 forms prescribed or approved by the commission, as to the
 7012 numbers of the unissued tags. To defray the cost of issuing any
 7013 tag, the issuing tax collector shall collect and retain as his
 7014 or her costs, in addition to the tag fee collected, the amount
 7015 allowed under s. 379.352(6) ~~372.561(6)~~ for the issuance of
 7016 licenses.

7017 ~~(2) The number of tags to be issued shall be determined by~~
 7018 ~~rule of the commission. The commission shall in no way allow the~~
 7019 ~~issuance of tarpon tags to adversely affect the tarpon~~
 7020 ~~population.~~

7021 (2) ~~(3)~~ Proceeds from the sale of tarpon tags shall be
 7022 deposited in the Marine Resources Conservation Trust Fund and
 7023 shall be used to gather information directly applicable to
 7024 tarpon management.

7025 (3) ~~(4)~~ No individual shall take, kill, or possess any fish
 7026 of the species megalops atlantica, commonly known as tarpon,
 7027 unless such individual has purchased a tarpon tag and securely
 7028 attached it through the lower jaw of the fish. Said individual
 7029 shall within 5 days after the landing of the fish submit a form
 7030 to the commission which indicates the length, weight, and
 7031 physical condition of the tarpon when caught; the date and
 7032 location of where the fish was caught; and any other pertinent
 7033 information which may be required by the commission. The
 7034 commission may refuse to issue new tags to individuals or guides
 7035 who fail to provide the required information.

7036 (4) ~~(5)~~ Any individual including a taxidermist who
 7037 possesses a tarpon which does not have a tag securely attached
 7038 as required by this section commits a Level Two violation under

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7039 s. 379.401 ~~372.83~~. Provided, however, a taxidermist may remove
 7040 the tag during the process of mounting a tarpon. The removed tag
 7041 shall remain with the fish during any subsequent storage or
 7042 shipment.

7043 ~~(5)-(6)~~ Purchase of a tarpon tag shall not accord the
 7044 purchaser any right to harvest or possess tarpon in
 7045 contravention of rules adopted by the commission. No individual
 7046 may sell, offer for sale, barter, exchange for merchandise,
 7047 transport for sale, either within or without the state, offer to
 7048 purchase, or purchase any species of fish known as tarpon.

7049 ~~(6)-(7)~~ The commission shall prescribe and provide suitable
 7050 forms and tags necessary to carry out the provisions of this
 7051 section.

7052 ~~(7)-(8)~~ The provisions of this section shall not apply to
 7053 anyone who immediately returns a tarpon uninjured to the water
 7054 at the place where the fish was caught.

7055 Section 143. Section 372.5717, Florida Statutes, is
 7056 renumbered as section 379.3581, Florida Statutes, and amended to
 7057 read:

7058 379.3581 ~~372.5717~~ Hunter safety course; requirements;
 7059 penalty.--

7060 (1) This section may be cited as the Senator Joe Carlucci
 7061 Hunter Safety Act.

7062 (2) (a) Except as provided in paragraph (b), a person born
 7063 on or after June 1, 1975, may not be issued a license to take
 7064 wild animal life with the use of a firearm, gun, bow, or
 7065 crossbow in this state without having first successfully
 7066 completed a hunter safety course as provided in this section,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7067 and without having in his or her personal possession a hunter
 7068 safety certification card, as provided in this section.

7069 (b) A person born on or after June 1, 1975, who has not
 7070 successfully completed a hunter safety course may apply to the
 7071 commission for a special authorization to hunt under
 7072 supervision. The special authorization for supervised hunting
 7073 shall be designated on any license or permit required under this
 7074 chapter for a person to take game or fur-bearing animals and
 7075 shall be valid for not more than 1 year. A special authorization
 7076 for supervised hunting may not be issued more than once to the
 7077 person applying for such authorization. A person issued a
 7078 license with a special authorization to hunt under supervision
 7079 must hunt under the supervision of, and in the presence of, a
 7080 person 21 years or age or older who is licensed to hunt pursuant
 7081 to s. 379.354 ~~372.57~~ or who is exempt from licensing
 7082 requirements or eligible for a free license pursuant to s.
 7083 379.353 ~~372.562~~.

7084 (3) The Fish and Wildlife Conservation Commission shall
 7085 institute and coordinate a statewide hunter safety course that
 7086 must be offered in every county and consist of not more than 16
 7087 hours of instruction including, but not limited to, instruction
 7088 in the competent and safe handling of firearms, conservation,
 7089 and hunting ethics.

7090 (4) The commission shall issue a permanent hunter safety
 7091 certification card to each person who successfully completes the
 7092 hunter safety course. The commission shall maintain records of
 7093 hunter safety certification cards issued and shall establish
 7094 procedures for replacing lost or destroyed cards.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7095 (5) A hunter safety certification card issued by a
 7096 wildlife agency of another state, or any Canadian province,
 7097 which shows that the holder of the card has successfully
 7098 completed a hunter safety course approved by the commission is
 7099 an acceptable substitute for the hunter safety certification
 7100 card issued by the commission.

7101 (6) All persons subject to the requirements of subsection
 7102 (2) must have in their personal possession proof of compliance
 7103 with this section, while taking or attempting to take wildlife
 7104 with the use of a firearm, gun, bow, or crossbow, and must,
 7105 unless the requirement to complete a hunter safety course is
 7106 deferred pursuant to this section, display a valid hunter safety
 7107 certification card in order to purchase a Florida hunting
 7108 license. After the issuance of such a license, the license
 7109 itself shall serve as proof of compliance with this section. A
 7110 holder of a lifetime license whose license does not indicate on
 7111 the face of the license that a hunter safety course has been
 7112 completed must have in his or her personal possession a hunter
 7113 safety certification card, as provided by this section, while
 7114 attempting to take wild animal life with the use of a firearm,
 7115 gun, bow, or crossbow.

7116 (7) The hunter safety requirements of this section do not
 7117 apply to persons for whom licenses are not required under s.
 7118 379.353(2) ~~372.562(2)~~.

7119 (8) A person who violates this section commits a Level One
 7120 violation under s. 379.401 ~~372.83~~.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7121 Section 144. Section 372.5718, Florida Statutes, is
 7122 renumbered as section 379.3582, Florida Statutes, and amended to
 7123 read:

7124 379.3582 ~~372.5718~~ Hunter safety course for juveniles.--The
 7125 Fish and Wildlife Conservation Commission shall develop a hunter
 7126 safety course for juveniles who are at least 5 years of age but
 7127 less than 16 years of age. The course must include, but is not
 7128 limited to, instruction in the competent and safe handling of
 7129 firearms, conservation, and hunting ethics. The course must be
 7130 appropriate for the ages of the students. The course is
 7131 voluntary and must be offered in each county in the state at
 7132 least annually. The course is in addition to, and not in lieu
 7133 of, the hunter safety course prescribed in s. 379.3581 ~~372.5717~~.

7134 Section 145. Part VII of chapter 379, Florida Statutes,
 7135 consisting of sections 379.361, 379.362, 379.363, 379.3635,
 7136 379.364, 379.365, 379.366, 379.367, 379.3671, 379.368, 379.369,
 7137 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751,
 7138 379.3752, 379.3761, 379.3762, and 379.377, is created to read:

PART VII

NONRECREATIONAL LICENSES

7142 Section 146. Section 370.06, Florida Statutes, is
 7143 renumbered as section 379.361 Florida Statutes, and amended to
 7144 read:

7145 379.361 ~~370.06~~ Licenses.--

7146 (1) LICENSE ON PURSE SEINES.--There is levied, in addition
 7147 to any other taxes thereon, an annual license tax of \$25 upon

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7148 | each purse seine used in the waters of this state. This license
 7149 | fee shall be collected in the manner provided in this section.

7150 | (2) SALTWATER PRODUCTS LICENSE.--

7151 | (a) Every person, firm, or corporation that sells, offers
 7152 | for sale, barter, or exchanges for merchandise any saltwater
 7153 | products, or which harvests saltwater products with certain gear
 7154 | or equipment as specified by law, must have a valid saltwater
 7155 | products license, except that the holder of an aquaculture
 7156 | certificate under s. 597.004 is not required to purchase and
 7157 | possess a saltwater products license in order to possess,
 7158 | transport, or sell marine aquaculture products. Each saltwater
 7159 | products license allows the holder to engage in any of the
 7160 | activities for which the license is required. The license must
 7161 | be in the possession of the licenseholder or aboard the vessel
 7162 | and is subject to inspection at any time that harvesting
 7163 | activities for which a saltwater products license is required
 7164 | are being conducted.

7165 | (b)1. A restricted species endorsement on the saltwater
 7166 | products license is required to sell to a licensed wholesale
 7167 | dealer those species which the state, by law or rule, has
 7168 | designated as "restricted species." This endorsement may be
 7169 | issued only to a person who is at least 16 years of age, or to a
 7170 | firm certifying that over 25 percent of its income or \$5,000 of
 7171 | its income, whichever is less, is attributable to the sale of
 7172 | saltwater products pursuant to a saltwater products license
 7173 | issued under this paragraph or a similar license from another
 7174 | state. This endorsement may also be issued to a for-profit
 7175 | corporation if it certifies that at least \$5,000 of its income

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7176 is attributable to the sale of saltwater products pursuant to a
 7177 saltwater products license issued under this paragraph or a
 7178 similar license from another state. However, if at least 50
 7179 percent of the annual income of a person, firm, or for-profit
 7180 corporation is derived from charter fishing, the person, firm,
 7181 or for-profit corporation must certify that at least \$2,500 of
 7182 the income of the person, firm, or corporation is attributable
 7183 to the sale of saltwater products pursuant to a saltwater
 7184 products license issued under this paragraph or a similar
 7185 license from another state, in order to be issued the
 7186 endorsement. Such income attribution must apply to at least 1 of
 7187 the last 3 years. For the purpose of this section, "income"
 7188 means that income that is attributable to work, employment,
 7189 entrepreneurship, pensions, retirement benefits, and social
 7190 security benefits.

7191 2. To renew an existing restricted species endorsement, a
 7192 marine aquaculture producer possessing a valid saltwater
 7193 products license with a restricted species endorsement may apply
 7194 income from the sale of marine aquaculture products to licensed
 7195 wholesale dealers.

7196 3. The commission is authorized to require verification of
 7197 such income for all restricted species endorsements issued
 7198 pursuant to this paragraph. Acceptable proof of income earned
 7199 from the sale of saltwater products shall be:

7200 a. Copies of trip ticket records generated pursuant to
 7201 this subsection (marine fisheries information system),
 7202 documenting qualifying sale of saltwater products;

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7203 b. Copies of sales records from locales other than Florida
7204 documenting qualifying sale of saltwater products;

7205 c. A copy of the applicable federal income tax return,
7206 including Form 1099 attachments, verifying income earned from
7207 the sale of saltwater products;

7208 d. Crew share statements verifying income earned from the
7209 sale of saltwater products; or

7210 e. A certified public accountant's notarized statement
7211 attesting to qualifying source and amount of income.

7212
7213 Notwithstanding any other provision of law, any person who owns
7214 a retail seafood market or restaurant at a fixed location for at
7215 least 3 years, who has had an occupational license for 3 years
7216 prior to January 1, 1990, who harvests saltwater products to
7217 supply his or her retail store, and who has had a saltwater
7218 products license for 1 of the past 3 license years prior to
7219 January 1, 1990, may provide proof of his or her verification of
7220 income and sales value at the person's retail seafood market or
7221 restaurant and in his or her saltwater products enterprise by
7222 affidavit and shall thereupon be issued a restricted species
7223 endorsement.

7224 4. Exceptions from income requirements shall be as
7225 follows:

7226 a. A permanent restricted species endorsement shall be
7227 available to those persons age 62 and older who have qualified
7228 for such endorsement for at least 3 of the last 5 years.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7229 b. Active military duty time shall be excluded from
 7230 consideration of time necessary to qualify and shall not be
 7231 counted against the applicant for purposes of qualifying.

7232 c. Upon the sale of a used commercial fishing vessel owned
 7233 by a person, firm, or corporation possessing or eligible for a
 7234 restricted species endorsement, the purchaser of such vessel
 7235 shall be exempted from the qualifying income requirement for the
 7236 purpose of obtaining a restricted species endorsement for a
 7237 period of 1 year after purchase of the vessel.

7238 d. Upon the death or permanent disablement of a person
 7239 possessing a restricted species endorsement, an immediate family
 7240 member wishing to carry on the fishing operation shall be
 7241 exempted from the qualifying income requirement for the purpose
 7242 of obtaining a restricted species endorsement for a period of 1
 7243 year after the death or disablement.

7244 e. A restricted species endorsement may be issued on an
 7245 individual saltwater products license to a person age 62 or
 7246 older who documents that at least \$2,500 of such person's income
 7247 is attributable to the sale of saltwater products.

7248 f. A permanent restricted species endorsement may also be
 7249 issued on an individual saltwater products license to a person
 7250 age 70 or older who has held a saltwater products license for at
 7251 least 3 of the last 5 license years.

7252 g. Any resident who is certified to be totally and
 7253 permanently disabled by the Railroad Retirement Board, by the
 7254 United States Department of Veterans Affairs or its predecessor,
 7255 or by any branch of the United States Armed Forces, or who holds
 7256 a valid identification card issued by the Department of

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7257 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
 7258 or any resident certified to be disabled by the United States
 7259 Social Security Administration or a licensed physician, upon
 7260 proof of the same, shall be exempted from the income
 7261 requirements if he or she also has held a saltwater products
 7262 license for at least 3 of the last 5 license years prior to the
 7263 date of the disability. A restricted species endorsement issued
 7264 under this paragraph may be issued only on an individual
 7265 saltwater products license.

7266 (c) At least one saltwater products license bearing a
 7267 restricted species endorsement shall be aboard any vessel
 7268 harvesting restricted species in excess of any bag limit or when
 7269 fishing under a commercial quota or in commercial quantities,
 7270 and such vessel shall have a commercial vessel registration.
 7271 This subsection does not apply to any person, firm, or
 7272 corporation licensed under s. 379.362(1)(a)1. or (b)
 7273 ~~370.07(1)(a)1. or (b)~~ for activities pursuant to such licenses.

7274 (d) A saltwater products license may be issued in the name
 7275 of an individual or a valid commercial vessel registration
 7276 number. However, a firm or corporation may only receive a
 7277 license issued to a valid commercial vessel registration number.
 7278 A saltwater products license may not be transferred by the
 7279 licenseholder to another individual, firm, or corporation. A
 7280 decal shall be issued with each saltwater products license
 7281 issued to a valid commercial vessel registration number. The
 7282 saltwater products license decal shall be the same color as the
 7283 vessel registration decal issued each year pursuant to s.
 7284 328.48(5) and shall indicate the period of time such license is

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7285 valid. The saltwater products license decal shall be placed
7286 beside the vessel registration decal and, in the case of an
7287 undocumented vessel, shall be placed so that the vessel
7288 registration decal lies between the commercial vessel
7289 registration number and the saltwater products license decal.
7290 Any saltwater products license decal for a previous year shall
7291 be removed from a vessel operating on the waters of the state.

7292 (e) The annual fee for a saltwater products license is:

7293 1. For a license issued in the name of an individual which
7294 authorizes only that individual to engage in commercial fishing
7295 activities from the shore or a vessel: a resident must pay \$50;
7296 a nonresident must pay \$200; or an alien must pay \$300.

7297 2. For a license issued in the name of an individual which
7298 authorizes that named individual to engage in commercial fishing
7299 activities from the shore or a vessel and also authorizes each
7300 person who is fishing with the named individual aboard a vessel
7301 to engage in such activities: a resident must pay \$150; a
7302 nonresident must pay \$600; or an alien must pay \$900.

7303 3. For a license issued to a valid commercial vessel
7304 registration number which authorizes each person aboard such
7305 registered vessel to engage in commercial fishing activities: a
7306 resident, or a resident firm or corporation, must pay \$100; a
7307 nonresident, or a nonresident firm or corporation, must pay
7308 \$400; or an alien, or an alien firm or corporation, must pay
7309 \$600. For purposes of this subparagraph, a resident firm or
7310 corporation means a firm or corporation formed under the laws of
7311 this state; a nonresident firm or corporation means a firm or
7312 corporation formed under the laws of any state other than

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7313 Florida; and an alien firm or corporation means a firm or
 7314 corporation organized under any laws other than laws of the
 7315 United States, any United States territory or possession, or any
 7316 state of the United States.

7317 (f) Any person who sells saltwater products pursuant to a
 7318 saltwater products license may sell only to a licensed wholesale
 7319 dealer. A saltwater products license must be presented to the
 7320 licensed wholesale dealer each time saltwater products are sold,
 7321 and an imprint made thereof. The wholesale dealer shall keep
 7322 records of each transaction in such detail as may be required by
 7323 rule of the commission not in conflict with s. 379.362(6)
 7324 ~~370.07(6)~~, and shall provide the holder of the saltwater
 7325 products license with a copy of the record. It is unlawful for
 7326 any licensed wholesale dealer to buy saltwater products from any
 7327 unlicensed person under the provisions of this section, except
 7328 that a licensed wholesale dealer may buy from another licensed
 7329 wholesale dealer. It is unlawful for any licensed wholesale
 7330 dealer to buy saltwater products designated as "restricted
 7331 species" from any person, firm, or corporation not possessing a
 7332 restricted species endorsement on his or her saltwater products
 7333 license under the provisions of this section, except that a
 7334 licensed wholesale dealer may buy from another licensed
 7335 wholesale dealer. For purposes of this subsection, any saltwater
 7336 products received by a wholesale dealer are presumed to have
 7337 been purchased.

7338 (g) The commission shall be the licensing agency, may
 7339 contract with private persons or entities to implement aspects
 7340 of the licensing program, and shall establish by rule a marine

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7341 fisheries information system in conjunction with the licensing
 7342 program to gather fisheries data.

7343 (h) Any person who sells, offers for sale, barter, or
 7344 exchanges for merchandise saltwater products must have a method
 7345 of catch preservation which meets the requirements and standards
 7346 of the seafood quality control code promulgated by the
 7347 commission.

7348 (i) A saltwater products license is required to harvest
 7349 commercial quantities of saltwater products. Any vessel from
 7350 which commercial quantities of saltwater products are harvested
 7351 must have a commercial vessel registration. Commercial
 7352 quantities of saltwater products shall be defined as:

7353 1. With respect to those species for which no bag limit
 7354 has been established, more than 100 pounds per person per day,
 7355 provided that the harvesting of two fish or less per person per
 7356 day shall not be considered commercial quantities regardless of
 7357 aggregate weight; and

7358 2. With respect to those species for which a bag limit has
 7359 been established, more than the bag limit allowed by law or
 7360 rule.

7361 (j)1. In addition to the saltwater products license, a
 7362 marine life fishing endorsement is required for the harvest of
 7363 marine life species as defined by rule of the Fish and Wildlife
 7364 Conservation Commission. This endorsement may be issued only to
 7365 a person who is at least 16 years of age or older or to a
 7366 corporation holding a valid restricted species endorsement.

7367 2.a. Effective July 1, 1998, and until July 1, 2002, a
 7368 marine life endorsement may not be issued under this paragraph,

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7369 | except that those endorsements that are active during the 1997-
7370 | 1998 fiscal year may be renewed.

7371 | b. In 1998 persons or corporations holding a marine life
7372 | endorsement that was active in the 1997-1998 fiscal year or an
7373 | immediate family member of that person must request renewal of
7374 | the marine life endorsement before December 31, 1998.

7375 | c. In subsequent years and until July 1, 2002, a marine
7376 | life endorsement holder or member of his or her immediate family
7377 | must request renewal of the marine life endorsement before
7378 | September 30 of each year.

7379 | d. If a person or corporation holding an active marine
7380 | life fishing endorsement or a member of that person's immediate
7381 | family does not request renewal of the endorsement before the
7382 | applicable dates specified in this paragraph, the commission
7383 | shall deactivate that marine life fishing endorsement.

7384 | e. In the event of the death or disability of a person
7385 | holding an active marine life fishing endorsement, the
7386 | endorsement may be transferred by the person to a member of his
7387 | or her immediate family or may be renewed by any person so
7388 | designated by the executor of the person's estate.

7389 | f. Persons or corporations who hold saltwater product
7390 | licenses with marine life fishing endorsements issued to their
7391 | vessel registration numbers and who subsequently replace their
7392 | existing vessels with new vessels may transfer the existing
7393 | marine life fishing endorsement to the new boat registration
7394 | numbers.

7395 | g. Persons or corporations who hold saltwater product
7396 | licenses with marine life fishing endorsements issued to their

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7397 name and who subsequently incorporate or unincorporate may
 7398 transfer the existing marine life fishing endorsement to the new
 7399 corporation or person.

7400 3. The fee for a marine life fishery endorsement on a
 7401 saltwater products license shall be \$75. These license fees
 7402 shall be collected and deposited in the Marine Resources
 7403 Conservation Trust Fund and used for the purchase and
 7404 installation of vessel mooring buoys at coral reef sites and for
 7405 research related to marine fisheries.

7406 (3) NET LICENSES.--Except for cast nets and bait seines
 7407 which are 100 feet in length or less and which have a mesh that
 7408 is 3/8 inch or less, all nets used to take finfish, including,
 7409 but not limited to, gill nets, trammel nets, and beach seines,
 7410 must be licensed or registered. Each net used to take finfish
 7411 for commercial purposes, or by a nonresident, must be licensed
 7412 under a saltwater products license issued pursuant to subsection
 7413 (2) and must bear the number of such license.

7414 (4) SPECIAL ACTIVITY LICENSES.--

7415 (a) A special activity license is required for any person
 7416 to use gear or equipment not authorized in this chapter or rule
 7417 of the Fish and Wildlife Conservation Commission for harvesting
 7418 saltwater species. In accordance with this chapter, s. 16, Art.
 7419 X of the State Constitution, and rules of the commission, the
 7420 commission may issue special activity licenses for the use of
 7421 nonconforming gear or equipment, including, but not limited to,
 7422 trawls, seines and entangling nets, traps, and hook and line
 7423 gear, to be used in harvesting saltwater species for scientific
 7424 and governmental purposes, and, where allowable, for innovative

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7425 fisheries. The commission may prescribe by rule application
 7426 requirements and terms, conditions, and restrictions to be
 7427 incorporated into each special activity license. This subsection
 7428 does not apply to gear or equipment used by certified marine
 7429 aquaculturists as provided for in s. 597.004 to harvest marine
 7430 aquaculture products.

7431 (b) The Fish and Wildlife Conservation Commission is
 7432 authorized to issue special activity licenses in accordance with
 7433 this section and s. 379.2524 ~~370.31~~, to permit the importation
 7434 and possession of wild anadromous sturgeon. The commission is
 7435 also authorized to issue special activity licenses, in
 7436 accordance with this section and s. 379.2524 ~~370.31~~, to permit
 7437 the importation, possession, and aquaculture of native and
 7438 nonnative anadromous sturgeon until best-management practices
 7439 are implemented for the cultivation of anadromous sturgeon
 7440 pursuant to s. 597.004. The special activity license shall
 7441 provide for specific management practices to protect indigenous
 7442 populations of saltwater species.

7443 (c) The conditions and specific management practices
 7444 established in this section shall be incorporated into permits
 7445 and authorizations issued pursuant to chapter 253, ~~chapter 373,~~
 7446 chapter 403, or this chapter, when incorporating such provisions
 7447 is in accordance with the aquaculture permit consolidation
 7448 procedures. No separate issuance of a special activity license
 7449 is required when conditions and specific management practices
 7450 are incorporated into permits or authorizations under this
 7451 paragraph. Implementation of this section to consolidate

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7452 | permitting actions does not constitute rules within the meaning
 7453 | of s. 120.52.

7454 | (d) The commission is authorized to issue special activity
 7455 | licenses in accordance with s. 379.2411 ~~370.101~~ and this
 7456 | section; aquaculture permit consolidation procedures in s.
 7457 | 379.2523(2) ~~370.26(2)~~; and rules of the commission to permit the
 7458 | capture and possession of saltwater species protected by law and
 7459 | used as stock for artificial cultivation and propagation.

7460 | (e) The commission is authorized to adopt rules to govern
 7461 | the administration of special activities licenses as provided in
 7462 | this chapter and rules of the commission. Such rules may
 7463 | prescribe application requirements and terms, conditions, and
 7464 | restrictions for any such special activity license requested
 7465 | pursuant to this section.

7466 | (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

7467 | (a) For purposes of this section, the following
 7468 | definitions shall apply:

7469 | 1. "Person" means an individual.

7470 | 2. "Resident" means any person who has:

7471 | a. Continuously resided in this state for 6 months
 7472 | immediately preceding the making of his or her application for
 7473 | an Apalachicola Bay oyster harvesting license; or

7474 | b. Established a domicile in this state and evidenced that
 7475 | domicile as provided in s. 222.17.

7476 | (b) No person shall harvest oysters from the Apalachicola
 7477 | Bay without a valid Apalachicola Bay oyster harvesting license
 7478 | issued by the Department of Agriculture and Consumer Services.
 7479 | This requirement shall not apply to anyone harvesting

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7480 noncommercial quantities of oysters in accordance with
 7481 commission rules ~~chapter 46-27, Florida Administrative Code~~, or
 7482 to any person less than 18 years old.

7483 (c) Any person wishing to obtain an Apalachicola Bay
 7484 oyster harvesting license shall submit an annual fee for the
 7485 license during a 45-day period from May 17 to June 30 of each
 7486 year preceding the license year for which the license is valid.
 7487 Failure to pay the annual fee within the required time period
 7488 shall result in a \$500 late fee being imposed before issuance of
 7489 the license.

7490 (d) The Department of Agriculture and Consumer Services
 7491 shall collect an annual fee of \$100 from residents and \$500 from
 7492 nonresidents for the issuance of an Apalachicola Bay oyster
 7493 harvesting license. The license year shall begin on July 1 of
 7494 each year and end on June 30 of the following year. The license
 7495 shall be valid only for the licensee. Only bona fide residents
 7496 of Florida may obtain a resident license pursuant to this
 7497 subsection.

7498 (e) Each person who applies for an Apalachicola Bay oyster
 7499 harvesting license shall, before receiving the license for the
 7500 first time, attend an educational seminar of not more than 16
 7501 hours length, developed and conducted jointly by the Department
 7502 of Environmental Protection's Apalachicola National Estuarine
 7503 Research Reserve, the Division of Law Enforcement of the Fish
 7504 and Wildlife Conservation Commission, and the Department of
 7505 Agriculture and Consumer Services' Apalachicola District
 7506 Shellfish Environmental Assessment Laboratory. The seminar shall
 7507 address, among other things, oyster biology, conservation of the

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7508 Apalachicola Bay, sanitary care of oysters, small business
 7509 management, and water safety. The seminar shall be offered five
 7510 times per year, and each person attending shall receive a
 7511 certificate of participation to present when obtaining an
 7512 Apalachicola Bay oyster harvesting license. The educational
 7513 seminar is not required for renewal of an Apalachicola Bay
 7514 oyster harvesting license.

7515 (f) Each person, while harvesting oysters in Apalachicola
 7516 Bay, shall have in possession a valid Apalachicola Bay oyster
 7517 harvesting license, or proof of having applied for a license
 7518 within the required time period, and shall produce such license
 7519 or proof of application upon request of any law enforcement
 7520 officer.

7521 (g) Each person who obtains an Apalachicola Bay oyster
 7522 harvesting license shall prominently display the license number
 7523 upon any vessel the person owns which is used for the taking of
 7524 oysters, in numbers which are at least 10 inches high and 1 inch
 7525 wide, so that the permit number is readily identifiable from the
 7526 air and water. Only one vessel displaying a given number may be
 7527 used at any time. A licensee may harvest oysters from the vessel
 7528 of another licensee.

7529 (h) Any person holding an Apalachicola Bay oyster
 7530 harvesting license shall receive credit for the license fee
 7531 against the saltwater products license fee.

7532 (i) The proceeds from Apalachicola Bay oyster harvesting
 7533 license fees shall be deposited in the General Inspection Trust
 7534 Fund and, less reasonable administrative costs, shall be used or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7535 distributed by the Department of Agriculture and Consumer
 7536 Services for the following purposes in Apalachicola Bay:
 7537 1. Relaying and transplanting live oysters.
 7538 2. Shell planting to construct or rehabilitate oyster
 7539 bars.
 7540 3. Education programs for licensed oyster harvesters on
 7541 oyster biology, aquaculture, boating and water safety,
 7542 sanitation, resource conservation, small business management,
 7543 marketing, and other relevant subjects.
 7544 4. Research directed toward the enhancement of oyster
 7545 production in the bay and the water management needs of the bay.
 7546 (j) Any person who violates any of the provisions of
 7547 paragraphs (b) and (d)-(g) commits a misdemeanor of the second
 7548 degree, punishable as provided in ss. 775.082 and 775.083.
 7549 Nothing in this subsection shall limit the application of
 7550 existing penalties.
 7551 (k) Any oyster harvesting license issued pursuant to this
 7552 subsection must be in compliance with the rules of the Fish and
 7553 Wildlife Conservation Commission regulating gear or equipment,
 7554 harvest seasons, size and bag limits, and the taking of
 7555 saltwater species.
 7556 (6) LICENSE YEAR.--The license year on all licenses
 7557 relating to saltwater products dealers, seafood dealers, aliens,
 7558 residents, and nonresidents, unless otherwise provided, shall
 7559 begin on July 1 of each year and end on June 30 of the next
 7560 succeeding year. All licenses shall be so dated. However, if the
 7561 commission determines that it is in the best interest of the
 7562 state to issue a license required under this chapter to an

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7563 individual on the birthday of the applicant, the commission may
 7564 establish by rule a procedure to do so. This section does not
 7565 apply to licenses and permits when their use is confined to an
 7566 open season.

7567 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;
 7568 EXCEPTION.--Licenses of every kind and nature granted under the
 7569 provisions of the fish and game laws of this state are at all
 7570 times subject to inspection by the police officers of this state
 7571 and the officers of the Fish and Wildlife Conservation
 7572 Commission. Such licenses are not transferable unless otherwise
 7573 provided by law.

7574 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
 7575 provided by law, all license taxes or fees provided for in this
 7576 part ~~chapter~~ shall be collected by the commission or its duly
 7577 authorized agents or deputies to be deposited by the Chief
 7578 Financial Officer in the Marine Resources Conservation Trust
 7579 Fund. The commission may by rule establish a reasonable
 7580 processing fee for any free license or permit required under
 7581 this part ~~chapter~~. The commission is authorized to accept
 7582 payment by credit card for fees, fines, and civil penalties
 7583 levied pursuant to this part ~~chapter~~.

7584 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The commission
 7585 shall deny the renewal or issuance of any saltwater products
 7586 license, wholesale dealer license, or retail dealer license to
 7587 anyone that has unpaid fees, civil assessments, or fines owed to
 7588 the commission.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7589 Section 147. Section 370.07, Florida Statutes, is
 7590 renumbered as section 379.362, Florida Statutes, and amended to
 7591 read:

7592 379.362 ~~370.07~~ Wholesale and retail saltwater products
 7593 dealers; regulation.--

7594 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license or
 7595 privilege taxes are hereby levied and imposed upon dealers in
 7596 the state in saltwater products. It is unlawful for any person,
 7597 firm, or corporation to deal in any such products without first
 7598 paying for and procuring the license required by this section.
 7599 Application for all licenses shall be made to the Fish and
 7600 Wildlife Conservation Commission on blanks to be furnished by
 7601 it. All licenses shall be issued by the commission upon payment
 7602 to it of the license tax. The licenses are defined as:

7603 (a)1. "Wholesale county dealer" is any person, firm, or
 7604 corporation which sells saltwater products to any person, firm,
 7605 or corporation except to the consumer and who may buy saltwater
 7606 products in the county designated on the wholesale license from
 7607 any person licensed pursuant to s. 379.361(2) ~~370.06(2)~~ or from
 7608 any licensed wholesale dealer.

7609 2. "Wholesale state dealer" is a person, firm, or
 7610 corporation which sells saltwater products to any person, firm,
 7611 or corporation except to the consumer and who may buy saltwater
 7612 products in any county of the state from any person licensed
 7613 pursuant to s. 379.361(2) ~~370.06(2)~~ or from any licensed
 7614 wholesale dealer.

7615 3. "Wholesale dealer" is either a county or a state
 7616 dealer.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7617 (b) A "retail dealer" is any person, firm, or corporation
 7618 which sells saltwater products directly to the consumer, but no
 7619 license is required of a dealer in merchandise who deals in or
 7620 sells saltwater products consumed on the premises or prepared
 7621 for immediate consumption and sold to be taken out of any
 7622 restaurant licensed by the Division of Hotels and Restaurants of
 7623 the Department of Business and Professional Regulation.

7624
 7625 Any person, firm, or corporation which is both a wholesale
 7626 dealer and a retail dealer shall obtain both a wholesale
 7627 dealer's license and a retail dealer's license. If a wholesale
 7628 dealer has more than one place of business, the annual license
 7629 tax shall be effective for all places of business, provided that
 7630 the wholesale dealer supplies to the commission a complete list
 7631 of additional places of business upon application for the annual
 7632 license tax.

7633 (2) LICENSES; AMOUNT, TRUST FUND.--

7634 (a) A resident wholesale county seafood dealer is required
 7635 to pay an annual license tax of \$300.

7636 (b) A resident wholesale state dealer is required to pay
 7637 an annual license tax of \$450.

7638 (c) A nonresident wholesale county dealer is required to
 7639 pay an annual license tax of \$500.

7640 (d) A nonresident wholesale state dealer is required to
 7641 pay an annual license tax of \$1,000.

7642 (e) An alien wholesale county dealer is required to pay an
 7643 annual license tax of \$1,000.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7644 (f) An alien wholesale state dealer is required to pay an
 7645 annual license tax of \$1,500.

7646 (g) A resident retail dealer is required to pay an annual
 7647 license tax of \$25; however, if such a dealer has more than one
 7648 place of business, the dealer shall designate one place of
 7649 business as a central place of business, shall pay an annual
 7650 license tax of \$25 for such place of business, and shall pay an
 7651 annual license tax of \$10 for each other place of business.

7652 (h) A nonresident retail dealer is required to pay an
 7653 annual license tax of \$200; however, if such a dealer has more
 7654 than one place of business, the dealer shall designate one place
 7655 of business as a central place of business, shall pay an annual
 7656 license tax of \$200 for such place of business, and shall pay an
 7657 annual license tax of \$25 for each other place of business.

7658 (i) An alien retail dealer is required to pay an annual
 7659 license tax of \$250; however, if such a dealer has more than one
 7660 place of business, the dealer shall designate one place of
 7661 business as a central place of business, shall pay an annual
 7662 license tax of \$250 for such place of business, and shall pay an
 7663 annual license tax of \$50 for each other place of business.

7664 (j) License or privilege taxes, together with any other
 7665 funds derived from the Federal Government or from any other
 7666 source, shall be deposited in a Florida Saltwater Products
 7667 Promotion Trust Fund to be administered by the Department of
 7668 Agriculture and Consumer Services for the sole purpose of
 7669 promoting all fish and saltwater products produced in this
 7670 state, except that 4 percent of the total wholesale and retail
 7671 saltwater products dealer's license fees collected shall be

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7672 deposited into the Marine Resources Conservation Trust Fund
 7673 administered by the Fish and Wildlife Conservation Commission
 7674 for the purpose of processing wholesale and retail saltwater
 7675 products dealer's licenses.

7676 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.--The
 7677 Department of Agriculture and Consumer Services shall use or
 7678 distribute funds paid into the State Treasury to the credit of
 7679 the General Inspection Trust Fund pursuant to s. 201.15(11),
 7680 less reasonable costs of administration, to fund the following
 7681 oyster management and restoration programs in Apalachicola Bay
 7682 and other oyster harvest areas in the state:

7683 (a) The relaying and transplanting of live oysters.

7684 (b) Shell planting to construct or rehabilitate oyster
 7685 bars.

7686 (c) Education programs for licensed oyster harvesters on
 7687 oyster biology, aquaculture, boating and water safety,
 7688 sanitation, resource conservation, small business management,
 7689 and other relevant subjects.

7690 (d) Research directed toward the enhancement of oyster
 7691 production in the bay and the water management needs of the bay.

7692 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

7693 (a) A person transporting in this state saltwater products
 7694 that were produced in this state, regardless of destination,
 7695 shall have in his or her possession invoices, bills of lading,
 7696 or other similar instruments showing the number of packages,
 7697 boxes, or containers and the number of pounds of each species
 7698 and the name, physical address, and the Florida wholesale dealer
 7699 number of the dealer of origin.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7700 (b) A person transporting in this state saltwater products
7701 that were produced outside this state to be delivered to a
7702 destination in this state shall have in his or her possession
7703 invoices, bills of lading, or other similar instruments showing
7704 the number of packages, boxes, or containers and the number of
7705 pounds of each species, the name and physical address of the
7706 dealer of origin, and the name, physical address, and Florida
7707 wholesale dealer number of the Florida dealer to whom the
7708 shipment is to be delivered.

7709 (c) A person transporting in this state saltwater products
7710 that were produced outside this state which are to be delivered
7711 to a destination outside this state shall have in his or her
7712 possession invoices, bills of lading, or other similar
7713 instruments showing the number of packages, boxes, or containers
7714 and the number of pounds of each species, the name and physical
7715 address of the dealer of origin, and the name and physical
7716 address of the dealer to whom the shipment is to be delivered.

7717 (d) If the saltwater products in transit come from more
7718 than one dealer, distributor, or producer, each lot from each
7719 dealer shall be covered by invoices, bills of lading, and other
7720 similar instruments showing the number of boxes or containers
7721 and the number of pounds of each species. Each invoice, bill of
7722 lading, and other similar instrument shall display the wholesale
7723 dealer license number and the name and physical address of the
7724 dealer, distributor, or producer of the lot covered by the
7725 instrument.

7726 (e) It is unlawful to sell, deliver, ship, or transport,
7727 or to possess for the purpose of selling, delivering, shipping,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7728 or transporting, any saltwater products without all invoices
 7729 concerning the products having thereon the wholesale dealer
 7730 license number in the form prescribed under this subsection and
 7731 the rules of the commission. Any saltwater products found in the
 7732 possession of any person who is in violation of this paragraph
 7733 may be seized by the commission and disposed of in the manner
 7734 provided by law.

7735 (f) Nothing contained in this subsection may be construed
 7736 to apply to the sale and delivery to a consumer of saltwater
 7737 products in an ordinary retail transaction by a licensed retail
 7738 dealer who has purchased such products from a licensed wholesale
 7739 dealer, or to the sale and delivery of the catch or products of
 7740 a saltwater products licensee to a Florida-licensed wholesale
 7741 dealer.

7742 (g) Wholesale dealers' licenses shall be issued only to
 7743 applicants who furnish to the commission satisfactory evidence
 7744 of law-abiding reputation and who pledge themselves to
 7745 faithfully observe all of the laws, rules, and regulations of
 7746 this state relating to the conservation of, dealing in, or
 7747 taking, selling, transporting, or possession of saltwater
 7748 products, and to cooperate in the enforcement of all such laws
 7749 to every reasonable extent. This pledge may be included in the
 7750 application for license.

7751 (h) A wholesale dealer, retail dealer, or restaurant
 7752 facility shall not purchase or sell for public consumption any
 7753 saltwater products known to be taken illegally, or known to be
 7754 taken in violation of s. 16, Art. X of the State Constitution,
 7755 or any rule or statute implementing its provisions.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7756 (i) Any person who violates the provisions of this
 7757 subsection commits a misdemeanor of the first degree, punishable
 7758 as provided in s. 775.082 or s. 775.083.

7759 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7760 (a) A license issued to a wholesale or retail dealer is
 7761 good only to the person to whom issued and named therein and is
 7762 not transferable. The commission may revoke, suspend, or deny
 7763 the renewal of the license of any licensee:

7764 1. Upon the conviction of the licensee of any violation of
 7765 the laws or regulations designed for the conservation of
 7766 saltwater products;

7767 2. Upon conviction of the licensee of knowingly dealing
 7768 in, buying, selling, transporting, possessing, or taking any
 7769 saltwater product, at any time and from any waters, in violation
 7770 of the laws of this state; or

7771 3. Upon satisfactory evidence of any violation of the laws
 7772 or any regulations of this state designed for the conservation
 7773 of saltwater products or of any of the laws of this state
 7774 relating to dealing in, buying, selling, transporting,
 7775 possession, or taking of saltwater products.

7776 (b) Upon revocation of such license, no other or further
 7777 license may be issued to the dealer within 3 years from the date
 7778 of revocation except upon special order of the commission. After
 7779 revocation, it is unlawful for such dealer to exercise any of
 7780 the privileges of a licensed wholesale or retail dealer.

7781 (c) In addition to, or in lieu of, the penalty imposed
 7782 pursuant to this subsection, the commission may impose penalties
 7783 pursuant to s. 379.407 ~~370.021~~.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7784 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--
 7785 ~~(a)~~ Wholesale dealers shall be required by the commission
 7786 to make and preserve a record of the names and addresses of
 7787 persons from whom or to whom saltwater products are purchased or
 7788 sold, the quantity so purchased or sold from or to each vendor
 7789 or purchaser, and the date of each such transaction. Retail
 7790 dealers shall be required to make and preserve a record from
 7791 whom all saltwater products are purchased. Such record shall be
 7792 open to inspection at all times by the commission. A report
 7793 covering the sale of saltwater products shall be made monthly or
 7794 as often as required by rule to the commission by each wholesale
 7795 dealer. All reports required under this subsection are
 7796 confidential and shall be exempt from the provisions of s.
 7797 119.07(1) except that, pursuant to authority related to
 7798 interstate fishery compacts as provided by ss. 379.2253(3) and
 7799 379.2254(3) ~~370.19(3) and 370.20(3)~~, reports may be shared with
 7800 another state if that state is a member of an interstate
 7801 fisheries compact, and if that state has signed a Memorandum of
 7802 Agreement or a similar instrument agreeing to preserve
 7803 confidentiality as established by Florida law.

7804 ~~(b) The commission may revoke, suspend, or deny the~~
 7805 ~~renewal of the license of any dealer for failure to make and~~
 7806 ~~keep required records, for failure to make required reports, for~~
 7807 ~~failure or refusal to permit the examination of required~~
 7808 ~~records, or for falsifying any such record. In addition to, or~~
 7809 ~~in lieu of, the penalties imposed pursuant to this paragraph and~~
 7810 ~~s. 370.021, the commission may impose against any person, firm,~~
 7811 ~~or corporation who is determined to have violated any provision~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7812 ~~of this paragraph or any provisions of any commission rules~~
 7813 ~~adopted pursuant to s. 370.0607, the following additional~~
 7814 ~~penalties:~~

7815 ~~1. For the first violation, a civil penalty of up to~~
 7816 ~~\$1,000;~~

7817 ~~2. For a second violation committed within 24 months of~~
 7818 ~~any previous violation, a civil penalty of up to \$2,500; and~~

7819 ~~3. For a third or subsequent violation committed within 36~~
 7820 ~~months of any previous two violations, a civil penalty of up to~~
 7821 ~~\$5,000.~~

7822
 7823 ~~The proceeds of all civil penalties collected pursuant to this~~
 7824 ~~subsection shall be deposited into the Marine Resources~~
 7825 ~~Conservation Trust Fund and shall be used for administration,~~
 7826 ~~auditing, and law enforcement purposes.~~

7827 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY
 7828 LOCATION.--Wholesale dealers purchasing saltwater products
 7829 pursuant to s. 379.361(2) ~~370.06(2)~~ at any site other than a
 7830 site located in a county where the dealer has a permanent
 7831 address must notify the Fish and Wildlife Conservation
 7832 Commission of the location of the temporary site of business for
 7833 each day business is to be conducted at such site.

7834 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
 7835 unlawful for any licensed retail dealer or any restaurant
 7836 licensed by the Division of Hotels and Restaurants of the
 7837 Department of Business and Professional Regulation to buy
 7838 saltwater products from any person other than a licensed
 7839 wholesale or retail dealer. For purposes of this subsection, any

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7840 saltwater products received by a retail dealer or a restaurant
 7841 are presumed to have been purchased.

7842 Section 148. Section 372.65, Florida Statutes, is
 7843 renumbered as section 379.363, Florida Statutes, and amended to
 7844 read:

7845 379.363 ~~372.65~~ Freshwater fish dealer's license.--

7846 (1) No person shall engage in the business of taking for
 7847 sale or selling any frogs or freshwater fish, including live
 7848 bait, of any species or size, or importing any exotic or
 7849 nonindigenous fish, until such person has obtained a license and
 7850 paid the fee therefor as set forth herein. The license issued
 7851 shall be in the possession of the person to whom issued while
 7852 such person is engaging in the business of taking for sale or
 7853 selling freshwater fish or frogs, is not transferable, shall
 7854 bear on its face in indelible ink the name of the person to whom
 7855 it is issued, and shall be affixed to a license identification
 7856 card issued by the commission. Such license is not valid unless
 7857 it bears the name of the person to whom it is issued and is so
 7858 affixed. The failure of such person to exhibit such license to
 7859 the commission or any of its wildlife officers when such person
 7860 is found engaging in such business is a violation of law. The
 7861 license fees and activities permitted under particular licenses
 7862 are as follows:

7863 (a) The fee for a resident commercial fishing license,
 7864 which permits a resident to take freshwater fish or frogs by any
 7865 lawful method prescribed by the commission and to sell such fish
 7866 or frogs, shall be \$25. The license provided for in this
 7867 paragraph shall also allow noncommercial fishing as provided by

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7868 law and commission rules, and the license in s. 379.354(4)(a)
 7869 ~~372.57(4)(a)~~ shall not be required.

7870 (b) The fee for a resident freshwater fish dealer's
 7871 license, which permits a resident to import, export, or sell
 7872 freshwater fish or frogs, including live bait, shall be \$40.

7873 (c) The fee for a nonresident commercial fishing license,
 7874 which permits a nonresident to take freshwater fish or frogs as
 7875 provided in paragraph (a), shall be \$100.

7876 (d) The fee for a nonresident retail fish dealer's
 7877 license, which permits a nonresident to sell freshwater fish or
 7878 frogs to a consumer, shall be \$100.

7879 (e) The fee for a nonresident wholesale fish dealer's
 7880 license, which permits a nonresident to sell freshwater fish or
 7881 frogs within the state, and to buy freshwater fish or frogs for
 7882 resale, shall be \$500.

7883 (f) The fee for a nonresident wholesale fish buyer's
 7884 license, which permits a nonresident who does not sell
 7885 freshwater fish or frogs in Florida to buy freshwater fish or
 7886 frogs from resident fish dealers for resale outside the state,
 7887 shall be \$50.

7888 (g) Any individual or business issued an aquaculture
 7889 certificate, pursuant to s. 597.004, shall be exempt from the
 7890 requirements of this part ~~chapter~~ with respect to aquaculture
 7891 products authorized under such certificate.

7892 (h) There is levied, in addition to any other license fee
 7893 thereon, an annual gear license fee of \$50 upon each person
 7894 fishing with trawl seines used in the fresh waters of the state.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

7895 (i) There is levied, in addition to any other license fee
 7896 thereon, an annual gear license fee of \$100 upon each person
 7897 fishing with haul seines used in the fresh waters of the state.

7898 (2) Each boat engaged in commercial fishing shall have at
 7899 least one licensed commercial fisher on board.

7900 (3) It shall be unlawful for any resident freshwater fish
 7901 dealer, or any nonresident wholesale or nonresident retail fish
 7902 dealer, or any nonresident wholesale fish buyer to buy
 7903 freshwater fish or frogs from any unlicensed person.

7904 Section 149. Section 372.651, Florida Statutes, is
 7905 renumbered as section 379.3635, Florida Statutes, and amended to
 7906 read:

7907 379.3635 ~~372.651~~ Haul seine and trawl permits; Lake
 7908 Okeechobee ~~freshwater lakes in excess of 500 square miles;~~
 7909 fees.--

7910 (1) The Fish and Wildlife Conservation Commission is
 7911 authorized to issue permits for each haul seine or trawl used in
 7912 Lake Okeechobee ~~freshwater lakes in the state having an area in~~
 7913 ~~excess of 500 square miles.~~

7914 (2) The commission may charge an annual fee for the
 7915 issuance of such permits which shall not exceed:

7916 (a) For a resident trawl permit, \$50.

7917 (b) For a resident haul seine permit, \$100.

7918 (c) For a nonresident or alien trawl or haul seine permit,
 7919 \$500.

7920 Section 150. Section 372.66, Florida Statutes, is
 7921 renumbered as section 379.364, Florida Statutes, to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7922
 7923
 7924
 7925
 7926
 7927
 7928
 7929
 7930
 7931
 7932
 7933
 7934
 7935
 7936
 7937
 7938
 7939
 7940
 7941
 7942
 7943
 7944
 7945
 7946
 7947
 7948
 7949

379.364 ~~372.66~~ License required for fur and hide
 dealers.--
 (1) It is unlawful for any person to engage in the
 business of a dealer or buyer in alligator skins or green or
 dried furs in the state or purchase such skins within the state
 until such person has been licensed as herein provided.
 (2) Any resident dealer or buyer who solicits business
 through the mails, or by advertising, or who travels to buy or
 employs or has other agents or buyers, shall be deemed a
 resident state dealer and must pay a license fee of \$100 per
 annum.
 (3) A nonresident dealer or buyer must pay a license fee
 of \$500 per annum.
 (4) All dealers and buyers shall forward to the Fish and
 Wildlife Conservation Commission each 2 weeks during open season
 a report showing number and kind of hides bought and name of
 trapper from whom bought and the trapper's license number, or if
 trapper is exempt from license under any of the provisions of
 this chapter, such report shall show the nature of such
 exemption. A common carrier may not knowingly ship or transport
 or receive for transportation any hides or furs unless such
 shipments have marked thereon name of shipper and the number of
 her or his fur-animal license or fur dealer's license.
 Section 151. Section 370.13, Florida Statutes, is
 renumbered as section 379.365, Florida Statutes, and amended to
 read:
379.365 ~~370.13~~ Stone crab; regulation.--
 (1) FEES AND EQUITABLE RENT.--

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7950 (a) Endorsement fee.--The fee for a stone crab endorsement
 7951 for the taking of stone crabs, as required by rule of the Fish
 7952 and Wildlife Conservation Commission, is \$125, \$25 of which must
 7953 be used solely for trap retrieval under s. 379.2424 ~~370.143~~.

7954 (b) Certificate fees.--

7955 1. For each trap certificate issued by the commission
 7956 under the requirements of the stone crab trap limitation program
 7957 established by commission rule, there is an annual fee of 50
 7958 cents per certificate. Replacement tags for lost or damaged tags
 7959 cost 50 cents each plus the cost of shipping. In the event of a
 7960 major natural disaster, such as a hurricane or major storm, that
 7961 causes massive trap losses within an area declared by the
 7962 Governor to be a disaster emergency area, the commission may
 7963 temporarily defer or waive replacement tag fees.

7964 2. The fee for transferring trap certificates is \$1 per
 7965 certificate transferred, except that the fee for eligible crew
 7966 members is 50 cents per certificate transferred. Eligible crew
 7967 members shall be determined according to criteria established by
 7968 rule of the commission. Payment must be made by money order or
 7969 cashier's check, submitted with the certificate transfer form
 7970 developed by the commission.

7971 3. In addition to the transfer fee, a surcharge of \$1 per
 7972 certificate transferred, or 25 percent of the actual value of
 7973 the transferred certificate, whichever is greater, will be
 7974 assessed the first time a certificate is transferred outside the
 7975 original holder's immediate family.

7976 4. Transfer fees and surcharges only apply to the actual
 7977 number of certificates received by the purchaser. A transfer of

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

7978 a certificate is not effective until the commission receives a
 7979 notarized copy of the bill of sale as proof of the actual value
 7980 of the transferred certificate or certificates, which must also
 7981 be submitted with the transfer form and payment.

7982 5. A transfer fee will not be assessed or required when
 7983 the transfer is within a family as a result of the death or
 7984 disability of the certificate owner. A surcharge will not be
 7985 assessed for any transfer within an individual's immediate
 7986 family.

7987 (c) Incidental take endorsement.--The cost of an
 7988 incidental take endorsement, as established by commission rule,
 7989 is \$25.

7990 (d) Equitable rent.--The commission may establish by rule
 7991 an amount of equitable rent per trap certificate that may be
 7992 recovered as partial compensation to the state for the enhanced
 7993 access to its natural resources. In determining whether to
 7994 establish such a rent and the amount thereof, the commission may
 7995 consider the amount of revenues annually generated by
 7996 endorsement fees, trap certificate fees, transfer fees,
 7997 surcharges, replacement trap tag fees, trap retrieval fees,
 7998 incidental take endorsement fees, and the continued economic
 7999 viability of the commercial stone crab industry. A rule
 8000 establishing an amount of equitable rent shall become effective
 8001 only after approval by the Legislature.

8002 (e) Disposition of fees, surcharges, civil penalties and
 8003 fines, and equitable rent.--Endorsement fees, trap certificate
 8004 fees, transfer fees, civil penalties and fines, surcharges,
 8005 replacement trap tag fees, trap retrieval fees, incidental take

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

8006 endorsement fees, and equitable rent, if any, must be deposited
 8007 in the Marine Resources Conservation Trust Fund. Up to 50
 8008 percent of the revenues generated under this section may be used
 8009 for operation and administration of the stone crab trap
 8010 limitation program. All remaining revenues so generated must be
 8011 used for trap retrieval, management of the stone crab fishery,
 8012 public education activities, evaluation of the impact of trap
 8013 reductions on the stone crab fishery, and enforcement activities
 8014 in support of the stone crab trap limitation program.

8015 (f) Program to be self-supporting.--The stone crab trap
 8016 limitation program is intended to be a self-supporting program
 8017 funded from proceeds generated under this section.

8018 (g) No vested rights.--The stone crab trap limitation
 8019 program does not create any vested rights for endorsement or
 8020 certificateholders and may be altered or terminated by the
 8021 commission as necessary to protect the stone crab resource, the
 8022 participants in the fishery, or the public interest.

8023 (2) PENALTIES.--For purposes of this subsection,
 8024 conviction is any disposition other than acquittal or dismissal,
 8025 regardless of whether the violation was adjudicated under any
 8026 state or federal law.

8027 (a) It is unlawful to violate commission rules regulating
 8028 stone crab trap certificates and trap tags. No person may use an
 8029 expired tag or a stone crab trap tag not issued by the
 8030 commission or possess or use a stone crab trap in or on state
 8031 waters or adjacent federal waters without having a trap tag
 8032 required by the commission firmly attached thereto.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8033 1. In addition to any other penalties provided in s.
 8034 379.407 ~~370.021~~, for any commercial harvester who violates this
 8035 paragraph, the following administrative penalties apply.

8036 a. For a first violation, the commission shall assess an
 8037 administrative penalty of up to \$1,000.

8038 b. For a second violation that occurs within 24 months of
 8039 any previous such violation, the commission shall assess an
 8040 administrative penalty of up to \$2,000 and the stone crab
 8041 endorsement under which the violation was committed may be
 8042 suspended for 12 calendar months.

8043 c. For a third violation that occurs within 36 months of
 8044 any previous two such violations, the commission shall assess an
 8045 administrative penalty of up to \$5,000 and the stone crab
 8046 endorsement under which the violation was committed may be
 8047 suspended for 24 calendar months.

8048 d. A fourth violation that occurs within 48 months of any
 8049 three previous such violations, shall result in permanent
 8050 revocation of all of the violator's saltwater fishing
 8051 privileges, including having the commission proceed against the
 8052 endorsement holder's saltwater products license in accordance
 8053 with s. 379.407 ~~370.021~~.

8054 2. Any other person who violates the provisions of this
 8055 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

8056
 8057 Any commercial harvester assessed an administrative penalty
 8058 under this paragraph shall, within 30 calendar days after
 8059 notification, pay the administrative penalty to the commission,
 8060 or request an administrative hearing under ss. 120.569 and

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8061 120.57. The proceeds of all administrative penalties collected
 8062 under this paragraph shall be deposited in the Marine Resources
 8063 Conservation Trust Fund.

8064 (b) It is unlawful for any commercial harvester to remove
 8065 the contents of another harvester's stone crab trap or take
 8066 possession of such without the express written consent of the
 8067 trap owner available for immediate inspection. Unauthorized
 8068 possession of another's trap gear or removal of trap contents
 8069 constitutes theft.

8070 1. Any commercial harvester convicted of theft of or from
 8071 a trap pursuant to this subsection or s. 379.402 ~~370.1107~~ shall,
 8072 in addition to the penalties specified in s. 379.407 ~~370.021~~ and
 8073 the provisions of this section, permanently lose all saltwater
 8074 fishing privileges, including saltwater products licenses, stone
 8075 crab or incidental take endorsements, and all trap certificates
 8076 allotted to such commercial harvester by the commission. In such
 8077 cases, trap certificates and endorsements are nontransferable.

8078 2. In addition, any commercial harvester convicted of
 8079 violating the prohibitions referenced in this paragraph shall
 8080 also be assessed an administrative penalty of up to \$5,000.
 8081 Immediately upon receiving a citation for a violation involving
 8082 theft of or from a trap and until adjudicated for such a
 8083 violation, or, upon receipt of a judicial disposition other than
 8084 dismissal or acquittal on such a violation, the violator is
 8085 prohibited from transferring any stone crab or spiny lobster
 8086 certificates.

8087 3. Any other person who violates the provisions of this
 8088 paragraph commits a Level Two violation under s. 379.401 ~~372.83~~.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8089 (c)1. It is unlawful to violate commission rules that
 8090 prohibit any of the following:

8091 a. The willful molestation of any stone crab trap, line,
 8092 or buoy that is the property of any licenseholder, without the
 8093 permission of that licenseholder.

8094 b. The bartering, trading, or sale, or conspiring or
 8095 aiding in such barter, trade, or sale, or supplying, agreeing to
 8096 supply, aiding in supplying, or giving away stone crab trap tags
 8097 or certificates unless the action is duly authorized by the
 8098 commission as provided by commission rules.

8099 c. The making, altering, forging, counterfeiting, or
 8100 reproducing of stone crab trap tags.

8101 d. Possession of forged, counterfeit, or imitation stone
 8102 crab trap tags.

8103 e. Engaging in the commercial harvest of stone crabs
 8104 during the time either of the endorsements is under suspension
 8105 or revocation.

8106 2. Any commercial harvester who violates this paragraph
 8107 commits a felony of the third degree, punishable as provided in
 8108 s. 775.082, s. 775.083, or s. 775.084.

8109 3. Any other person who violates this paragraph commits a
 8110 Level Four violation under s. 379.401 ~~372.83~~.

8111
 8112 In addition, any commercial harvester convicted of violating
 8113 this paragraph shall also be assessed an administrative penalty
 8114 of up to \$5,000, and the incidental take endorsement and/or the
 8115 stone crab endorsement under which the violation was committed
 8116 may be suspended for up to 24 calendar months. Immediately upon

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8117 receiving a citation involving a violation of this paragraph and
 8118 until adjudicated for such a violation, or if convicted of such
 8119 a violation, the person, firm, or corporation committing the
 8120 violation is prohibited from transferring any stone crab
 8121 certificates or endorsements.

8122 (d) For any commercial harvester convicted of fraudulently
 8123 reporting the actual value of transferred stone crab
 8124 certificates, the commission may automatically suspend or
 8125 permanently revoke the seller's or the purchaser's stone crab
 8126 endorsements. If the endorsement is permanently revoked, the
 8127 commission shall also permanently deactivate the endorsement
 8128 holder's stone crab certificate accounts. Whether an endorsement
 8129 is suspended or revoked, the commission may also levy a fine
 8130 against the holder of the endorsement of up to twice the
 8131 appropriate surcharge to be paid based on the fair market value
 8132 of the transferred certificates.

8133 (e) During any period of suspension or revocation of an
 8134 endorsement holder's endorsement, he or she shall remove all
 8135 traps subject to that endorsement from the water within 15 days
 8136 after notice provided by the commission. Failure to do so will
 8137 extend the period of suspension or revocation for an additional
 8138 6 calendar months.

8139 (f) An endorsement will not be renewed until all fees and
 8140 administrative penalties imposed under this section are paid.

8141 (3) DEPREDATION PERMITS.--The Fish and Wildlife
 8142 Conservation Commission shall issue a depredation permit upon
 8143 request to any marine aquaculture producer, as defined in s.
 8144 379.2523 ~~370.26~~, engaged in the culture of shellfish, which

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8145 shall entitle the aquaculture producer to possess and use up to
 8146 75 stone crab traps and up to 75 blue crab traps for the sole
 8147 purpose of taking destructive or nuisance stone crabs or blue
 8148 crabs within 1 mile of the producer's aquaculture shellfish
 8149 beds. Stone crabs or blue crabs taken under this subsection may
 8150 not be sold, bartered, exchanged, or offered for sale, barter,
 8151 or exchange.

8152 ~~(4) For the 2006-2007 fiscal year only, the trap tag fees~~
 8153 ~~required by this section shall be waived by the commission. This~~
 8154 ~~subsection expires July 1, 2007.~~

8155 Section 152. Section 370.135, Florida Statutes, is
 8156 renumbered as section 379.366, Florida Statutes, and amended to
 8157 read:

8158 379.366 ~~370.135~~ Blue crab; regulation.--

8159 (1) No commercial harvester shall transport on the water,
 8160 fish with or cause to be fished with, set, or place any trap
 8161 designed for taking blue crabs unless such commercial harvester
 8162 holds a valid saltwater products license and restricted species
 8163 endorsement issued under s. 379.361 ~~370.06~~ and a blue crab
 8164 endorsement issued under this section. Each trap shall have the
 8165 harvester's blue crab endorsement number permanently affixed to
 8166 it. Each buoy attached to such a trap shall also have the
 8167 harvester's blue crab endorsement number permanently attached to
 8168 the buoy. The blue crab endorsement number shall be affixed in
 8169 legible figures at least 2 inches high on each buoy used. The
 8170 saltwater products license must be on board the boat, and both
 8171 the license and the crabs shall be subject to inspection at all

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8172 times. This subsection shall not apply to an individual fishing
 8173 with no more than five traps.

8174 (2) No person shall harvest blue crabs with more than five
 8175 traps, harvest blue crabs in commercial quantities, or sell blue
 8176 crabs unless such person holds a valid saltwater products
 8177 license with a restricted species endorsement issued under s.
 8178 379.361 ~~370.06~~ and a blue crab endorsement issued under this
 8179 section.

8180 (a) In the event of the death or disability of a person
 8181 holding an active blue crab endorsement, the endorsement may be
 8182 transferred by the person to a member of his or her immediate
 8183 family or may be renewed by any person so designated by the
 8184 executor of the person's estate.

8185 (b) A commercial harvester who holds a saltwater products
 8186 license and a blue crab endorsement that is issued to the
 8187 commercial harvester's vessel registration number and who
 8188 replaces an existing vessel with a new vessel may transfer the
 8189 existing blue crab endorsement to the saltwater products license
 8190 of the new vessel.

8191 (3) (a) Endorsement fees.--

8192 1. The fee for a hard-shell blue crab endorsement for the
 8193 taking of hard-shell blue crabs, as authorized by rule of the
 8194 commission, is \$125, \$25 of which must be used solely for the
 8195 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
 8196 in commission rules.

8197 2. The fee for a soft-shell blue crab endorsement for the
 8198 taking of soft-shell blue crabs, as authorized by rule of the
 8199 commission, is \$250, \$25 of which must be used solely for the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8200 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and
 8201 in commission rules.

8202 3. The fee for a nontransferable hard-shell blue crab
 8203 endorsement for the taking of hard-shell blue crabs, as
 8204 authorized by rule of the commission, is \$125, \$25 of which must
 8205 be used solely for the trap retrieval program authorized under
 8206 s. 379.2424 ~~370.143~~ and in commission rules.

8207 4. The fee for an incidental take blue crab endorsement
 8208 for the taking of blue crabs as bycatch in shrimp trawls and
 8209 stone crab traps is \$25, as authorized in commission rules.

8210 (b) Trap tag fees.--The annual fee for each trap tag
 8211 issued by the commission under the requirements of the blue crab
 8212 effort management program established by rule of the commission
 8213 is 50 cents per tag. The fee for replacement tags for lost or
 8214 damaged tags is 50 cents per tag plus the cost of shipping. In
 8215 the event of a major natural disaster, such as a hurricane or
 8216 major storm, that causes massive trap losses within an area
 8217 declared by the Governor to be a disaster emergency area, the
 8218 commission may temporarily defer or waive replacement tag fees.

8219 (c) Equitable rent.--The commission may establish by rule
 8220 an amount of equitable rent that may be recovered as partial
 8221 compensation to the state for the enhanced access to its natural
 8222 resources. In determining whether to establish such a rent and
 8223 the amount thereof, the commission may consider the amount of
 8224 revenues annually generated by endorsement fees, trap tag fees,
 8225 replacement trap tag fees, trap retrieval fees, and the
 8226 continued economic viability of the commercial blue crab

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8227 industry. A rule establishing an amount of equitable rent shall
 8228 become effective only upon approval by act of the Legislature.

8229 (d) Disposition of moneys generated from fees and
 8230 administrative penalties.--Moneys generated from the sale of
 8231 blue crab endorsements, trap tags, and replacement trap tags or
 8232 from the assessment of administrative penalties by the
 8233 commission under this section shall be deposited into the Marine
 8234 Resources Conservation Trust Fund. Up to 50 percent of the
 8235 moneys generated from the sale of endorsements and trap tags and
 8236 the assessment of administrative penalties may be used for the
 8237 operation and administration of the blue crab effort management
 8238 program. The remaining moneys generated from the sale of
 8239 endorsements and trap tags and the assessment of administrative
 8240 penalties may be used for trap retrieval; management of the blue
 8241 crab fishery; and public education activities, research, and
 8242 enforcement activities in support of the blue crab effort
 8243 management program.

8244 (e) Waiver of fees.--For the 2007-2008 license year, the
 8245 commission shall waive all fees under this subsection for all
 8246 persons who qualify by September 30, 2007, to participate in the
 8247 blue crab effort management program established by commission
 8248 rule.

8249 (4) (a) Untagged trap penalties.--By July 1, 2008, the
 8250 commission shall adopt by rule the administrative penalties
 8251 authorized by this subsection. In addition to any other
 8252 penalties provided in s. 379.407 ~~370.021~~ for any blue crab
 8253 endorsement holder who violates commission rules requiring the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8254 placement of trap tags for traps used for the directed harvest
 8255 of blue crabs, the following administrative penalties apply:

8256 1. For a first violation, the commission shall assess an
 8257 administrative penalty of up to \$1,000.

8258 2. For a second violation that occurs within 24 months
 8259 after any previous such violation, the commission shall assess
 8260 an administrative penalty of up to \$2,000, and the blue crab
 8261 endorsement holder's blue crab fishing privileges may be
 8262 suspended for 12 calendar months.

8263 3. For a third violation that occurs within 36 months
 8264 after any two previous such violations, the commission shall
 8265 assess an administrative penalty of up to \$5,000, and the blue
 8266 crab endorsement holder's blue crab fishing privileges may be
 8267 suspended for 24 calendar months.

8268 4. A fourth violation that occurs within 48 months after
 8269 any three previous such violations shall result in permanent
 8270 revocation of all of the violator's saltwater fishing
 8271 privileges, including having the commission proceed against the
 8272 endorsement holder's saltwater products license in accordance
 8273 with s. 379.407 ~~370.021~~.

8274
 8275 Any blue crab endorsement holder assessed an administrative
 8276 penalty under this paragraph shall, within 30 calendar days
 8277 after notification, pay the administrative penalty to the
 8278 commission or request an administrative hearing under ss.
 8279 120.569 and 120.57.

8280 (b) Trap theft; prohibitions and penalties.--It is
 8281 unlawful for any person to remove or take possession of the

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

8282 contents of another harvester's blue crab trap without the
 8283 express written consent of the trap owner, which must be
 8284 available for immediate inspection. Unauthorized possession of
 8285 another harvester's blue crab trap gear or removal of trap
 8286 contents constitutes theft.

8287 1. Any commercial harvester receiving a judicial
 8288 disposition other than dismissal or acquittal on a charge of
 8289 theft of or from a trap as prohibited by this paragraph shall,
 8290 in addition to the penalties specified in s. 379.407 ~~370.021~~ and
 8291 this section, permanently lose all saltwater fishing privileges,
 8292 including any saltwater products licenses, blue crab
 8293 endorsements, and blue crab trap tags allotted to him or her by
 8294 the commission. In such cases, endorsements are nontransferable.

8295 2. In addition, any commercial harvester receiving a
 8296 judicial disposition other than dismissal or acquittal for
 8297 violating this paragraph shall also be assessed an
 8298 administrative penalty of up to \$5,000. Immediately upon receipt
 8299 of a citation for a violation involving theft of or from a trap
 8300 and until adjudicated for such a violation, or upon receipt of a
 8301 judicial disposition other than dismissal or acquittal for such
 8302 a violation, the commercial harvester committing the violation
 8303 is prohibited from transferring any blue crab endorsements.

8304 3. A commercial harvester who violates this paragraph
 8305 shall be punished under s. 379.407 ~~370.021~~. Any other person who
 8306 violates this paragraph commits a Level Two violation under s.
 8307 379.401 ~~372.83~~.

8308 (c) Criminal activities prohibited.--

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8309 1. It is unlawful for any commercial harvester or any
 8310 other person to:

8311 a. Willfully molest any blue crab trap, line, or buoy that
 8312 is the property of any licenseholder without the permission of
 8313 that licenseholder.

8314 b. Barter, trade, lease, or sell a blue crab trap tag or
 8315 conspire or aid in such barter, trade, lease, or sale unless
 8316 duly authorized by commission rules.

8317 c. Supply, agree to supply, aid in supplying, or give away
 8318 a blue crab trap tag unless duly authorized by commission rules.

8319 d. Make, alter, forge, counterfeit, or reproduce a blue
 8320 crab trap tag.

8321 e. Possess an altered, forged, counterfeit, or imitation
 8322 blue crab trap tag.

8323 f. Possess a number of original trap tags or replacement
 8324 trap tags, the sum of which exceeds by 1 percent the number of
 8325 traps allowed by commission rules.

8326 g. Engage in the commercial harvest of blue crabs while
 8327 the blue crab endorsements of the licenseholder are under
 8328 suspension or revocation.

8329 2. Immediately upon receiving a citation involving a
 8330 violation of this paragraph and until adjudicated for such a
 8331 violation, a commercial harvester is prohibited from
 8332 transferring any blue crab endorsement.

8333 3. A commercial harvester convicted of violating this
 8334 paragraph commits a felony of the third degree, punishable as
 8335 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
 8336 assessed an administrative penalty of up to \$5,000, and is

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8337 immediately prohibited from transferring any blue crab
 8338 endorsement. All blue crab endorsements issued to a commercial
 8339 harvester convicted of violating this paragraph may be suspended
 8340 for up to 24 calendar months.

8341 4. Any other person convicted of violating this paragraph
 8342 commits a Level Four violation under s. 379.401 ~~372.83~~.

8343 (d) Endorsement transfers; fraudulent reports;
 8344 penalties.--For a commercial harvester convicted of fraudulently
 8345 reporting the actual value of transferred blue crab
 8346 endorsements, the commission may automatically suspend or
 8347 permanently revoke the seller's or the purchaser's blue crab
 8348 endorsements. If the endorsement is permanently revoked, the
 8349 commission shall also permanently deactivate the endorsement
 8350 holder's blue crab trap tag accounts.

8351 (e) Prohibitions during endorsement suspension and
 8352 revocation.--During any period of suspension or after revocation
 8353 of a blue crab endorsement holder's endorsements, he or she
 8354 shall, within 15 days after notice provided by the commission,
 8355 remove from the water all traps subject to that endorsement.
 8356 Failure to do so shall extend the period of suspension for an
 8357 additional 6 calendar months.

8358 (5) For purposes of this section, a conviction is any
 8359 disposition other than acquittal or dismissal.

8360 (6) A blue crab endorsement may not be renewed until all
 8361 fees and administrative penalties imposed under this section are
 8362 paid.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8363 (7) Subsections (3), (4), (5), and (6) shall expire on
 8364 July 1, 2009, unless reenacted by the Legislature during the
 8365 2009 Regular Session.

8366 Section 153. Section 370.14, Florida Statutes, is
 8367 renumbered as section 379.367, Florida Statutes, and amended to
 8368 read:

8369 379.367 ~~370.14~~ Spiny lobster; regulation.--

8370 (1) It is the intent of the Legislature to maintain the
 8371 spiny lobster industry for the economy of the state and to
 8372 conserve the stocks supplying this industry. The provisions of
 8373 this act regulating the taking of spiny lobster are for the
 8374 purposes of ensuring and maintaining the highest possible
 8375 production of spiny lobster.

8376 (2)(a)1. Each commercial harvester taking or attempting to
 8377 take spiny lobster with a trap in commercial quantities or for
 8378 commercial purposes shall obtain and exhibit a spiny lobster
 8379 endorsement number, as required by the Fish and Wildlife
 8380 Conservation Commission. The annual fee for a spiny lobster
 8381 endorsement is \$125. This endorsement may be issued by the
 8382 commission upon the receipt of application by the commercial
 8383 harvester when accompanied by the payment of the fee. The design
 8384 of the applications and of the trap tag shall be determined by
 8385 the commission. Any trap or device used in taking or attempting
 8386 to take spiny lobster, other than a trap with the endorsement
 8387 number, shall be seized and destroyed by the commission. The
 8388 proceeds of the fees imposed by this paragraph shall be
 8389 deposited and used as provided in paragraph (b). The commission
 8390 may adopt rules to carry out the intent of this section.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8391 2. Each commercial harvester taking or attempting to take
 8392 spiny lobster in commercial quantities or for commercial
 8393 purposes by any method, other than with a trap having a spiny
 8394 lobster endorsement number issued by the commission, must pay an
 8395 annual fee of \$100.

8396 (b) Twenty-five dollars of the \$125 fee for a spiny
 8397 lobster endorsement required under subparagraph (a)1. must be
 8398 used only for trap retrieval as provided in s. 379.2424 ~~370.143~~.
 8399 The remainder of the fees collected under paragraph (a) shall be
 8400 deposited as follows:

8401 1. Fifty percent of the fees collected shall be deposited
 8402 in the Marine Resources Conservation Trust Fund for use in
 8403 enforcing the provisions of paragraph (a) through aerial and
 8404 other surveillance and trap retrieval.

8405 2. Fifty percent of the fees collected shall be deposited
 8406 as provided in s. 379.3671(5) ~~370.142(5)~~.

8407 (3) The spiny lobster endorsement must be on board the
 8408 boat, and both the endorsement and the harvested spiny lobster
 8409 shall be subject to inspection at all times. Only one
 8410 endorsement shall be issued for each boat. The spiny lobster
 8411 endorsement number must be prominently displayed above the
 8412 topmost portion of the boat so as to be easily and readily
 8413 identified.

8414 (4)(a) It is unlawful for any person willfully to molest
 8415 any spiny lobster traps, lines, or buoys belonging to another
 8416 without permission of the licenseholder.

8417 (b) A commercial harvester who violates this subsection
 8418 commits a felony of the third degree, punishable as provided in

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

8419 s. 775.082 or s. 775.083. Any other person who violates this
 8420 subsection commits a Level Four violation under s. 379.401
 8421 ~~372.83~~.

8422 (5) Any spiny lobster licenseholder, upon selling licensed
 8423 spiny lobster traps, shall furnish the commission notice of such
 8424 sale of all or part of his or her interest within 15 days
 8425 thereof. Any holder of said license shall also notify the
 8426 commission within 15 days if his or her address no longer
 8427 conforms to the address appearing on the license and shall, as a
 8428 part of such notification, furnish the commission with his or
 8429 her new address.

8430 (6) (a) By a special permit granted by the commission, a
 8431 Florida-licensed seafood dealer may lawfully import, process,
 8432 and package spiny lobster or uncooked tails of the species
 8433 *Panulirus argus* during the closed season. However, spiny lobster
 8434 landed under special permit shall not be sold in the state.

8435 (b) The licensed seafood dealer importing any such spiny
 8436 lobster under the permit shall, 12 hours prior to the time the
 8437 seagoing vessel or airplane delivering such imported spiny
 8438 lobster enters the state, notify the commission as to the
 8439 seagoing vessel's name or the airplane's registration number and
 8440 its captain, location, and point of destination.

8441 (c) At the time the spiny lobster cargo is delivered to
 8442 the permitholder's place of business, the spiny lobster cargo
 8443 shall be weighed and shall be available for inspection by the
 8444 commission. A signed receipt of such quantity in pounds shall be
 8445 forwarded to the commission within 48 hours after shipment
 8446 weigh-in completion. If requested by the commission, the weigh-

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

8447 in process will be delayed up to 4 hours to allow for a
8448 commission representative to be present during the process.

8449 (d) Within 48 hours after shipment weigh-in completion,
8450 the permitholder shall submit to the commission, on forms
8451 provided by the commission, a sworn report of the quantity in
8452 pounds of the spiny lobster received, which report shall include
8453 the location of said spiny lobster and a sworn statement that
8454 said spiny lobster were taken at least 50 miles from Florida's
8455 shoreline. The landing of spiny lobster or spiny lobster tails
8456 from which the eggs, swimmerettes, or pleopods have been
8457 removed; the falsification of information as to area from which
8458 spiny lobster were obtained; or the failure to file the report
8459 called for in this section shall be grounds to revoke the
8460 permit.

8461 (e) Each permitholder shall keep throughout the period of
8462 the closed season copies of the bill of sale or invoices
8463 covering each transaction involving spiny lobster imported under
8464 this permit. Such invoices and bills shall be kept available at
8465 all times for inspection by the commission.

8466 (7) (a) A Florida-licensed seafood dealer may obtain a
8467 special permit to import, process, and package uncooked tails of
8468 spiny lobster upon the payment of the sum of \$100 to the
8469 commission.

8470 (b) A special permit must be obtained by any airplane or
8471 seagoing vessel other than a common carrier used to transport
8472 spiny lobster or spiny lobster tails for purchase by licensed
8473 seafood dealers for purposes as provided herein upon the payment
8474 of \$50.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8475 (c) All special permits issued under this subsection are
 8476 nontransferable.

8477 (8) No common carrier or employee of said carrier may
 8478 carry, knowingly receive for carriage, or permit the carriage of
 8479 any spiny lobster of the species Panulirus argus, regardless of
 8480 where taken, during the closed season, except of the species
 8481 Panulirus argus lawfully imported from a foreign country for
 8482 reshipment outside of the territorial limits of the state under
 8483 United States Customs bond or in accordance with paragraph
 8484 (7) (a).

8485 Section 154. Section 370.142, Florida Statutes, is
 8486 renumbered as section 379.3671, Florida Statutes, and amended to
 8487 read:

8488 379.3671 ~~370.142~~ Spiny lobster trap certificate program.--

8489 (1) INTENT.--Due to rapid growth, the spiny lobster
 8490 fishery is experiencing increased congestion and conflict on the
 8491 water, excessive mortality of undersized lobsters, a declining
 8492 yield per trap, and public concern over petroleum and debris
 8493 pollution from existing traps. In an effort to solve these and
 8494 related problems, the Legislature intends to develop pursuant to
 8495 the provisions of this section a spiny lobster trap certificate
 8496 program, the principal goal of which is to stabilize the fishery
 8497 by reducing the total number of traps, which should increase the
 8498 yield per trap and therefore maintain or increase overall catch
 8499 levels. The Legislature seeks to preserve as much flexibility in
 8500 the program as possible for the fishery's various constituents
 8501 and ensure that any reduction in total trap numbers will be

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8502 | proportioned equally on a percentage basis among all users of
 8503 | traps in the fishery.

8504 | (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
 8505 | PENALTIES.--The Fish and Wildlife Conservation Commission shall
 8506 | establish a trap certificate program for the spiny lobster
 8507 | fishery of this state and shall be responsible for its
 8508 | administration and enforcement as follows:

8509 | (a) Transferable trap certificates.--Each holder of a
 8510 | saltwater products license who uses traps for taking or
 8511 | attempting to take spiny lobsters shall be required to have a
 8512 | certificate on record for each trap possessed or used therefor,
 8513 | except as otherwise provided in this section.

8514 | 1. Trap certificates are transferable on a market basis
 8515 | and may be transferred from one licenseholder to another for a
 8516 | fair market value agreed upon between the transferor and
 8517 | transferee. Each such transfer shall, within 72 hours thereof,
 8518 | be recorded on a notarized form provided for that purpose by the
 8519 | Fish and Wildlife Conservation Commission and hand delivered or
 8520 | sent by certified mail, return receipt requested, to the
 8521 | commission for recordkeeping purposes. In order to cover the
 8522 | added administrative costs of the program and to recover an
 8523 | equitable natural resource rent for the people of the state, a
 8524 | transfer fee of \$2 per certificate transferred shall be assessed
 8525 | against the purchasing licenseholder and sent by money order or
 8526 | cashier's check with the certificate transfer form. Also, in
 8527 | addition to the transfer fee, a surcharge of \$5 per certificate
 8528 | transferred or 25 percent of the actual market value, whichever
 8529 | is greater, given to the transferor shall be assessed the first

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

8530 | time a certificate is transferred outside the original
8531 | transferor's immediate family. No transfer of a certificate
8532 | shall be effective until the commission receives the notarized
8533 | transfer form and the transfer fee, including any surcharge, is
8534 | paid. The commission may establish by rule an amount of
8535 | equitable rent per trap certificate that shall be recovered as
8536 | partial compensation to the state for the enhanced access to its
8537 | natural resources. A rule establishing an amount of equitable
8538 | rent shall become effective only after approval by the
8539 | Legislature. In determining whether to establish such a rent
8540 | and, if so, the amount thereof, the commission shall consider
8541 | the amount of revenues annually generated by certificate fees,
8542 | transfer fees, surcharges, trap license fees, and sales taxes,
8543 | the demonstrated fair market value of transferred certificates,
8544 | and the continued economic viability of the commercial lobster
8545 | industry. All proceeds of equitable rent recovered shall be
8546 | deposited in the Marine Resources Conservation Trust Fund and
8547 | used by the commission for research, management, and protection
8548 | of the spiny lobster fishery and habitat. A transfer fee may not
8549 | be assessed or required when the transfer is within a family as
8550 | a result of the death or disability of the certificate owner. A
8551 | surcharge will not be assessed for any transfer within an
8552 | individual's immediate family.

8553 | 2. No person, firm, corporation, or other business entity
8554 | may control, directly or indirectly, more than 1.5 percent of
8555 | the total available certificates in any license year.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8556 3. The commission shall maintain records of all
 8557 certificates and their transfers and shall annually provide each
 8558 licenseholder with a statement of certificates held.

8559 4. The number of trap tags issued annually to each
 8560 licenseholder shall not exceed the number of certificates held
 8561 by the licenseholder at the time of issuance, and such tags and
 8562 a statement of certificates held shall be issued simultaneously.

8563 5. It is unlawful for any person to lease spiny lobster
 8564 trap tags or certificates.

8565 (b) Trap tags.--Each trap used to take or attempt to take
 8566 spiny lobsters in state waters or adjacent federal waters shall,
 8567 in addition to the spiny lobster endorsement number required by
 8568 s. 379.367(2) ~~370.14(2)~~, have affixed thereto an annual trap tag
 8569 issued by the commission. Each such tag shall be made of durable
 8570 plastic or similar material and shall, based on the number of
 8571 certificates held, have stamped thereon the owner's license
 8572 number. To facilitate enforcement and recordkeeping, such tags
 8573 shall be issued each year in a color different from that of each
 8574 of the previous 3 years. The annual certificate fee shall be \$1
 8575 per certificate. Replacement tags for lost or damaged tags may
 8576 be obtained as provided by rule of the commission. In the event
 8577 of a major natural disaster, such as a hurricane or major storm,
 8578 that causes massive trap losses within an area declared by the
 8579 Governor to be a disaster emergency area, the commission may
 8580 temporarily defer or waive replacement tag fees.

8581 (c) Prohibitions; penalties.--

8582 1. It is unlawful for a person to possess or use a spiny
 8583 lobster trap in or on state waters or adjacent federal waters

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8584 without having affixed thereto the trap tag required by this
 8585 section. It is unlawful for a person to possess or use any other
 8586 gear or device designed to attract and enclose or otherwise aid
 8587 in the taking of spiny lobster by trapping that is not a trap as
 8588 defined by commission rule.

8589 2. It is unlawful for a person to possess or use spiny
 8590 lobster trap tags without having the necessary number of
 8591 certificates on record as required by this section.

8592 3. It is unlawful for any person to willfully molest, take
 8593 possession of, or remove the contents of another harvester's
 8594 spiny lobster trap without the express written consent of the
 8595 trap owner available for immediate inspection. Unauthorized
 8596 possession of another's trap gear or removal of trap contents
 8597 constitutes theft.

8598 a. A commercial harvester who violates this subparagraph
 8599 shall be punished under ss. 379.367 and 379.407 ~~370.021 and~~
 8600 ~~370.14~~. Any commercial harvester receiving a judicial
 8601 disposition other than dismissal or acquittal on a charge of
 8602 theft of or from a trap pursuant to this subparagraph or s.
 8603 379.402 ~~370.1107~~ shall, in addition to the penalties specified
 8604 in ss. 379.367 and 379.407 ~~370.021 and 370.14~~ and the provisions
 8605 of this section, permanently lose all his or her saltwater
 8606 fishing privileges, including his or her saltwater products
 8607 license, spiny lobster endorsement, and all trap certificates
 8608 allotted to him or her through this program. In such cases, trap
 8609 certificates and endorsements are nontransferable.

8610 b. Any commercial harvester receiving a judicial
 8611 disposition other than dismissal or acquittal on a charge of

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8612 willful molestation of a trap, in addition to the penalties
 8613 specified in ss. 379.367 and 379.407 ~~370.021 and 370.14~~, shall
 8614 lose all saltwater fishing privileges for a period of 24
 8615 calendar months.

8616 c. In addition, any commercial harvester charged with
 8617 violating this subparagraph and receiving a judicial disposition
 8618 other than dismissal or acquittal for violating this
 8619 subparagraph or s. 379.402 ~~370.1107~~ shall also be assessed an
 8620 administrative penalty of up to \$5,000.

8621
 8622 Immediately upon receiving a citation for a violation involving
 8623 theft of or from a trap, or molestation of a trap, and until
 8624 adjudicated for such a violation or, upon receipt of a judicial
 8625 disposition other than dismissal or acquittal of such a
 8626 violation, the commercial harvester committing the violation is
 8627 prohibited from transferring any spiny lobster trap certificates
 8628 and endorsements.

8629 4. In addition to any other penalties provided in s.
 8630 379.407 ~~370.021~~, a commercial harvester who violates the
 8631 provisions of this section or commission rules relating to spiny
 8632 lobster traps shall be punished as follows:

8633 a. If the first violation is for violation of subparagraph
 8634 1. or subparagraph 2., the commission shall assess an additional
 8635 administrative penalty of up to \$1,000. For all other first
 8636 violations, the commission shall assess an additional
 8637 administrative penalty of up to \$500.

8638 b. For a second violation of subparagraph 1. or
 8639 subparagraph 2. which occurs within 24 months of any previous

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8640 such violation, the commission shall assess an additional
 8641 administrative penalty of up to \$2,000 and the spiny lobster
 8642 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~
 8643 may be suspended for the remainder of the current license year.
 8644 c. For a third or subsequent violation of subparagraph 1.,
 8645 subparagraph 2., or subparagraph 3. which occurs within 36
 8646 months of any previous two such violations, the commission shall
 8647 assess an additional administrative penalty of up to \$5,000 and
 8648 may suspend the spiny lobster endorsement issued under s.
 8649 379.367(2) or (6) ~~370.14(2) or (6)~~ for a period of up to 24
 8650 months or may revoke the spiny lobster endorsement and, if
 8651 revoking the spiny lobster endorsement, may also proceed against
 8652 the licenseholder's saltwater products license in accordance
 8653 with the provisions of s. 379.407(2)(h) ~~370.021(2)(h)~~.
 8654 d. Any person assessed an additional administrative
 8655 penalty pursuant to this section shall within 30 calendar days
 8656 after notification:
 8657 (I) Pay the administrative penalty to the commission; or
 8658 (II) Request an administrative hearing pursuant to the
 8659 provisions of ss. 120.569 and 120.57.
 8660 e. The commission shall suspend the spiny lobster
 8661 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~
 8662 for any person failing to comply with the provisions of sub-
 8663 subparagraph d.
 8664 5.a. It is unlawful for any person to make, alter, forge,
 8665 counterfeit, or reproduce a spiny lobster trap tag or
 8666 certificate.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8667 b. It is unlawful for any person to knowingly have in his
 8668 or her possession a forged, counterfeit, or imitation spiny
 8669 lobster trap tag or certificate.

8670 c. It is unlawful for any person to barter, trade, sell,
 8671 supply, agree to supply, aid in supplying, or give away a spiny
 8672 lobster trap tag or certificate or to conspire to barter, trade,
 8673 sell, supply, aid in supplying, or give away a spiny lobster
 8674 trap tag or certificate unless such action is duly authorized by
 8675 the commission as provided in this chapter or in the rules of
 8676 the commission.

8677 6.a. Any commercial harvester who violates the provisions
 8678 of subparagraph 5., or any commercial harvester who engages in
 8679 the commercial harvest, trapping, or possession of spiny lobster
 8680 without a spiny lobster endorsement as required by s. 379.367(2)
 8681 or (6) ~~370.14(2) or (6)~~ or during any period while such spiny
 8682 lobster endorsement is under suspension or revocation, commits a
 8683 felony of the third degree, punishable as provided in s.
 8684 775.082, s. 775.083, or s. 775.084.

8685 b. In addition to any penalty imposed pursuant to sub-
 8686 subparagraph a., the commission shall levy a fine of up to twice
 8687 the amount of the appropriate surcharge to be paid on the fair
 8688 market value of the transferred certificates, as provided in
 8689 subparagraph (a)1., on any commercial harvester who violates the
 8690 provisions of sub-subparagraph 5.c.

8691 c. In addition to any penalty imposed pursuant to sub-
 8692 subparagraph a., any commercial harvester receiving any judicial
 8693 disposition other than acquittal or dismissal for a violation of
 8694 subparagraph 5. shall be assessed an administrative penalty of

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8695 up to \$5,000, and the spiny lobster endorsement under which the
 8696 violation was committed may be suspended for up to 24 calendar
 8697 months. Immediately upon issuance of a citation involving a
 8698 violation of subparagraph 5. and until adjudication of such a
 8699 violation, and after receipt of any judicial disposition other
 8700 than acquittal or dismissal for such a violation, the commercial
 8701 harvester holding the spiny lobster endorsement listed on the
 8702 citation is prohibited from transferring any spiny lobster trap
 8703 certificates.

8704 d. Any other person who violates the provisions of
 8705 subparagraph 5. commits a Level Four violation under s. 379.401
 8706 ~~372.83~~.

8707 7. Any certificates for which the annual certificate fee
 8708 is not paid for a period of 3 years shall be considered
 8709 abandoned and shall revert to the commission. During any period
 8710 of trap reduction, any certificates reverting to the commission
 8711 shall become permanently unavailable and be considered in that
 8712 amount to be reduced during the next license-year period.
 8713 Otherwise, any certificates that revert to the commission are to
 8714 be reallocated in such manner as provided by the commission.

8715 8. The proceeds of all administrative penalties collected
 8716 pursuant to subparagraph 4. and all fines collected pursuant to
 8717 sub-subparagraph 6.b. shall be deposited into the Marine
 8718 Resources Conservation Trust Fund.

8719 9. All traps shall be removed from the water during any
 8720 period of suspension or revocation.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8721 10. Except as otherwise provided, any person who violates
 8722 this paragraph commits a Level Two violation under s. 379.401
 8723 ~~372.83~~.

8724 (d) No vested rights.--The trap certificate program shall
 8725 not create vested rights in licenseholders whatsoever and may be
 8726 altered or terminated as necessary to protect the spiny lobster
 8727 resource, the participants in the fishery, or the public
 8728 interest.

8729 (3) TRAP REDUCTION.--The objective of the overall trap
 8730 certificate program is to reduce the number of traps used in the
 8731 spiny lobster fishery to the lowest number that will maintain or
 8732 increase overall catch levels, promote economic efficiency in
 8733 the fishery, and conserve natural resources. Therefore, the
 8734 Marine Fisheries Commission shall set an overall trap reduction
 8735 goal based on maintaining or maximizing a sustained harvest from
 8736 the spiny lobster fishery. To reach that goal, the Marine
 8737 Fisheries Commission shall, by July 1, 1992, set an annual trap
 8738 reduction schedule, not to exceed 10 percent per year,
 8739 applicable to all certificateholders until the overall trap
 8740 reduction goal is reached. All certificateholders shall have
 8741 their certificate holdings reduced by the same percentage of
 8742 certificates each year according to the trap reduction schedule.
 8743 Until July 1, 1999, the Department of Environmental Protection
 8744 shall issue the number of trap tags authorized by the Marine
 8745 Fisheries Commission, as requested, and a revised statement of
 8746 certificates held. Beginning July 1, 1999, the Fish and Wildlife
 8747 Conservation Commission shall annually issue the number of trap
 8748 tags authorized by the commission's schedule, as requested, and

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

8749 a revised statement of certificates held. Certificateholders may
 8750 maintain or increase their total number of certificates held by
 8751 purchasing available certificates from within the authorized
 8752 total. The Fish and Wildlife Conservation Commission shall
 8753 provide for an annual evaluation of the trap reduction process
 8754 and shall suspend the annual percentage reductions for any
 8755 period deemed necessary by the commission in order to assess the
 8756 impact of the trap reduction schedule on the fishery. The Fish
 8757 and Wildlife Conservation Commission may then, by rule, resume,
 8758 terminate, or reverse the schedule as it deems necessary to
 8759 protect the spiny lobster resource and the participants in the
 8760 fishery.

8761 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
 8762 BOARD.--There is hereby established the Trap Certificate
 8763 Technical Advisory and Appeals Board. Such board shall consider
 8764 and advise the commission on disputes and other problems arising
 8765 from the implementation of the spiny lobster trap certificate
 8766 program. The board may also provide information to the
 8767 commission on the operation of the trap certificate program.

8768 (a) The board shall consist of the executive director of
 8769 the commission or designee and nine other members appointed by
 8770 the executive director, according to the following criteria:

8771 1. All appointed members shall be certificateholders, but
 8772 two shall be holders of fewer than 100 certificates, two shall
 8773 be holders of at least 100 but no more than 750 certificates,
 8774 three shall be holders of more than 750 but not more than 2,000
 8775 certificates, and two shall be holders of more than 2,000
 8776 certificates.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8777 2. At least one member each shall come from Broward, Dade,
 8778 and Palm Beach Counties; and five members shall come from the
 8779 various regions of the Florida Keys.

8780 3. At least one appointed member shall be a person of
 8781 Hispanic origin capable of speaking English and Spanish.

8782 (b) The term of each appointed member shall be for 4
 8783 years, and any vacancy shall be filled for the balance of the
 8784 unexpired term with a person of the qualifications necessary to
 8785 maintain the requirements of paragraph (a). There shall be no
 8786 limitation on successive appointments to the board.

8787 (c) The executive director of the commission or designee
 8788 shall serve as a member and shall call the organizational
 8789 meeting of the board. The board shall annually elect a chair and
 8790 a vice chair. There shall be no limitation on successive terms
 8791 that may be served by a chair or vice chair. The board shall
 8792 meet at the call of its chair, at the request of a majority of
 8793 its membership, at the request of the commission, or at such
 8794 times as may be prescribed by its rules. A majority of the board
 8795 shall constitute a quorum, and official action of the board
 8796 shall require a majority vote of the total membership of the
 8797 board present at the meeting.

8798 (d) The procedural rules adopted by the board shall
 8799 conform to the requirements of chapter 120.

8800 (e) Members of the board shall be reimbursed for per diem
 8801 and travel expenses as provided in s. 112.061.

8802 (f) Upon reaching a decision on any dispute or problem
 8803 brought before it, including any decision involving the
 8804 allotment of certificates under paragraph (g), the board shall

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

8805 submit such decision to the executive director of the commission
8806 for final approval. The executive director of the commission may
8807 alter or disapprove any decision of the board, with notice
8808 thereof given in writing to the board and to each party in the
8809 dispute explaining the reasons for the disapproval. The action
8810 of the executive director of the commission constitutes final
8811 agency action.

8812 (g) In addition to those certificates allotted pursuant to
8813 the provisions of subparagraph (2)(a)1., up to 125,000
8814 certificates may be allotted by the board to settle disputes or
8815 other problems arising from implementation of the trap
8816 certificate program during the 1992-1993 and 1993-1994 license
8817 years. Any certificates not allotted by March 31, 1994, shall
8818 become permanently unavailable and shall be considered as part
8819 of the 1994-1995 reduction schedule. All appeals for additional
8820 certificates or other disputes must be filed with the board
8821 before October 1, 1993.

8822 (h) Any trap certificates issued by the Department of
8823 Environmental Protection and, effective July 1, 1999, the
8824 commission as a result of the appeals process must be added to
8825 the existing number of trap certificates for the purposes of
8826 determining the total number of certificates from which the
8827 subsequent season's trap reduction is calculated.

8828 (i) On and after July 1, 1994, the board shall no longer
8829 consider and advise the Fish and Wildlife Conservation
8830 Commission on disputes and other problems arising from
8831 implementation of the trap certificate program nor allot any
8832 certificates with respect thereto.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8833 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees and
 8834 surcharges, annual trap certificate fees, and recreational tag
 8835 fees collected pursuant to paragraphs (2)(a) and (b) shall be
 8836 deposited in the Marine Resources Conservation Trust Fund and
 8837 used for administration of the trap certificate program,
 8838 research and monitoring of the spiny lobster fishery, and
 8839 enforcement and public education activities in support of the
 8840 purposes of this section and shall also be for the use of the
 8841 Fish and Wildlife Conservation Commission in evaluating the
 8842 impact of the trap reduction schedule on the spiny lobster
 8843 fishery; however, at least 15 percent of the fees and surcharges
 8844 collected shall be provided to the commission for such
 8845 evaluation.

8846 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife
 8847 Conservation Commission may adopt rules to implement the
 8848 provisions of this section.

8849 ~~(7) For the 2006 2007 fiscal year only, the trap tag fees~~
 8850 ~~required by this section shall be waived by the commission. This~~
 8851 ~~subsection expires July 1, 2007.~~

8852 Section 155. Subsections (2), (3), and (4) of section
 8853 370.143, Florida Statutes, are renumbered as section 379.368,
 8854 Florida Statutes, and amended to read:

8855 379.368 ~~370.143~~ Fees for the retrieval of spiny lobster,
 8856 stone crab, blue crab, and black sea bass traps during closed
 8857 season; ~~commission authority; fees.--~~

8858 (1)(2) Pursuant to s. 379.2424, the commission shall
 8859 assess trap owners, and collect, a retrieval fee of \$10 per trap
 8860 ~~retrieved shall be assessed trap owners.~~ However, for each

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8861 person holding a spiny lobster endorsement, a stone crab
 8862 endorsement, or a blue crab endorsement issued under rule of the
 8863 commission, the retrieval fee shall be waived for the first five
 8864 traps retrieved. Traps recovered under this program shall become
 8865 the property of the commission or its contract agent, as
 8866 determined by the commission, and shall be either destroyed or
 8867 resold to the original owner. Revenue from retrieval fees shall
 8868 be deposited in the Marine Resources Conservation Trust Fund and
 8869 used solely for operation of the trap retrieval program.

8870 (2)~~(3)~~ Payment of all assessed retrieval fees shall be
 8871 required prior to renewal of the trap owner's saltwater products
 8872 license. Retrieval fees assessed under this program shall stand
 8873 in lieu of other penalties imposed for such trap violations.

8874 (3)~~(4)~~ In the event of a major natural disaster, such as a
 8875 hurricane or major storm, that causes massive trap losses within
 8876 an area declared by the Governor to be a disaster emergency
 8877 area, the commission shall waive trap retrieval fees.

8878 Section 156. Section 370.1535, Florida Statutes, is
 8879 renumbered as section 379.369, Florida Statutes, and amended to
 8880 read:

8881 379.369 ~~370.1535~~ Fees for Regulation of shrimp fishing in
 8882 Tampa Bay; ~~licensing requirements.~~--

8883 ~~(1) No person shall operate as a dead shrimp producer in~~
 8884 ~~any waters of Tampa Bay unless such person has procured from the~~
 8885 ~~Fish and Wildlife Conservation Commission a dead shrimp~~
 8886 ~~production permit.~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8887 ~~(2) The Fish and Wildlife Conservation Commission is~~
 8888 ~~authorized to issue a dead shrimp production permit to persons~~
 8889 ~~qualified pursuant to the following criteria:~~

8890 ~~(a) The person has submitted an application designed by~~
 8891 ~~the commission for such permit.~~

8892 ~~(b) One permit is required for each vessel used for dead~~
 8893 ~~shrimp production in the waters of Tampa Bay. A permit shall~~
 8894 ~~only be issued to an individual who is the principal owner of~~
 8895 ~~the vessel or of the business entity owning the vessel and~~
 8896 ~~utilizing the permit. No more than three permits shall be issued~~
 8897 ~~to any individual.~~

8898 ~~(c) Each application for a permit to shrimp fish in the~~
 8899 ~~waters of Tampa Bay shall be accompanied by a fee of \$250 for~~
 8900 ~~each resident of the state and \$1,000 for each nonresident of~~
 8901 ~~the state. The proceeds of the fees collected pursuant to this~~
 8902 ~~paragraph shall be deposited into the Marine Resources~~
 8903 ~~Conservation Trust Fund to be used by the commission for the~~
 8904 ~~purpose of enforcement of marine resource laws.~~

8905 ~~(d) No person shall be issued a permit or be allowed to~~
 8906 ~~renew a permit if such person is registered for noncommercial~~
 8907 ~~trawling pursuant to s. 370.15(4).~~

8908 ~~(e) Each applicant shall make application prior to June~~
 8909 ~~30, 1992, and shall hold any other license or registration~~
 8910 ~~required to operate a commercial fishing vessel in Tampa Bay on~~
 8911 ~~the date of application.~~

8912 ~~(3) Each permit issued in the base year of 1992 shall be~~
 8913 ~~renewable by June 30 in each subsequent year upon application~~
 8914 ~~meeting the requirements for issuance for an initial permit~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8915 ~~pursuant to subsection (2). The number of permits outstanding in~~
 8916 ~~any one year shall not exceed the number issued for 1992. No~~
 8917 ~~permit shall be transferable by any method, including devise or~~
 8918 ~~inheritance, and a permit shall be renewable only by the initial~~
 8919 ~~holder thereof. All permits not renewed for any reason shall~~
 8920 ~~expire and shall not be renewable under any circumstances.~~

8921 ~~(4) No person harvesting dead shrimp from Tampa Bay shall~~
 8922 ~~sell such shrimp to any person unless such seller is in~~
 8923 ~~possession of a dead shrimp production permit issued pursuant to~~
 8924 ~~this section. Except for purchases from other wholesale dealers,~~
 8925 ~~no wholesale dealer, as defined in s. 370.07(1)(a)3., shall~~
 8926 ~~purchase dead shrimp harvested in Tampa Bay, unless the seller~~
 8927 ~~produces his or her dead shrimp production permit prior to the~~
 8928 ~~sale of the shrimp.~~

8929 ~~(5) The operator of any vessel used in Tampa Bay for dead~~
 8930 ~~shrimp production shall possess while in or on the waters of the~~
 8931 ~~bay and produce upon the request of any duly authorized law~~
 8932 ~~enforcement officer a current dead shrimp production permit~~
 8933 ~~issued for the vessel pursuant to this section.~~

8934 ~~(6) Each person harvesting shrimp in Tampa Bay pursuant to~~
 8935 ~~the permit required by this section shall comply with all rules~~
 8936 ~~of the Fish and Wildlife Conservation Commission regulating such~~
 8937 ~~harvest.~~

8938 ~~(7) For purpose of this section, "Tampa Bay" means all the~~
 8939 ~~waters of the bay east and north of the Sunshine Skyway Bridge~~
 8940 ~~(U.S. 19 and Interstate 275).~~

8941 Section 157. Section 379.3711, Florida Statutes, is
 8942 created to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8943 379.3711 License fee for private game preserves and
 8944 farms.--The licensee fee for establishing, maintaining, and
 8945 operating a private preserve and farm pursuant to s. 379.302 is
 8946 \$50 per year. The fee is payable to the commission and shall be
 8947 deposited in the State Game Trust Fund.

8948 Section 158. Section 372.661, Florida Statutes, is
 8949 renumbered as section 379.3712, Florida Statutes, and amended to
 8950 read:

8951 379.3712 ~~372.661~~ Private hunting preserve license fees;
 8952 exception.--

8953 (1) Any person who operates a private hunting preserve
 8954 commercially or otherwise shall be required to pay a license fee
 8955 of \$70 for each such preserve; provided, however, that during
 8956 the open season established for wild game of any species a
 8957 private individual may take artificially propagated game of such
 8958 species up to the bag limit prescribed for the particular
 8959 species without being required to pay the license fee required
 8960 by this section; provided further that if any such individual
 8961 shall charge a fee for taking such game she or he shall be
 8962 required to pay the license fee required by this section and to
 8963 comply with the rules of the commission relative to the
 8964 operation of private hunting preserves.

8965 (2) A commercial hunting preserve license, which shall
 8966 exempt patrons of licensed preserves from the license and permit
 8967 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j)
 8968 ~~372.57(4)(c), (d), (f), (h), (i), and (j)~~; (5)(g) and (h);
 8969 (8)(a), (b), and (e); (9)(a)2.; (11); and (12) while hunting on
 8970 the licensed preserve property, shall be \$500. Such commercial

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8971 | hunting preserve license shall be available only to those
 8972 | private hunting preserves licensed pursuant to this section
 8973 | which are operated exclusively for commercial purposes, which
 8974 | are open to the public, and for which a uniform fee is charged
 8975 | to patrons for hunting privileges.

8976 | Section 159. Section 372.86, Florida Statutes, is
 8977 | renumbered as section 379.372, Florida Statutes, to read:

8978 | 379.372 ~~372.86~~ Capturing, keeping, possessing,
 8979 | transporting, or exhibiting venomous reptiles or reptiles of
 8980 | concern; license required.--

8981 | (1) No person, firm, or corporation shall capture, keep,
 8982 | possess, or exhibit any poisonous or venomous reptile or reptile
 8983 | of concern without first having obtained a special permit or
 8984 | license therefor from the Fish and Wildlife Conservation
 8985 | Commission as provided in this section.

8986 | (2) By December 31, 2007, the commission shall establish a
 8987 | list of reptiles of concern, including venomous, nonvenomous,
 8988 | native, nonnative, or other reptiles, which require additional
 8989 | regulation for capture, possession, transportation, or
 8990 | exhibition due to their nature, habits, status, or potential to
 8991 | negatively impact the environment, ecology, or humans.

8992 | (3) It shall be unlawful for any person, firm, or
 8993 | corporation, whether licensed hereunder or not, to capture,
 8994 | keep, possess, or exhibit any venomous reptile or reptile of
 8995 | concern in any manner not approved as safe, secure, and proper
 8996 | by the commission. Venomous reptiles or reptiles of concern held
 8997 | in captivity are subject to inspection by the commission. The
 8998 | commission shall determine whether the reptiles are securely,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

8999 | safely, and properly penned. In the event that the reptiles are
 9000 | not safely penned, the commission shall report the situation in
 9001 | writing to the person, firm, or corporation owning the reptiles.
 9002 | Failure of the person, firm, or corporation to correct the
 9003 | situation within 30 days after such written notice shall be
 9004 | grounds for revocation of the license or permit of the person,
 9005 | firm, or corporation.

9006 | (4) Venomous reptiles or reptiles of concern shall be
 9007 | transported in a safe, secure, and proper manner. The commission
 9008 | shall establish by rule the requirements for the transportation
 9009 | of venomous reptiles or reptiles of concern.

9010 | Section 160. Section 372.87, Florida Statutes, is
 9011 | renumbered as 379.373, Florida Statutes, to read:

9012 | 379.373 ~~372.87~~ License fee; renewal, revocation.--

9013 | (1)(a) The Fish and Wildlife Conservation Commission is
 9014 | authorized and empowered to issue a license or permit for the
 9015 | capturing, keeping, possessing, or exhibiting of venomous
 9016 | reptiles, upon payment of an annual fee of \$100 and upon
 9017 | assurance that all of the provisions of ss. 379.372-379.305 and
 9018 | ss. 379.372-379.374 ~~372.86-372.92~~ and such other reasonable
 9019 | rules and regulations as the commission may prescribe will be
 9020 | fully complied with in all respects.

9021 | (b) The Fish and Wildlife Conservation Commission is
 9022 | authorized and empowered to issue a license or permit for the
 9023 | capturing, keeping, possessing, or exhibiting of reptiles of
 9024 | concern upon payment of an annual fee not to exceed \$100 and
 9025 | upon assurance that all of the provisions of ss. 379.305,
 9026 | 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and such other

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

9027 reasonable rules and regulations as the commission may prescribe
9028 will be fully complied with in all respects. The annual fee for
9029 issuance or renewal of a license or permit under this paragraph
9030 for reptiles of concern is initially set at \$100. However, the
9031 commission may reduce that annual fee by rule if the commission
9032 determines that there is general compliance with ss. 379.305,
9033 379.372, 379.373, and 379.374 ~~372.86 372.92~~ and that such
9034 compliance allows for a reduction in fees to cover the costs of
9035 administering and enforcing the reptiles of concern program. The
9036 commission may issue a license or permit to an applicant who
9037 holds a current and valid license or permit for venomous
9038 reptiles under paragraph (a) and meets all requirements for the
9039 capturing, keeping, possessing, or exhibiting of reptiles of
9040 concern, but shall not require payment of an additional annual
9041 fee.

9042 (2) Such permits or licenses may be revoked by the
9043 commission upon violation of any of the provisions of ss.
9044 379.305, 379.372, 379.373, and 379.374 ~~372.86 372.92~~ or upon
9045 violation of any of the rules and regulations prescribed by the
9046 commission relating to the capturing, keeping, possessing, and
9047 exhibiting of any venomous reptiles or reptiles of concern. Such
9048 permits or licenses shall be for an annual period to be
9049 prescribed by the commission and shall be renewable upon the
9050 payment of said fee and shall be subject to the same conditions,
9051 limitations, and restrictions as set forth in this section. All
9052 moneys received pursuant to this section shall be deposited into
9053 the State Game Trust Fund to be used to implement, administer,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9054 enforce, and educate the public regarding ss. 379.305, 379.372,
 9055 379.373, and 379.374 ~~372.86-372.92~~.

9056 Section 161. Section 372.88, Florida Statutes, is
 9057 renumbered as section 379.374, Florida Statutes, to read:

9058 379.374 ~~372.88~~ Bond required, amount.--

9059 (1) No person, party, firm, or corporation shall exhibit
 9060 to the public either with or without charge or admission fee any
 9061 venomous reptile without having first posted a good and
 9062 sufficient bond in writing in the penal sum of \$10,000 payable
 9063 to the commission, conditioned that such exhibitor will
 9064 indemnify and save harmless all persons from injury or damage
 9065 from such venomous reptiles so exhibited and shall fully comply
 9066 with all laws of the state and all rules and regulations of the
 9067 commission governing the capturing, keeping, possessing, or
 9068 exhibiting of venomous reptiles; provided, however, that the
 9069 aggregate liability of the surety for all such injuries or
 9070 damages shall, in no event, exceed the penal sum of the bond.

9071 The surety for the bond must be a surety company authorized to
 9072 do business under the laws of the state or in lieu of such a
 9073 surety, cash in the sum of \$10,000 may be posted with the
 9074 commission to ensure compliance with the conditions of the bond.

9075 (2) No person, party, firm, or corporation shall exhibit
 9076 to the public either with or without charge or admission fee,
 9077 any Class I wildlife, as defined in s. 379.303 ~~372.922~~ and
 9078 commission rule ~~chapter 68A-6, Florida Administrative Code,~~
 9079 without having first guaranteed financial responsibility, in the
 9080 sum of \$10,000, for any liability which may be incurred in the
 9081 exhibition to the public of Class I wildlife. The commission

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9082 shall adopt, by rule, the methods of payment that satisfy the
 9083 financial responsibility, which may include cash, the
 9084 establishment of a trust fund, an irrevocable letter of credit,
 9085 casualty insurance, a corporate guarantee, or any combination
 9086 thereof, in the sum of \$10,000 which shall be posted with the
 9087 commission. In lieu of the \$10,000 financial responsibility
 9088 guarantee required in this subsection, the exhibiter has the
 9089 option to maintain comprehensive general liability insurance,
 9090 with minimum limits of \$2 million per occurrence and \$2 million
 9091 annual aggregate, as shall protect the exhibiter from claims for
 9092 damage for personal injury, including accidental death, as well
 9093 as claims for property damage which may arise. Proof of such
 9094 insurance shall be submitted to the commission.

9095 Section 162. Section 372.6673, Florida Statutes, is
 9096 renumbered as section 379.3751, Florida Statutes, to read:

9097 379.3751 ~~372.6673~~ Taking and possession of alligators;
 9098 trapping licenses; fees.--

9099 (1)(a) No person shall take or possess any alligator or
 9100 the eggs thereof without having first obtained from the
 9101 commission a trapping license and paid the fee provided in this
 9102 section. Such license shall be dated when issued and remain
 9103 valid for 12 months after the date of issuance and shall
 9104 authorize the person to whom it is issued to take or possess
 9105 alligators and their eggs, and to sell, possess, and process
 9106 alligators and their hides and meat, in accordance with law and
 9107 commission rules. Such license shall not be transferable and
 9108 shall not be valid unless it bears on its face in indelible ink
 9109 the name of the person to whom it is issued. Such license shall

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9110 | be in the personal possession of the licensee while such person
 9111 | is taking alligators or their eggs or is selling, possessing, or
 9112 | processing alligators or their eggs, hides, or meat. The failure
 9113 | of the licensee to exhibit such license to the commission or its
 9114 | wildlife officers, when such person is found taking alligators
 9115 | or their eggs or is found selling, possessing, or processing
 9116 | alligators or their eggs, hides, or meat, shall be a violation
 9117 | of law.

9118 | (b) In order to assure the optimal utilization of the
 9119 | estimated available alligator resource and to ensure adequate
 9120 | control of the alligator management and harvest program, the
 9121 | commission may by rule limit the number of participants engaged
 9122 | in the taking of alligators or their eggs from the wild.

9123 | (c) No person who has been convicted of any violation of
 9124 | s. s. 379.3015 or s.379.409 ~~372.663 or s. 372.664~~ or the rules
 9125 | of the commission relating to the illegal taking of crocodilian
 9126 | species shall be eligible for issuance of a license for a period
 9127 | of 5 years subsequent to such conviction. In the event such
 9128 | violation involves the unauthorized taking of an endangered
 9129 | crocodilian species, no license shall be issued for 10 years
 9130 | subsequent to the conviction.

9131 | (2) The license and issuance fee, and the activity
 9132 | authorized thereby, shall be as follows:

9133 | (a) The annual fee for issuance of a resident alligator
 9134 | trapping license, which permits a resident of the state to take
 9135 | alligators occurring in the wild other than alligator
 9136 | hatchlings, to possess and process alligators taken under
 9137 | authority of such alligator trapping license or otherwise

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9138 | legally acquired, and to possess, process, and sell their hides
 9139 | and meat, shall be \$250.

9140 | (b) The annual fee for issuance of a nonresident alligator
 9141 | trapping license, which permits a person other than a resident
 9142 | of the state to take alligators occurring in the wild other than
 9143 | alligator hatchlings, to possess and process alligators taken
 9144 | under authority of such alligator trapping license, and to
 9145 | possess, process, and sell their hides and meat, shall be
 9146 | \$1,000.

9147 | (c) The annual fee for issuance of an alligator trapping
 9148 | agent's license, which permits a person to act as an agent of
 9149 | any person who has been issued a resident or nonresident
 9150 | alligator trapping license as provided in paragraph (a) or
 9151 | paragraph (b) and to take alligators occurring in the wild other
 9152 | than alligator hatchlings, and to possess and process alligators
 9153 | taken under authority of such agency relationship, shall be \$50.
 9154 | Such alligator trapping agent's license shall be issued only in
 9155 | conjunction with an alligator trapping license and shall bear on
 9156 | its face in indelible ink the name and license number of the
 9157 | alligator trapping licenseholder for whom the holder of this
 9158 | license is acting as an agent.

9159 | (d) The annual fee for issuance of an alligator farming
 9160 | license, which permits a person to operate a facility for
 9161 | captive propagation of alligators, to possess alligators for
 9162 | captive propagation, to take alligator hatchlings and alligator
 9163 | eggs occurring in the wild, to rear such alligators, alligator
 9164 | hatchlings, and alligator eggs in captivity, to process
 9165 | alligators taken or possessed under authority of such alligator

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9166 farming license or otherwise legally acquired, and to sell their
 9167 hides and meat, shall be \$250.

9168 (e) The annual fee for issuance of an alligator farming
 9169 agent's license, which permits a person to act as an agent of
 9170 any person who has been issued an alligator farming license as
 9171 provided in paragraph (d) and to take alligator hatchlings and
 9172 alligator eggs occurring in the wild, and to possess and process
 9173 alligators taken under authority of such agency relationship,
 9174 shall be \$50. Such license shall be issued only in conjunction
 9175 with an alligator farming license, and shall bear on its face in
 9176 indelible ink the name and license number of the alligator
 9177 farming licenseholder for whom the holder of this license is
 9178 acting as an agent.

9179 (f) The annual fee for issuance of an alligator
 9180 processor's license, which permits a person to buy and process
 9181 alligators lawfully taken by alligator trapping licenseholders
 9182 and taken or possessed by alligator farming licenseholders and
 9183 to sell alligator meat, hides, and other parts, shall be \$250.

9184 (3) For the purpose of this section, "process" shall mean
 9185 the possession and skinning or butchering of an alligator by
 9186 someone other than the holder of the alligator trapping license,
 9187 alligator trapping agent's license, alligator farming license,
 9188 or alligator farming agent's license who has authorized the
 9189 taking and possession of such alligator.

9190 (4) No person shall take any alligator egg occurring in
 9191 the wild or possess any such egg unless such person has
 9192 obtained, or is a licensed agent of another person who has
 9193 obtained, an alligator egg collection permit. The alligator egg

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9194 collection permit shall be required in addition to the alligator
 9195 farming license provided in paragraph (2)(d). The commission is
 9196 authorized to assess a fee for issuance of the alligator egg
 9197 collection permit of up to \$5 per egg authorized to be taken or
 9198 possessed pursuant to such permit. Irrespective of whether a fee
 9199 is assessed, \$1 per egg collected and retained, excluding eggs
 9200 collected on private wetland management areas, shall be
 9201 transferred from the alligator management program to the General
 9202 Inspection Trust Fund, to be administered by the Department of
 9203 Agriculture and Consumer Services for the purpose of providing
 9204 marketing and education services with respect to alligator
 9205 products produced in this state, notwithstanding other
 9206 provisions in this chapter.

9207 (5) The commission shall adopt criteria by rule to
 9208 establish appropriate qualifications for alligator collectors
 9209 who may receive permits pursuant to this section.

9210 Section 163. Section 372.6674, Florida Statutes, is
 9211 renumbered as section 379.3752, Florida Statutes, and amended to
 9212 read:

9213 379.3752 ~~372.6674~~ Required tagging of alligators and
 9214 hides; fees; revenues.--The tags provided in this section shall
 9215 be required in addition to any license required under s.
 9216 379.3751 ~~372.6673~~.

9217 (1) No person shall take any alligator occurring in the
 9218 wild or possess any such alligator unless such alligator is
 9219 subsequently tagged in the manner required by commission rule.
 9220 For the tag required for an alligator hatchling, the commission
 9221 is authorized to assess a fee of not more than \$15 for each

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9222 alligator hatchling tag issued. The commission shall expend one-
 9223 third of the revenue generated from the issuance of the
 9224 alligator hatchling tag for alligator husbandry research.

9225 (2) The commission may require that an alligator hide
 9226 validation tag (CITES tag) be affixed to the hide of any
 9227 alligator taken from the wild and that such hide be possessed,
 9228 purchased, sold, offered for sale, or transported in accordance
 9229 with commission rule. The commission is authorized to assess a
 9230 fee of up to \$30 for each alligator hide validation tag issued.
 9231 Irrespective of whether a fee is assessed, \$5 per validated
 9232 hide, excluding those validated from public hunt programs and
 9233 alligator farms, shall be transferred from the alligator
 9234 management program to the General Inspection Trust Fund, to be
 9235 administered by the Department of Agriculture and Consumer
 9236 Services for the purpose of providing marketing and education
 9237 services with respect to alligator products produced in this
 9238 state, notwithstanding other provisions in this chapter.

9239 (3) The number of tags available for alligators taken
 9240 pursuant to a collection permit shall be limited to the number
 9241 of tags determined by the commission to equal the safe yield of
 9242 alligators as determined pursuant to s. 379.3013 ~~372.6678~~.

9243 Section 164. Subsections (1), (2), (3), (7) and (8) of
 9244 section 372.921, Florida Statutes, are renumbered as section
 9245 379.3761, Florida Statutes, and amended to read:

9246 379.3761 Exhibition or sale of wildlife; fees;
 9247 classifications.--

9248 (1) In order to provide humane treatment and sanitary
 9249 surroundings for wild animals kept in captivity, no person,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9250 | firm, corporation, or association shall have, or be in
 9251 | possession of, in captivity for the purpose of public display
 9252 | with or without charge or for public sale any wildlife,
 9253 | specifically birds, mammals, amphibians, and reptiles, whether
 9254 | indigenous to Florida or not, without having first secured a
 9255 | permit from the commission authorizing such person, firm, or
 9256 | corporation to have in its possession in captivity the species
 9257 | and number of wildlife specified within such permit; however,
 9258 | this section does not apply to any wildlife not protected by law
 9259 | and the rules of the commission.

9260 | (2) The fees to be paid for the issuance of permits
 9261 | required by subsection (1) shall be as follows:

9262 | (a) For not more than 25 Class I or Class II individual
 9263 | specimens in the aggregate of all species, the sum of \$150 per
 9264 | annum.

9265 | (b) For over 25 Class I or Class II individual specimens
 9266 | in the aggregate of all species, the sum of \$250 per annum.

9267 | (c) For any number of Class III individual specimens in
 9268 | the aggregate of all species, the sum of \$50 per annum.

9269 |
 9270 | The fees prescribed by this subsection shall be submitted to the
 9271 | commission with the application for permit required by
 9272 | subsection (1) and shall be deposited in the State Game Trust
 9273 | Fund.

9274 | (3) An applicant for a permit shall be required to include
 9275 | in her or his application a statement showing the place, number,
 9276 | and species of wildlife to be held in captivity by the applicant
 9277 | and shall be required upon request by the Fish and Wildlife

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9278 Conservation Commission to show when, where, and in what manner
 9279 she or he came into possession of any wildlife acquired
 9280 subsequent to the effective date of this act. The source of
 9281 acquisition of such wildlife shall not be divulged by the
 9282 commission except in connection with a violation of this section
 9283 or a regulation of the commission in which information as to
 9284 source of wildlife is required as evidence in the prosecution of
 9285 such violation.

9286 (4) ~~(7)~~ The provisions of this section relative to
 9287 licensing do not apply to any municipal, county, state, or other
 9288 publicly owned wildlife exhibit. The provisions of this section
 9289 do not apply to any traveling zoo, circus, or exhibit licensed
 9290 as provided by chapter 205.

9291 (5) ~~(8)~~ This section shall not apply to the possession,
 9292 control, care, and maintenance of ostriches, emus, rheas, and
 9293 bison domesticated and confined for commercial farming purposes,
 9294 except those kept and maintained on hunting preserves or game
 9295 farms or primarily for exhibition purposes in zoos, carnivals,
 9296 circuses, and other such establishments where such species are
 9297 kept primarily for display to the public.

9298 Section 165. Subsections (1), (2), (5), (6), and (7) of
 9299 section 372.922, Florida Statutes, are renumbered as section
 9300 379.3762, Florida Statutes, and amended to read:

9301 379.3762 ~~372.922~~ Personal possession of wildlife.--

9302 (1) It is unlawful for any person or persons to possess
 9303 any wildlife as defined in this act, whether indigenous to
 9304 Florida or not, until she or he has obtained a permit as

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9305 provided by this section from the Fish and Wildlife Conservation
 9306 Commission.

9307 (2) The classifications of types of wildlife and fees to
 9308 be paid for permits for the personal possession of wildlife
 9309 shall be as follows:

9310 (a) Class I--Wildlife which, because of its nature,
 9311 habits, or status, shall not be possessed as a personal pet.

9312 (b) Class II--Wildlife considered to present a real or
 9313 potential threat to human safety, the sum of \$140 per annum.

9314 (c) Class III--All other wildlife not included in Class I
 9315 or Class II, for which a no-cost permit must be obtained from
 9316 the commission.

9317 ~~(3)-(5)~~ Any person, firm, corporation, or association
 9318 exhibiting or selling wildlife and being duly permitted as
 9319 provided by s. 379.304 ~~372.921~~ shall be exempt from the fee
 9320 requirement to receive a permit under this section.

9321 ~~(4)-(6)~~ This section shall not apply to the possession,
 9322 control, care, and maintenance of ostriches, emus, rheas, and
 9323 bison domesticated and confined for commercial farming purposes,
 9324 except those kept and maintained on hunting preserves or game
 9325 farms or primarily for exhibition purposes in zoos, carnivals,
 9326 circuses, and other such establishments where such species are
 9327 kept primarily for display to the public.

9328 ~~(5)-(7)~~ Persons in violation of this section shall be
 9329 punishable as provided in s. 379.401 ~~372.83~~.

9330 Section 166. Section 372.653, Florida Statutes, is
 9331 renumbered as section 379.377, Florida Statutes, and amended to
 9332 read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9333 379.377 ~~372.653~~ Tag fees for sale of Lake Okeechobee game
 9334 fish ~~Required tagging of fish; lakes in excess of 500 square~~
 9335 ~~miles; tag fee; game fish taken in lakes of 500 square miles or~~
 9336 ~~less.--~~ The commission is authorized to assess a fee of not more
 9337 than 5 cents per tag, payable at the time of delivery of the
 9338 tag, for the purpose of allowing the sale of game fish taken
 9339 commercially from Lake Okeechobee, as may be allowed by the
 9340 commission.

9341 ~~(1)(a) No game fish taken from, or caught in, a lake in~~
 9342 ~~this state the area of which is in excess of 500 square miles~~
 9343 ~~shall be sold for consumption in this state unless it is tagged~~
 9344 ~~in the manner required by the Fish and Wildlife Conservation~~
 9345 ~~Commission. Bass or pickerel taken by any method other than hook~~
 9346 ~~and line shall be returned immediately to the water. Trawls and~~
 9347 ~~haul seines shall not be operated within 1 mile of rooted~~
 9348 ~~aquatic vegetation.~~

9349 ~~(b) In order that such program of tagging be self-~~
 9350 ~~sufficient, the Fish and Wildlife Conservation Commission is~~
 9351 ~~authorized to assess a fee of not more than 5 cents per tag,~~
 9352 ~~payable at the time of delivery of the tag.~~

9353 ~~(2) No freshwater game fish shall be taken from a lake in~~
 9354 ~~this state the area of which is 500 square miles or less other~~
 9355 ~~than with pole and line; rod and reel; or plug, bob, spinner,~~
 9356 ~~spoon, or other artificial bait or lure.~~

9357 ~~(3) No freshwater game fish taken from a lake in this~~
 9358 ~~state the area of which is 500 square miles or less shall be~~
 9359 ~~offered for sale or sold.~~

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9360 Section 167. Part VIII of chapter 379, Florida Statutes,
 9361 consisting of sections 379.401, 379.4015, 379.402, 379.403,
 9362 379.404, 379.405, 379.406, 379.407, 379.408, 379.409, 379.411,
 9363 379.4115, 379.412, 379.413, and 379.414, is created to read:

9364 PART VIII

9365 PENALTIES

9366
 9367 Section 168. Section 372.83, Florida Statutes, is
 9368 renumbered as section 379.401, Florida Statutes, and amended to
 9369 read:

9370 379.401 ~~372.83~~ Penalties and violations; civil penalties
 9371 for noncriminal infractions; criminal penalties; suspension and
 9372 forfeiture of licenses and permits.--

9373 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One
 9374 violation if he or she violates any of the following provisions:

9375 1. Rules or orders of the commission relating to the
 9376 filing of reports or other documents required to be filed by
 9377 persons who hold recreational licenses and permits issued by the
 9378 commission.

9379 2. Rules or orders of the commission relating to quota
 9380 hunt permits, daily use permits, hunting zone assignments,
 9381 camping, alcoholic beverages, vehicles, and check stations
 9382 within wildlife management areas or other areas managed by the
 9383 commission.

9384 3. Rules or orders of the commission relating to daily use
 9385 permits, alcoholic beverages, swimming, possession of firearms,
 9386 operation of vehicles, and watercraft speed within fish
 9387 management areas managed by the commission.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9388 4. Rules or orders of the commission relating to vessel
 9389 size or specifying motor restrictions on specified water bodies.

9390 5. Section 379.355 ~~370.063~~, providing for special
 9391 recreational spiny lobster licenses.

9392 6. Section 379.354(1)-(15) ~~372.57(1)-(15)~~, providing for
 9393 recreational licenses to hunt, fish, and trap.

9394 7. Section 379.3581 ~~372.5717~~, providing hunter safety
 9395 course requirements.

9396 8. Section 379.3003 ~~372.988~~, prohibiting deer hunting
 9397 unless required clothing is worn.

9398 (b) A person who commits a Level One violation commits a
 9399 noncriminal infraction and shall be cited to appear before the
 9400 county court.

9401 (c)1. The civil penalty for committing a Level One
 9402 violation involving the license and permit requirements of s.
 9403 379.354 ~~372.57~~ is \$50 plus the cost of the license or permit,
 9404 unless subparagraph 2. applies.

9405 2. The civil penalty for committing a Level One violation
 9406 involving the license and permit requirements of s. 379.354
 9407 ~~372.57~~ is \$100 plus the cost of the license or permit if the
 9408 person cited has previously committed the same Level One
 9409 violation within the preceding 36 months.

9410 (d)1. The civil penalty for any other Level One violation
 9411 is \$50 unless subparagraph 2. applies.

9412 2. The civil penalty for any other Level One violation is
 9413 \$100 if the person cited has previously committed the same Level
 9414 One violation within the preceding 36 months.

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

9415 (e) A person cited for a Level One violation shall sign
9416 and accept a citation to appear before the county court. The
9417 issuing officer may indicate on the citation the time and
9418 location of the scheduled hearing and shall indicate the
9419 applicable civil penalty.

9420 (f) A person cited for a Level One violation may pay the
9421 civil penalty by mail or in person within 30 days after receipt
9422 of the citation. If the civil penalty is paid, the person shall
9423 be deemed to have admitted committing the Level One violation
9424 and to have waived his or her right to a hearing before the
9425 county court. Such admission may not be used as evidence in any
9426 other proceedings except to determine the appropriate fine for
9427 any subsequent violations.

9428 (g) A person who refuses to accept a citation, who fails
9429 to pay the civil penalty for a Level One violation, or who fails
9430 to appear before a county court as required commits a
9431 misdemeanor of the second degree, punishable as provided in s.
9432 775.082 or s. 775.083.

9433 (h) A person who elects to appear before the county court
9434 or who is required to appear before the county court shall be
9435 deemed to have waived the limitations on civil penalties
9436 provided under paragraphs (c) and (d). After a hearing, the
9437 county court shall determine if a Level One violation has been
9438 committed, and if so, may impose a civil penalty of not less
9439 than \$50 for a first-time violation, and not more than \$500 for
9440 subsequent violations. A person found guilty of committing a
9441 Level One violation may appeal that finding to the circuit

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9442 | court. The commission of a violation must be proved beyond a
 9443 | reasonable doubt.

9444 | (i) A person cited for violating the requirements of s.
 9445 | 379.354 ~~372.57~~ relating to personal possession of a license or
 9446 | permit may not be convicted if, prior to or at the time of a
 9447 | county court hearing, the person produces the required license
 9448 | or permit for verification by the hearing officer or the court
 9449 | clerk. The license or permit must have been valid at the time
 9450 | the person was cited. The clerk or hearing officer may assess a
 9451 | \$5 fee for costs under this paragraph.

9452 | (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 9453 | violation if he or she violates any of the following provisions:

9454 | 1. Rules or orders of the commission relating to seasons
 9455 | or time periods for the taking of wildlife, freshwater fish, or
 9456 | saltwater fish.

9457 | 2. Rules or orders of the commission establishing bag,
 9458 | possession, or size limits or restricting methods of taking
 9459 | wildlife, freshwater fish, or saltwater fish.

9460 | 3. Rules or orders of the commission prohibiting access or
 9461 | otherwise relating to access to wildlife management areas or
 9462 | other areas managed by the commission.

9463 | 4. Rules or orders of the commission relating to the
 9464 | feeding of wildlife, freshwater fish, or saltwater fish.

9465 | 5. Rules or orders of the commission relating to landing
 9466 | requirements for freshwater fish or saltwater fish.

9467 | 6. Rules or orders of the commission relating to
 9468 | restricted hunting areas, critical wildlife areas, or bird
 9469 | sanctuaries.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9470 7. Rules or orders of the commission relating to tagging
 9471 requirements for game and fur-bearing animals.

9472 8. Rules or orders of the commission relating to the use
 9473 of dogs for the taking of game.

9474 9. Rules or orders of the commission which are not
 9475 otherwise classified.

9476 10. Rules or orders of the commission prohibiting the
 9477 unlawful use of finfish traps.

9478 ~~11.10.~~ All prohibitions in this chapter ~~370~~ which are not
 9479 otherwise classified.

9480 12. 11. Section 379.33 ~~370.028~~, prohibiting the violation
 9481 of or noncompliance with commission rules.

9482 13. 12. Section 379.407(6) ~~370.021(6)~~ prohibiting the
 9483 sale, purchase, harvest, or attempted harvest of any saltwater
 9484 product with intent to sell.

9485 14. 13. Section 379.2421 ~~370.08~~, prohibiting the
 9486 obstruction of waterways with net gear.

9487 ~~14. Section 370.1105, prohibiting the unlawful use of~~
 9488 ~~finfish traps.~~

9489 15. Section 379.413 ~~370.1121~~, prohibiting the unlawful
 9490 taking of bonefish.

9491 16. Section 379.365(2)(a) and (b) ~~370.13(2)(a) and (b)~~,
 9492 prohibiting the possession or use of stone crab traps without
 9493 trap tags and theft of trap contents or gear.

9494 17. Section 379.366 (4)(b) ~~370.135(4)(b)~~, prohibiting the
 9495 theft of blue crab trap contents or trap gear.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9496 18. Section 379.3671(2)(c) ~~370.142(2)(e)~~, prohibiting the
 9497 possession or use of spiny lobster traps without trap tags or
 9498 certificates and theft of trap contents or trap gear.

9499 19. Section 379.357 ~~372.5704~~, prohibiting the possession
 9500 of tarpon without purchasing a tarpon tag.

9501 20. Section 379.409 ~~372.667~~, prohibiting the feeding or
 9502 enticement of alligators or crocodiles.

9503 21. Section 379.105 ~~372.705~~, prohibiting the intentional
 9504 harassment of hunters, fishers, or trappers.

9505 (b)1. A person who commits a Level Two violation but who
 9506 has not been convicted of a Level Two or higher violation within
 9507 the past 3 years commits a misdemeanor of the second degree,
 9508 punishable as provided in s. 775.082 or s. 775.083.

9509 2. Unless the stricter penalties in subparagraph 3. or
 9510 subparagraph 4. apply, a person who commits a Level Two
 9511 violation within 3 years after a previous conviction for a Level
 9512 Two or higher violation commits a misdemeanor of the first
 9513 degree, punishable as provided in s. 775.082 or s. 775.083, with
 9514 a minimum mandatory fine of \$250.

9515 3. Unless the stricter penalties in subparagraph 4. apply,
 9516 a person who commits a Level Two violation within 5 years after
 9517 two previous convictions for a Level Two or higher violation,
 9518 commits a misdemeanor of the first degree, punishable as
 9519 provided in s. 775.082 or s. 775.083, with a minimum mandatory
 9520 fine of \$500 and a suspension of any recreational license or
 9521 permit issued under s. 379.354 ~~372.57~~ for 1 year. Such
 9522 suspension shall include the suspension of the privilege to
 9523 obtain such license or permit and the suspension of the ability

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9524 to exercise any privilege granted under any exemption in s.
 9525 379.353 ~~372.562~~.

9526 4. A person who commits a Level Two violation within 10
 9527 years after three previous convictions for a Level Two or higher
 9528 violation commits a misdemeanor of the first degree, punishable
 9529 as provided in s. 775.082 or s. 775.083, with a minimum
 9530 mandatory fine of \$750 and a suspension of any recreational
 9531 license or permit issued under s. 379.354 ~~372.57~~ for 3 years.
 9532 Such suspension shall include the suspension of the privilege to
 9533 obtain such license or permit and the suspension of the ability
 9534 to exercise any privilege granted under s. 379.353 ~~372.562~~. If
 9535 the recreational license or permit being suspended was an annual
 9536 license or permit, any privileges under ss. 379.353 and 379.354
 9537 ~~372.562~~ and ~~372.57~~ may not be acquired for a 3-year period
 9538 following the date of the violation.

9539 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
 9540 Three violation if he or she violates any of the following
 9541 provisions:

9542 1. Rules or orders of the commission prohibiting the sale
 9543 of saltwater fish.

9544 2. Rules or orders of the commission prohibiting the
 9545 illegal importation or possession of exotic marine plants or
 9546 animals.

9547 3. ~~2.~~ Section 379.407(2) ~~370.021(2)~~, establishing major
 9548 violations.

9549 4. ~~3.~~ Section 379.407(4) ~~370.021(4)~~, prohibiting the
 9550 possession of certain finfish in excess of recreational daily
 9551 bag limits.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9552 4. ~~Section 370.081, prohibiting the illegal importation or~~
 9553 ~~possession of exotic marine plants or animals.~~

9554 5. Section 379.28 ~~372.26~~, prohibiting the importation of
 9555 freshwater fish.

9556 6. Section 379.231 ~~372.265~~, prohibiting the importation of
 9557 nonindigenous species of the animal kingdom without a permit
 9558 issued by the commission.

9559 7. Section 379.354(17) ~~372.57(17)~~, prohibiting the taking
 9560 of game, freshwater fish, or saltwater fish while a required
 9561 license is suspended or revoked.

9562 8. Section 379.3014 ~~372.662~~, prohibiting the illegal sale
 9563 or possession of alligators.

9564 9. Section 379.404(1), (3), and (6) ~~372.99(1), (3), and~~
 9565 ~~(6)~~, prohibiting the illegal taking and possession of deer and
 9566 wild turkey.

9567 10. Section 379.406 ~~372.9903~~, prohibiting the possession
 9568 and transportation of commercial quantities of freshwater game
 9569 fish.

9570 (b)1. A person who commits a Level Three violation but who
 9571 has not been convicted of a Level Three or higher violation
 9572 within the past 10 years commits a misdemeanor of the first
 9573 degree, punishable as provided in s. 775.082 or s. 775.083.

9574 2. A person who commits a Level Three violation within 10
 9575 years after a previous conviction for a Level Three or higher
 9576 violation commits a misdemeanor of the first degree, punishable
 9577 as provided in s. 775.082 or s. 775.083, with a minimum
 9578 mandatory fine of \$750 and a suspension of any recreational
 9579 license or permit issued under s. 379.354 ~~372.57~~ for the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9580 remainder of the period for which the license or permit was
 9581 issued up to 3 years. Such suspension shall include the
 9582 suspension of the privilege to obtain such license or permit and
 9583 the ability to exercise any privilege granted under s. 379.353
 9584 ~~372.562~~. If the recreational license or permit being suspended
 9585 was an annual license or permit, any privileges under ss.
 9586 379.353 and 379.354 ~~372.562 and 372.57~~ may not be acquired for a
 9587 3-year period following the date of the violation.

9588 3. A person who commits a violation of s. 379.354(17)
 9589 ~~372.57(17)~~ shall receive a mandatory fine of \$1,000. Any
 9590 privileges under ss. 379.353 and 379.354 ~~372.562 and 372.57~~ may
 9591 not be acquired for a 5-year period following the date of the
 9592 violation.

9593 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
 9594 Four violation if he or she violates any of the following
 9595 provisions:

9596 1. Section 379.365(2)(c) ~~370.13(2)(e)~~, prohibiting
 9597 criminal activities relating to the taking of stone crabs.

9598 2. Section 379.366(4)(c) ~~370.135(4)(e)~~, prohibiting
 9599 criminal activities relating to the taking and harvesting of
 9600 blue crabs.

9601 3. Section 379.367(4) ~~370.14(4)~~, prohibiting the willful
 9602 molestation of spiny lobster gear.

9603 4. Section 379.3671(2)(c)5. ~~370.142(2)(e)5.~~, prohibiting
 9604 the unlawful reproduction, possession, sale, trade, or barter of
 9605 spiny lobster trap tags or certificates.

9606 5. Section 379.354(16) ~~372.57(16)~~, prohibiting the making,
 9607 forging, counterfeiting, or reproduction of a recreational

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9608 license or possession of same without authorization from the
 9609 commission.

9610 6. Section 379.404(5) ~~372.99(5)~~, prohibiting the sale of
 9611 illegally-taken deer or wild turkey.

9612 7. Section 379.405 ~~372.99022~~, prohibiting the molestation
 9613 or theft of freshwater fishing gear.

9614 (b) A person who commits a Level Four violation commits a
 9615 felony of the third degree, punishable as provided in s. 775.082
 9616 or s. 775.083.

9617 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
 9618 chapter:

9619 (a) A person who commits a violation of any provision of
 9620 this chapter commits, for the first offense, a misdemeanor of
 9621 the second degree, punishable as provided in s. 775.082 or s.
 9622 775.083.

9623 (b) A person who is convicted of a second or subsequent
 9624 violation of any provision of this chapter commits a misdemeanor
 9625 of the first degree, punishable as provided in s. 775.082 or s.
 9626 775.083.

9627 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
 9628 order the suspension or forfeiture of any license or permit
 9629 issued under this chapter to a person who is found guilty of
 9630 committing a violation of this chapter.

9631 (7) CONVICTION DEFINED.--As used in this section, the term
 9632 "conviction" means any judicial disposition other than acquittal
 9633 or dismissal.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9634 Section 169. Section 372.935, Florida Statutes, is
 9635 renumbered as section 379.4015, Florida Statutes, and amended to
 9636 read:

9637 379.4015 ~~372.935~~ Captive wildlife penalties.--

9638 (1) LEVEL ONE.--Unless otherwise provided by law, the
 9639 following classifications and penalties apply:

9640 (a) A person commits a Level One violation if he or she
 9641 violates any of the following provisions:

9642 1. Rules or orders of the commission requiring free
 9643 permits or other authorizations to possess captive wildlife.

9644 2. Rules or orders of the commission relating to the
 9645 filing of reports or other documents required of persons who are
 9646 licensed to possess captive wildlife.

9647 3. Rules or orders of the commission requiring permits to
 9648 possess captive wildlife for which a fee is charged, when the
 9649 person being charged was issued the permit and the permit has
 9650 expired less than 1 year prior to the violation.

9651 (b) Any person cited for committing any offense classified
 9652 as a Level One violation commits a noncriminal infraction,
 9653 punishable as provided in this section.

9654 (c) Any person cited for committing a noncriminal
 9655 infraction specified in paragraph (a) shall be cited to appear
 9656 before the county court. The civil penalty for any noncriminal
 9657 infraction is \$50 if the person cited has not previously been
 9658 found guilty of a Level One violation and \$250 if the person
 9659 cited has previously been found guilty of a Level One violation,
 9660 except as otherwise provided in this subsection. Any person
 9661 cited for failing to have a required permit or license shall pay

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9662 an additional civil penalty in the amount of the license fee
 9663 required.

9664 (d) Any person cited for an infraction under this
 9665 subsection may:

9666 1. Post a bond, which shall be equal in amount to the
 9667 applicable civil penalty; or

9668 2. Sign and accept a citation indicating a promise to
 9669 appear before the county court. The officer may indicate on the
 9670 citation the time and location of the scheduled hearing and
 9671 shall indicate the applicable civil penalty.

9672 (e) Any person charged with a noncriminal infraction under
 9673 this subsection may:

9674 1. Pay the civil penalty, either by mail or in person,
 9675 within 30 days after the date of receiving the citation; or

9676 2. If the person has posted bond, forfeit bond by not
 9677 appearing at the designated time and location.

9678 (f) If the person cited follows either of the procedures
 9679 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
 9680 deemed to have admitted the infraction and to have waived his or
 9681 her right to a hearing on the issue of commission of the
 9682 infraction. Such admission shall not be used as evidence in any
 9683 other proceedings except to determine the appropriate fine for
 9684 any subsequent violations.

9685 (g) Any person who willfully refuses to post bond or
 9686 accept and sign a summons commits a misdemeanor of the second
 9687 degree, punishable as provided in s. 775.082 or s. 775.083. Any
 9688 person who fails to pay the civil penalty specified in this
 9689 subsection within 30 days after being cited for a noncriminal

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9690 | infraction or to appear before the court pursuant to this
 9691 | subsection commits a misdemeanor of the second degree,
 9692 | punishable as provided in s. 775.082 or s. 775.083.

9693 | (h) Any person electing to appear before the county court
 9694 | or who is required to appear shall be deemed to have waived the
 9695 | limitations on the civil penalty specified in paragraph (c). The
 9696 | court, after a hearing, shall make a determination as to whether
 9697 | an infraction has been committed. If the commission of an
 9698 | infraction has been proven, the court may impose a civil penalty
 9699 | not less than those amounts in paragraph (c) and not to exceed
 9700 | \$500.

9701 | (i) At a hearing under this chapter, the commission of a
 9702 | charged infraction must be proved beyond a reasonable doubt.

9703 | (j) If a person is found by the hearing official to have
 9704 | committed an infraction, she or he may appeal that finding to
 9705 | the circuit court.

9706 | (2) LEVEL TWO.--Unless otherwise provided by law, the
 9707 | following classifications and penalties apply:

9708 | (a) A person commits a Level Two violation if he or she
 9709 | violates any of the following provisions:

9710 | 1. Unless otherwise stated in subsection (1), rules or
 9711 | orders of the commission that require a person to pay a fee to
 9712 | obtain a permit to possess captive wildlife or that require the
 9713 | maintenance of records relating to captive wildlife.

9714 | 2. Rules or orders of the commission relating to captive
 9715 | wildlife not specified in subsection (1) or subsection (3).

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9716 3. Rules or orders of the commission that require housing
 9717 of wildlife in a safe manner when a violation results in an
 9718 escape of wildlife other than Class I wildlife.

9719 4. Section 379.372 ~~372.86~~, relating to capturing, keeping,
 9720 possessing, transporting, or exhibiting venomous reptiles or
 9721 reptiles of concern.

9722 5. Section 379.373 ~~372.87~~, relating to requiring a license
 9723 or permit for the capturing, keeping, possessing, or exhibiting
 9724 of venomous reptiles or reptiles of concern.

9725 6. Section 379.374 ~~372.88~~, relating to bonding
 9726 requirements for public exhibits of venomous reptiles.

9727 7. Section 379.305 ~~372.92~~, relating to commission rules
 9728 and regulations to prevent the escape of venomous reptiles or
 9729 reptiles of concern.

9730 8. Section 379.304 ~~372.921~~, relating to exhibition or sale
 9731 of wildlife.

9732 9. Section 379.3762 ~~372.922~~, relating to personal
 9733 possession of wildlife.

9734 (b) A person who commits any offense classified as a Level
 9735 Two violation and who has not been convicted of a Level Two or
 9736 higher violation within the past 3 years commits a misdemeanor
 9737 of the second degree, punishable as provided in s. 775.082 or s.
 9738 775.083.

9739 (c) Unless otherwise stated in this subsection, a person
 9740 who commits any offense classified as a Level Two violation
 9741 within a 3-year period of any previous conviction of a Level Two
 9742 or higher violation commits a misdemeanor of the first degree,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9743 | punishable as provided in s. 775.082 or s. 775.083 with a
 9744 | minimum mandatory fine of \$250.

9745 | (d) Unless otherwise stated in this subsection, a person
 9746 | who commits any offense classified as a Level Two violation
 9747 | within a 5-year period of any two previous convictions of Level
 9748 | Two or higher violations commits a misdemeanor of the first
 9749 | degree, punishable as provided in s. 775.082 or s. 775.083, with
 9750 | a minimum mandatory fine of \$500 and a suspension of all
 9751 | licenses issued under this chapter related to captive wildlife
 9752 | for 1 year.

9753 | (e) A person who commits any offense classified as a Level
 9754 | Two violation within a 10-year period of any three previous
 9755 | convictions of Level Two or higher violations commits a
 9756 | misdemeanor of the first degree, punishable as provided in s.
 9757 | 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
 9758 | a suspension of all licenses issued under this chapter related
 9759 | to captive wildlife for 3 years.

9760 | (3) LEVEL THREE.--Unless otherwise provided by law, the
 9761 | following classifications and penalties apply:

9762 | (a) A person commits a Level Three violation if he or she
 9763 | violates any of the following provisions:

9764 | 1. Rules or orders of the commission that require housing
 9765 | of wildlife in a safe manner when a violation results in an
 9766 | escape of Class I wildlife.

9767 | 2. Rules or orders of the commission related to captive
 9768 | wildlife when the violation results in serious bodily injury to
 9769 | another person by captive wildlife that consists of a physical
 9770 | condition that creates a substantial risk of death, serious

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9771 personal disfigurement, or protracted loss or impairment of the
 9772 function of any bodily member or organ.

9773 3. Rules or orders of the commission relating to the use
 9774 of gasoline or other chemical or gaseous substances on wildlife.

9775 4. Rules or orders of the commission prohibiting the
 9776 release of wildlife for which only conditional possession is
 9777 allowed.

9778 5. Rules or orders of the commission prohibiting knowingly
 9779 entering false information on an application for a license or
 9780 permit when the license or permit is to possess wildlife in
 9781 captivity.

9782 6. Rules or orders of the commission, relating to the
 9783 illegal importation and possession of nonindigenous marine
 9784 plants and animals.

9785 7. Rules or orders of the commission relating to the
 9786 importation, possession, or release of fish and wildlife for
 9787 which possession is prohibited.

9788 8. 6. Section 379.231 372.265, relating to illegal
 9789 importation or introduction of foreign wildlife.

9790 ~~7. Section 370.081, relating to the illegal importation~~
 9791 ~~and possession of nonindigenous marine plants and animals.~~

9792 9. 8. Section 379.305 372.92, relating to release or
 9793 escape of nonnative venomous reptiles or reptiles of concern.

9794 ~~9. Rules or orders of the commission relating to the~~
 9795 ~~importation, possession, or release of fish and wildlife for~~
 9796 ~~which possession is prohibited.~~

9797 (b)1. A person who commits any offense classified as a
 9798 Level Three violation and who has not been convicted of a Level

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9799 Three or higher violation within the past 10 years commits a
 9800 misdemeanor of the first degree, punishable as provided in s.
 9801 775.082 or s. 775.083.

9802 2. A person who commits any offense classified as a Level
 9803 Three violation within a 10-year period of any previous
 9804 conviction of a Level Three or higher violation commits a
 9805 misdemeanor of the first degree, punishable as provided in s.
 9806 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
 9807 permanent revocation of all licenses or permits to possess
 9808 captive wildlife issued under this chapter.

9809 (4) LEVEL FOUR.--Unless otherwise provided by law, the
 9810 following classifications and penalties apply:

9811 (a) A person commits a Level Four violation if he or she
 9812 violates any Level Three provision after the permanent
 9813 revocation of a license or permit.

9814 (b) A person who commits any offense classified as a Level
 9815 Four violation commits a felony of the third degree, punishable
 9816 as provided in s. 775.082 or s. 775.083.

9817 (5) SUSPENSION OR REVOCATION OF LICENSE.--The court may
 9818 order the suspension or revocation of any license or permit
 9819 issued to a person to possess captive wildlife pursuant to this
 9820 chapter if that person commits a criminal offense or a
 9821 noncriminal infraction as specified under this section.

9822 (6) CONVICTION DEFINED.--For purposes of this section, the
 9823 term "conviction" means any judicial disposition other than
 9824 acquittal or dismissal.

9825 (7) COMMISSION LIMITATIONS.--Nothing in this section shall
 9826 limit the commission from suspending or revoking any license to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9827 possess wildlife in captivity by administrative action in
 9828 accordance with chapter 120. For purposes of administrative
 9829 action, a conviction of a criminal offense shall mean any
 9830 judicial disposition other than acquittal or dismissal.

9831 Section 170. Section 370.1107, Florida Statutes, is
 9832 renumbered as section 379.402, Florida Statutes, to read:

9833 379.402 ~~370.1107~~ Definition; possession of certain
 9834 licensed traps prohibited; penalties; exceptions; consent.--

9835 (1) As used in this section, the term "licensed saltwater
 9836 fisheries trap" means any trap required to be licensed by the
 9837 Fish and Wildlife Conservation Commission and authorized by the
 9838 commission for the taking of saltwater products.

9839 (2) It is unlawful for any person, firm, corporation, or
 9840 association to be in actual or constructive possession of a
 9841 licensed saltwater fisheries trap registered with the Fish and
 9842 Wildlife Conservation Commission in another person's, firm's,
 9843 corporation's, or association's name.

9844 (a) Unlawful possession of less than three licensed
 9845 saltwater fisheries traps is a misdemeanor of the first degree,
 9846 punishable as provided in s. 775.082 or s. 775.083.

9847 (b) Unlawful possession of three or more licensed
 9848 saltwater fisheries traps is a felony of the third degree,
 9849 punishable as provided in s. 775.082 or s. 775.083.

9850 (c) Upon receipt of any judicial disposition other than
 9851 dismissal or acquittal on a charge of violating this section or
 9852 any provision of law or rule making unlawful the possession of
 9853 another's saltwater fishing trap, a person shall permanently

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9854 lose all saltwater fishing privileges, including licenses, trap
 9855 certificates, and the ability to transfer trap certificates.

9856 (3) It is unlawful for any person, firm, corporation, or
 9857 association to possess, attempt to possess, interfere with,
 9858 attempt to interfere with, or remove live bait from a live bait
 9859 trap or cage of another person, firm, corporation, or
 9860 association. Unlawful possession of one or more live bait traps
 9861 or cages is a misdemeanor of the first degree, punishable as
 9862 provided in s. 775.082 or s. 775.083.

9863 (4) This section shall not apply to the agents or
 9864 employees of the registered owner of the licensed saltwater
 9865 fisheries trap or to a person, firm, corporation, or association
 9866 who has the written consent from the owner of the licensed
 9867 saltwater fisheries trap, to possess such licensed saltwater
 9868 fisheries trap, or to agents or employees of the Fish and
 9869 Wildlife Conservation Commission who are engaged in the removal
 9870 of traps during the closed season.

9871 (5) The registered owner of the licensed saltwater
 9872 fisheries trap shall provide the Fish and Wildlife Conservation
 9873 Commission with the names of any agents, employees, or any other
 9874 person, firm, company, or association to whom the registered
 9875 owner has given consent to possess said licensed saltwater
 9876 fisheries trap.

9877 Section 171. Section 372.7015, Florida Statutes, is
 9878 renumbered as section 379.403, Florida Statutes, and amended to
 9879 read:

9880 379.403 ~~372.7015~~ Illegal killing, taking, possessing, or
 9881 selling wildlife or game; fines; disposition of fines.--In

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9882 addition to any other penalty provided by law, any person who
 9883 violates the criminal provisions of this chapter and rules
 9884 adopted pursuant to this chapter by illegally killing, taking,
 9885 possessing, or selling game or fur-bearing animals as defined in
 9886 s. 379.101 (19) or (20) ~~372.001(10) or (11)~~ in or out of season
 9887 while violating chapter 810 shall pay a fine of \$250 for each
 9888 such violation, plus court costs and any restitution ordered by
 9889 the court. All fines collected under this section shall be
 9890 remitted by the clerk of the court to the Department of Revenue
 9891 to be deposited into the Fish and Wildlife Conservation
 9892 Commission's State Game Trust Fund.

9893 Section 172. Section 372.99, Florida Statutes, is
 9894 renumbered as section 379.404, Florida Statutes, and amended to
 9895 read:

9896 379.404 ~~372.99~~ Illegal taking and possession of deer and
 9897 wild turkey; evidence; penalty.--

9898 (1) Whoever takes or kills any deer or wild turkey, or
 9899 possesses a freshly killed deer or wild turkey, during the
 9900 closed season prescribed by law or by the rules and regulations
 9901 of the Fish and Wildlife Conservation Commission, or whoever
 9902 takes or attempts to take any deer or wild turkey by the use of
 9903 gun and light in or out of closed season, commits a Level Three
 9904 violation under s. 379.401 ~~372.83~~ and shall forfeit any license
 9905 or permit issued to her or him under the provisions of this
 9906 chapter. No license shall be issued to such person for a period
 9907 of 3 years following any such violation on the first offense.
 9908 Any person guilty of a second or subsequent violation shall be

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9909 permanently ineligible for issuance of a license or permit
 9910 thereafter.

9911 (2) The display or use of a light in a place where deer
 9912 might be found and in a manner capable of disclosing the
 9913 presence of deer, together with the possession of firearms or
 9914 other weapons customarily used for the taking of deer, between 1
 9915 hour after sunset and 1 hour before sunrise, shall be prima
 9916 facie evidence of an intent to violate the provisions of
 9917 subsection (1). This subsection does not apply to an owner or
 9918 her or his employee when patrolling or inspecting the land of
 9919 the owner, provided the employee has satisfactory proof of
 9920 employment on her or his person.

9921 (3) Whoever takes or kills any doe deer; fawn or baby
 9922 deer; or deer, whether male or female, which does not have one
 9923 or more antlers at least 5 inches in length, except as provided
 9924 by law or the rules of the Fish and Wildlife Conservation
 9925 Commission, during the open season prescribed by the rules of
 9926 the commission, commits a Level Three violation under s. 379.401
 9927 ~~372.83~~ and may be required to forfeit any license or permit
 9928 issued to such person for a period of 3 years following any such
 9929 violation on the first offense. Any person guilty of a second or
 9930 subsequent violation shall be permanently ineligible for
 9931 issuance of a license or permit thereafter.

9932 (4) Any person who cultivates agricultural crops may apply
 9933 to the Fish and Wildlife Conservation Commission for a permit to
 9934 take or kill deer on land which that person is currently
 9935 cultivating. When said person can show, to the satisfaction of
 9936 the Fish and Wildlife Conservation Commission, that such taking

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9937 or killing of deer is justified because of damage to the
 9938 person's crops caused by deer, the Fish and Wildlife
 9939 Conservation Commission may issue a limited permit to the
 9940 applicant to take or kill deer without being in violation of
 9941 subsection (1) or subsection (3).

9942 (5) Whoever possesses for sale or sells deer or wild
 9943 turkey taken in violation of this chapter or the rules and
 9944 regulations of the commission commits a Level Four violation
 9945 under s. 379.401 ~~372.83~~.

9946 (6) Any person who enters upon private property and shines
 9947 lights upon such property, without the express permission of the
 9948 owner of the property and with the intent to take deer by
 9949 utilizing such shining lights, commits a Level Three violation
 9950 under s. 379.401 ~~372.83~~.

9951 Section 173. Section 372.99022, Florida Statutes, is
 9952 renumbered as section 379.405, Florida Statutes, and amended to
 9953 read:

9954 379.405 ~~372.99022~~ Illegal molestation of or theft from
 9955 freshwater fishing gear.--

9956 (1)(a) Any person, firm, or corporation that willfully
 9957 molests any authorized and lawfully permitted freshwater fishing
 9958 gear belonging to another without the express written consent of
 9959 the owner commits a Level Four violation under s. 379.401
 9960 ~~372.83~~. Any written consent must be available for immediate
 9961 inspection.

9962 (b) Any person, firm, or corporation that willfully
 9963 removes the contents of any authorized and lawfully permitted
 9964 freshwater fishing gear belonging to another without the express

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9965 written consent of the owner commits a Level Four violation
 9966 under s. 379.401 ~~372.83~~. Any written consent must be available
 9967 for immediate inspection.

9968
 9969 A person, firm, or corporation that receives a citation for a
 9970 violation of this subsection is prohibited, immediately upon
 9971 receipt of such citation and until adjudicated or convicted of a
 9972 felony under this subsection, from transferring any
 9973 endorsements.

9974 (2) Any person, firm, or corporation convicted pursuant to
 9975 subsection (1) of removing the contents of freshwater fishing
 9976 gear without the express written consent of the owner shall
 9977 permanently lose all of his or her freshwater and saltwater
 9978 fishing privileges, including his or her recreational and
 9979 commercial licenses and endorsements, and shall be assessed an
 9980 administrative penalty of not more than \$5,000. The endorsements
 9981 of such person, firm, or corporation are not transferable.

9982 (3) For purposes of this section, the term "freshwater
 9983 fishing gear" means haul seines, slat baskets, wire traps, hoop
 9984 nets, or pound nets, and includes the lines or buoys attached
 9985 thereto.

9986 Section 174. Section 372.9903, Florida Statutes, is
 9987 renumbered as section 379.406, Florida Statutes, and amended to
 9988 read:

9989 379.406 ~~372.9903~~ Illegal possession or transportation of
 9990 freshwater game fish in commercial quantities; penalty.--

9991 (1) Whoever possesses, moves, or transports any black
 9992 bass, bream, speckled perch, or other freshwater game fish in

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

9993 commercial quantities in violation of law or the rules of the
 9994 Fish and Wildlife Conservation Commission commits a Level Three
 9995 violation under s. 379.401 ~~372.83~~.

9996 (2) For the purposes of this section "commercial
 9997 quantities" shall be deemed to be a quantity of freshwater game
 9998 fish of 150 or more pounds, and the possession, movement, or
 9999 transportation of freshwater game fish in excess of such weight
 10000 shall constitute prima facie evidence of possession or
 10001 transportation for commercial purposes.

10002 Section 175. Subsections (1), (2), (3), (4), (5), (6),
 10003 (11), and (12) of section 370.021, Florida Statutes, are
 10004 renumbered as section 379.407, Florida Statutes, and amended to
 10005 read:

10006 379.407 ~~370.021~~ Administration; rules, publications,
 10007 records; penalties; injunctions.--

10008 (1) BASE PENALTIES.--Unless otherwise provided by law, any
 10009 person, firm, or corporation who violates any provision of this
 10010 chapter, or any rule of the Fish and Wildlife Conservation
 10011 Commission relating to the conservation of marine resources,
 10012 shall be punished:

10013 (a) Upon a first conviction, by imprisonment for a period
 10014 of not more than 60 days or by a fine of not less than \$100 nor
 10015 more than \$500, or by both such fine and imprisonment.

10016 (b) On a second or subsequent conviction within 12 months,
 10017 by imprisonment for not more than 6 months or by a fine of not
 10018 less than \$250 nor more than \$1,000, or by both such fine and
 10019 imprisonment.

10020

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10021 Upon final disposition of any alleged offense for which a
 10022 citation for any violation of this chapter or the rules of the
 10023 commission has been issued, the court shall, within 10 days,
 10024 certify the disposition to the commission.

10025 (2) MAJOR VIOLATIONS.--In addition to the penalties
 10026 provided in paragraphs (1)(a) and (b), the court shall assess
 10027 additional penalties against any commercial harvester convicted
 10028 of major violations as follows:

10029 (a) For a violation involving more than 100 illegal blue
 10030 crabs, spiny lobster, or stone crabs, an additional penalty of
 10031 \$10 for each illegal blue crab, spiny lobster, stone crab, or
 10032 part thereof.

10033 (b)1. For a violation involving the taking or harvesting
 10034 of shrimp from a nursery or other prohibited area, or any two
 10035 violations within a 12-month period involving shrimping gear,
 10036 minimum size (count), or season, an additional penalty of \$10
 10037 for each pound of illegal shrimp or part thereof.

10038 2. For violations involving the taking of food shrimp in
 10039 certain closed areas:

10040 a. Any person with a saltwater products license issued by
 10041 the commission who is convicted of taking food shrimp in Santa
 10042 Rosa Sound in violation of commission rule designating a closed
 10043 area shall have that license and the saltwater products license
 10044 of the boat involved in the violation revoked and shall be
 10045 ineligible to make application for such a license for a period
 10046 of 2 years from the date of such conviction. If a person who
 10047 does not have a saltwater products license is convicted
 10048 hereunder, that person and the boat involved in the violation

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10049 shall not be eligible for such a license for 5 years.

10050 b. A third or subsequent violation by any person of the
 10051 designated closure to food shrimping in Santa Rosa Sound within
 10052 a 3-year period is a felony of the third degree, punishable as
 10053 provided in s. 775.082, s. 775.083, or s. 775.084.

10054 c. A second or any subsequent violation by any person for
 10055 taking food shrimp in a food shrimp production closed area in a
 10056 portion of Monroe County designated by the commission is a
 10057 felony of the third degree, punishable as provided in s. 775.082
 10058 or s. 775.083.

10059 d. A third or any subsequent violation by the owner or
 10060 master of any vessel engaged in food shrimp production in the
 10061 Tortugas Shrimp Beds closed area designated by the commission
 10062 within a 3-year period is a felony of the third degree,
 10063 punishable as provided in s. 775.082 or s. 775.083.

10064 e. This subparagraph does not apply to persons shrimping
 10065 for live bait shrimp in the designated closed area when such
 10066 persons are shrimping with a live bait shrimping license issued
 10067 by the commission.

10068 3. The owner or master of any vessel not equipped with
 10069 live shrimp bait tanks dragging shrimp nets in the Tortugas
 10070 Shrimp Beds without a live bait shrimping license for this area
 10071 is subject to the base penalties in subsection (1) for a first
 10072 or second violation. A third or subsequent violation by any
 10073 person under this subparagraph within a 3-year period is a
 10074 felony of the third degree, punishable as provided in s. 775.082
 10075 or s. 775.083.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10076 (c) For a violation involving the taking or harvesting of
 10077 oysters from nonapproved areas or the taking or possession of
 10078 unculled oysters, an additional penalty of \$10 for each bushel
 10079 of illegal oysters.

10080 (d) For a violation involving the taking or harvesting of
 10081 clams from nonapproved areas, an additional penalty of \$100 for
 10082 each 500 count bag of illegal clams.

10083 (e) For a violation involving the taking, harvesting, or
 10084 possession of any of the following species, which are
 10085 endangered, threatened, or of special concern:

- 10086 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 10087 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 10088 3. Common snook (*Centropomus undecimalis*);
- 10089 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 10090 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 10091 6. Leatherback turtle (*Dermochelys coriacea*);
- 10092 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
 10093 *imbracata*);
- 10094 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 10095 9. West Indian manatee (*Trichechus manatus latirostris*),

10096
 10097 an additional penalty of \$100 for each unit of marine life or
 10098 part thereof.

10099 (f) For a second or subsequent conviction within 24 months
 10100 for any violation of the same law or rule involving the taking
 10101 or harvesting of more than 100 pounds of any finfish, an
 10102 additional penalty of \$5 for each pound of illegal finfish.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10103 (g) For any violation involving the taking, harvesting, or
 10104 possession of more than 1,000 pounds of any illegal finfish, an
 10105 additional penalty equivalent to the wholesale value of the
 10106 illegal finfish.

10107 (h) Permits issued to any commercial harvester by the
 10108 commission to take or harvest saltwater products, or any license
 10109 issued pursuant to s. 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~ may be
 10110 suspended or revoked by the commission, pursuant to the
 10111 provisions and procedures of s. 120.60, for any major violation
 10112 prescribed in this subsection:

- 10113 1. Upon a first conviction, for up to 30 calendar days.
- 10114 2. Upon a second conviction which occurs within 12 months
 10115 after a prior violation, for up to 90 calendar days.
- 10116 3. Upon a third conviction which occurs within 24 months
 10117 after a prior conviction, for up to 180 calendar days.
- 10118 4. Upon a fourth conviction which occurs within 36 months
 10119 after a prior conviction, for a period of 6 months to 3 years.

10120 (i) Upon the arrest and conviction for a major violation
 10121 involving stone crabs, the licenseholder must show just cause
 10122 why his or her license should not be suspended or revoked. For
 10123 the purposes of this paragraph, a "major violation" means a
 10124 major violation as prescribed for illegal stone crabs; any
 10125 single violation involving possession of more than 25 stone
 10126 crabs during the closed season or possession of 25 or more
 10127 whole-bodied or egg-bearing stone crabs; any violation for trap
 10128 molestation, trap robbing, or pulling traps at night; or any
 10129 combination of violations in any 3-consecutive-year period

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10130 wherein more than 75 illegal stone crabs in the aggregate are
 10131 involved.

10132 (j) Upon the arrest and conviction for a major violation
 10133 involving spiny lobster, the licenseholder must show just cause
 10134 why his or her license should not be suspended or revoked. For
 10135 the purposes of this paragraph, a "major violation" means a
 10136 major violation as prescribed for illegal spiny lobster; any
 10137 single violation involving possession of more than 25 spiny
 10138 lobster during the closed season or possession of more than 25
 10139 wrung spiny lobster tails or more than 25 egg-bearing or
 10140 stripped spiny lobster; any violation for trap molestation, trap
 10141 robbing, or pulling traps at night; or any combination of
 10142 violations in any 3-consecutive-year period wherein more than 75
 10143 illegal spiny lobster in the aggregate are involved.

10144 (k) Upon the arrest and conviction for a major violation
 10145 involving blue crabs, the licenseholder shall show just cause
 10146 why his or her saltwater products license should not be
 10147 suspended or revoked. This paragraph shall not apply to an
 10148 individual fishing with no more than five traps. For the
 10149 purposes of this paragraph, a "major violation" means a major
 10150 violation as prescribed for illegal blue crabs, any single
 10151 violation wherein 50 or more illegal blue crabs are involved;
 10152 any violation for trap molestation, trap robbing, or pulling
 10153 traps at night; or any combination of violations in any 3-
 10154 consecutive-year period wherein more than 100 illegal blue crabs
 10155 in the aggregate are involved.

10156 (l) Upon the conviction for a major violation involving
 10157 finfish, the licenseholder must show just cause why his or her

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10158 saltwater products license should not be suspended or revoked.
 10159 For the purposes of this paragraph, a major violation is
 10160 prescribed for the taking and harvesting of illegal finfish, any
 10161 single violation involving the possession of more than 100
 10162 pounds of illegal finfish, or any combination of violations in
 10163 any 3-consecutive-year period wherein more than 200 pounds of
 10164 illegal finfish in the aggregate are involved.

10165 (m) For a violation involving the taking or harvesting of
 10166 any marine life species, as those species are defined by rule of
 10167 the commission, the harvest of which is prohibited, or the
 10168 taking or harvesting of such a species out of season, or with an
 10169 illegal gear or chemical, or any violation involving the
 10170 possession of 25 or more individual specimens of marine life
 10171 species, or any combination of violations in any 3-year period
 10172 involving more than 70 such specimens in the aggregate, the
 10173 suspension or revocation of the licenseholder's marine life
 10174 endorsement as provided in paragraph (h).

10175
 10176 The penalty provisions of this subsection apply to commercial
 10177 harvesters and wholesale and retail dealers as defined in s.
 10178 379.362 ~~370.07~~. Any other person who commits a major violation
 10179 under this subsection commits a Level Three violation under s.
 10180 379.401 ~~372.83~~. Notwithstanding the provisions of s. 948.01, no
 10181 court may suspend, defer, or withhold adjudication of guilt or
 10182 imposition of sentence for any major violation prescribed in
 10183 this subsection. The proceeds from the penalties assessed
 10184 pursuant to this subsection shall be deposited into the Marine
 10185 Resources Conservation Trust Fund to be used for marine

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10186 fisheries research ~~or into the commission's Federal Law~~
 10187 ~~Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

10188 (3) PENALTIES FOR USE OF ILLEGAL NETS.--

10189 (a) It is a major violation pursuant to this section,
 10190 punishable as provided in paragraph (b) for any person, firm, or
 10191 corporation to be simultaneously in possession of any species of
 10192 mullet in excess of the recreational daily bag limit and any
 10193 gill or other entangling net as defined in s. 16(c), Art. X of
 10194 the State Constitution. Simultaneous possession under this
 10195 provision shall include possession of mullet and gill or other
 10196 entangling nets on separate vessels or vehicles where such
 10197 vessels or vehicles are operated in coordination with one
 10198 another including vessels towed behind a main vessel. This
 10199 subsection does not prohibit a resident of this state from
 10200 transporting on land, from Alabama to this state, a commercial
 10201 quantity of mullet together with a gill net if:

10202 1. The person possesses a valid commercial fishing license
 10203 that is issued by the State of Alabama and that allows the
 10204 person to use a gill net to legally harvest mullet in commercial
 10205 quantities from Alabama waters.

10206 2. The person possesses a trip ticket issued in Alabama
 10207 and filled out to match the quantity of mullet being
 10208 transported, and the person is able to present such trip ticket
 10209 immediately upon entering this state.

10210 3. The mullet are to be sold to a wholesale saltwater
 10211 products dealer located in Escambia County or Santa Rosa County,
 10212 which dealer also possesses a valid seafood dealer's license

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10213 issued by the State of Alabama. The dealer's name must be
 10214 clearly indicated on the trip ticket.

10215 4. The mullet being transported are totally removed from
 10216 any net also being transported.

10217 (b)1. A flagrant violation of any rule or statute which
 10218 implements s. 16(b), Art. X of the State Constitution shall be
 10219 considered a felony of the third degree, punishable as provided
 10220 in s. 775.082 or s. 775.083. For purposes of this paragraph, a
 10221 flagrant violation shall be the illegal possession or use of a
 10222 monofilament net or a net with a mesh area larger than 2,000
 10223 square feet. A violation means any judicial disposition other
 10224 than acquittal or dismissal.

10225 2. In addition to being subject to the other penalties
 10226 provided in this chapter, any violation of s. 16(b), Art. X of
 10227 the State Constitution, or any statute or rule of the commission
 10228 which implements the gear prohibitions and restrictions
 10229 specified therein shall be considered a major violation; and any
 10230 person, firm, or corporation receiving any judicial disposition
 10231 other than acquittal or dismissal of such violation shall be
 10232 subject to the following additional penalties:

10233 a. For a first major violation within a 7-year period, a
 10234 civil penalty of \$2,500 and suspension of all saltwater products
 10235 license privileges for 90 calendar days following final
 10236 disposition shall be imposed.

10237 b. For a second major violation under this subparagraph
 10238 charged within 7 years of a previous judicial disposition, which
 10239 results in a second judicial disposition other than acquittal or
 10240 dismissal, a civil penalty of \$5,000 and suspension of all

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10241 saltwater products license privileges for 12 months shall be
 10242 imposed.

10243 c. For a third or subsequent major violation under this
 10244 subparagraph, charged within a 7-year period, resulting in a
 10245 third or subsequent judicial disposition other than acquittal or
 10246 dismissal, a civil penalty of \$5,000, lifetime revocation of the
 10247 saltwater products license, and forfeiture of all gear and
 10248 equipment used in the violation shall be imposed.

10249 d. For a first flagrant violation under this subparagraph,
 10250 a civil penalty of \$5,000 and a suspension of all saltwater
 10251 license privileges for 12 months shall be imposed. For a second
 10252 or subsequent flagrant violation under this subparagraph, a
 10253 civil penalty of \$5,000, a lifetime revocation of the saltwater
 10254 products license, and the forfeiture of all gear and equipment
 10255 used in the violation shall be imposed.

10256
 10257 A court may suspend, defer, or withhold adjudication of guilt or
 10258 imposition of sentence only for any first violation of s. 16,
 10259 Art. X of the State Constitution, or any rule or statute
 10260 implementing its restrictions, determined by a court only after
 10261 consideration of competent evidence of mitigating circumstances
 10262 to be a nonflagrant or minor violation of those restrictions
 10263 upon the use of nets. Any violation of s. 16, Art. X of the
 10264 State Constitution, or any rule or statute implementing its
 10265 restrictions, occurring within a 7-year period commencing upon
 10266 the conclusion of any judicial proceeding resulting in any
 10267 outcome other than acquittal shall be punished as a second,
 10268 third, or subsequent violation accordingly.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10269 (c) During the period of suspension or revocation of
 10270 saltwater license privileges under this subsection, the licensee
 10271 shall not participate in the taking or harvesting, or attempt
 10272 the taking or harvesting, of saltwater products from any vessel
 10273 within the waters of the state; be aboard any vessel on which a
 10274 commercial quantity of saltwater products is possessed through
 10275 an activity requiring a license pursuant to this section; or
 10276 engage in any other activity requiring a license, permit, or
 10277 certificate issued pursuant to this chapter. Any person who is
 10278 convicted of violating this paragraph:

10279 1. Upon a first or second conviction, is guilty of a
 10280 misdemeanor of the first degree, punishable as provided in s.
 10281 775.082 or s. 775.083.

10282 2. Upon a third or subsequent conviction, is guilty of a
 10283 felony of the third degree, punishable as provided in s.
 10284 775.082, s. 775.083, or s. 775.084.

10285 (d) Upon reinstatement of saltwater license privileges
 10286 suspended pursuant to a violation of this subsection, a licensee
 10287 owning or operating a vessel containing or otherwise
 10288 transporting in or on Florida waters any gill net or other
 10289 entangling net, or containing or otherwise transporting in
 10290 nearshore and inshore Florida waters any net containing more
 10291 than 500 square feet of mesh area shall remain restricted for a
 10292 period of 12 months following reinstatement, to operating under
 10293 the following conditions:

10294 1. Vessels subject to this reinstatement period shall be
 10295 restricted to the corridors established by commission rule.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10296 2. A violation of the reinstatement period provisions
 10297 shall be punishable pursuant to paragraphs (1)(a) and (b).

10298 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
 10299 CERTAIN FINFISH.--

10300 (a) It is a major violation under this section for any
 10301 person to be in possession of any species of trout, snook, or
 10302 redbfish which is three fish in excess of the recreational or
 10303 commercial daily bag limit.

10304 (b) A commercial harvester who violates this subsection
 10305 shall be punished as provided under paragraph (3)(b). Any other
 10306 person who violates this subsection commits a Level Three
 10307 violation under s. 379.401 ~~372.83~~.

10308 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
 10309 HARVESTED PRODUCTS.--In addition to other penalties authorized
 10310 in this chapter, any violation of s. 379.361 ~~370.06~~ or s.
 10311 379.362 ~~370.07~~, or rules of the commission implementing s.
 10312 379.361 ~~370.06~~ or s. 379.362 ~~370.07~~, involving the purchase of
 10313 saltwater products by a commercial wholesale dealer, retail
 10314 dealer, or restaurant facility for public consumption from an
 10315 unlicensed person, firm, or corporation, or the purchase or sale
 10316 of any saltwater product known to be taken in violation of s.
 10317 16, Art. X of the State Constitution, or rule or statute
 10318 implementing the provisions thereof, by a commercial wholesale
 10319 dealer, retail dealer, or restaurant facility, for public
 10320 consumption, is a major violation, and the commission may assess
 10321 the following penalties:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10322 (a) For a first violation, the commission may assess a
 10323 civil penalty of up to \$2,500 and may suspend the wholesale or
 10324 retail dealer's license privileges for up to 90 calendar days.

10325 (b) For a second violation occurring within 12 months of a
 10326 prior violation, the commission may assess a civil penalty of up
 10327 to \$5,000 and may suspend the wholesale or retail dealer's
 10328 license privileges for up to 180 calendar days.

10329 (c) For a third or subsequent violation occurring within a
 10330 24-month period, the commission shall assess a civil penalty of
 10331 \$5,000 and shall suspend the wholesale or retail dealer's
 10332 license privileges for up to 24 months.

10333
 10334 Any proceeds from the civil penalties assessed pursuant to this
 10335 subsection shall be deposited into the Marine Resources
 10336 Conservation Trust Fund and shall be used as follows: 40 percent
 10337 for administration and processing purposes and 60 percent for
 10338 law enforcement purposes.

10339 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
 10340 HARVEST.--It is a major violation and punishable as provided in
 10341 this subsection for any unlicensed person, firm, or corporation
 10342 who is required to be licensed under this chapter as a
 10343 commercial harvester or a wholesale or retail dealer to sell or
 10344 purchase any saltwater product or to harvest or attempt to
 10345 harvest any saltwater product with intent to sell the saltwater
 10346 product.

10347 (a) Any person, firm, or corporation who sells or
 10348 purchases any saltwater product without having purchased the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10349 licenses required by this chapter for such sale is subject to
 10350 penalties as follows:

10351 1. A first violation is a misdemeanor of the second
 10352 degree, punishable as provided in s. 775.082 or s. 775.083.

10353 2. A second violation is a misdemeanor of the first
 10354 degree, punishable as provided in s. 775.082 or s. 775.083, and
 10355 such person may also be assessed a civil penalty of up to \$2,500
 10356 and is subject to a suspension of all license privileges under
 10357 this chapter ~~and chapter 372~~ for a period not exceeding 90 days.

10358 3. A third violation is a misdemeanor of the first degree,
 10359 punishable as provided in s. 775.082 or s. 775.083, with a
 10360 mandatory minimum term of imprisonment of 6 months, and such
 10361 person may also be assessed a civil penalty of up to \$5,000 and
 10362 is subject to a suspension of all license privileges under this
 10363 chapter ~~and chapter 372~~ for a period not exceeding 6 months.

10364 4. A third violation within 1 year after a second
 10365 violation is a felony of the third degree, punishable as
 10366 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10367 term of imprisonment of 1 year, and such person shall be
 10368 assessed a civil penalty of \$5,000 and all license privileges
 10369 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10370 5. A fourth or subsequent violation is a felony of the
 10371 third degree, punishable as provided in s. 775.082 or s.
 10372 775.083, with a mandatory minimum term of imprisonment of 1
 10373 year, and such person shall be assessed a civil penalty of
 10374 \$5,000 and all license privileges under this chapter ~~and chapter~~
 10375 ~~372~~ shall be permanently revoked.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10376 (b) Any person whose license privileges under this chapter
 10377 have been permanently revoked and who thereafter sells or
 10378 purchases or who attempts to sell or purchase any saltwater
 10379 product commits a felony of the third degree, punishable as
 10380 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10381 term of imprisonment of 1 year, and such person shall also be
 10382 assessed a civil penalty of \$5,000. All property involved in
 10383 such offense shall be forfeited pursuant to s. 379.337 ~~370.061~~.

10384 (c) Any commercial harvester or wholesale or retail dealer
 10385 whose license privileges under this chapter are under suspension
 10386 and who during such period of suspension sells or purchases or
 10387 attempts to sell or purchase any saltwater product shall be
 10388 assessed the following penalties:

10389 1. A first violation, or a second violation occurring more
 10390 than 12 months after a first violation, is a first degree
 10391 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
 10392 and such commercial harvester or wholesale or retail dealer may
 10393 be assessed a civil penalty of up to \$2,500 and an additional
 10394 suspension of all license privileges under this chapter ~~and~~
 10395 ~~chapter 372~~ for a period not exceeding 90 days.

10396 2. A second violation occurring within 12 months of a
 10397 first violation is a third degree felony, punishable as provided
 10398 in ss. 775.082 and 775.083, with a mandatory minimum term of
 10399 imprisonment of 1 year, and such commercial harvester or
 10400 wholesale or retail dealer may be assessed a civil penalty of up
 10401 to \$5,000 and an additional suspension of all license privileges
 10402 under this chapter ~~and chapter 372~~ for a period not exceeding

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10403
 10404
 10405
 10406
 10407
 10408
 10409
 10410
 10411
 10412
 10413
 10414
 10415
 10416
 10417
 10418
 10419
 10420
 10421
 10422
 10423
 10424
 10425
 10426
 10427
 10428
 10429
 10430

180 days. All property involved in such offense shall be
 forfeited pursuant to s. 379.337 ~~370.061~~.

3. A third violation within 24 months of the second
 violation or subsequent violation is a third degree felony,
 punishable as provided in ss. 775.082 and 775.083, with a
 mandatory minimum term of imprisonment of 1 year, and such
 commercial harvester or wholesale or retail dealer shall be
 assessed a mandatory civil penalty of up to \$5,000 and an
 additional suspension of all license privileges under this
 chapter ~~and chapter 372~~ for a period not exceeding 24 months.
 All property involved in such offense shall be forfeited
 pursuant to s. 379.337 ~~370.061~~.

(d) Any commercial harvester who harvests or attempts to
 harvest any saltwater product with intent to sell the saltwater
 product without having purchased a saltwater products license
 with the requisite endorsements is subject to penalties as
 follows:

1. A first violation is a misdemeanor of the second
 degree, punishable as provided in s. 775.082 or s. 775.083.

2. A second violation is a misdemeanor of the first
 degree, punishable as provided in s. 775.082 or s. 775.083, and
 such commercial harvester may also be assessed a civil penalty
 of up to \$2,500 and is subject to a suspension of all license
 privileges under this chapter ~~and chapter 372~~ for a period not
 exceeding 90 days.

3. A third violation is a misdemeanor of the first degree,
 punishable as provided in s. 775.082 or s. 775.083, with a
 mandatory minimum term of imprisonment of 6 months, and such

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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10431 commercial harvester may also be assessed a civil penalty of up
 10432 to \$5,000 and is subject to a suspension of all license
 10433 privileges under this chapter ~~and chapter 372~~ for a period not
 10434 exceeding 6 months.

10435 4. A third violation within 1 year after a second
 10436 violation is a felony of the third degree, punishable as
 10437 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10438 term of imprisonment of 1 year, and such commercial harvester
 10439 shall also be assessed a civil penalty of \$5,000 and all license
 10440 privileges under this chapter ~~and chapter 372~~ shall be
 10441 permanently revoked.

10442 5. A fourth or subsequent violation is a felony of the
 10443 third degree, punishable as provided in s. 775.082 or s.
 10444 775.083, with a mandatory minimum term of imprisonment of 1
 10445 year, and such commercial harvester shall also be assessed a
 10446 mandatory civil penalty of \$5,000 and all license privileges
 10447 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10448
 10449 For purposes of this subsection, a violation means any judicial
 10450 disposition other than acquittal or dismissal.

10451 (7) ~~(11)~~ REVOCATION OF LICENSES.--Any person licensed under
 10452 this chapter who has been convicted of taking aquaculture
 10453 species raised at a certified facility shall have his or her
 10454 license revoked for 5 years by the commission pursuant to the
 10455 provisions and procedures of s. 120.60.

10456 (8) ~~(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
 10457 purposes of imposing license or permit suspensions or
 10458 revocations authorized by this chapter, the license or permit

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10459 | under which the violation was committed is subject to suspension
 10460 | or revocation by the commission. For purposes of assessing
 10461 | monetary civil or administrative penalties authorized by this
 10462 | chapter, the commercial harvester cited and subsequently
 10463 | receiving a judicial disposition of other than dismissal or
 10464 | acquittal in a court of law is subject to the monetary penalty
 10465 | assessment by the commission. However, if the license or
 10466 | permitholder of record is not the commercial harvester receiving
 10467 | the citation and judicial disposition, the license or permit may
 10468 | be suspended or revoked only after the license or permitholder
 10469 | has been notified by the commission that the license or permit
 10470 | has been cited in a major violation and is now subject to
 10471 | suspension or revocation should the license or permit be cited
 10472 | for subsequent major violations.

10473 | Section 176. Section 372.84, Florida Statutes, is
 10474 | renumbered as section 379.408, Florida Statutes, to read:

10475 | 379.408 ~~372.84~~ Forfeiture or denial of licenses and
 10476 | permits.--Any person convicted as aforesaid shall forfeit to the
 10477 | state any license or permit that may have been issued to her or
 10478 | him under the provisions of this law, or other law of this state
 10479 | relating to game shall forthwith surrender the same to the
 10480 | court. If such violation occurs in the open season, relating to
 10481 | game, no license or permit shall be issued under the provisions
 10482 | of this law to such person at any time during the remainder of
 10483 | such open season, or if such violation occurs during the closed
 10484 | season no license shall be issued to such person for the open
 10485 | season on game next following.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10486 Section 177. Section 372.663, Florida Statutes, is
 10487 renumbered as section 379.409, Florida Statutes, to read:
 10488 379.409 ~~372.663~~ Illegal killing, possessing, or capturing
 10489 of alligators or other crocodilia or eggs; confiscation of
 10490 equipment.--

10491 (1) It is unlawful to intentionally kill, injure, possess,
 10492 or capture, or attempt to kill, injure, possess, or capture, an
 10493 alligator or other crocodilian, or the eggs of an alligator or
 10494 other crocodilian, unless authorized by the rules of the Fish
 10495 and Wildlife Conservation Commission. Any person who violates
 10496 this section is guilty of a felony of the third degree,
 10497 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 10498 in addition to such other punishment as may be provided by law.
 10499 Any equipment, including but not limited to weapons, vehicles,
 10500 boats, and lines, used by a person in the commission of a
 10501 violation of any law, rule, regulation, or order relating to
 10502 alligators or other crocodilia or the eggs of alligators or
 10503 other crocodilia shall, upon conviction of such person, be
 10504 confiscated by the Fish and Wildlife Conservation Commission and
 10505 disposed of according to rules and regulations of the
 10506 commission. The arresting officer shall promptly make a return
 10507 of the seizure, describing in detail the property seized and the
 10508 facts and circumstances under which it was seized, including the
 10509 names of all persons known to the officer who have an interest
 10510 in the property.

10511 (2) The commission shall promptly fix the value of the
 10512 property and make return to the clerk of the circuit court of
 10513 the county wherein same was seized. Upon proper showing that any

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10514 such property is owned by, or titled in the name of, any
 10515 innocent party, such property shall be promptly returned to such
 10516 owner.

10517 (3) The provisions of this section shall not vitiate any
 10518 valid lien, retain title contract, or chattel mortgage on such
 10519 property in effect as of the time of such seizure.

10520 Section 178. Section 372.0725, Florida Statutes, is
 10521 renumbered as section 379.411, Florida Statutes, to read:

10522 379.411 ~~372.0725~~ Killing or wounding of any species
 10523 designated as endangered, threatened, or of special concern;
 10524 criminal penalties.--It is unlawful for a person to
 10525 intentionally kill or wound any fish or wildlife of a species
 10526 designated by the Fish and Wildlife Conservation Commission as
 10527 endangered, threatened, or of special concern, or to
 10528 intentionally destroy the eggs or nest of any such fish or
 10529 wildlife, except as provided for in the rules of the commission.
 10530 Any person who violates this provision with regard to an
 10531 endangered or threatened species is guilty of a felony of the
 10532 third degree, punishable as provided in s. 775.082, s. 775.083,
 10533 or s. 775.084.

10534 Section 179. Section 372.671, Florida Statutes, is
 10535 renumbered as section 379.4115, Florida Statutes, and amended to
 10536 read:

10537 379.4115 ~~372.671~~ Florida or wild panther; killing
 10538 prohibited; penalty.--

10539 (1) It is unlawful for a person to kill a member of the
 10540 Florida "endangered species," as defined in s. 379.2291(3)
 10541 ~~372.072(3)~~, known as the Florida panther (*Felis concolor coryi*).

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10542 (2) It is unlawful for a person to kill any member of the
 10543 species of panther (*Felis concolor*) occurring in the wild.

10544 (3) A person convicted of unlawfully killing a Florida
 10545 panther, or unlawfully killing any member of the species of
 10546 panther occurring in the wild, is guilty of a felony of the
 10547 third degree, punishable as provided in s. 775.082, s. 775.083,
 10548 or s. 775.084.

10549 Section 180. Section 370.1121, Florida Statutes, is
 10550 renumbered as section 379.413, Florida Statutes, and amended to
 10551 read:

10552 379.413 ~~370.1121~~ Bonefish; penalties regulation.--

10553 ~~(1) It is unlawful to take or attempt to take any bonefish~~
 10554 ~~(*Albula vulpes*) from any of the waters of the state for the~~
 10555 ~~purpose of sale or exchange while fishing with any net, seine,~~
 10556 ~~or similar device.~~

10557 ~~(2) It is unlawful for any wholesale or retail fish dealer~~
 10558 ~~to possess, buy, sell, or store any bonefish or permit any~~
 10559 ~~bonefish to be possessed, sold, or stored on, in, or about the~~
 10560 ~~premises where such wholesale or retail fish business is carried~~
 10561 ~~on or conducted. It shall be unlawful for any person, firm, or~~
 10562 ~~corporation to buy or sell bonefish in any form.~~

10563 ~~(3)~~ A commercial harvester or wholesale or retail
 10564 saltwater products dealer who violates commission rules
 10565 pertaining to bonefish ~~this section~~ shall be punished under s.
 10566 379.407 ~~370.021~~. Any other person who violates commission rules
 10567 pertaining to bonefish ~~this section~~ commits a Level Two
 10568 violation under s. 379.401 ~~372.83~~.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10569 Section 181. Section 379.414, Florida Statutes, is created
 10570 to read:

10571 379.414 Additional penalties for saltwater products
 10572 dealers violating records requirements.--

10573 (1) The commission may revoke, suspend, or deny the
 10574 renewal of the license of any saltwater products dealer for
 10575 failure to make and keep records as required by s. 379.362, for
 10576 failure to make required reports, for failure or refusal to
 10577 permit the examination of required records, or for falsifying
 10578 any such record. In addition to other applicable penalties, or
 10579 in lieu of, the commission may impose against any person, firm,
 10580 or corporation who is determined to have violated any provision
 10581 of s. 379.362 or any provisions of any commission rules adopted
 10582 pursuant to s. 379.407, the following additional penalties:

10583 (a) For the first violation, a civil penalty of up to
 10584 \$1,000;

10585 (b) For a second violation committed within 24 months of
 10586 any previous violation, a civil penalty of up to \$2,500; and

10587 (c) For a third or subsequent violation committed within
 10588 36 months of any previous two violations, a civil penalty of up
 10589 to \$5,000.

10590 (2) The proceeds of all civil penalties collected pursuant
 10591 to this section shall be deposited into the Marine Resources
 10592 Conservation Trust Fund and shall be used for administration,
 10593 auditing, and law enforcement purposes.

10594 Section 182. Paragraph (a) of subsection (1) of section
 10595 72.011, Florida Statutes, is amended to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10596 72.011 Jurisdiction of circuit courts in specific tax
 10597 matters; administrative hearings and appeals; time for
 10598 commencing action; parties; deposits.--

10599 (1) (a) A taxpayer may contest the legality of any
 10600 assessment or denial of refund of tax, fee, surcharge, permit,
 10601 interest, or penalty provided for under s. 125.0104, s.
 10602 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
 10603 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
 10604 chapter 212, chapter 213, chapter 220, chapter 221, s.
 10605 379.362(3) ~~370.07(3)~~, chapter 376, s. 403.717, s. 403.718, s.
 10606 403.7185, s. 538.09, s. 538.25, chapter 550, chapter 561,
 10607 chapter 562, chapter 563, chapter 564, chapter 565, chapter 624,
 10608 or s. 681.117 by filing an action in circuit court; or,
 10609 alternatively, the taxpayer may file a petition under the
 10610 applicable provisions of chapter 120. However, once an action
 10611 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
 10612 120.57, or s. 120.80(14) (b), no action relating to the same
 10613 subject matter may be filed by the taxpayer in circuit court,
 10614 and judicial review shall be exclusively limited to appellate
 10615 review pursuant to s. 120.68; and once an action has been
 10616 initiated in circuit court, no action may be brought under
 10617 chapter 120.

10618 Section 183. Section 97.05831, Florida Statutes, is
 10619 amended to read:

10620 97.05831 Voter registration applications made available to
 10621 the Fish and Wildlife Conservation Commission.--As required in
 10622 s. 379.352 ~~372.561~~, each supervisor of elections shall supply

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10623 voter registration applications to the Fish and Wildlife
 10624 Conservation Commission and its subagents, as needed.

10625 Section 184. Subsection (4) of section 125.01, Florida
 10626 Statutes, is amended to read:

10627 125.01 Powers and duties.--

10628 (4) The legislative and governing body of a county shall
 10629 not have the power to regulate the taking or possession of
 10630 saltwater fish, as defined in s. 379.101 ~~370.01~~, with respect to
 10631 the method of taking, size, number, season, or species. However,
 10632 this subsection does not prohibit a county from prohibiting, for
 10633 reasons of protecting the public health, safety, or welfare,
 10634 saltwater fishing from real property owned by that county, nor
 10635 does it prohibit the imposition of excise taxes by county
 10636 ordinance.

10637 Section 185. Subsections (1) and (4) of section 142.01,
 10638 Florida Statutes, are amended to read:

10639 142.01 Fine and forfeiture fund; clerk of the circuit
 10640 court.--There shall be established by the clerk of the circuit
 10641 court in each county of this state a separate fund to be known
 10642 as the fine and forfeiture fund for use by the clerk of the
 10643 circuit court in performing court-related functions. The fund
 10644 shall consist of the following:

10645 (1) Fines and penalties pursuant to ss. 28.2402(2),
 10646 34.045(2), 316.193, 327.35, 327.72, 379.2203(1) ~~372.72(1)~~, and
 10647 775.083(1).

10648 (4) Proceeds from forfeited bail bonds, unclaimed bonds,
 10649 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
 10650 379.2203(1) ~~372.72(1)~~, and 903.26(3)(a).

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10651
 10652 Notwithstanding the provisions of this section, all fines and
 10653 forfeitures arising from operation of the provisions of s.
 10654 318.1215 shall be disbursed in accordance with that section.
 10655 Section 186. Paragraph (c) of subsection (5) of section
 10656 161.053, Florida Statutes, is amended to read:
 10657 161.053 Coastal construction and excavation; regulation on
 10658 county basis.--
 10659 (5) Except in those areas where local zoning and building
 10660 codes have been established pursuant to subsection (4), a permit
 10661 to alter, excavate, or construct on property seaward of
 10662 established coastal construction control lines may be granted by
 10663 the department as follows:
 10664 (c) The department may condition the nature, timing, and
 10665 sequence of construction of permitted activities to provide
 10666 protection to nesting sea turtles and hatchlings and their
 10667 habitat, pursuant to s. 379.2431 ~~370.12~~, and to native salt-
 10668 resistant vegetation and endangered plant communities.
 10669 Section 187. Subsection (11) of section 201.15, Florida
 10670 Statutes, is amended to read:
 10671 201.15 Distribution of taxes collected.--All taxes
 10672 collected under this chapter shall be distributed as follows and
 10673 shall be subject to the service charge imposed in s. 215.20(1),
 10674 except that such service charge shall not be levied against any
 10675 portion of taxes pledged to debt service on bonds to the extent
 10676 that the amount of the service charge is required to pay any
 10677 amounts relating to the bonds:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10678 (11) From the moneys specified in paragraphs (1)(e) and
 10679 (2)(a) and prior to deposit of any moneys into the General
 10680 Revenue Fund, \$30 million shall be paid into the State Treasury
 10681 to the credit of the Ecosystem Management and Restoration Trust
 10682 Fund in fiscal year 2000-2001 and each fiscal year thereafter,
 10683 to be used for the preservation and repair of the state's
 10684 beaches as provided in ss. 161.091-161.212, \$2 million shall be
 10685 paid into the State Treasury to the credit of the Marine
 10686 Resources Conservation Trust Fund to be used for marine mammal
 10687 care as provided in s. 379.208(3) ~~370.0603(3)~~, and \$300,000
 10688 shall be paid into the State Treasury to the credit of the
 10689 General Inspection Trust Fund in fiscal year 2006-2007 and each
 10690 fiscal year thereafter, to be used to fund oyster management and
 10691 restoration programs as provided in s. 379.362(3) ~~370.07(3)~~.

10692 Section 188. Paragraph (b) of subsection (8) of section
 10693 212.06, Florida Statutes, is amended to read:

10694 212.06 Sales, storage, use tax; collectible from dealers;
 10695 "dealer" defined; dealers to collect from purchasers;
 10696 legislative intent as to scope of tax.--

10697 (8)

10698 (b) The presumption that tangible personal property used
 10699 in another state, territory of the United States, or the
 10700 District of Columbia for 6 months or longer before being
 10701 imported into this state was not purchased for use in this state
 10702 does not apply to any boat for which a saltwater fishing license
 10703 fee is required to be paid pursuant to s. 379.354(7) ~~372.57(7)~~,
 10704 either directly or indirectly, for the purpose of taking,
 10705 attempting to take, or possessing any saltwater fish for

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10706 noncommercial purposes. Use tax shall apply and be due on such a
 10707 boat as provided in this paragraph, and proof of payment of such
 10708 tax must be presented prior to the first such licensure of the
 10709 boat, registration of the boat pursuant to chapter 328, and
 10710 titling of the boat pursuant to chapter 328. A boat that is
 10711 first licensed within 1 year after purchase shall be subject to
 10712 use tax on the full amount of the purchase price; a boat that is
 10713 first licensed in the second year after purchase shall be
 10714 subject to use tax on 90 percent of the purchase price; a boat
 10715 that is first licensed in the third year after purchase shall be
 10716 subject to use tax on 80 percent of the purchase price; a boat
 10717 that is first licensed in the fourth year after purchase shall
 10718 be subject to use tax on 70 percent of the purchase price; a
 10719 boat that is first licensed in the fifth year after purchase
 10720 shall be subject to use tax on 60 percent of the purchase price;
 10721 and a boat that is first licensed in the sixth year after
 10722 purchase, or later, shall be subject to use tax on 50 percent of
 10723 the purchase price. If the purchaser fails to provide the
 10724 purchase invoice on such boat, the fair market value of the boat
 10725 at the time of importation into this state shall be used to
 10726 compute the tax.

10727 Section 189. Paragraph (h) of subsection (5) of section
 10728 212.08, Florida Statutes, is amended to read:

10729 212.08 Sales, rental, use, consumption, distribution, and
 10730 storage tax; specified exemptions.--The sale at retail, the
 10731 rental, the use, the consumption, the distribution, and the
 10732 storage to be used or consumed in this state of the following

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10733 are hereby specifically exempt from the tax imposed by this
 10734 chapter.

10735 (5) EXEMPTIONS; ACCOUNT OF USE.--

10736 (h) Business property used in an enterprise zone.--

10737 1. Business property purchased for use by businesses
 10738 located in an enterprise zone which is subsequently used in an
 10739 enterprise zone shall be exempt from the tax imposed by this
 10740 chapter. This exemption inures to the business only through a
 10741 refund of previously paid taxes. A refund shall be authorized
 10742 upon an affirmative showing by the taxpayer to the satisfaction
 10743 of the department that the requirements of this paragraph have
 10744 been met.

10745 2. To receive a refund, the business must file under oath
 10746 with the governing body or enterprise zone development agency
 10747 having jurisdiction over the enterprise zone where the business
 10748 is located, as applicable, an application which includes:

10749 a. The name and address of the business claiming the
 10750 refund.

10751 b. The identifying number assigned pursuant to s. 290.0065
 10752 to the enterprise zone in which the business is located.

10753 c. A specific description of the property for which a
 10754 refund is sought, including its serial number or other permanent
 10755 identification number.

10756 d. The location of the property.

10757 e. The sales invoice or other proof of purchase of the
 10758 property, showing the amount of sales tax paid, the date of
 10759 purchase, and the name and address of the sales tax dealer from
 10760 whom the property was purchased.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10761 f. Whether the business is a small business as defined by
 10762 s. 288.703(1).

10763 g. If applicable, the name and address of each permanent
 10764 employee of the business, including, for each employee who is a
 10765 resident of an enterprise zone, the identifying number assigned
 10766 pursuant to s. 290.0065 to the enterprise zone in which the
 10767 employee resides.

10768 3. Within 10 working days after receipt of an application,
 10769 the governing body or enterprise zone development agency shall
 10770 review the application to determine if it contains all the
 10771 information required pursuant to subparagraph 2. and meets the
 10772 criteria set out in this paragraph. The governing body or agency
 10773 shall certify all applications that contain the information
 10774 required pursuant to subparagraph 2. and meet the criteria set
 10775 out in this paragraph as eligible to receive a refund. If
 10776 applicable, the governing body or agency shall also certify if
 10777 20 percent of the employees of the business are residents of an
 10778 enterprise zone, excluding temporary and part-time employees.
 10779 The certification shall be in writing, and a copy of the
 10780 certification shall be transmitted to the executive director of
 10781 the Department of Revenue. The business shall be responsible for
 10782 forwarding a certified application to the department within the
 10783 time specified in subparagraph 4.

10784 4. An application for a refund pursuant to this paragraph
 10785 must be submitted to the department within 6 months after the
 10786 tax is due on the business property that is purchased.

10787 5. The amount refunded on purchases of business property
 10788 under this paragraph shall be the lesser of 97 percent of the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10789 sales tax paid on such business property or \$5,000, or, if no
 10790 less than 20 percent of the employees of the business are
 10791 residents of an enterprise zone, excluding temporary and part-
 10792 time employees, the amount refunded on purchases of business
 10793 property under this paragraph shall be the lesser of 97 percent
 10794 of the sales tax paid on such business property or \$10,000. A
 10795 refund approved pursuant to this paragraph shall be made within
 10796 30 days of formal approval by the department of the application
 10797 for the refund. No refund shall be granted under this paragraph
 10798 unless the amount to be refunded exceeds \$100 in sales tax paid
 10799 on purchases made within a 60-day time period.

10800 6. The department shall adopt rules governing the manner
 10801 and form of refund applications and may establish guidelines as
 10802 to the requisites for an affirmative showing of qualification
 10803 for exemption under this paragraph.

10804 7. If the department determines that the business property
 10805 is used outside an enterprise zone within 3 years from the date
 10806 of purchase, the amount of taxes refunded to the business
 10807 purchasing such business property shall immediately be due and
 10808 payable to the department by the business, together with the
 10809 appropriate interest and penalty, computed from the date of
 10810 purchase, in the manner provided by this chapter.

10811 Notwithstanding this subparagraph, business property used
 10812 exclusively in:

- 10813 a. Licensed commercial fishing vessels,
- 10814 b. Fishing guide boats, or
- 10815 c. Ecotourism guide boats

10816

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10817 that leave and return to a fixed location within an area
 10818 designated under s. 379.2353 ~~370.28~~ are eligible for the
 10819 exemption provided under this paragraph if all requirements of
 10820 this paragraph are met. Such vessels and boats must be owned by
 10821 a business that is eligible to receive the exemption provided
 10822 under this paragraph. This exemption does not apply to the
 10823 purchase of a vessel or boat.

10824 8. The department shall deduct an amount equal to 10
 10825 percent of each refund granted under the provisions of this
 10826 paragraph from the amount transferred into the Local Government
 10827 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
 10828 for the county area in which the business property is located
 10829 and shall transfer that amount to the General Revenue Fund.

10830 9. For the purposes of this exemption, "business property"
 10831 means new or used property defined as "recovery property" in s.
 10832 168(c) of the Internal Revenue Code of 1954, as amended, except:

- 10833 a. Property classified as 3-year property under s.
 10834 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
- 10835 b. Industrial machinery and equipment as defined in sub-
 10836 subparagraph (b)6.a. and eligible for exemption under paragraph
 10837 (b);
- 10838 c. Building materials as defined in sub-subparagraph
 10839 (g)8.a.; and
- 10840 d. Business property having a sales price of under \$5,000
 10841 per unit.

10842 10. This paragraph expires on the date specified in s.
 10843 290.016 for the expiration of the Florida Enterprise Zone Act.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10844 Section 190. Paragraph (o) of subsection (1) of section
 10845 213.053, Florida Statutes, is amended to read:

10846 213.053 Confidentiality and information sharing.--

10847 (1) This section applies to:

10848 (o) Section 379.362(3) ~~370.07(3)~~, Apalachicola Bay oyster
 10849 surcharge;

10850 Section 191. Paragraph (u) of subsection (4) of section
 10851 215.20, Florida Statutes, is amended to read:

10852 215.20 Certain income and certain trust funds to
 10853 contribute to the General Revenue Fund.--

10854 (4) The income of a revenue nature deposited in the
 10855 following described trust funds, by whatever name designated, is
 10856 that from which the appropriations authorized by subsection (3)
 10857 shall be made:

10858 (u) Within the Fish and Wildlife Conservation Commission:

10859 1. The Conservation and Recreation Lands Program Trust
 10860 Fund.

10861 2. The Florida Panther Research and Management Trust Fund.

10862 3. The Land Acquisition Trust Fund.

10863 4. The Marine Resources Conservation Trust Fund, with the
 10864 exception of those fees collected for recreational saltwater
 10865 fishing licenses as provided in s. 379.354 ~~372.57~~.

10866
 10867 The enumeration of the foregoing moneys or trust funds shall not
 10868 prohibit the applicability thereto of s. 215.24 should the
 10869 Governor determine that for the reasons mentioned in s. 215.24
 10870 the money or trust funds should be exempt herefrom, as it is the
 10871 purpose of this law to exempt income from its force and effect

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10872 when, by the operation of this law, federal matching funds or
 10873 contributions or private grants to any trust fund would be lost
 10874 to the state.

10875 Section 192. Subsection (6) of section 290.004, Florida
 10876 Statutes, is amended to read:

10877 290.004 Definitions relating to Florida Enterprise Zone
 10878 Act.--As used in ss. 290.001-290.016:

10879 (6) "Rural enterprise zone" means an enterprise zone that
 10880 is nominated by a county having a population of 75,000 or fewer,
 10881 or a county having a population of 100,000 or fewer which is
 10882 contiguous to a county having a population of 75,000 or fewer,
 10883 or by a municipality in such a county, or by such a county and
 10884 one or more municipalities. An enterprise zone designated in
 10885 accordance with s. 290.0065(5)(b) or s. 379.2353 ~~370.28~~ is
 10886 considered to be a rural enterprise zone.

10887 Section 193. Paragraph (b) of subsection (1) and paragraph
 10888 (b) of subsection (24) and of section 320.08058, Florida
 10889 Statutes, are amended to read:

10890 320.08058 Specialty license plates.--

10891 (1) MANATEE LICENSE PLATES.--

10892 (b) The manatee license plate annual use fee must be
 10893 deposited into the Save the Manatee Trust Fund, created within
 10894 the Fish and Wildlife Conservation Commission, and shall be used
 10895 only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

10896 (24) CONSERVE WILDLIFE LICENSE PLATES.--

10897 (b) The proceeds of the Conserve Wildlife license plate
 10898 annual use fee shall be forwarded to the Wildlife Foundation of

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10899 Florida, Inc., a citizen support organization created pursuant
 10900 to s. 379.223 ~~372.0215~~.

10901 1. Notwithstanding s. 320.08062, up to 10 percent of the
 10902 proceeds from the annual use fee may be used for marketing the
 10903 Conserve Wildlife license plate and administrative costs
 10904 directly related to the management and distribution of the
 10905 proceeds.

10906 2. The remaining proceeds from the annual use fee shall be
 10907 used for programs and activities of the Fish and Wildlife
 10908 Conservation Commission that contribute to the health and well-
 10909 being of Florida black bears and other wildlife diversity.

10910 Section 194. Paragraph (a) of subsection (5) of section
 10911 327.02, Florida Statutes, is amended to read:

10912 327.02 Definitions of terms used in this chapter and in
 10913 chapter 328.--As used in this chapter and in chapter 328, unless
 10914 the context clearly requires a different meaning, the term:

10915 (5) "Commercial vessel" means:

10916 (a) Any vessel primarily engaged in the taking or landing
 10917 of saltwater fish or saltwater products or freshwater fish or
 10918 freshwater products, or any vessel licensed pursuant to s.
 10919 379.361 ~~370.06~~ from which commercial quantities of saltwater
 10920 products are harvested, from within and without the waters of
 10921 this state for sale either to the consumer, retail dealer, or
 10922 wholesale dealer.

10923 Section 195. Subsection (2) of section 327.41, Florida
 10924 Statutes, is amended to read:

10925 327.41 Uniform waterway regulatory markers.--

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10926 (2) Any county or municipality which has been granted a
 10927 restricted area designation, pursuant to s. 327.46, for a
 10928 portion of the Florida Intracoastal Waterway within its
 10929 jurisdiction or which has adopted a restricted area by ordinance
 10930 pursuant to s. 327.22, s. 327.60, or s. 379.2431(2)(p)
 10931 ~~370.12(2)(p)~~, or any other governmental entity which has legally
 10932 established a restricted area, may apply to the commission for
 10933 permission to place regulatory markers within the restricted
 10934 area.

10935 Section 196. Paragraph (k) of subsection (1) of section
 10936 327.73, Florida Statutes, is amended to read:

10937 327.73 Noncriminal infractions.--

10938 (1) Violations of the following provisions of the vessel
 10939 laws of this state are noncriminal infractions:

10940 (k) Violations relating to restricted areas and speed
 10941 limits:

- 10942 1. Established by the commission pursuant to s. 327.46.
- 10943 2. Established by local governmental authorities pursuant
 10944 to s. 327.22 or s. 327.60.
- 10945 3. Speed limits established pursuant to s. 379.2431(2)
 10946 ~~370.12(2)~~.

10947
 10948 Any person cited for a violation of any such provision shall be
 10949 deemed to be charged with a noncriminal infraction, shall be
 10950 cited for such an infraction, and shall be cited to appear
 10951 before the county court. The civil penalty for any such
 10952 infraction is \$50, except as otherwise provided in this section.
 10953 Any person who fails to appear or otherwise properly respond to

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10954 a uniform boating citation shall, in addition to the charge
 10955 relating to the violation of the boating laws of this state, be
 10956 charged with the offense of failing to respond to such citation
 10957 and, upon conviction, be guilty of a misdemeanor of the second
 10958 degree, punishable as provided in s. 775.082 or s. 775.083. A
 10959 written warning to this effect shall be provided at the time
 10960 such uniform boating citation is issued.

10961 Section 197. Subsection (1) of section 328.66, Florida
 10962 Statutes, is amended to read:

10963 328.66 County and municipality optional registration
 10964 fee.--

10965 (1) Any county may impose an annual registration fee on
 10966 vessels registered, operated, or stored in the water within its
 10967 jurisdiction. This fee shall be 50 percent of the applicable
 10968 state registration fee. However, the first \$1 of every
 10969 registration imposed under this subsection shall be remitted to
 10970 the state for deposit in the Save the Manatee Trust Fund created
 10971 within the Fish and Wildlife Conservation Commission, and shall
 10972 be used only for the purposes specified in s. 379.2431(4)
 10973 ~~370.12(4)~~. All other moneys received from such fee shall be
 10974 expended for the patrol, regulation, and maintenance of the
 10975 lakes, rivers, and waters and for other boating-related
 10976 activities of such municipality or county. A municipality that
 10977 was imposing a registration fee before April 1, 1984, may
 10978 continue to levy such fee, notwithstanding the provisions of
 10979 this section.

10980 Section 198. Subsections (11) and (16) of section 328.72,
 10981 Florida Statutes, are amended to read:

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

10982 328.72 Classification; registration; fees and charges;
 10983 surcharge; disposition of fees; fines; marine turtle stickers.--

10984 (11) VOLUNTARY CONTRIBUTIONS.--The application form for
 10985 boat registration shall include a provision to allow each
 10986 applicant to indicate a desire to pay an additional voluntary
 10987 contribution to the Save the Manatee Trust Fund to be used for
 10988 the purposes specified in s. 379.2431(4) ~~370.12(4)~~. This
 10989 contribution shall be in addition to all other fees and charges.
 10990 The amount of the request for a voluntary contribution solicited
 10991 shall be \$2 or \$5 per registrant. A registrant who provides a
 10992 voluntary contribution of \$5 or more shall be given a sticker or
 10993 emblem by the tax collector to display, which signifies support
 10994 for the Save the Manatee Trust Fund. All voluntary contributions
 10995 shall be deposited in the Save the Manatee Trust Fund and shall
 10996 be used for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.
 10997 The form shall also include language permitting a voluntary
 10998 contribution of \$5 per applicant, which contribution shall be
 10999 transferred into the Election Campaign Financing Trust Fund. A
 11000 statement providing an explanation of the purpose of the trust
 11001 fund shall also be included.

11002 (16) MARINE TURTLE STICKER.--The Department of Highway
 11003 Safety and Motor Vehicles shall offer for sale with vessel
 11004 registrations a waterproof sticker in the shape of a marine
 11005 turtle at an additional cost of \$5, the proceeds of which shall
 11006 be deposited in the Marine Resources Conservation Trust Fund to
 11007 be used for marine turtle protection, research, and recovery
 11008 efforts pursuant to the provisions of s. 379.2431(1) ~~370.12(1)~~.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11009 Section 199. Paragraph (a) of subsection (1) and
 11010 subsection (2) of section 328.76, Florida Statutes, are amended
 11011 to read:

11012 328.76 Marine Resources Conservation Trust Fund; vessel
 11013 registration funds; appropriation and distribution.--

11014 (1) Except as otherwise specified in this subsection and
 11015 less \$1.4 million for any administrative costs which shall be
 11016 deposited in the Highway Safety Operating Trust Fund, in each
 11017 fiscal year beginning on or after July 1, 2001, all funds
 11018 collected from the registration of vessels through the
 11019 Department of Highway Safety and Motor Vehicles and the tax
 11020 collectors of the state, except for those funds designated as
 11021 the county portion pursuant to s. 328.72(1), shall be deposited
 11022 in the Marine Resources Conservation Trust Fund for recreational
 11023 channel marking; public launching facilities; law enforcement
 11024 and quality control programs; aquatic weed control; manatee
 11025 protection, recovery, rescue, rehabilitation, and release; and
 11026 marine mammal protection and recovery. The funds collected
 11027 pursuant to s. 328.72(1) shall be transferred as follows:

11028 (a) In each fiscal year, an amount equal to \$1.50 for each
 11029 commercial and recreational vessel registered in this state
 11030 shall be transferred by the Department of Highway Safety and
 11031 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 11032 used only for the purposes specified in s. 379.2431(4)
 11033 ~~370.12(4)~~.

11034 (2) All funds collected pursuant to s. 379.361(2)
 11035 ~~370.06(2)~~ shall be deposited in the Marine Resources
 11036 Conservation Trust Fund. Such funds shall be used to pay the

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11037 cost of implementing the saltwater products license program.

11038 Additional proceeds from the licensing revenue shall be

11039 distributed among the following program functions:

11040 (a) No more than 15 percent shall go to marine law
 11041 enforcement;

11042 (b) Twenty-five percent shall go to the Florida Saltwater
 11043 Products Promotion Trust Fund within the Department of
 11044 Agriculture and Consumer Services, on a monthly basis, for the
 11045 purpose of providing marketing and extension services including
 11046 industry information and education; and

11047 (c) The remainder shall go to the Fish and Wildlife
 11048 Conservation Commission, for use in marine research and
 11049 statistics development, including quota management.

11050 Section 200. Subsection (5) of section 373.046, Florida
 11051 Statutes, is amended to read:

11052 373.046 Interagency agreements.--

11053 (5) Notwithstanding the provisions of s. 403.927, when any
 11054 operating agreement is developed pursuant to subsection (4), the
 11055 department shall have regulatory responsibility under part IV of
 11056 this chapter for aquaculture activities that meet or exceed the
 11057 thresholds for aquaculture general permits authorized pursuant
 11058 to ss. 379.2523 ~~370.26~~ and 403.814.

11059 Section 201. Paragraph (h) of subsection (2) of section
 11060 403.41315, Florida Statutes, is amended to read:

11061 403.41315 Comprehensive illegal dumping, litter, and
 11062 marine debris control and prevention.--

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11063 (2) The comprehensive illegal dumping, litter, and marine
 11064 debris control and prevention program at a minimum must include
 11065 the following:

11066 (h) The prohibition of balloon releases as authorized
 11067 under s. 379.233 ~~372.995~~.

11068 Section 202. Paragraph (f) of subsection (2) of section
 11069 403.813, Florida Statutes, is amended to read:

11070 403.813 Permits issued at district centers; exceptions.--

11071 (2) A permit is not required under this chapter, chapter
 11072 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 11073 chapter 25270, 1949, Laws of Florida, for activities associated
 11074 with the following types of projects; however, except as
 11075 otherwise provided in this subsection, nothing in this
 11076 subsection relieves an applicant from any requirement to obtain
 11077 permission to use or occupy lands owned by the Board of Trustees
 11078 of the Internal Improvement Trust Fund or any water management
 11079 district in its governmental or proprietary capacity or from
 11080 complying with applicable local pollution control programs
 11081 authorized under this chapter or other requirements of county
 11082 and municipal governments:

11083 (f) The performance of maintenance dredging of existing
 11084 manmade canals, channels, intake and discharge structures, and
 11085 previously dredged portions of natural water bodies within
 11086 drainage rights-of-way or drainage easements which have been
 11087 recorded in the public records of the county, where the spoil
 11088 material is to be removed and deposited on a self-contained,
 11089 upland spoil site which will prevent the escape of the spoil
 11090 material into the waters of the state, provided that no more

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11091 dredging is to be performed than is necessary to restore the
 11092 canals, channels, and intake and discharge structures, and
 11093 previously dredged portions of natural water bodies, to original
 11094 design specifications or configurations, provided that the work
 11095 is conducted in compliance with s. 379.2431(2)(d) ~~370.12(2)(d)~~,
 11096 provided that no significant impacts occur to previously
 11097 undisturbed natural areas, and provided that control devices for
 11098 return flow and best management practices for erosion and
 11099 sediment control are utilized to prevent bank erosion and
 11100 scouring and to prevent turbidity, dredged material, and toxic
 11101 or deleterious substances from discharging into adjacent waters
 11102 during maintenance dredging. Further, for maintenance dredging
 11103 of previously dredged portions of natural water bodies within
 11104 recorded drainage rights-of-way or drainage easements, an entity
 11105 that seeks an exemption must notify the department or water
 11106 management district, as applicable, at least 30 days prior to
 11107 dredging and provide documentation of original design
 11108 specifications or configurations where such exist. This
 11109 exemption applies to all canals and previously dredged portions
 11110 of natural water bodies within recorded drainage rights-of-way
 11111 or drainage easements constructed prior to April 3, 1970, and to
 11112 those canals and previously dredged portions of natural water
 11113 bodies constructed on or after April 3, 1970, pursuant to all
 11114 necessary state permits. This exemption does not apply to the
 11115 removal of a natural or manmade barrier separating a canal or
 11116 canal system from adjacent waters. When no previous permit has
 11117 been issued by the Board of Trustees of the Internal Improvement
 11118 Trust Fund or the United States Army Corps of Engineers for

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11119 construction or maintenance dredging of the existing manmade
 11120 canal or intake or discharge structure, such maintenance
 11121 dredging shall be limited to a depth of no more than 5 feet
 11122 below mean low water. The Board of Trustees of the Internal
 11123 Improvement Trust Fund may fix and recover from the permittee an
 11124 amount equal to the difference between the fair market value and
 11125 the actual cost of the maintenance dredging for material removed
 11126 during such maintenance dredging. However, no charge shall be
 11127 exacted by the state for material removed during such
 11128 maintenance dredging by a public port authority. The removing
 11129 party may subsequently sell such material; however, proceeds
 11130 from such sale that exceed the costs of maintenance dredging
 11131 shall be remitted to the state and deposited in the Internal
 11132 Improvement Trust Fund.

11133 Section 203. Paragraph (a) of subsection (5) and paragraph
 11134 (a) of subsection (18) of section 597.010, Florida Statutes, are
 11135 amended to read:

11136 597.010 Shellfish regulation; leases.--

11137 (5) LEASES IN PERPETUITY; RENT.--

11138 (a) All leases issued previously under the provisions of
 11139 s. 379.2525 ~~370.16~~ shall be enforced under the authority of this
 11140 chapter, notwithstanding any other law to the contrary, and
 11141 shall continue in perpetuity under such restrictions as stated
 11142 in the lease agreement. The annual rental fee charged for all
 11143 leases shall consist of the minimum rate of \$15 per acre, or any
 11144 fraction of an acre, per year and shall be adjusted on January
 11145 1, 1995, and every 5 years thereafter, based on the 5-year
 11146 average change in the Consumer Price Index. Rent shall be paid

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11147 | in advance of January 1 of each year or in the case of a new
 11148 | lease at the time of signing, regardless of who holds the lease.

11149 | (18) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
 11150 | REEFS; LICENSES, ETC.; PENALTY.--

11151 | (a) It is unlawful to use a dredge or any means or
 11152 | implement other than hand tongs in removing oysters from the
 11153 | natural or artificial state reefs or beds. This restriction
 11154 | shall apply to all areas of Apalachicola Bay for all shellfish
 11155 | harvesting, excluding private grounds leased or granted by the
 11156 | state prior to July 1, 1989, if the lease or grant specifically
 11157 | authorizes the use of implements other than hand tongs for
 11158 | harvesting. Except in Apalachicola Bay, upon the payment of \$25
 11159 | annually, for each vessel or boat using a dredge or machinery in
 11160 | the gathering of clams or mussels, a special activity license
 11161 | may be issued by the Fish and Wildlife Conservation Commission
 11162 | pursuant to subsection (15) or s. 379.361 ~~370.06~~ for such use to
 11163 | such person.

11164 | Section 204. Paragraphs (a), (d), and (e) of subsection
 11165 | (4) of section 777.04, Florida Statutes, are amended to read:

11166 | 777.04 Attempts, solicitation, and conspiracy.--

11167 | (4) (a) Except as otherwise provided in ss. 104.091(2),
 11168 | 379.2431(1) ~~370.12(1)~~, 828.125(2), 849.25(4), 893.135(5), and
 11169 | 921.0022, the offense of criminal attempt, criminal
 11170 | solicitation, or criminal conspiracy is ranked for purposes of
 11171 | sentencing under chapter 921 and determining incentive gain-time
 11172 | eligibility under chapter 944 one level below the ranking under
 11173 | s. 921.0022 or s. 921.0023 of the offense attempted, solicited,
 11174 | or conspired to. If the criminal attempt, criminal solicitation,

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11175 or criminal conspiracy is of an offense ranked in level 1 or
 11176 level 2 under s. 921.0022 or s. 921.0023, such offense is a
 11177 misdemeanor of the first degree, punishable as provided in s.
 11178 775.082 or s. 775.083.

11179 (d) Except as otherwise provided in s. 104.091(2), s.
 11180 379.2431(1) ~~370.12(1)~~, s. 828.125(2), or s. 849.25(4), if the
 11181 offense attempted, solicited, or conspired to is a:

- 11182 1. Felony of the second degree;
- 11183 2. Burglary that is a felony of the third degree; or
- 11184 3. Felony of the third degree ranked in level 3, 4, 5, 6,
 11185 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

11186
 11187 the offense of criminal attempt, criminal solicitation, or
 11188 criminal conspiracy is a felony of the third degree, punishable
 11189 as provided in s. 775.082, s. 775.083, or s. 775.084.

11190 (e) Except as otherwise provided in s. 104.091(2), s.
 11191 379.2431(1) ~~370.12(1)~~, s. 849.25(4), or paragraph (d), if the
 11192 offense attempted, solicited, or conspired to is a felony of the
 11193 third degree, the offense of criminal attempt, criminal
 11194 solicitation, or criminal conspiracy is a misdemeanor of the
 11195 first degree, punishable as provided in s. 775.082 or s.
 11196 775.083.

11197 Section 205. Paragraph (h) of subsection (2) of section
 11198 810.09, Florida Statutes, is amended to read:

11199 810.09 Trespass on property other than structure or
 11200 conveyance.--

11201 (2)

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11202 (h) Any person who in taking or attempting to take any
 11203 animal described in s. 379.101(19) or (20) ~~372.001(10) or (11)~~,
 11204 or in killing, attempting to kill, or endangering any animal
 11205 described in s. 585.01(13) knowingly propels or causes to be
 11206 propelled any potentially lethal projectile over or across
 11207 private land without authorization commits trespass, a felony of
 11208 the third degree, punishable as provided in s. 775.082, s.
 11209 775.083, or s. 775.084. For purposes of this paragraph, the term
 11210 "potentially lethal projectile" includes any projectile launched
 11211 from any firearm, bow, crossbow, or similar tensile device. This
 11212 section does not apply to any governmental agent or employee
 11213 acting within the scope of his or her official duties.

11214 Section 206. Paragraphs (b) and (c) of subsection (3) of
 11215 section 921.0022, Florida Statutes, are amended to read:

11216 921.0022 Criminal Punishment Code; offense severity
 11217 ranking chart.--

11218 (3) OFFENSE SEVERITY RANKING CHART

11219 (b) LEVEL 2

11220

Florida Statute	Felony Degree	Description
<u>379.2431</u> <u>(1) (e) 3.</u> 370.12(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

11221

11222

<u>379.2431(1) (e) 4.</u>	3rd	Possession of more than 11 marine
---------------------------	-----	-----------------------------------

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11223	370.12(1)(e)4.		turtle eggs in violation of the Marine Turtle Protection Act.
11224	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.
11225	517.07	3rd	Registration of securities and furnishing of prospectus required.
11226	590.28(1)	3rd	Willful, malicious, or intentional burning.
11227	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
11228	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
11229	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
	810.061(2)	3rd	Impairing or impeding telephone or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

			power to a dwelling; facilitating or furthering burglary.
11230	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
11231	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
11232	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
11233	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
11234	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
11235	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
11236	817.52(3)	3rd	Failure to redeliver hired vehicle.
11237	817.54	3rd	With intent to defraud, obtain

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

			mortgage note, etc., by false representation.
11238	817.60 (5)	3rd	Dealing in credit cards of another.
11239	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
11240	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
11241	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
11242	831.01	3rd	Forgery.
11243	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
11244	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
11245	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
11246			

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11247	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
11248	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
11249	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
11250	843.08	3rd	Falsely impersonating an officer.
11251	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.
11252	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
11253	(c) LEVEL 3		
11254			
11255	Florida Statute	Felony Degree	Description
11256	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11257	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
11258	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
11259	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
11260	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
11261	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
11262	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
11263	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
11264	327.35 (2) (b)	3rd	Felony BUI.
	328.05 (2)	3rd	Possess, sell, or counterfeit

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11265			fictitious, stolen, or fraudulent titles or bills of sale of vessels.
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
11266	<u>379.2431(1)(e)5.</u> 370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
11267	<u>379.2431(1)(e)6.</u> 370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
11268	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
11269	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
11270			

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11271	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
11272	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
11273	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
11274	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
11275	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
11276	697.08	3rd	Equity skimming.
11277	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
11278	796.05 (1)	3rd	Live on earnings of a prostitute.
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11279			used in firefighting.
	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
11280			
	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
11281			
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
11282			
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
11283			
	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
11284			
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
11285			
	817.233	3rd	Burning to defraud insurer.
11286			
	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
11287			

ENROLLED

HB 7091, Engrossed 2

2008 Legislature

11288	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
11289	817.236	3rd	Filing a false motor vehicle insurance application.
11290	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
11291	817.413 (2)	3rd	Sale of used goods as new.
11292	817.505 (4)	3rd	Patient brokering.
11293	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
11294	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
11295	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
	838.021 (3) (b)	3rd	Threatens unlawful harm to public

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11296			servant.
	843.19	3rd	Injure, disable, or kill police dog or horse.
11297			
	860.15 (3)	3rd	Overcharging for repairs and parts.
11298			
	870.01 (2)	3rd	Riot; inciting or encouraging.
11299			
	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).
11300			
	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.
11301			
	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

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11302			housing facility.
	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
11303			
	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
11304			
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
11305			
	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
11306			
	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
11307			
	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or

ENROLLED
 HB 7091, Engrossed 2

2008 Legislature

11308			related to the practitioner's practice.
	893.13 (8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
11309			
	893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
11310			
	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.
11311			
	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
11312			
	944.47 (1) (a) 1.- 2.	3rd	Introduce contraband to correctional facility.
11313			
	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
11314			

