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LEGISLATIVE ACTION

Senate

House

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04/24/2009 04:41 PM

Senator Constantine moved the following:

Senate Amendment

Delete lines 2009 - 2089
and insert:

(2) If two or more persons violate s. 379.501(1) so that the damage is indivisible, each violator shall be jointly and severally liable for the damage and for the reasonable cost and expenses of the state incurred in restoring the waters and property of the state, including the animal, plant, and aquatic life, to their former condition. However, if the damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage



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13 attributable to his or her violation.

14 (3) In assessing damages for fish killed, the value of the
15 fish shall be determined in accordance with a table of values
16 for individual categories of fish, which shall be adopted by the
17 Department of Environmental Protection pursuant to s.
18 403.141(3). The total number of fish killed may be estimated by
19 standard practices used in estimating fish population.

20 Section 46. Subsection (1) of section 403.088, Florida
21 Statutes, is amended to read:

22 403.088 Water pollution operation permits; conditions.—

23 (1) No person, without written authorization of the
24 department, shall discharge into waters within the state any
25 waste which, by itself or in combination with the wastes of
26 other sources, reduces the quality of the receiving waters below
27 the classification established for them. However, this section
28 shall not be deemed to prohibit the application of pesticides to
29 waters in the state for the control of insects, aquatic weeds,
30 or algae, provided the application is performed pursuant to a
31 program approved by the Department of Health, in the case of
32 insect control, or the Fish and Wildlife Conservation Commission
33 ~~department~~, in the case of aquatic weed or algae control. The
34 department is directed to enter into interagency agreements to
35 establish the procedures for program approval. Such agreements
36 shall provide for public health, welfare, and safety, as well as
37 environmental factors. Approved programs must provide that only
38 chemicals approved for the particular use by the United States
39 Environmental Protection Agency or by the Department of
40 Agriculture and Consumer Services may be employed and that they
41 be applied in accordance with registered label instructions,



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42 state standards for such application, and the provisions of the
43 Florida Pesticide Law, part I of chapter 487.

44 Section 47. The statutory powers, duties, and functions
45 related to ss. 369.20, 369.22, and 369.252, Florida Statutes,
46 which were transferred by chapter 2008-150, Laws of Florida, and
47 all records, personnel, and property; unexpended balances of
48 appropriations, allocations, and other funds; administrative
49 authority; administrative rules; pending issues; and existing
50 contracts of the Bureau of Invasive Plant Management in the
51 Department of Environmental Protection are transferred by a type
52 two transfer, pursuant to s. 20.06(2), Florida Statutes, to the
53 Fish and Wildlife Conservation Commission. All actions taken
54 pursuant to chapter 2008-150, Laws of Florida, and the
55 Interagency Agreement executed thereto are ratified.

56 Section 48. The Invasive Plant Control Trust Fund, FLAIR
57 number 37-2-030, in the Department of Environmental Protection
58 is transferred to the Fish and Wildlife Conservation Commission,
59 FLAIR number 77-2-030.

60 Section 49. For the purpose of incorporating the amendment
61 made by this act to section 319.32, Florida Statutes, in a
62 reference thereto, paragraph (a) of subsection (2) of section
63 379.209, Florida Statutes, is reenacted to read:

64 379.209 Nongame Wildlife Trust Fund.—

65 (2) (a) There is established within the Fish and Wildlife
66 Conservation Commission the Nongame Wildlife Trust Fund. The
67 fund shall be credited with moneys collected pursuant to ss.
68 319.32(3) and 320.02(8). Additional funds may be provided from
69 legislative appropriations and by donations from interested
70 individuals and organizations. The commission shall designate an



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71 identifiable unit to administer the trust fund.

72 Section 50. For the purpose of incorporating the amendment
73 made by this act to section 379.353, Florida Statutes, in a
74 reference thereto, subsection (7) of section 379.3581, Florida
75 Statutes, is reenacted to read:

76 379.3581 Hunter safety course; requirements; penalty.—

77 (7) The hunter safety requirements of this section do not
78 apply to persons for whom licenses are not required under s.
79 379.353(2).

80 Section 51. For the 2009-2010 fiscal year, the sum of
81 \$185,000 is appropriated from the State Game Trust Fund to the
82 Fish and Wildlife Conservation Commission for license issuance
83 costs resulting from changes to the saltwater fishing shoreline
84 exemption.

85 Section 52. Effective October 1, 2009, section 327.22,
86 Florida Statutes, is repealed.