

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Subcommittee
3 Representative Glorioso offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

8 Section 1. (1) All powers, duties, functions, records,
9 offices, personnel, property, pending issues and existing
10 contracts, administrative authority, administrative rules, and
11 unexpended balances of appropriations, allocations, and other
12 funds relating to the Division of Law Enforcement within the
13 Department of Environmental Protection, excluding the Bureau of
14 Emergency Response, are transferred by a type two transfer, as
15 defined in s. 20.06(2), Florida Statutes, to the Division of Law
16 Enforcement within the Florida Fish and Wildlife Conservation
17 Commission.

18 (2) The Bureau of Emergency Response within the Department
19 of Environmental Protection is reassigned to the Secretary of

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20 Environmental Protection as the Office of Emergency Response
21 within the Department of Environmental Protection.

22 (3) The Secretary of Environmental Protection shall
23 transfer to the Fish and Wildlife Conservation Commission the
24 number of administrative, auditing, inspector general, attorney,
25 and operational support positions, including any related powers,
26 duties, functions, property, and funding, proportionate to the
27 number of Division of Law Enforcement full-time equivalent and
28 other personal services positions being transferred from the
29 department to the commission.

30 (4) A memorandum of agreement shall be developed between
31 the department and the commission detailing the responsibilities
32 of the commission to the department, to include, at a minimum,
33 the following:

34 (a) Support and response for oil spills, hazardous spills,
35 and natural disasters.

36 (b) Law enforcement patrol and investigative services for
37 all state-owned lands managed by the department.

38 (c) Law enforcement services, including investigative
39 services, for all criminal law violations of chapters 161, 258,
40 373, 376, and 403, Florida Statutes.

41 (d) Enforcement services for all civil violations of all
42 department administrative rules related to the following program
43 areas:

44 1. Division of Recreation and Parks.

45 2. Office of Coastal and Aquatic Managed Areas.

46 3. Office of Greenways and Trails.

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47 (e) Current and future funding for positions and property
48 being transferred from the department to the commission that is
49 funded through any trust fund.

50 Section 2. (1) All powers, duties, functions, records,
51 property, pending issues and existing contracts, administrative
52 authority, administrative rules, and unexpended balances of
53 appropriations, allocations, and other funds relating to sworn
54 positions funded by the Conservation and Recreation Lands
55 Program and assigned to the Florida Forest Service within the
56 Department of Agriculture and Consumer Services as of July 1,
57 2011, and the investigator responsible for the enforcement of
58 aquaculture violations at the Department of Agriculture and
59 Consumer Services as of July 1, 2011, are transferred by a type
60 two transfer, as defined in s. 20.06(2), Florida Statutes, to
61 the Division of Law Enforcement within the Fish and Wildlife
62 Conservation Commission.

63 (2) A memorandum of agreement shall be developed between
64 the department and the commission detailing the responsibilities
65 between the commission and the department, to include, at a
66 minimum, the following:

67 (a) Law enforcement patrol and investigative services for
68 all state-owned forests managed by the department.

69 (b) Current and future funding for positions and property
70 assigned to the Conservation and Recreation Lands Program that
71 are transferred from the department to the commission.

72 Section 3. (1) The Secretary of Environmental Protection
73 and the Executive Director of the Fish and Wildlife Conservation
74 Commission shall each appoint three staff members to a

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75 transition advisory working group to review and determine the
76 following:

77 (a) The appropriate proportionate number of
78 administrative, auditing, inspector general, attorney, and
79 operational support positions and their related funding levels
80 and sources and assigned property to be transferred from the
81 Office of General Counsel, Office of Inspector General, and
82 Division of Administrative Services or other relevant offices or
83 divisions within the Department of Environmental Protection to
84 the Fish and Wildlife Conservation Commission.

85 (b) The development of a recommended plan addressing the
86 transfer or shared use of buildings, regional offices, and other
87 facilities used or owned by the Department of Environmental
88 Protection.

89 (c) Any operating budget adjustments as necessary to
90 implement the requirements of this act. Adjustments made to the
91 operating budgets of the department and the commission in the
92 implementation of this act must be made in consultation with the
93 appropriate substantive and fiscal committees of the Senate and
94 the House of Representatives. The revisions to the approved
95 operating budgets for the 2012-2013 fiscal year which are
96 necessary to reflect the organizational changes made by this act
97 shall be implemented pursuant to s. 216.292(4)(d), Florida
98 Statutes, and subject to s. 216.177, Florida Statutes.

99 Subsequent adjustments between agencies that are determined
100 necessary by the department or commission and approved by the
101 Executive Office of the Governor are authorized and subject to
102 s. 216.177, Florida Statutes. The appropriate substantive

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103 committees of the Senate and the House of Representatives shall
104 also be notified of the proposed revisions to ensure consistency
105 with legislative policy and intent.

106 (2) The Secretary of Environmental Protection, the
107 Commissioner of Agriculture, and the Executive Director of the
108 Fish and Wildlife Conservation Commission shall each appoint two
109 staff members to a transition advisory working group to identify
110 rules of the Department of Environmental Protection, the Board
111 of Trustees of the Internal Improvement Trust Fund, the
112 Department of Agriculture and Consumer Services, and the Fish
113 and Wildlife Conservation Commission that need to be amended to
114 reflect the changes made by this act.

115 Section 4. (1) The Fish and Wildlife Conservation
116 Commission is assigned all powers, duties, responsibilities,
117 functions, positions, and property necessary for enforcement of
118 the laws and rules governing:

119 (a) Management, protection, conservation, improvement, and
120 expansion of the state-owned lands managed by the Department of
121 Environmental Protection, including state parks, coastal and
122 aquatic managed areas, and greenways and trails.

123 (b) Conservation and recreation lands and commercial
124 aquaculture managed by the Department of Agriculture and
125 Consumer Services.

126 (2) Law enforcement officers of the Fish and Wildlife
127 Conservation Commission are conferred full power to investigate
128 and arrest for any violation of the rules of the Department of
129 Agriculture and Consumer Services, the Department of

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130 Environmental Protection, and the Board of Trustees of the
131 Internal Improvement Trust Fund.

132 Section 5. (1) Notwithstanding ss. 110.2035 and 216.251,
133 Florida Statutes, the Division of Law Enforcement within the
134 Fish and Wildlife Conservation Commission may use available
135 funds to provide for general salary increases or pay additives
136 for positions sharing the same job classification or job
137 occupations in order to bring pay parity between positions of
138 the Fish and Wildlife Conservation Commission and the positions
139 transferring to the commission from the Department of
140 Agriculture and Consumer Services and the Department of
141 Environmental Protection and for those positions assuming
142 significant additional duties or an increased work load as a
143 result of this act.

144 (2) Notwithstanding chapter 60K-5, Florida Administrative
145 Code, or any provision of law to the contrary, employees who are
146 transferred from the Department of Environmental Protection and
147 the Department of Agriculture and Consumer Services to fill
148 positions transferred to the Fish and Wildlife Conservation
149 Commission shall retain and transfer any accrued annual leave,
150 sick leave, and regular and special compensatory leave balances.

151 Section 6. Part IV of chapter 258, Florida Statutes,
152 consisting of section 258.601, is created to read:

153 PART IV

154 MISCELLANEOUS PROVISIONS

155 258.601 Enforcement of prohibited activities.-Prohibited
156 activities under this chapter shall be enforced by the
157 Department of Environmental Protection and the Division of Law

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158 Enforcement of the Fish and Wildlife Conservation Commission and
159 its officers.

160 Section 7. Subsections (5) through (8) of section 20.255,
161 Florida Statutes, are renumbered as subsections (4) through (7),
162 respectively, and present subsections (2), (3), and (4) of that
163 section are amended to read:

164 20.255 Department of Environmental Protection.—There is
165 created a Department of Environmental Protection.

166 (2)(a) There shall be three deputy secretaries who are to
167 be appointed by and shall serve at the pleasure of the
168 secretary. The secretary may assign any deputy secretary the
169 responsibility to supervise, coordinate, and formulate policy
170 for any division, office, or district. The following special
171 offices are established and headed by managers, each of whom is
172 to be appointed by and serve at the pleasure of the secretary:

- 173 1. Office of Chief of Staff;
- 174 2. Office of General Counsel;
- 175 3. Office of Inspector General;
- 176 4. Office of External Affairs;
- 177 5. Office of Legislative Affairs;
- 178 6. Office of Intergovernmental Programs; and
- 179 7. Office of Greenways and Trails.
- 180 8. Office of Emergency Response.

181 (b) There shall be six administrative districts involved
182 in regulatory matters of waste management, water resource
183 management, wetlands, and air resources, which shall be headed
184 by managers, each of whom is to be appointed by and serve at the
185 pleasure of the secretary. Divisions of the department may have

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186 one assistant or two deputy division directors, as required to
187 facilitate effective operation.

188

189 The managers of all divisions and offices specifically named in
190 this section and the directors of the six administrative
191 districts are exempt from part II of chapter 110 and are
192 included in the Senior Management Service in accordance with s.
193 110.205(2)(j).

194 (3) The following divisions of the Department of
195 Environmental Protection are established:

196 (a) Division of Administrative Services.

197 (b) Division of Air Resource Management.

198 (c) Division of Water Resource Management.

199 ~~(d) Division of Law Enforcement.~~

200 (d)~~(e)~~ Division of Environmental Assessment and
201 Restoration.

202 (e)~~(f)~~ Division of Waste Management.

203 (f)~~(g)~~ Division of Recreation and Parks.

204 (g)~~(h)~~ Division of State Lands, the director of which is
205 to be appointed by the secretary of the department, subject to
206 confirmation by the Governor and Cabinet sitting as the Board of
207 Trustees of the Internal Improvement Trust Fund.

208

209 In order to ensure statewide and intradepartmental consistency,
210 the department's divisions shall direct the district offices and
211 bureaus on matters of interpretation and applicability of the
212 department's rules and programs.

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213 ~~(4) Law enforcement officers of the Department of~~
214 ~~Environmental Protection who meet the provisions of s. 943.13~~
215 ~~are constituted law enforcement officers of this state with full~~
216 ~~power to investigate and arrest for any violation of the laws of~~
217 ~~this state, and the rules of the department and the Board of~~
218 ~~Trustees of the Internal Improvement Trust Fund. The general~~
219 ~~laws applicable to investigations, searches, and arrests by~~
220 ~~peace officers of this state apply to such law enforcement~~
221 ~~officers.~~

222 Section 8. Subsection (1) of section 258.008, Florida
223 Statutes, is amended to read:

224 258.008 Prohibited activities; penalties.—

225 (1) Except as provided in subsection (3), any person who
226 violates or otherwise fails to comply with the rules adopted
227 under this chapter commits a noncriminal infraction for which
228 ejection from all property managed by the Division of Recreation
229 and Parks and a fine of up to \$500 may be imposed by the
230 division. Fines paid under this subsection shall be paid to the
231 Fish and Wildlife Conservation Commission ~~Department of~~
232 ~~Environmental Protection~~ and deposited in the State Game Park
233 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395.

234 Section 9. Subsection (16) of section 258.501, Florida
235 Statutes, is amended to read:

236 258.501 Myakka River; wild and scenic segment.—

237 (16) ENFORCEMENT. ~~Officers of~~ The department and the Fish
238 and Wildlife Conservation Commission shall have full authority
239 to enforce any rule adopted by the department ~~under this section~~
240 ~~with the same police powers given them by law to enforce the~~

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241 ~~rules of state parks and the rules pertaining to saltwater areas~~
242 ~~under the jurisdiction of the Florida Marine Patrol.~~

243 Section 10. Paragraph (a) of subsection (2) of section
244 282.709, Florida Statutes, is amended to read:

245 282.709 State agency law enforcement radio system and
246 interoperability network.—

247 (2) The Joint Task Force on State Agency Law Enforcement
248 Communications is created adjunct to the department to advise
249 the department of member-agency needs relating to the planning,
250 designing, and establishment of the statewide communication
251 system.

252 (a) The Joint Task Force on State Agency Law Enforcement
253 Communications shall consist of the following ~~eight~~ members, ~~as~~
254 ~~follows~~:

255 1. A representative of the Division of Alcoholic Beverages
256 and Tobacco of the Department of Business and Professional
257 Regulation who shall be appointed by the secretary of the
258 department.

259 2. A representative of the Division of Florida Highway
260 Patrol of the Department of Highway Safety and Motor Vehicles
261 who shall be appointed by the executive director of the
262 department.

263 3. A representative of the Department of Law Enforcement
264 who shall be appointed by the executive director of the
265 department.

266 4. A representative of the Fish and Wildlife Conservation
267 Commission who shall be appointed by the executive director of
268 the commission.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1383 (2012)

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269 ~~5. A representative of the Division of Law Enforcement of~~
270 ~~the Department of Environmental Protection who shall be~~
271 ~~appointed by the secretary of the department.~~

272 ~~5.6.~~ A representative of the Department of Corrections who
273 shall be appointed by the secretary of the department.

274 ~~6.7.~~ A representative of the Division of State Fire
275 Marshal of the Department of Financial Services who shall be
276 appointed by the State Fire Marshal.

277 ~~7.8.~~ A representative of the Department of Transportation
278 who shall be appointed by the secretary of the department.

279 Section 11. Subsection (1) of section 316.003, Florida
280 Statutes, is amended to read:

281 316.003 Definitions.—The following words and phrases, when
282 used in this chapter, shall have the meanings respectively
283 ascribed to them in this section, except where the context
284 otherwise requires:

285 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
286 department (fire patrol), police vehicles, and such ambulances
287 and emergency vehicles of municipal departments, public service
288 corporations operated by private corporations, the Fish and
289 Wildlife Conservation Commission, the Department of
290 Environmental Protection, the Department of Health, the
291 Department of Transportation, and the Department of Corrections
292 as are designated or authorized by their respective department
293 or the chief of police of an incorporated city or any sheriff of
294 any of the various counties.

295 Section 12. Subsections (3) and (9) of section 316.2397,
296 Florida Statutes, are amended to read:

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Bill No. HB 1383 (2012)

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316.2397 Certain lights prohibited; exceptions.—

(3) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, vehicles of medical staff physicians or technicians of medical facilities licensed by the state as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may are ~~permitted to~~ show or display red lights. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may are ~~hereby authorized to~~ operate emergency lights and sirens in an emergency. Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the

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325 wrecker deems such lights necessary. A flatbed, car carrier, or
326 rollback may not use amber rotating or flashing lights when
327 hauling a vehicle on the bed unless it creates a hazard to other
328 motorists because of protruding objects. Further, escort
329 vehicles may show or display amber lights when in the actual
330 process of escorting overdimensioned equipment, material, or
331 buildings as authorized by law. Vehicles owned or leased by
332 private security agencies may show or display green and amber
333 lights, with either color being no greater than 50 percent of
334 the lights displayed, while the security personnel are engaged
335 in security duties on private or public property.

336 (9) Flashing red lights may be used by emergency response
337 vehicles of the Fish and Wildlife Conservation Commission, the
338 Department of Environmental Protection, and the Department of
339 Health when responding to an emergency in the line of duty.

340 Section 13. Paragraph (a) of subsection (1) of section
341 316.640, Florida Statutes, is amended to read:

342 316.640 Enforcement.—The enforcement of the traffic laws
343 of this state is vested as follows:

344 (1) STATE.—

345 (a)1.a. The Division of Florida Highway Patrol of the
346 Department of Highway Safety and Motor Vehicles; the Division of
347 Law Enforcement of the Fish and Wildlife Conservation
348 Commission; ~~the Division of Law Enforcement of the Department of~~
349 ~~Environmental Protection;~~ and the agents, inspectors, and
350 officers of the Department of Law Enforcement each have
351 authority to enforce all of the traffic laws of this state on
352 all the streets and highways thereof and elsewhere throughout

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353 the state wherever the public has a right to travel by motor
354 vehicle.

355 b. University police officers may ~~shall have authority to~~
356 enforce all of the traffic laws of this state when violations
357 occur on or within 1,000 feet of any property or facilities that
358 are under the guidance, supervision, regulation, or control of a
359 state university, a direct-support organization of such state
360 university, or any other organization controlled by the state
361 university or a direct-support organization of the state
362 university, or when such violations occur within a specified
363 jurisdictional area as agreed upon in a mutual aid agreement
364 entered into with a law enforcement agency pursuant to s.
365 23.1225(1). Traffic laws may also be enforced off-campus when
366 hot pursuit originates on or within 1,000 feet of any such
367 property or facilities, or as agreed upon in accordance with the
368 mutual aid agreement.

369 c. Community college police officers may ~~shall have the~~
370 ~~authority to~~ enforce all the traffic laws of this state only
371 when such violations occur on any property or facilities that
372 are under the guidance, supervision, regulation, or control of
373 the community college system.

374 d. Police officers employed by an airport authority may
375 ~~shall have the authority to~~ enforce all of the traffic laws of
376 this state only when such violations occur on any property or
377 facilities that are owned or operated by an airport authority.

378 (I) An airport authority may employ as a parking
379 enforcement specialist any individual who successfully completes
380 a training program established and approved by the Criminal

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381 Justice Standards and Training Commission for parking
382 enforcement specialists but who does not otherwise meet the
383 uniform minimum standards established by the commission for law
384 enforcement officers or auxiliary or part-time officers under s.
385 943.12. ~~Nothing in~~ This sub-sub-subparagraph may not ~~shall~~ be
386 construed to permit the carrying of firearms or other weapons,
387 nor shall such parking enforcement specialist have arrest
388 authority.

389 (II) A parking enforcement specialist employed by an
390 airport authority may ~~is authorized to~~ enforce all state,
391 county, and municipal laws and ordinances governing parking only
392 when such violations are on property or facilities owned or
393 operated by the airport authority employing the specialist, by
394 appropriate state, county, or municipal traffic citation.

395 e. The Office of Agricultural Law Enforcement of the
396 Department of Agriculture and Consumer Services may ~~shall have~~
397 ~~the authority to~~ enforce traffic laws of this state.

398 f. School safety officers may ~~shall have the authority to~~
399 enforce all of the traffic laws of this state when such
400 violations occur on or about any property or facilities that
401 ~~which~~ are under the guidance, supervision, regulation, or
402 control of the district school board.

403 2. An agency of the state as described in subparagraph 1.
404 is prohibited from establishing a traffic citation quota. A
405 violation of this subparagraph is not subject to the penalties
406 provided in chapter 318.

407 3. Any disciplinary action taken or performance evaluation
408 conducted by an agency of the state as described in subparagraph

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409 1. of a law enforcement officer's traffic enforcement activity
410 must be in accordance with written work-performance standards.
411 Such standards must be approved by the agency and any collective
412 bargaining unit representing such law enforcement officer. A
413 violation of this subparagraph is not subject to the penalties
414 provided in chapter 318.

415 4. The Division of the Florida Highway Patrol may employ
416 as a traffic accident investigation officer any individual who
417 successfully completes instruction in traffic accident
418 investigation and court presentation through the Selective
419 Traffic Enforcement Program as approved by the Criminal Justice
420 Standards and Training Commission and funded through the
421 National Highway Traffic Safety Administration or a similar
422 program approved by the commission, but who does not necessarily
423 meet the uniform minimum standards established by the commission
424 for law enforcement officers or auxiliary law enforcement
425 officers under chapter 943. Any such traffic accident
426 investigation officer who makes an investigation at the scene of
427 a traffic accident may issue traffic citations, based upon
428 personal investigation, when he or she has reasonable and
429 probable grounds to believe that a person who was involved in
430 the accident committed an offense under this chapter, chapter
431 319, chapter 320, or chapter 322 in connection with the
432 accident. This subparagraph does not permit the officer to carry
433 firearms or other weapons, and such an officer does not have
434 authority to make arrests.

435 Section 14. Subsection (4) of section 375.041, Florida
436 Statutes, is amended to read:

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437 375.041 Land Acquisition Trust Fund.—

438 (4) The department may disburse moneys in the Land
439 Acquisition Trust Fund to pay all necessary expenses to carry
440 out the purposes of this act. The department shall disburse
441 moneys from the Land Acquisition Trust Fund to the Fish and
442 Wildlife Conservation Commission for the purpose of funding law
443 enforcement services on state lands.

444 Section 15. Subsection (5) of section 376.065, Florida
445 Statutes, is amended to read:

446 376.065 Operation of terminal facility without discharge
447 prevention and response certificate prohibited; penalty.—

448 (5) (a) A ~~Any~~ person who violates this section or the terms
449 and requirements of such certification commits a noncriminal
450 infraction. The civil penalty for any such infraction shall be
451 \$500, except as otherwise provided in this section.

452 (b) A ~~Any~~ person cited for an infraction under this
453 section may:

- 454 1. Pay the civil penalty;
- 455 2. Post a bond equal to the amount of the applicable civil
456 penalty; or
- 457 3. Sign and accept a citation indicating a promise to
458 appear before the county court.

459
460 The department employee ~~officer~~ authorized to issue these
461 citations may indicate on the citation the time and location of
462 the scheduled hearing and shall indicate the applicable civil
463 penalty.

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464 (c) A ~~Any~~ person who willfully refuses to post bond or
465 accept and sign a citation commits a misdemeanor of the second
466 degree, punishable as provided in s. 775.082 or s. 775.083.

467 (d) After compliance with ~~the provisions of~~ subparagraph
468 (b)2. or subparagraph (b)3., a ~~any~~ person charged with a
469 noncriminal infraction under this section may:

470 1. Pay the civil penalty, either by mail or in person,
471 within 30 days after the date of receiving the citation; or

472 2. If the person has posted bond, forfeit the bond by not
473 appearing at the designated time and location.

474
475 A person cited for an infraction under this section who pays the
476 civil penalty or forfeits the bond has admitted the infraction
477 and waives the right to a hearing on the issue of commission of
478 the infraction. Such admission may not be used as evidence in
479 any other proceedings.

480 (e) A ~~Any~~ person who elects to appear before the county
481 court or who is required to so appear waives the limitations of
482 the civil penalty specified in paragraph (a). The court, after a
483 hearing, shall make a determination as to whether an infraction
484 has been committed. If the commission of the infraction is
485 proved, the court shall impose a civil penalty of \$500.

486 (f) At a hearing under this subsection, the commission of
487 a charged infraction must be proved by the greater weight of the
488 evidence.

489 (g) A person who is found by the hearing official to have
490 committed an infraction may appeal that finding to the circuit
491 court.

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492 (h) ~~A~~ Any person who has not posted bond and who fails
493 either to pay the fine specified in paragraph (a) within 30 days
494 after receipt of the citation or to appear before the court
495 commits a misdemeanor of the second degree, punishable as
496 provided in s. 775.082 or s. 775.083.

497 Section 16. Subsection (3) of section 376.07, Florida
498 Statutes, is amended to read:

499 376.07 Regulatory powers of department; penalties for
500 inadequate booming by terminal facilities.-

501 (3) The department shall not require vessels to maintain
502 discharge prevention gear, holding tanks, and containment gear
503 which exceed federal requirements. However, a terminal facility
504 transferring heavy oil to or from a vessel with a heavy oil
505 storage capacity greater than 10,000 gallons shall be required,
506 considering existing weather and tidal conditions, to adequately
507 boom or seal off the transfer area during a transfer, including,
508 but not limited to, a bunkering operation, to minimize the
509 escape of such pollutants from the containment area. As used in
510 this subsection, the term "adequate booming" means booming with
511 proper containment equipment which is employed and located for
512 the purpose of preventing, for the most likely discharge, as
513 much of the pollutant as possible from escaping out of the
514 containment area.

515 (a) The owner or operator of a terminal facility involved
516 in the transfer of such pollutant to or from a vessel which is
517 not adequately boomed commits a noncriminal infraction and shall
518 be cited for such infraction. The civil penalty for such an

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519 | infraction shall be \$2,500, except as otherwise provided in this
520 | section.

521 | (b) A ~~Any~~ person cited for an infraction under this
522 | section may:

523 | 1. Pay the civil penalty;

524 | 2. Post bond equal to the amount of the applicable civil
525 | penalty; or

526 | 3. Sign and accept a citation indicating a promise to
527 | appear before the county court.

528 |

529 | The department employee ~~officer~~ authorized to issue these
530 | citations may indicate on the citation the time and location of
531 | the scheduled hearing and shall indicate the applicable civil
532 | penalty.

533 | (c) A ~~Any~~ person who willfully refuses to post bond or
534 | accept and sign a citation commits a misdemeanor of the second
535 | degree, punishable as provided in s. 775.082 or s. 775.083.

536 | (d) After compliance with subparagraph (b)2. or
537 | subparagraph (b)3., a ~~any~~ person charged with a noncriminal
538 | infraction under this section may:

539 | 1. Pay the civil penalty, either by mail or in person,
540 | within 30 days after the date of receiving the citation; or

541 | 2. If the person has posted bond, forfeit the bond by not
542 | appearing at the designated time and location.

543 |

544 | A person cited for an infraction under this section who pays the
545 | civil penalty or forfeits the bond has admitted the infraction
546 | and waives the right to a hearing on the issue of commission of

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547 the infraction. Such admission may not be used as evidence in
548 any other proceedings.

549 (e) A ~~Any~~ person who elects to appear before the county
550 court or who is required to appear waives the limitations of the
551 civil penalty specified in paragraph (a). The issue of whether
552 an infraction has been committed and the severity of the
553 infraction shall be determined by a hearing official at a
554 hearing. If the commission of the infraction is proved by the
555 greater weight of the evidence, the court shall impose a civil
556 penalty of \$2,500. If the court determines that the owner or
557 operator of the terminal facility failed to deploy any boom
558 equipment during such a transfer, including, but not limited to,
559 a bunkering operation, the civil penalty shall be \$5,000.

560 (f) A person who is found by the hearing official to have
561 committed an infraction may appeal that finding to the circuit
562 court.

563 (g) A ~~Any~~ person who has not posted bond and who fails
564 either to pay the civil penalty specified in paragraph (a)
565 within 30 days after receipt of the citation or to appear before
566 the court commits a misdemeanor of the second degree, punishable
567 as provided in s. 775.082 or s. 775.083.

568 Section 17. Subsection (2) of section 376.071, Florida
569 Statutes, is amended to read:

570 376.071 Discharge contingency plan for vessels.—

571 (2) (a) A ~~Any~~ master of a vessel that ~~which~~ violates
572 subsection (1) commits a noncriminal infraction and shall be
573 cited for such infraction. The civil penalty for such an

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574 infraction shall be \$5,000, except as otherwise provided in this
575 subsection.

576 (b) A ~~Any~~ person charged with a noncriminal infraction
577 under this section may:

578 1. Pay the civil penalty;

579 2. Post bond equal to the amount of the applicable civil
580 penalty; or

581 3. Sign and accept a citation indicating a promise to
582 appear before the county court for the county in which the
583 violation occurred or the county closest to the location at
584 which the violation occurred.

585

586 The department employee officer authorized to issue these
587 citations may indicate on the citation the time and location of
588 the scheduled hearing and shall indicate the applicable civil
589 penalty.

590 (c) A ~~Any~~ person who willfully refuses to post bond or
591 accept and sign a citation commits a misdemeanor of the second
592 degree, punishable as provided in s. 775.082 or s. 775.083.

593 (d) After complying with the provisions of subparagraph
594 (b)2. or subparagraph (b)3., a ~~any~~ person charged with a
595 noncriminal infraction under this section may:

596 1. Pay the civil penalty, either by mail or in person,
597 within 30 days after the date of receiving the citation; or

598 2. If the person has posted bond, forfeit the bond by not
599 appearing at the designated time and location.

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601 A person cited for an infraction under this section who pays the
602 civil penalty or forfeits the bond has admitted the infraction
603 and waives the right to a hearing on the issue of commission of
604 the infraction. Such admission may not be used as evidence in
605 any other proceedings.

606 (e) A ~~Any~~ person who elects to appear before the county
607 court or who is required to appear waives the limitations of the
608 civil penalty specified in paragraph (a). The court, after a
609 hearing, shall make a determination as to whether an infraction
610 has been committed. If the commission of the infraction is
611 proved, the court shall impose a civil penalty of \$5,000.

612 (f) At a hearing under this subsection, the commission of
613 a charged infraction must be proved by the greater weight of the
614 evidence.

615 (g) A person who is found by the hearing official to have
616 committed an infraction may appeal that finding to the circuit
617 court.

618 (h) A ~~Any~~ person who has not posted bond and who fails
619 either to pay the civil penalty specified in paragraph (a)
620 within 30 days after receipt of the citation or to appear before
621 the court commits a misdemeanor of the second degree, punishable
622 as provided in s. 775.082 or s. 775.083.

623 Section 18. Subsection (4) of section 376.16, Florida
624 Statutes, is amended to read:

625 376.16 Enforcement and penalties.—

626 (4) A ~~Any~~ person charged with a noncriminal infraction
627 pursuant to subsection (2) or subsection (3) may:

628 (a) Pay the civil penalty;

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629 (b) Post a bond equal to the amount of the applicable
630 civil penalty; or

631 (c) Sign and accept a citation indicating a promise to
632 appear before the county court.

633

634 The department employee officer authorized to issue these
635 citations may indicate on the citation the time and location of
636 the scheduled hearing and shall indicate the applicable civil
637 penalty.

638 Section 19. Paragraph (q) is added to subsection (4) of
639 section 376.3071, Florida Statutes, to read:

640 376.3071 Inland Protection Trust Fund; creation; purposes;
641 funding.—

642 (4) USES.—Whenever, in its determination, incidents of
643 inland contamination related to the storage of petroleum or
644 petroleum products may pose a threat to the environment or the
645 public health, safety, or welfare, the department shall obligate
646 moneys available in the fund to provide for:

647 (q) Enforcement of this section and ss. 376.30-376.317 by
648 the Fish and Wildlife Conservation Commission. The department
649 shall disburse moneys to the commission for such purpose.

650

651 The Inland Protection Trust Fund may only be used to fund the
652 activities in ss. 376.30-376.317 except ss. 376.3078 and
653 376.3079. Amounts on deposit in the Inland Protection Trust Fund
654 in each fiscal year shall first be applied or allocated for the
655 payment of amounts payable by the department pursuant to
656 paragraph (o) under a service contract entered into by the

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657 department pursuant to s. 376.3075 and appropriated in each year
658 by the Legislature prior to making or providing for other
659 disbursements from the fund. Nothing in this subsection shall
660 authorize the use of the Inland Protection Trust Fund for
661 cleanup of contamination caused primarily by a discharge of
662 solvents as defined in s. 206.9925(6), or polychlorinated
663 biphenyls when their presence causes them to be hazardous
664 wastes, except solvent contamination which is the result of
665 chemical or physical breakdown of petroleum products and is
666 otherwise eligible. Facilities used primarily for the storage of
667 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall
668 be presumed not to be excluded from eligibility pursuant to this
669 section.

670 Section 20. Section 379.3311, Florida Statutes, is amended
671 to read:

672 379.3311 Police powers of commission and its agents.—

673 (1) The ~~Fish and Wildlife Conservation~~ commission, the
674 executive director and the executive director's assistants
675 designated by her or him, and each commission wildlife officer
676 are constituted peace officers with the power to make arrests
677 for violations of the laws of this state when committed in the
678 presence of the officer or when committed on lands under the
679 supervision and management of the commission, the department,
680 the Board of Trustees of the Internal Improvement Trust Fund, or
681 the Department of Agricultural and Consumer Services, including
682 state parks, coastal and aquatic managed areas, and greenways
683 and trails. The general laws applicable to arrests by peace
684 officers of this state shall also be applicable to such said

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685 director, assistants, and commission ~~wildlife~~ officers. Such
686 persons may enter upon any land or waters of the state for
687 performance of their lawful duties and may take with them any
688 necessary equipment, and such entry does ~~shall~~ not constitute a
689 trespass.

690 (2) Such officers may ~~shall have power and authority to~~
691 enforce throughout the state all laws relating to game, nongame
692 birds, fish, and fur-bearing animals and all rules and
693 regulations of the ~~Fish and Wildlife Conservation~~ commission
694 relating to wild animal life, marine life, and freshwater
695 aquatic life, and in connection with such ~~said~~ laws, rules, and
696 regulations, in the enforcement thereof and in the performance
697 of their duties thereunder, to:

698 (a) Go upon all premises, posted or otherwise;

699 (b) Execute warrants and search warrants for the violation
700 of such ~~said~~ laws;

701 (c) Serve subpoenas issued for the examination,
702 investigation, and trial of all offenses against such ~~said~~ laws;

703 (d) Carry firearms or other weapons, concealed or
704 otherwise, in the performance of their duties;

705 (e) Arrest upon probable cause without warrant any person
706 found in the act of violating any such ~~of the provisions of said~~
707 laws or, in pursuit immediately following such violations, to
708 examine any person, boat, conveyance, vehicle, game bag, game
709 coat, or other receptacle for wild animal life, marine life, or
710 freshwater aquatic life, or any camp, tent, cabin, or roster, in
711 the presence of any person stopping at or belonging to such
712 camp, tent, cabin, or roster, when such ~~said~~ officer has reason

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713 to believe, and has exhibited her or his authority and stated to
714 the suspected person in charge the officer's reason for
715 believing, that any of the aforesaid laws have been violated at
716 such camp;

717 (f) Secure and execute search warrants and in pursuance
718 thereof to enter any building, enclosure, or car and to break
719 open, when found necessary, any apartment, chest, locker, box,
720 trunk, crate, basket, bag, package, or container and examine the
721 contents thereof;

722 (g) Seize and take possession of all wild animal life,
723 marine life, or freshwater aquatic life taken or in possession
724 or under control of, or shipped or about to be shipped by, any
725 person at any time in any manner contrary to such ~~said~~ laws.

726 (3) It is unlawful for any person to resist an arrest
727 authorized by this section or in any manner to interfere, either
728 by abetting, assisting such resistance, or otherwise interfering
729 with such ~~said~~ executive director, assistants, or commission
730 ~~wildlife~~ officers while engaged in the performance of the duties
731 imposed upon them by law or regulation of the ~~Fish and Wildlife~~
732 ~~Conservation~~ commission, the department, the Board of Trustees
733 of the Internal Improvement Trust Fund, or the Department of
734 Agriculture and Consumer Services.

735 (4) Upon final disposition of any alleged offense for
736 which a citation for any violation of this chapter or the rules
737 of the commission has been issued, the court shall, within 10
738 days after the final disposition of the action, certify the
739 disposition to the commission.

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740 Section 21. Section 379.3312, Florida Statutes, is amended
741 to read:

742 379.3312 Powers of arrest by agents of ~~Department of~~
743 ~~Environmental Protection or Fish and Wildlife Conservation~~
744 commission.—Any certified law enforcement officer of the
745 ~~Department of Environmental Protection or the Fish and Wildlife~~
746 ~~Conservation~~ commission, upon receiving information, relayed to
747 her or him from any law enforcement officer stationed on the
748 ground, on the water, or in the air, that a driver, operator, or
749 occupant of any vehicle, boat, or airboat has violated any
750 section of chapter 327, chapter 328, or this chapter, or s.
751 597.010 or s. 597.020, may arrest the driver, operator, or
752 occupant for violation of such ~~said~~ laws when reasonable and
753 proper identification of the vehicle, boat, or airboat and
754 reasonable and probable grounds to believe that the driver,
755 operator, or occupant has committed or is committing any such
756 offense have been communicated to the arresting officer by the
757 other officer stationed on the ground, on the water, or in the
758 air.

759 Section 22. Subsection (1) of section 379.3313, Florida
760 Statutes, is amended to read:

761 379.3313 Powers of commission law enforcement officers.—

762 (1) Law enforcement officers of the commission are
763 constituted law enforcement officers of this state with full
764 power to investigate and arrest for any violation of the laws of
765 this state and the rules of the commission, the department, the
766 Board of Trustees of the Internal Improvement Trust Fund, and
767 the Department of Agriculture and Consumer Services under their

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768 jurisdiction. The general laws applicable to arrests by peace
769 officers of this state shall also be applicable to law
770 enforcement officers of the commission. Such law enforcement
771 officers may enter upon any land or waters of the state for
772 performance of their lawful duties and may take with them any
773 necessary equipment, and such entry will not constitute a
774 trespass. It is lawful for any boat, motor vehicle, or aircraft
775 owned or chartered by the commission or its agents or employees
776 to land on and depart from any of the beaches or waters of the
777 state. Such law enforcement officers have the authority, without
778 warrant, to board, inspect, and search any boat, fishing
779 appliance, storage or processing plant, fishhouse, spongehouse,
780 oysterhouse, or other warehouse, building, or vehicle engaged in
781 transporting or storing any fish or fishery products. Such
782 authority to search and inspect without a search warrant is
783 limited to those cases in which such law enforcement officers
784 have reason to believe that fish or any saltwater products are
785 taken or kept for sale, barter, transportation, or other
786 purposes in violation of laws or rules adopted ~~promulgated~~ under
787 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any
788 time seize or take possession of any saltwater products or
789 contraband which have been unlawfully caught, taken, or
790 processed or which are unlawfully possessed or transported in
791 violation of any of the laws of this state or any rule of the
792 commission. Such law enforcement officers may arrest any person
793 in the act of violating ~~any of the provisions of~~ this law, the
794 rules of the commission, or any of the laws of this state. It is
795 ~~hereby declared~~ unlawful for a any person to resist such arrest

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796 or in any manner interfere, either by abetting or assisting such
797 resistance or otherwise interfering, with any such law
798 enforcement officer while engaged in the performance of the
799 duties imposed upon him or her by law or rule of the commission.

800 Section 23. Subsections (1) and (2) of section 379.333,
801 Florida Statutes, are amended to read:

802 379.333 Arrest by officers of the ~~Fish and Wildlife~~
803 ~~Conservation~~ commission; recognizance; cash bond; citation.-

804 (1) In all cases of arrest by officers of the ~~Fish and~~
805 ~~Wildlife Conservation~~ commission and the ~~Department of~~
806 ~~Environmental Protection~~, the person arrested shall be delivered
807 forthwith by such ~~said~~ officer to the sheriff of the county, or
808 shall obtain from such person arrested a recognizance or, if
809 deemed necessary, a cash bond or other sufficient security
810 conditioned for her or his appearance before the proper tribunal
811 of such county to answer the charge for which the person has
812 been arrested.

813 (2) All officers of the commission shall ~~and the~~
814 ~~department are hereby directed to~~ deliver all bonds accepted and
815 approved by them to the sheriff of the county in which the
816 offense is alleged to have been committed.

817 Section 24. Subsection (1) of section 379.341, Florida
818 Statutes, is amended to read:

819 379.341 Disposition of illegal fishing devices; exercise
820 of police power.-

821 (1) In all cases of arrest and conviction for use of
822 illegal nets or traps or fishing devices, as provided in this
823 chapter, such illegal net, trap, or fishing device is declared

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824 to be a nuisance and shall be seized and carried before the
825 court having jurisdiction of such offense and such ~~said~~ court
826 shall order such illegal trap, net, or fishing device forfeited
827 to the commission immediately after trial and conviction of the
828 person in whose possession they were found. When any illegal
829 net, trap, or fishing device is found in the fresh waters of the
830 state, and its ~~the~~ owner is ~~of same shall~~ not be known to the
831 officer finding it ~~the same~~, such officer shall immediately
832 procure from the county court judge an order forfeiting such
833 ~~said~~ illegal net, trap, or fishing device to the commission. The
834 commission may destroy such illegal net, trap, or fishing
835 device, if in its judgment such ~~said~~ net, trap, or fishing
836 device is not of value in the work of the commission ~~department~~.

837 Section 25. Section 379.343, Florida Statutes, is amended
838 to read:

839 379.343 Rewards.—The Fish and Wildlife Conservation
840 Commission is authorized to offer rewards in amounts of up to
841 \$500 to any person furnishing information leading to the arrest
842 and conviction of any person who has inflicted or attempted to
843 inflict bodily injury upon any commission ~~wildlife~~ officer
844 engaged in the enforcement of the provisions of this chapter or
845 the rules and regulations of the Fish and Wildlife Conservation
846 Commission.

847 Section 26. Subsection (2) of section 403.413, Florida
848 Statutes, is amended to read:

849 403.413 Florida Litter Law.—

850 (2) DEFINITIONS.—As used in this section:

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851 (f)~~(a)~~ "Litter" means any garbage; rubbish; trash; refuse;
852 can; bottle; box; container; paper; tobacco product; tire;
853 appliance; mechanical equipment or part; building or
854 construction material; tool; machinery; wood; motor vehicle or
855 motor vehicle part; vessel; aircraft; farm machinery or
856 equipment; sludge from a waste treatment facility, water supply
857 treatment plant, or air pollution control facility; or substance
858 in any form resulting from domestic, industrial, commercial,
859 mining, agricultural, or governmental operations.

860 (h)~~(b)~~ "Person" means any individual, firm, sole
861 proprietorship, partnership, corporation, or unincorporated
862 association.

863 (e)~~(e)~~ "Law enforcement officer" means any officer of the
864 Florida Highway Patrol, a county sheriff's department, a
865 municipal law enforcement department, a law enforcement
866 department of any other political subdivision, ~~the department,~~
867 or the Fish and Wildlife Conservation Commission. In addition,
868 and solely for the purposes of this section, "law enforcement
869 officer" means any employee of a county or municipal park or
870 recreation department designated by the department head as a
871 litter enforcement officer.

872 (a)~~(d)~~ "Aircraft" means a motor vehicle or other vehicle
873 that is used or designed to fly but does not include a parachute
874 or any other device used primarily as safety equipment.

875 (b)~~(e)~~ "Commercial purpose" means for the purpose of
876 economic gain.

877 (c)~~(f)~~ "Commercial vehicle" means a vehicle that is owned
878 or used by a business, corporation, association, partnership, or

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879 sole proprietorship or any other entity conducting business for
880 a commercial purpose.

881 ~~(d)-(g)~~ "Dump" means to dump, throw, discard, place,
882 deposit, or dispose of.

883 ~~(g)-(h)~~ "Motor vehicle" means an automobile, motorcycle,
884 truck, trailer, semitrailer, truck tractor, or semitrailer
885 combination or any other vehicle that is powered by a motor.

886 (i) "Vessel" means a boat, barge, or airboat or any other
887 vehicle used for transportation on water.

888 Section 27. Paragraph (d) of subsection (1) of section
889 784.07, Florida Statutes, is amended to read:

890 784.07 Assault or battery of law enforcement officers,
891 firefighters, emergency medical care providers, public transit
892 employees or agents, or other specified officers;
893 reclassification of offenses; minimum sentences.—

894 (1) As used in this section, the term:

895 (d) "Law enforcement officer" includes a law enforcement
896 officer, a correctional officer, a correctional probation
897 officer, a part-time law enforcement officer, a part-time
898 correctional officer, an auxiliary law enforcement officer, and
899 an auxiliary correctional officer, as those terms are
900 respectively defined in s. 943.10, and any county probation
901 officer; an employee or agent of the Department of Corrections
902 who supervises or provides services to inmates; an officer of
903 the Parole Commission; a federal law enforcement officer as
904 defined in s. 901.1505; and law enforcement personnel of the
905 Fish and Wildlife Conservation Commission, ~~the Department of~~
906 ~~Environmental Protection,~~ or the Department of Law Enforcement.

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907 Section 28. Section 843.08, Florida Statutes, is amended
908 to read:

909 843.08 Falsely personating officer, etc.—A person who
910 falsely assumes or pretends to be a sheriff, officer of the
911 Florida Highway Patrol, officer of the Fish and Wildlife
912 Conservation Commission, ~~officer of the Department of~~
913 ~~Environmental Protection,~~ officer of the Department of
914 Transportation, officer of the Department of Financial Services,
915 officer of the Department of Corrections, correctional probation
916 officer, deputy sheriff, state attorney or assistant state
917 attorney, statewide prosecutor or assistant statewide
918 prosecutor, state attorney investigator, coroner, police
919 officer, lottery special agent or lottery investigator, beverage
920 enforcement agent, or watchman, or any member of the Parole
921 Commission and any administrative aide or supervisor employed by
922 the commission, or any personnel or representative of the
923 Department of Law Enforcement, or a federal law enforcement
924 officer as defined in s. 901.1505, and takes upon himself or
925 herself to act as such, or to require any other person to aid or
926 assist him or her in a matter pertaining to the duty of any such
927 officer, commits a felony of the third degree, punishable as
928 provided in s. 775.082, s. 775.083, or s. 775.084.~~†~~ However, a
929 person who falsely personates any such officer during the course
930 of the commission of a felony commits a felony of the second
931 degree, punishable as provided in s. 775.082, s. 775.083, or s.
932 775.084.~~;~~ ~~except that~~ If the commission of the felony results in
933 the death or personal injury of another human being, the person

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934 commits a felony of the first degree, punishable as provided in
935 s. 775.082, s. 775.083, or s. 775.084.

936 Section 29. Section 843.085, Florida Statutes, is amended
937 to read:

938 843.085 Unlawful use of police badges or other indicia of
939 authority.—It is unlawful for any person:

940 (1) Unless appointed by the Governor pursuant to chapter
941 354, authorized by the appropriate agency, or displayed in a
942 closed or mounted case as a collection or exhibit, to wear or
943 display any authorized indicia of authority, including any
944 badge, insignia, emblem, identification card, or uniform, or any
945 colorable imitation thereof, of any federal, state, county, or
946 municipal law enforcement agency, or other criminal justice
947 agency as now or hereafter defined in s. 943.045, which could
948 deceive a reasonable person into believing that such item is
949 authorized by any of the agencies described above for use by the
950 person displaying or wearing it, or which displays in any manner
951 or combination the word or words "police," "patrolman," "agent,"
952 "sheriff," "deputy," "trooper," "highway patrol," "commission
953 officer," "Wildlife Officer," "Marine Patrol Officer," "state
954 attorney," "public defender," "marshal," "constable," or
955 "bailiff," which could deceive a reasonable person into
956 believing that such item is authorized by any of the agencies
957 described above for use by the person displaying or wearing it.

958 (2) To own or operate a motor vehicle marked or identified
959 in any manner or combination by the word or words "police,"
960 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
961 "commission officer," "Wildlife Officer," "Marine Patrol

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962 Officer," "marshal," "constable," or "bailiff," or by any
963 lettering, marking, or insignia, or colorable imitation thereof,
964 including, but not limited to, stars, badges, or shields,
965 officially used to identify the vehicle as a federal, state,
966 county, or municipal law enforcement vehicle or a vehicle used
967 by a criminal justice agency as now or hereafter defined in s.
968 943.045, which could deceive a reasonable person into believing
969 that such vehicle is authorized by any of the agencies described
970 above for use by the person operating the motor vehicle, unless
971 such vehicle is owned or operated by the appropriate agency and
972 its use is authorized by such agency, or the local law
973 enforcement agency authorizes the use of such vehicle or unless
974 the person is appointed by the Governor pursuant to chapter 354.

975 (3) To sell, transfer, or give away the authorized badge,
976 or colorable imitation thereof, including miniatures, of any
977 criminal justice agency as now or hereafter defined in s.
978 943.045, or bearing in any manner or combination the word or
979 words "police," "patrolman," "sheriff," "deputy," "trooper,"
980 "highway patrol," "commission officer," "Wildlife Officer,"
981 "Marine Patrol Officer," "marshal," "constable," "agent," "state
982 attorney," "public defender," or "bailiff," which could deceive
983 a reasonable person into believing that such item is authorized
984 by any of the agencies described above, except for agency
985 purchases or upon the presentation and recordation of both a
986 driver's license and other identification showing any transferee
987 to actually be a member of such criminal justice agency or
988 unless the person is appointed by the Governor pursuant to
989 chapter 354. A transferor of an item covered by this subsection

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990 is required to maintain for 2 years a written record of such
991 transaction, including records showing compliance with this
992 subsection, and if such transferor is a business, it shall make
993 such records available during normal business hours for
994 inspection by any law enforcement agency having jurisdiction in
995 the area where the business is located.

996 (4) Nothing in this section shall prohibit a fraternal,
997 benevolent, or labor organization or association, or their
998 chapters or subsidiaries, from using the following words, in any
999 manner or in any combination, if those words appear in the
1000 official name of the organization or association: "police,"
1001 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
1002 "commission officer," "Wildlife Officer," "Marine Patrol
1003 Officer," "marshal," "constable," or "bailiff."

1004 (5) Violation of any provision of this section is a
1005 misdemeanor of the first degree, punishable as provided in s.
1006 775.082 or s. 775.083. This section is cumulative to any law now
1007 in force in the state.

1008 Section 30. Section 870.04, Florida Statutes, is amended
1009 to read:

1010 870.04 Specified officers to disperse riotous assembly.—If
1011 any number of persons, whether armed or not, are unlawfully,
1012 riotously, or tumultuously assembled in any county, city, or
1013 municipality, the sheriff or the sheriff's deputies, or the
1014 mayor, or any commissioner, council member, alderman, or police
1015 officer of the ~~said~~ city or municipality, or any officer or
1016 member of the Florida Highway Patrol, or any officer or agent of
1017 the Fish and Wildlife Conservation Commission, ~~Department of~~

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1018 ~~Environmental Protection, any or~~ beverage enforcement agent, any
1019 personnel or representatives of the Department of Law
1020 Enforcement or its successor, or any other peace officer, shall
1021 go among the persons so assembled, or as near to them as may be
1022 done with safety, and shall in the name of the state command all
1023 the persons so assembled immediately and peaceably to disperse.~~;~~
1024 ~~and~~ If such persons do not thereupon immediately and peaceably
1025 disperse, such ~~said~~ officers shall command the assistance of all
1026 such persons in seizing, arresting, and securing such persons in
1027 custody.~~;~~ ~~and~~ If any person present being so commanded to aid
1028 and assist in seizing and securing such rioter or persons so
1029 unlawfully assembled, or in suppressing such riot or unlawful
1030 assembly, refuses or neglects to obey such command, or, when
1031 required by such officers to depart from the place, refuses and
1032 neglects to do so, the person shall be deemed one of the rioters
1033 or persons unlawfully assembled, and may be prosecuted and
1034 punished accordingly.

1035 Section 31. Paragraphs (c) through (n) of subsection (6)
1036 of section 932.7055, Florida Statutes, are redesignated as
1037 paragraphs (b) through (m), respectively, and present paragraph
1038 (b) of that subsection is amended to read:

1039 932.7055 Disposition of liens and forfeited property.—

1040 (6) If the seizing agency is a state agency, all remaining
1041 proceeds shall be deposited into the General Revenue Fund.

1042 However, if the seizing agency is:

1043 ~~(b) The Department of Environmental Protection, the~~
1044 ~~proceeds accrued pursuant to the provisions of the Florida~~

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1045 ~~Contraband Forfeiture Act shall be deposited into the Internal~~
1046 ~~Improvement Trust Fund.~~

1047 Section 32. This act shall take effect July 1, 2012.
1048
1049

1050 -----
1051 **T I T L E A M E N D M E N T**

1052 Remove the entire title and insert:

1053 A bill to be entitled

1054 An act relating to the Fish and Wildlife Conservation
1055 Commission; transferring and reassigning functions and
1056 responsibilities of the Division of Law Enforcement,
1057 excluding the Bureau of Emergency Response, within the
1058 Department of Environmental Protection to the Division
1059 of Law Enforcement within the Fish and Wildlife
1060 Conservation Commission; reassigning the Bureau of
1061 Emergency Response within the Department of
1062 Environmental Protection to the Secretary of
1063 Environmental Protection as the Office of Emergency
1064 Response within the Department of Environmental
1065 Protection; providing for the transfer of additional
1066 positions to the commission; providing for a
1067 memorandum of agreement between the department and the
1068 commission regarding the responsibilities of the
1069 commission to the department; transferring and
1070 reassigning functions and responsibilities of sworn
1071 positions funded by the Conservation and Recreation
1072 Lands Program and assigned to the Florida Forest

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1073 Service within the Department of Agriculture and
1074 Consumer Services and the investigator responsible for
1075 the enforcement of aquaculture violations at the
1076 Department of Agriculture and Consumer Services to the
1077 Division of Law Enforcement within the Fish and
1078 Wildlife Conservation Commission; providing for a
1079 memorandum of agreement between the department and the
1080 commission regarding the responsibilities between the
1081 commission and the department; providing for
1082 transition advisory working groups; assigning powers,
1083 duties, responsibilities, and functions for
1084 enforcement of the laws and rules governing certain
1085 lands managed by the Department of Environmental
1086 Protection and certain lands and aquaculture managed
1087 by the Department of Agriculture and Consumer Services
1088 to the Fish and Wildlife Conservation Commission;
1089 conferring full power to the law enforcement officers
1090 of the Fish and Wildlife Conservation Commission to
1091 investigate and arrest for violations of rules of the
1092 Department of Agriculture and Consumer Services, the
1093 Department of Environmental Protection, and the Board
1094 of Trustees of the Internal Improvement Trust Fund;
1095 authorizing salary parity and other pay adjustments
1096 for positions transferred by this act; providing for
1097 the retention and transfer of specified benefits for
1098 employees that are transferred from the Department of
1099 Environmental Protection and the Department of
1100 Agriculture and Consumer Services to fill positions

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1383 (2012)

Amendment No.

1101 transferred to the Fish and Wildlife Conservation
1102 Commission; creating s. 258.601, F.S.; specifying
1103 powers and duties of the commission relating to state
1104 parks and preserves and wild and scenic rivers;
1105 amending ss. 20.255, 258.008, 258.501, 282.709,
1106 316.003, 316.2397, 316.640, 375.041, 376.065, 376.07,
1107 376.071, 376.16, 376.3071, 379.3311, 379.3312,
1108 379.3313, 379.333, 379.341, 379.343, 403.413, 784.07,
1109 843.08, 843.085, 870.04, and 932.7055, F.S.;
1110 conforming provisions to changes made by the act;
1111 providing an effective date.