

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; transferring and reassigning functions and
4 responsibilities of the Division of Law Enforcement,
5 excluding the Bureau of Emergency Response, within the
6 Department of Environmental Protection to the Division
7 of Law Enforcement within the Fish and Wildlife
8 Conservation Commission; reassigning the Bureau of
9 Emergency Response within the Department of
10 Environmental Protection to the Division of Waste
11 Management within the Department of Environmental
12 Protection; providing for the transfer of additional
13 positions to the commission; providing for a
14 memorandum of agreement between the department and the
15 commission regarding the responsibilities of the
16 commission to the department; transferring and
17 reassigning functions and responsibilities of sworn
18 positions funded by the Conservation and Recreation
19 Lands Program and assigned to the Florida Forest
20 Service within the Department of Agriculture and
21 Consumer Services and the investigator responsible for
22 the enforcement of aquaculture violations at the
23 Department of Agriculture and Consumer Services to the
24 Division of Law Enforcement within the Fish and
25 Wildlife Conservation Commission; providing for a
26 memorandum of agreement between the department and the
27 commission regarding the responsibilities between the
28 commission and the department; providing for

29 transition advisory working groups; assigning powers,
 30 duties, responsibilities, and functions for
 31 enforcement of the laws and rules governing certain
 32 lands managed by the Department of Environmental
 33 Protection and certain lands and aquaculture managed
 34 by the Department of Agriculture and Consumer Services
 35 to the Fish and Wildlife Conservation Commission;
 36 conferring full power to the law enforcement officers
 37 of the Fish and Wildlife Conservation Commission to
 38 investigate and arrest for violations of rules of the
 39 Department of Agriculture and Consumer Services, the
 40 Department of Environmental Protection, and the Board
 41 of Trustees of the Internal Improvement Trust Fund;
 42 authorizing salary parity and other pay adjustments
 43 for positions transferred by this act; providing for
 44 the retention and transfer of specified benefits for
 45 employees that are transferred from the Department of
 46 Environmental Protection and the Department of
 47 Agriculture and Consumer Services to fill positions
 48 transferred to the Fish and Wildlife Conservation
 49 Commission; creating s. 258.601, F.S.; specifying
 50 powers and duties of the commission relating to state
 51 parks and preserves and wild and scenic rivers;
 52 amending ss. 20.255, 258.008, 258.501, 282.709,
 53 316.003, 316.2397, 316.640, 375.041, 376.065, 376.07,
 54 376.071, 376.16, 376.3071, 379.3311, 379.3312,
 55 379.3313, 379.333, 379.341, 403.413, 784.07, 843.08,

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56 870.04, and 932.7055, F.S.; conforming provisions to
57 changes made by the act; providing an effective date.
58

59 Be It Enacted by the Legislature of the State of Florida:
60

61 Section 1. (1) All powers, duties, functions, records,
62 offices, personnel, property, pending issues and existing
63 contracts, administrative authority, administrative rules, and
64 unexpended balances of appropriations, allocations, and other
65 funds relating to the Division of Law Enforcement within the
66 Department of Environmental Protection, excluding the Bureau of
67 Emergency Response, are transferred by a type two transfer, as
68 defined in s. 20.06(2), Florida Statutes, to the Division of Law
69 Enforcement within the Florida Fish and Wildlife Conservation
70 Commission.

71 (2) The Bureau of Emergency Response within the Department
72 of Environmental Protection is reassigned to the Division of
73 Water Management within the Department of Environmental
74 Protection.

75 (3) The Secretary of Environmental Protection shall
76 transfer to the Fish and Wildlife Conservation Commission the
77 number of administrative, auditing, inspector general, attorney,
78 and operational support positions, including any related powers,
79 duties, functions, property, and funding, proportionate to the
80 number of Division of Law Enforcement full-time equivalent and
81 other personal services positions being transferred from the
82 department to the commission.

83 (4) A memorandum of agreement shall be developed between
 84 the department and the commission detailing the responsibilities
 85 of the commission to the department, to include, at a minimum,
 86 the following:

87 (a) Support and response for oil spills, hazardous spills,
 88 and natural disasters.

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

91 (c) Law enforcement services, including investigative
 92 services, for all criminal law violations of chapters 161, 258,
 93 373, 376, and 403, Florida Statutes.

94 (d) Enforcement services for all civil violations of all
 95 department administrative rules related to the following program
 96 areas:

- 97 1. Division of Recreation and Parks.
- 98 2. Office of Coastal and Aquatic Managed Areas.
- 99 3. Office of Greenways and Trails.

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

103 Section 2. (1) All powers, duties, functions, records,
 104 property, pending issues and existing contracts, administrative
 105 authority, administrative rules, and unexpended balances of
 106 appropriations, allocations, and other funds relating to sworn
 107 positions funded by the Conservation and Recreation Lands
 108 Program and assigned to the Florida Forest Service within the
 109 Department of Agriculture and Consumer Services as of July 1,
 110 2011, and the investigator responsible for the enforcement of

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111 aquaculture violations at the Department of Agriculture and
112 Consumer Services as of July 1, 2011, are transferred by a type
113 two transfer, as defined in s. 20.06(2), Florida Statutes, to
114 the Division of Law Enforcement within the Fish and Wildlife
115 Conservation Commission.

116 (2) A memorandum of agreement shall be developed between
117 the department and the commission detailing the responsibilities
118 between the commission and the department, to include, at a
119 minimum, the following:

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

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

125 Section 3. (1) The Secretary of Environmental Protection
126 and the Executive Director of the Fish and Wildlife Conservation
127 Commission shall each appoint three staff members to a
128 transition advisory working group to review and determine the
129 following:

130 (a) The appropriate proportionate number of
131 administrative, auditing, inspector general, attorney, and
132 operational support positions and their related funding levels
133 and sources and assigned property to be transferred from the
134 Office of General Counsel, Office of Inspector General, and
135 Division of Administrative Services or other relevant offices or
136 divisions within the Department of Environmental Protection to
137 the Fish and Wildlife Conservation Commission.

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138 (b) The development of a recommended plan addressing the
139 transfer or shared use of buildings, regional offices, and other
140 facilities used or owned by the Department of Environmental
141 Protection.

142 (c) Any operating budget adjustments as necessary to
143 implement the requirements of this act. Adjustments made to the
144 operating budgets of the department and the commission in the
145 implementation of this act must be made in consultation with the
146 appropriate substantive and fiscal committees of the Senate and
147 the House of Representatives. The revisions to the approved
148 operating budgets for the 2012-2013 fiscal year which are
149 necessary to reflect the organizational changes made by this act
150 shall be implemented pursuant to s. 216.292(4)(d), Florida
151 Statutes, and subject to s. 216.177, Florida Statutes.
152 Subsequent adjustments between agencies that are determined
153 necessary by the department or commission and approved by the
154 Executive Office of the Governor are authorized and subject to
155 s. 216.177, Florida Statutes. The appropriate substantive
156 committees of the Senate and the House of Representatives shall
157 also be notified of the proposed revisions to ensure consistency
158 with legislative policy and intent.

159 (2) The Secretary of Environmental Protection, the
160 Commissioner of Agriculture, and the Executive Director of the
161 Fish and Wildlife Conservation Commission shall each appoint two
162 staff members to a transition advisory working group to identify
163 rules of the Department of Environmental Protection, the
164 Department of Agriculture and Consumer Services, and the Fish

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165 and Wildlife Conservation Commission that need to be amended to
166 reflect the changes made by this act.

167 Section 4. (1) The Fish and Wildlife Conservation
168 Commission is assigned all powers, duties, responsibilities,
169 functions, positions, and property necessary for enforcement of
170 the laws and rules governing:

171 (a) Management, protection, conservation, improvement, and
172 expansion of the state-owned lands managed by the Department of
173 Environmental Protection, including state parks, coastal and
174 aquatic managed areas, and greenways and trails.

175 (b) Conservation and recreation lands and commercial
176 aquaculture managed by the Department of Agriculture and
177 Consumer Services.

178 (2) Law enforcement officers of the Fish and Wildlife
179 Conservation Commission are conferred full power to investigate
180 and arrest for any violation of the rules of the Department of
181 Agriculture and Consumer Services, the Department of
182 Environmental Protection, and the Board of Trustees of the
183 Internal Improvement Trust Fund.

184 Section 5. (1) Notwithstanding ss. 110.2035 and 216.251,
185 Florida Statutes, the Division of Law Enforcement within the
186 Fish and Wildlife Conservation Commission may use available
187 funds to provide for general salary increases or pay additives
188 for positions sharing the same job classification or job
189 occupations in order to bring pay parity between positions of
190 the Fish and Wildlife Conservation Commission and the positions
191 transferring to the commission from the Department of
192 Agriculture and Consumer Services and the Department of

193 Environmental Protection and for those positions assuming
 194 significant additional duties or an increased work load as a
 195 result of this act.

196 (2) Notwithstanding chapter 60K-5, Florida Administrative
 197 Code, or any provision of law to the contrary, employees who are
 198 transferred from the Department of Environmental Protection and
 199 the Department of Agriculture and Consumer Services to fill
 200 positions transferred to the Fish and Wildlife Conservation
 201 Commission shall retain and transfer any accrued annual leave,
 202 sick leave, and regular and special compensatory leave balances.

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

205 PART IV

206 MISCELLANEOUS PROVISIONS

207 258.601 Enforcement of prohibited activities.-Prohibited
 208 activities under this chapter shall be enforced by the Division
 209 of Law Enforcement of the Fish and Wildlife Conservation
 210 Commission and its officers.

211 Section 7. Subsections (5) through (8) of section 20.255,
 212 Florida Statutes, are renumbered as subsections (4) through (7),
 213 respectively, and present subsections (3) and (4) of that
 214 section are amended to read:

215 20.255 Department of Environmental Protection.-There is
 216 created a Department of Environmental Protection.

217 (3) The following divisions of the Department of
 218 Environmental Protection are established:

- 219 (a) Division of Administrative Services.
- 220 (b) Division of Air Resource Management.

- 221 (c) Division of Water Resource Management.
- 222 ~~(d) Division of Law Enforcement.~~
- 223 (d)~~(e)~~ Division of Environmental Assessment and
- 224 Restoration.
- 225 (e)~~(f)~~ Division of Waste Management.
- 226 (f)~~(g)~~ Division of Recreation and Parks.
- 227 (g)~~(h)~~ Division of State Lands, the director of which is
- 228 to be appointed by the secretary of the department, subject to
- 229 confirmation by the Governor and Cabinet sitting as the Board of
- 230 Trustees of the Internal Improvement Trust Fund.

231

232 In order to ensure statewide and intradepartmental consistency,

233 the department's divisions shall direct the district offices and

234 bureaus on matters of interpretation and applicability of the

235 department's rules and programs.

236 ~~(4) Law enforcement officers of the Department of~~

237 ~~Environmental Protection who meet the provisions of s. 943.13~~

238 ~~are constituted law enforcement officers of this state with full~~

239 ~~power to investigate and arrest for any violation of the laws of~~

240 ~~this state, and the rules of the department and the Board of~~

241 ~~Trustees of the Internal Improvement Trust Fund. The general~~

242 ~~laws applicable to investigations, searches, and arrests by~~

243 ~~peace officers of this state apply to such law enforcement~~

244 ~~officers.~~

245 Section 8. Subsection (1) of section 258.008, Florida

246 Statutes, is amended to read:

247 258.008 Prohibited activities; penalties.—

248 (1) Except as provided in subsection (3), any person who

249 violates or otherwise fails to comply with the rules adopted
 250 under this chapter commits a noncriminal infraction for which
 251 ejection from all property managed by the Division of Recreation
 252 and Parks and a fine of up to \$500 may be imposed by the
 253 division. Fines paid under this subsection shall be paid to the
 254 Fish and Wildlife Conservation Commission ~~Department of~~
 255 ~~Environmental Protection~~ and deposited in the State Game Park
 256 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395.

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

259 258.501 Myakka River; wild and scenic segment.—

260 (16) ENFORCEMENT.—Officers of the Fish and Wildlife
 261 Conservation Commission ~~department~~ shall have full authority to
 262 enforce any rule adopted by the department ~~under this section~~
 263 ~~with the same police powers given them by law to enforce the~~
 264 ~~rules of state parks and the rules pertaining to saltwater areas~~
 265 ~~under the jurisdiction of the Florida Marine Patrol.~~

266 Section 10. Paragraph (a) of subsection (2) of section
 267 282.709, Florida Statutes, is amended to read:

268 282.709 State agency law enforcement radio system and
 269 interoperability network.—

270 (2) The Joint Task Force on State Agency Law Enforcement
 271 Communications is created adjunct to the department to advise
 272 the department of member-agency needs relating to the planning,
 273 designing, and establishment of the statewide communication
 274 system.

275 (a) The Joint Task Force on State Agency Law Enforcement
 276 Communications shall consist of the following ~~eight~~ members, ~~as~~

277 follows:

278 1. A representative of the Division of Alcoholic Beverages
 279 and Tobacco of the Department of Business and Professional
 280 Regulation who shall be appointed by the secretary of the
 281 department.

282 2. A representative of the Division of Florida Highway
 283 Patrol of the Department of Highway Safety and Motor Vehicles
 284 who shall be appointed by the executive director of the
 285 department.

286 3. A representative of the Department of Law Enforcement
 287 who shall be appointed by the executive director of the
 288 department.

289 4. A representative of the Fish and Wildlife Conservation
 290 Commission who shall be appointed by the executive director of
 291 the commission.

292 ~~5. A representative of the Division of Law Enforcement of~~
 293 ~~the Department of Environmental Protection who shall be~~
 294 ~~appointed by the secretary of the department.~~

295 5.6. A representative of the Department of Corrections who
 296 shall be appointed by the secretary of the department.

297 6.7. A representative of the Division of State Fire
 298 Marshal of the Department of Financial Services who shall be
 299 appointed by the State Fire Marshal.

300 ~~7.8.~~ A representative of the Department of Transportation
 301 who shall be appointed by the secretary of the department.

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

304 316.003 Definitions.—The following words and phrases, when

305 used in this chapter, shall have the meanings respectively
 306 ascribed to them in this section, except where the context
 307 otherwise requires:

308 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
 309 department (fire patrol), police vehicles, and such ambulances
 310 and emergency vehicles of municipal departments, public service
 311 corporations operated by private corporations, the Fish and
 312 Wildlife Conservation Commission, the Department of
 313 Environmental Protection, the Department of Health, the
 314 Department of Transportation, and the Department of Corrections
 315 as are designated or authorized by their respective department
 316 or the chief of police of an incorporated city or any sheriff of
 317 any of the various counties.

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

320 316.2397 Certain lights prohibited; exceptions.—

321 (3) Vehicles of the fire department and fire patrol,
 322 including vehicles of volunteer firefighters as permitted under
 323 s. 316.2398, vehicles of medical staff physicians or technicians
 324 of medical facilities licensed by the state as authorized under
 325 s. 316.2398, ambulances as authorized under this chapter, and
 326 buses and taxicabs as authorized under s. 316.2399 may ~~are~~
 327 ~~permitted to~~ show or display red lights. Vehicles of the fire
 328 department, fire patrol, police vehicles, and such ambulances
 329 and emergency vehicles of municipal and county departments,
 330 public service corporations operated by private corporations,
 331 the Fish and Wildlife Conservation Commission, the Department of
 332 Environmental Protection, the Department of Transportation, the

333 Department of Agriculture and Consumer Services, and the
 334 Department of Corrections as are designated or authorized by
 335 their respective department or the chief of police of an
 336 incorporated city or any sheriff of any county may ~~are hereby~~
 337 ~~authorized to~~ operate emergency lights and sirens in an
 338 emergency. Wreckers, mosquito control fog and spray vehicles,
 339 and emergency vehicles of governmental departments or public
 340 service corporations may show or display amber lights when in
 341 actual operation or when a hazard exists provided they are not
 342 used going to and from the scene of operation or hazard without
 343 specific authorization of a law enforcement officer or law
 344 enforcement agency. Wreckers must use amber rotating or flashing
 345 lights while performing recoveries and loading on the roadside
 346 day or night, and may use such lights while towing a vehicle on
 347 wheel lifts, slings, or under reach if the operator of the
 348 wrecker deems such lights necessary. A flatbed, car carrier, or
 349 rollback may not use amber rotating or flashing lights when
 350 hauling a vehicle on the bed unless it creates a hazard to other
 351 motorists because of protruding objects. Further, escort
 352 vehicles may show or display amber lights when in the actual
 353 process of escorting oversized equipment, material, or
 354 buildings as authorized by law. Vehicles owned or leased by
 355 private security agencies may show or display green and amber
 356 lights, with either color being no greater than 50 percent of
 357 the lights displayed, while the security personnel are engaged
 358 in security duties on private or public property.

359 (9) Flashing red lights may be used by emergency response
 360 vehicles of the Fish and Wildlife Conservation Commission, the

361 Department of Environmental Protection, and the Department of
 362 Health when responding to an emergency in the line of duty.

363 Section 13. Paragraph (a) of subsection (1) of section
 364 316.640, Florida Statutes, is amended to read:

365 316.640 Enforcement.—The enforcement of the traffic laws
 366 of this state is vested as follows:

367 (1) STATE.—

368 (a)1.a. The Division of Florida Highway Patrol of the
 369 Department of Highway Safety and Motor Vehicles; the Division of
 370 Law Enforcement of the Fish and Wildlife Conservation
 371 Commission; ~~the Division of Law Enforcement of the Department of~~
 372 ~~Environmental Protection;~~ and the agents, inspectors, and
 373 officers of the Department of Law Enforcement each have
 374 authority to enforce all of the traffic laws of this state on
 375 all the streets and highways thereof and elsewhere throughout
 376 the state wherever the public has a right to travel by motor
 377 vehicle.

378 b. University police officers may ~~shall have authority to~~
 379 enforce all of the traffic laws of this state when violations
 380 occur on or within 1,000 feet of any property or facilities that
 381 are under the guidance, supervision, regulation, or control of a
 382 state university, a direct-support organization of such state
 383 university, or any other organization controlled by the state
 384 university or a direct-support organization of the state
 385 university, or when such violations occur within a specified
 386 jurisdictional area as agreed upon in a mutual aid agreement
 387 entered into with a law enforcement agency pursuant to s.
 388 23.1225(1). Traffic laws may also be enforced off-campus when

389 hot pursuit originates on or within 1,000 feet of any such
 390 property or facilities, or as agreed upon in accordance with the
 391 mutual aid agreement.

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

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

401 (I) An airport authority may employ as a parking
 402 enforcement specialist any individual who successfully completes
 403 a training program established and approved by the Criminal
 404 Justice Standards and Training Commission for parking
 405 enforcement specialists but who does not otherwise meet the
 406 uniform minimum standards established by the commission for law
 407 enforcement officers or auxiliary or part-time officers under s.
 408 943.12. ~~Nothing in~~ This sub-sub-subparagraph may not ~~shall~~ be
 409 construed to permit the carrying of firearms or other weapons,
 410 nor shall such parking enforcement specialist have arrest
 411 authority.

412 (II) A parking enforcement specialist employed by an
 413 airport authority may ~~is authorized to~~ enforce all state,
 414 county, and municipal laws and ordinances governing parking only
 415 when such violations are on property or facilities owned or
 416 operated by the airport authority employing the specialist, by

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417 appropriate state, county, or municipal traffic citation.

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

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

426 2. An agency of the state as described in subparagraph 1.
427 is prohibited from establishing a traffic citation quota. A
428 violation of this subparagraph is not subject to the penalties
429 provided in chapter 318.

430 3. Any disciplinary action taken or performance evaluation
431 conducted by an agency of the state as described in subparagraph
432 1. of a law enforcement officer's traffic enforcement activity
433 must be in accordance with written work-performance standards.
434 Such standards must be approved by the agency and any collective
435 bargaining unit representing such law enforcement officer. A
436 violation of this subparagraph is not subject to the penalties
437 provided in chapter 318.

438 4. The Division of the Florida Highway Patrol may employ
439 as a traffic accident investigation officer any individual who
440 successfully completes instruction in traffic accident
441 investigation and court presentation through the Selective
442 Traffic Enforcement Program as approved by the Criminal Justice
443 Standards and Training Commission and funded through the
444 National Highway Traffic Safety Administration or a similar

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445 program approved by the commission, but who does not necessarily
 446 meet the uniform minimum standards established by the commission
 447 for law enforcement officers or auxiliary law enforcement
 448 officers under chapter 943. Any such traffic accident
 449 investigation officer who makes an investigation at the scene of
 450 a traffic accident may issue traffic citations, based upon
 451 personal investigation, when he or she has reasonable and
 452 probable grounds to believe that a person who was involved in
 453 the accident committed an offense under this chapter, chapter
 454 319, chapter 320, or chapter 322 in connection with the
 455 accident. This subparagraph does not permit the officer to carry
 456 firearms or other weapons, and such an officer does not have
 457 authority to make arrests.

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

460 375.041 Land Acquisition Trust Fund.-

461 (4) The department may disburse moneys in the Land
 462 Acquisition Trust Fund to pay all necessary expenses to carry
 463 out the purposes of this act. The department shall disburse
 464 moneys from the Land Acquisition Trust Fund to the Fish and
 465 Wildlife Conservation Commission for the purpose of funding law
 466 enforcement services on state lands.

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

469 376.065 Operation of terminal facility without discharge
 470 prevention and response certificate prohibited; penalty.-

471 (5) (a) A ~~Any~~ person who violates this section or the terms
 472 and requirements of such certification commits a noncriminal

473 | infraction. The civil penalty for any such infraction shall be
 474 | \$500, except as otherwise provided in this section.

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

- 477 | 1. Pay the civil penalty;
- 478 | 2. Post a bond equal to the amount of the applicable civil
 479 | penalty; or
- 480 | 3. Sign and accept a citation indicating a promise to
 481 | appear before the county court.

482 |
 483 | The department employee ~~officer~~ authorized to issue these
 484 | citations may indicate on the citation the time and location of
 485 | the scheduled hearing and shall indicate the applicable civil
 486 | penalty.

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

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

- 493 | 1. Pay the civil penalty, either by mail or in person,
 494 | within 30 days after the date of receiving the citation; or
- 495 | 2. If the person has posted bond, forfeit the bond by not
 496 | appearing at the designated time and location.

497 |
 498 | A person cited for an infraction under this section who pays the
 499 | civil penalty or forfeits the bond has admitted the infraction
 500 | and waives the right to a hearing on the issue of commission of

501 the infraction. Such admission may not be used as evidence in
 502 any other proceedings.

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

509 (f) At a hearing under this subsection, the commission of
 510 a charged infraction must be proved by the greater weight of the
 511 evidence.

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

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

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

522 376.07 Regulatory powers of department; penalties for
 523 inadequate booming by terminal facilities.-

524 (3) The department may ~~shall~~ not require vessels to
 525 maintain discharge prevention gear, holding tanks, and
 526 containment gear which exceed federal requirements. However, a
 527 terminal facility transferring heavy oil to or from a vessel
 528 with a heavy oil storage capacity greater than 10,000 gallons

529 shall be required, considering existing weather and tidal
 530 conditions, to adequately boom or seal off the transfer area
 531 during a transfer, including, but not limited to, a bunkering
 532 operation, to minimize the escape of such pollutants from the
 533 containment area. As used in this subsection, the term "adequate
 534 booming" means booming with proper containment equipment which
 535 is employed and located for the purpose of preventing, for the
 536 most likely discharge, as much of the pollutant as possible from
 537 escaping out of the containment area.

538 (a) The owner or operator of a terminal facility involved
 539 in the transfer of such pollutant to or from a vessel which is
 540 not adequately boomed commits a noncriminal infraction and shall
 541 be cited for such infraction. The civil penalty for such an
 542 infraction shall be \$2,500, except as otherwise provided in this
 543 section.

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

- 546 1. Pay the civil penalty;
- 547 2. Post bond equal to the amount of the applicable civil
 548 penalty; or
- 549 3. Sign and accept a citation indicating a promise to
 550 appear before the county court.

551
 552 The department employee ~~officer~~ authorized to issue these
 553 citations may indicate on the citation the time and location of
 554 the scheduled hearing and shall indicate the applicable civil
 555 penalty.

556 (c) A ~~Any~~ person who willfully refuses to post bond or

557 accept and sign a citation commits a misdemeanor of the second
 558 degree, punishable as provided in s. 775.082 or s. 775.083.

559 (d) After compliance with subparagraph (b)2. or
 560 subparagraph (b)3., a ~~any~~ person charged with a noncriminal
 561 infraction under this section may:

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

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

566

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

572 (e) A ~~Any~~ person who elects to appear before the county
 573 court or who is required to appear waives the limitations of the
 574 civil penalty specified in paragraph (a). The issue of whether
 575 an infraction has been committed and the severity of the
 576 infraction shall be determined by a hearing official at a
 577 hearing. If the commission of the infraction is proved by the
 578 greater weight of the evidence, the court shall impose a civil
 579 penalty of \$2,500. If the court determines that the owner or
 580 operator of the terminal facility failed to deploy any boom
 581 equipment during such a transfer, including, but not limited to,
 582 a bunkering operation, the civil penalty shall be \$5,000.

583 (f) A person who is found by the hearing official to have
 584 committed an infraction may appeal that finding to the circuit

585 court.

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

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

593 376.071 Discharge contingency plan for vessels.—

594 (2) (a) A ~~Any~~ master of a vessel that ~~which~~ violates
 595 subsection (1) commits a noncriminal infraction and shall be
 596 cited for such infraction. The civil penalty for such an
 597 infraction shall be \$5,000, except as otherwise provided in this
 598 subsection.

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

- 601 1. Pay the civil penalty;
- 602 2. Post bond equal to the amount of the applicable civil
- 603 penalty; or
- 604 3. Sign and accept a citation indicating a promise to
- 605 appear before the county court for the county in which the
- 606 violation occurred or the county closest to the location at
- 607 which the violation occurred.

608
 609 The department employee ~~officer~~ authorized to issue these
 610 citations may indicate on the citation the time and location of
 611 the scheduled hearing and shall indicate the applicable civil
 612 penalty.

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

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

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

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

623

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

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

635 (f) At a hearing under this subsection, the commission of
 636 a charged infraction must be proved by the greater weight of the
 637 evidence.

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

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

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

648 376.16 Enforcement and penalties.—

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

651 (a) Pay the civil penalty;

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

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

656
 657 The department employee ~~officer~~ authorized to issue these
 658 citations may indicate on the citation the time and location of
 659 the scheduled hearing and shall indicate the applicable civil
 660 penalty.

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

663 376.3071 Inland Protection Trust Fund; creation; purposes;
 664 funding.—

665 (4) USES.—Whenever, in its determination, incidents of
 666 inland contamination related to the storage of petroleum or
 667 petroleum products may pose a threat to the environment or the
 668 public health, safety, or welfare, the department shall obligate

669 moneys available in the fund to provide for:

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

673
 674 The Inland Protection Trust Fund may only be used to fund the
 675 activities in ss. 376.30-376.317 except ss. 376.3078 and
 676 376.3079. Amounts on deposit in the Inland Protection Trust Fund
 677 in each fiscal year shall first be applied or allocated for the
 678 payment of amounts payable by the department pursuant to
 679 paragraph (o) under a service contract entered into by the
 680 department pursuant to s. 376.3075 and appropriated in each year
 681 by the Legislature prior to making or providing for other
 682 disbursements from the fund. Nothing in this subsection shall
 683 authorize the use of the Inland Protection Trust Fund for
 684 cleanup of contamination caused primarily by a discharge of
 685 solvents as defined in s. 206.9925(6), or polychlorinated
 686 biphenyls when their presence causes them to be hazardous
 687 wastes, except solvent contamination which is the result of
 688 chemical or physical breakdown of petroleum products and is
 689 otherwise eligible. Facilities used primarily for the storage of
 690 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall
 691 be presumed not to be excluded from eligibility pursuant to this
 692 section.

693 Section 20. Section 379.3311, Florida Statutes, is amended
 694 to read:

695 379.3311 Police powers of commission and its agents.—

696 (1) ~~The Fish and Wildlife Conservation~~ commission, the

697 executive director and the executive director's assistants
 698 designated by her or him, and each wildlife officer are
 699 constituted peace officers with the power to make arrests for
 700 violations of the laws of this state when committed in the
 701 presence of the officer or when committed on lands under the
 702 supervision and management of the commission, the department, or
 703 the Department of Agricultural and Consumer Services, including
 704 state parks, coastal and aquatic managed areas, and greenways
 705 and trails. The general laws applicable to arrests by peace
 706 officers of this state shall also be applicable to such said
 707 director, assistants, and wildlife officers. Such persons may
 708 enter upon any land or waters of the state for performance of
 709 their lawful duties and may take with them any necessary
 710 equipment, and such entry does ~~shall~~ not constitute a trespass.

711 (2) Such officers may ~~shall have power and authority to~~
 712 enforce throughout the state all laws relating to game, nongame
 713 birds, fish, and fur-bearing animals and all rules and
 714 regulations of the ~~Fish and Wildlife Conservation~~ commission
 715 relating to wild animal life, marine life, and freshwater
 716 aquatic life, and in connection with such said laws, rules, and
 717 regulations, in the enforcement thereof and in the performance
 718 of their duties thereunder, to:

- 719 (a) Go upon all premises, posted or otherwise;
- 720 (b) Execute warrants and search warrants for the violation
 721 of such said laws;
- 722 (c) Serve subpoenas issued for the examination,
 723 investigation, and trial of all offenses against such said laws;
- 724 (d) Carry firearms or other weapons, concealed or

725 otherwise, in the performance of their duties;

726 (e) Arrest upon probable cause without warrant any person
 727 found in the act of violating any such ~~of the provisions of said~~
 728 laws or, in pursuit immediately following such violations, to
 729 examine any person, boat, conveyance, vehicle, game bag, game
 730 coat, or other receptacle for wild animal life, marine life, or
 731 freshwater aquatic life, or any camp, tent, cabin, or roster, in
 732 the presence of any person stopping at or belonging to such
 733 camp, tent, cabin, or roster, when such ~~said~~ officer has reason
 734 to believe, and has exhibited her or his authority and stated to
 735 the suspected person in charge the officer's reason for
 736 believing, that any of the aforesaid laws have been violated at
 737 such camp;

738 (f) Secure and execute search warrants and in pursuance
 739 thereof to enter any building, enclosure, or car and to break
 740 open, when found necessary, any apartment, chest, locker, box,
 741 trunk, crate, basket, bag, package, or container and examine the
 742 contents thereof;

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

747 (3) It is unlawful for any person to resist an arrest
 748 authorized by this section or in any manner to interfere, either
 749 by abetting, assisting such resistance, or otherwise interfering
 750 with such ~~said~~ executive director, assistants, or wildlife
 751 officers while engaged in the performance of the duties imposed
 752 upon them by law or regulation of the ~~Fish and Wildlife~~

753 ~~Conservation~~ commission, the department, or the Department of
 754 Agriculture and Consumer Services.

755 (4) Upon final disposition of any alleged offense for
 756 which a citation for any violation of this chapter or the rules
 757 of the commission has been issued, the court shall, within 10
 758 days after the final disposition of the action, certify the
 759 disposition to the commission.

760 Section 21. Section 379.3312, Florida Statutes, is amended
 761 to read:

762 379.3312 Powers of arrest by agents of ~~Department of~~
 763 ~~Environmental Protection or Fish and Wildlife Conservation~~
 764 ~~commission.~~—Any certified law enforcement officer of the
 765 ~~Department of Environmental Protection or the Fish and Wildlife~~
 766 ~~Conservation~~ commission, upon receiving information, relayed to
 767 her or him from any law enforcement officer stationed on the
 768 ground, on the water, or in the air, that a driver, operator, or
 769 occupant of any vehicle, boat, or airboat has violated any
 770 section of chapter 327, chapter 328, or this chapter, or s.
 771 597.010 or s. 597.020, may arrest the driver, operator, or
 772 occupant for violation of such ~~said~~ laws when reasonable and
 773 proper identification of the vehicle, boat, or airboat and
 774 reasonable and probable grounds to believe that the driver,
 775 operator, or occupant has committed or is committing any such
 776 offense have been communicated to the arresting officer by the
 777 other officer stationed on the ground, on the water, or in the
 778 air.

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

781 379.3313 Powers of commission law enforcement officers.—
 782 (1) Law enforcement officers of the commission are
 783 constituted law enforcement officers of this state with full
 784 power to investigate and arrest for any violation of the laws of
 785 this state and the rules of the commission, the department, and
 786 the Department of Agriculture and Consumer Services under their
 787 jurisdiction. The general laws applicable to arrests by peace
 788 officers of this state shall also be applicable to law
 789 enforcement officers of the commission. Such law enforcement
 790 officers may enter upon any land or waters of the state for
 791 performance of their lawful duties and may take with them any
 792 necessary equipment, and such entry will not constitute a
 793 trespass. It is lawful for any boat, motor vehicle, or aircraft
 794 owned or chartered by the commission or its agents or employees
 795 to land on and depart from any of the beaches or waters of the
 796 state. Such law enforcement officers have the authority, without
 797 warrant, to board, inspect, and search any boat, fishing
 798 appliance, storage or processing plant, fishhouse, spongehouse,
 799 oysterhouse, or other warehouse, building, or vehicle engaged in
 800 transporting or storing any fish or fishery products. Such
 801 authority to search and inspect without a search warrant is
 802 limited to those cases in which such law enforcement officers
 803 have reason to believe that fish or any saltwater products are
 804 taken or kept for sale, barter, transportation, or other
 805 purposes in violation of laws or rules adopted ~~promulgated~~ under
 806 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any
 807 time seize or take possession of any saltwater products or
 808 contraband which have been unlawfully caught, taken, or

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809 | processed or which are unlawfully possessed or transported in
 810 | violation of any of the laws of this state or any rule of the
 811 | commission. Such law enforcement officers may arrest any person
 812 | in the act of violating ~~any of the provisions of~~ this law, the
 813 | rules of the commission, or any of the laws of this state. It is
 814 | ~~hereby declared~~ unlawful for a any person to resist such arrest
 815 | or in any manner interfere, either by abetting or assisting such
 816 | resistance or otherwise interfering, with any such law
 817 | enforcement officer while engaged in the performance of the
 818 | duties imposed upon him or her by law or rule of the commission.

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

821 | 379.333 Arrest by officers of the ~~Fish and Wildlife~~
 822 | ~~Conservation~~ commission; recognizance; cash bond; citation.—

823 | (1) In all cases of arrest by officers of the ~~Fish and~~
 824 | ~~Wildlife Conservation~~ commission ~~and the Department of~~
 825 | ~~Environmental Protection~~, the person arrested shall be delivered
 826 | forthwith by such ~~said~~ officer to the sheriff of the county, or
 827 | shall obtain from such person arrested a recognizance or, if
 828 | deemed necessary, a cash bond or other sufficient security
 829 | conditioned for her or his appearance before the proper tribunal
 830 | of such county to answer the charge for which the person has
 831 | been arrested.

832 | (2) All officers of the commission shall ~~and the~~
 833 | ~~department are hereby directed to~~ deliver all bonds accepted and
 834 | approved by them to the sheriff of the county in which the
 835 | offense is alleged to have been committed.

836 | Section 24. Subsection (1) of section 379.341, Florida

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837 Statutes, is amended to read:

838 379.341 Disposition of illegal fishing devices; exercise
839 of police power.—

840 (1) In all cases of arrest and conviction for use of
841 illegal nets or traps or fishing devices, as provided in this
842 chapter, such illegal net, trap, or fishing device is declared
843 to be a nuisance and shall be seized and carried before the
844 court having jurisdiction of such offense and such ~~said~~ court
845 shall order such illegal trap, net, or fishing device forfeited
846 to the commission immediately after trial and conviction of the
847 person in whose possession they were found. When any illegal
848 net, trap, or fishing device is found in the fresh waters of the
849 state, and its ~~the~~ owner is ~~of same shall~~ not be known to the
850 officer finding it ~~the same~~, such officer shall immediately
851 procure from the county court judge an order forfeiting such
852 ~~said~~ illegal net, trap, or fishing device to the commission. The
853 commission may destroy such illegal net, trap, or fishing
854 device, if in its judgment such ~~said~~ net, trap, or fishing
855 device is not of value in the work of the commission ~~department~~.

856 Section 25. Subsection (2) of section 403.413, Florida
857 Statutes, is amended to read:

858 403.413 Florida Litter Law.—

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

860 (f) ~~(a)~~ "Litter" means any garbage; rubbish; trash; refuse;
861 can; bottle; box; container; paper; tobacco product; tire;
862 appliance; mechanical equipment or part; building or
863 construction material; tool; machinery; wood; motor vehicle or
864 motor vehicle part; vessel; aircraft; farm machinery or

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865 equipment; sludge from a waste treatment facility, water supply
866 treatment plant, or air pollution control facility; or substance
867 in any form resulting from domestic, industrial, commercial,
868 mining, agricultural, or governmental operations.

869 (h)~~(b)~~ "Person" means any individual, firm, sole
870 proprietorship, partnership, corporation, or unincorporated
871 association.

872 (e)~~(e)~~ "Law enforcement officer" means any officer of the
873 Florida Highway Patrol, a county sheriff's department, a
874 municipal law enforcement department, a law enforcement
875 department of any other political subdivision, ~~the department,~~
876 or the Fish and Wildlife Conservation Commission. In addition,
877 and solely for the purposes of this section, "law enforcement
878 officer" means any employee of a county or municipal park or
879 recreation department designated by the department head as a
880 litter enforcement officer.

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

884 (b)~~(e)~~ "Commercial purpose" means for the purpose of
885 economic gain.

886 (c)~~(f)~~ "Commercial vehicle" means a vehicle that is owned
887 or used by a business, corporation, association, partnership, or
888 sole proprietorship or any other entity conducting business for
889 a commercial purpose.

890 (d)~~(g)~~ "Dump" means to dump, throw, discard, place,
891 deposit, or dispose of.

892 (g)~~(h)~~ "Motor vehicle" means an automobile, motorcycle,

893 | truck, trailer, semitrailer, truck tractor, or semitrailer
 894 | combination or any other vehicle that is powered by a motor.

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

897 | Section 26. Paragraph (d) of subsection (1) of section
 898 | 784.07, Florida Statutes, is amended to read:

899 | 784.07 Assault or battery of law enforcement officers,
 900 | firefighters, emergency medical care providers, public transit
 901 | employees or agents, or other specified officers;
 902 | reclassification of offenses; minimum sentences.-

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

904 | (d) "Law enforcement officer" includes a law enforcement
 905 | officer, a correctional officer, a correctional probation
 906 | officer, a part-time law enforcement officer, a part-time
 907 | correctional officer, an auxiliary law enforcement officer, and
 908 | an auxiliary correctional officer, as those terms are
 909 | respectively defined in s. 943.10, and any county probation
 910 | officer; an employee or agent of the Department of Corrections
 911 | who supervises or provides services to inmates; an officer of
 912 | the Parole Commission; a federal law enforcement officer as
 913 | defined in s. 901.1505; and law enforcement personnel of the
 914 | Fish and Wildlife Conservation Commission, ~~the Department of~~
 915 | ~~Environmental Protection,~~ or the Department of Law Enforcement.

916 | Section 27. Section 843.08, Florida Statutes, is amended
 917 | to read:

918 | 843.08 Falsely personating officer, etc.-A person who
 919 | falsely assumes or pretends to be a sheriff, officer of the
 920 | Florida Highway Patrol, officer of the Fish and Wildlife

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921 Conservation Commission, ~~officer of the Department of~~
 922 ~~Environmental Protection,~~ officer of the Department of
 923 Transportation, officer of the Department of Financial Services,
 924 officer of the Department of Corrections, correctional probation
 925 officer, deputy sheriff, state attorney or assistant state
 926 attorney, statewide prosecutor or assistant statewide
 927 prosecutor, state attorney investigator, coroner, police
 928 officer, lottery special agent or lottery investigator, beverage
 929 enforcement agent, or watchman, or any member of the Parole
 930 Commission and any administrative aide or supervisor employed by
 931 the commission, or any personnel or representative of the
 932 Department of Law Enforcement, or a federal law enforcement
 933 officer as defined in s. 901.1505, and takes upon himself or
 934 herself to act as such, or to require any other person to aid or
 935 assist him or her in a matter pertaining to the duty of any such
 936 officer, commits a felony of the third degree, punishable as
 937 provided in s. 775.082, s. 775.083, or s. 775.084.~~;~~ However, a
 938 person who falsely personates any such officer during the course
 939 of the commission of a felony commits a felony of the second
 940 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 941 775.084.~~;~~ ~~except that~~ If the commission of the felony results in
 942 the death or personal injury of another human being, the person
 943 commits a felony of the first degree, punishable as provided in
 944 s. 775.082, s. 775.083, or s. 775.084.

945 Section 28. Section 870.04, Florida Statutes, is amended
 946 to read:

947 870.04 Specified officers to disperse riotous assembly.—If
 948 any number of persons, whether armed or not, are unlawfully,

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949 riotously, or tumultuously assembled in any county, city, or
 950 municipality, the sheriff or the sheriff's deputies, or the
 951 mayor, or any commissioner, council member, alderman, or police
 952 officer of the ~~said~~ city or municipality, or any officer or
 953 member of the Florida Highway Patrol, or any officer or agent of
 954 the Fish and Wildlife Conservation Commission, ~~Department of~~
 955 ~~Environmental Protection~~, any ~~or~~ beverage enforcement agent, any
 956 personnel or representatives of the Department of Law
 957 Enforcement or its successor, or any other peace officer, shall
 958 go among the persons so assembled, or as near to them as may be
 959 done with safety, and shall in the name of the state command all
 960 the persons so assembled immediately and peaceably to disperse. ~~+~~
 961 ~~and~~ If such persons do not thereupon immediately and peaceably
 962 disperse, such ~~said~~ officers shall command the assistance of all
 963 such persons in seizing, arresting, and securing such persons in
 964 custody. ~~+~~ ~~and~~ If any person present being so commanded to aid
 965 and assist in seizing and securing such rioter or persons so
 966 unlawfully assembled, or in suppressing such riot or unlawful
 967 assembly, refuses or neglects to obey such command, or, when
 968 required by such officers to depart from the place, refuses and
 969 neglects to do so, the person shall be deemed one of the rioters
 970 or persons unlawfully assembled, and may be prosecuted and
 971 punished accordingly.

972 Section 29. Paragraphs (c) through (n) of subsection (6)
 973 of section 932.7055, Florida Statutes, are redesignated as
 974 paragraphs (b) through (m), respectively, and present paragraph
 975 (b) of that subsection is amended to read:

976 932.7055 Disposition of liens and forfeited property.—

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

979 However, if the seizing agency is:

980 ~~(b) The Department of Environmental Protection, the~~
981 ~~proceeds accrued pursuant to the provisions of the Florida~~
982 ~~Contraband Forfeiture Act shall be deposited into the Internal~~
983 ~~Improvement Trust Fund.~~

984 Section 30. This act shall take effect July 1, 2012.