

ENROLLED
CS/CS/HB 1383

2012 Legislature

1
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 Secretary of
11 Environmental Protection as the Office of Emergency
12 Response within the Department of Environmental
13 Protection; providing for the transfer of additional
14 positions to the commission; providing for a
15 memorandum of agreement between the department and the
16 commission regarding the responsibilities of the
17 commission to the department; transferring and
18 reassigning functions and responsibilities of sworn
19 positions funded by the Conservation and Recreation
20 Lands Program and assigned to the Florida Forest
21 Service within the Department of Agriculture and
22 Consumer Services and the investigator responsible for
23 the enforcement of aquaculture violations at the
24 Department of Agriculture and Consumer Services to the
25 Division of Law Enforcement within the Fish and
26 Wildlife Conservation Commission; providing for a
27 memorandum of agreement between the department and the
28 commission regarding the responsibilities between the

ENROLLED
CS/CS/HB 1383

2012 Legislature

29 | commission and the department; providing for
30 | transition advisory working groups; assigning powers,
31 | duties, responsibilities, and functions for
32 | enforcement of the laws and rules governing certain
33 | lands managed by the Department of Environmental
34 | Protection and certain lands and aquaculture managed
35 | by the Department of Agriculture and Consumer Services
36 | to the Fish and Wildlife Conservation Commission;
37 | conferring full power to the law enforcement officers
38 | of the Fish and Wildlife Conservation Commission to
39 | investigate and arrest for violations of rules of the
40 | Department of Agriculture and Consumer Services, the
41 | Department of Environmental Protection, and the Board
42 | of Trustees of the Internal Improvement Trust Fund;
43 | providing for the retention and transfer of specified
44 | benefits for employees that are transferred from the
45 | Department of Environmental Protection and the
46 | Department of Agriculture and Consumer Services to
47 | fill positions transferred to the Fish and Wildlife
48 | Conservation Commission; creating s. 258.601, F.S.;
49 | specifying powers and duties of the commission
50 | relating to state parks and preserves and wild and
51 | scenic rivers; amending ss. 20.255, 258.008, 258.501,
52 | 282.709, 316.003, 316.2397, 316.640, 375.041, 376.065,
53 | 376.07, 376.071, 376.16, 376.3071, 379.3311, 379.3312,
54 | 379.3313, 379.333, 379.341, 379.343, 403.413, 784.07,
55 | 843.08, 843.085, 870.04, and 932.7055, F.S.;

ENROLLED
CS/CS/HB 1383

2012 Legislature

56 conforming provisions to changes made by the act;
57 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 Secretary of
73 Environmental Protection as the Office of Emergency Response
74 within the Department of Environmental 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

ENROLLED
CS/CS/HB 1383

2012 Legislature

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
111 aquaculture violations at the Department of Agriculture and

ENROLLED
CS/CS/HB 1383

2012 Legislature

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.

138 (b) The development of a recommended plan addressing the
 139 transfer or shared use of buildings, regional offices, and other

ENROLLED
CS/CS/HB 1383

2012 Legislature

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 Board
164 of Trustees of the Internal Improvement Trust Fund, the
165 Department of Agriculture and Consumer Services, and the Fish
166 and Wildlife Conservation Commission that need to be amended to
167 reflect the changes made by this act.

ENROLLED
CS/CS/HB 1383

2012 Legislature

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

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

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

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

185 Section 5. Notwithstanding chapter 60K-5, Florida
186 Administrative Code, or any provision of law to the contrary,
187 employees who are transferred from the Department of
188 Environmental Protection and the Department of Agriculture and
189 Consumer Services to fill positions transferred to the Fish and
190 Wildlife Conservation Commission shall retain and transfer any
191 accrued annual leave, sick leave, and regular and special
192 compensatory leave balances.

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

195 PART IV

ENROLLED
CS/CS/HB 1383

2012 Legislature

196 MISCELLANEOUS PROVISIONS
197 258.601 Enforcement of prohibited activities.-Prohibited
198 activities under this chapter shall be enforced by the
199 Department of Environmental Protection and the Division of Law
200 Enforcement of the Fish and Wildlife Conservation Commission and
201 its officers.

202 Section 7. Subsections (5) through (8) of section 20.255,
203 Florida Statutes, are renumbered as subsections (4) through (7),
204 respectively, and present subsections (2), (3), and (4) of that
205 section are amended to read:

206 20.255 Department of Environmental Protection.—There is
207 created a Department of Environmental Protection.

208 (2) (a) There shall be three deputy secretaries who are to
209 be appointed by and shall serve at the pleasure of the
210 secretary. The secretary may assign any deputy secretary the
211 responsibility to supervise, coordinate, and formulate policy
212 for any division, office, or district. The following special
213 offices are established and headed by managers, each of whom is
214 to be appointed by and serve at the pleasure of the secretary:

- 215 1. Office of Chief of Staff;
- 216 2. Office of General Counsel;
- 217 3. Office of Inspector General;
- 218 4. Office of External Affairs;
- 219 5. Office of Legislative Affairs;
- 220 6. Office of Intergovernmental Programs; and
- 221 7. Office of Greenways and Trails.
- 222 8. Office of Emergency Response.

223 (b) There shall be six administrative districts involved

ENROLLED
CS/CS/HB 1383

2012 Legislature

224 in regulatory matters of waste management, water resource
225 management, wetlands, and air resources, which shall be headed
226 by managers, each of whom is to be appointed by and serve at the
227 pleasure of the secretary. Divisions of the department may have
228 one assistant or two deputy division directors, as required to
229 facilitate effective operation.

230

231 The managers of all divisions and offices specifically named in
232 this section and the directors of the six administrative
233 districts are exempt from part II of chapter 110 and are
234 included in the Senior Management Service in accordance with s.
235 110.205(2)(j).

236 (3) The following divisions of the Department of
237 Environmental Protection are established:

238 (a) Division of Administrative Services.

239 (b) Division of Air Resource Management.

240 (c) Division of Water Resource Management.

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

242 (d)~~(e)~~ Division of Environmental Assessment and
243 Restoration.

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

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

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

250

251 In order to ensure statewide and intradepartmental consistency,

ENROLLED
CS/CS/HB 1383

2012 Legislature

252 the department's divisions shall direct the district offices and
253 bureaus on matters of interpretation and applicability of the
254 department's rules and programs.

255 ~~(4) Law enforcement officers of the Department of~~
256 ~~Environmental Protection who meet the provisions of s. 943.13~~
257 ~~are constituted law enforcement officers of this state with full~~
258 ~~power to investigate and arrest for any violation of the laws of~~
259 ~~this state, and the rules of the department and the Board of~~
260 ~~Trustees of the Internal Improvement Trust Fund. The general~~
261 ~~laws applicable to investigations, searches, and arrests by~~
262 ~~peace officers of this state apply to such law enforcement~~
263 ~~officers.~~

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

266 258.008 Prohibited activities; penalties.—

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

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

278 258.501 Myakka River; wild and scenic segment.—

ENROLLED
CS/CS/HB 1383

2012 Legislature

279 (16) ENFORCEMENT. ~~Officers of~~ The department and the Fish
280 and Wildlife Conservation Commission shall have full authority
281 to enforce any rule adopted by the department ~~under this section~~
282 ~~with the same police powers given them by law to enforce the~~
283 ~~rules of state parks and the rules pertaining to saltwater areas~~
284 ~~under the jurisdiction of the Florida Marine Patrol.~~

285 Section 10. Paragraph (a) of subsection (2) of section
286 282.709, Florida Statutes, is amended to read:

287 282.709 State agency law enforcement radio system and
288 interoperability network.—

289 (2) The Joint Task Force on State Agency Law Enforcement
290 Communications is created adjunct to the department to advise
291 the department of member-agency needs relating to the planning,
292 designing, and establishment of the statewide communication
293 system.

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

297 1. A representative of the Division of Alcoholic Beverages
298 and Tobacco of the Department of Business and Professional
299 Regulation who shall be appointed by the secretary of the
300 department.

301 2. A representative of the Division of Florida Highway
302 Patrol of the Department of Highway Safety and Motor Vehicles
303 who shall be appointed by the executive director of the
304 department.

305 3. A representative of the Department of Law Enforcement
306 who shall be appointed by the executive director of the

ENROLLED
CS/CS/HB 1383

2012 Legislature

307 department.

308 4. A representative of the Fish and Wildlife Conservation
309 Commission who shall be appointed by the executive director of
310 the commission.

311 ~~5. A representative of the Division of Law Enforcement of~~
312 ~~the Department of Environmental Protection who shall be~~
313 ~~appointed by the secretary of the department.~~

314 ~~5.6.~~ A representative of the Department of Corrections who
315 shall be appointed by the secretary of the department.

316 ~~6.7.~~ A representative of the Division of State Fire
317 Marshal of the Department of Financial Services who shall be
318 appointed by the State Fire Marshal.

319 ~~7.8.~~ A representative of the Department of Transportation
320 who shall be appointed by the secretary of the department.

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

323 316.003 Definitions.—The following words and phrases, when
324 used in this chapter, shall have the meanings respectively
325 ascribed to them in this section, except where the context
326 otherwise requires:

327 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
328 department (fire patrol), police vehicles, and such ambulances
329 and emergency vehicles of municipal departments, public service
330 corporations operated by private corporations, the Fish and
331 Wildlife Conservation Commission, the Department of
332 Environmental Protection, the Department of Health, the
333 Department of Transportation, and the Department of Corrections
334 as are designated or authorized by their respective department

ENROLLED
CS/CS/HB 1383

2012 Legislature

335 or the chief of police of an incorporated city or any sheriff of
336 any of the various counties.

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

339 316.2397 Certain lights prohibited; exceptions.—

340 (3) Vehicles of the fire department and fire patrol,
341 including vehicles of volunteer firefighters as permitted under
342 s. 316.2398, vehicles of medical staff physicians or technicians
343 of medical facilities licensed by the state as authorized under
344 s. 316.2398, ambulances as authorized under this chapter, and
345 buses and taxicabs as authorized under s. 316.2399 may ~~are~~
346 ~~permitted to~~ show or display red lights. Vehicles of the fire
347 department, fire patrol, police vehicles, and such ambulances
348 and emergency vehicles of municipal and county departments,
349 public service corporations operated by private corporations,
350 the Fish and Wildlife Conservation Commission, the Department of
351 Environmental Protection, the Department of Transportation, the
352 Department of Agriculture and Consumer Services, and the
353 Department of Corrections as are designated or authorized by
354 their respective department or the chief of police of an
355 incorporated city or any sheriff of any county may ~~are hereby~~
356 ~~authorized to~~ operate emergency lights and sirens in an
357 emergency. Wreckers, mosquito control fog and spray vehicles,
358 and emergency vehicles of governmental departments or public
359 service corporations may show or display amber lights when in
360 actual operation or when a hazard exists provided they are not
361 used going to and from the scene of operation or hazard without
362 specific authorization of a law enforcement officer or law

ENROLLED
CS/CS/HB 1383

2012 Legislature

363 enforcement agency. Wreckers must use amber rotating or flashing
364 lights while performing recoveries and loading on the roadside
365 day or night, and may use such lights while towing a vehicle on
366 wheel lifts, slings, or under reach if the operator of the
367 wrecker deems such lights necessary. A flatbed, car carrier, or
368 rollback may not use amber rotating or flashing lights when
369 hauling a vehicle on the bed unless it creates a hazard to other
370 motorists because of protruding objects. Further, escort
371 vehicles may show or display amber lights when in the actual
372 process of escorting overdimensioned equipment, material, or
373 buildings as authorized by law. Vehicles owned or leased by
374 private security agencies may show or display green and amber
375 lights, with either color being no greater than 50 percent of
376 the lights displayed, while the security personnel are engaged
377 in security duties on private or public property.

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

382 Section 13. Paragraph (a) of subsection (1) of section
383 316.640, Florida Statutes, is amended to read:

384 316.640 Enforcement.—The enforcement of the traffic laws
385 of this state is vested as follows:

386 (1) STATE.—

387 (a)1.a. The Division of Florida Highway Patrol of the
388 Department of Highway Safety and Motor Vehicles; the Division of
389 Law Enforcement of the Fish and Wildlife Conservation
390 Commission; ~~the Division of Law Enforcement of the Department of~~

ENROLLED
CS/CS/HB 1383

2012 Legislature

391 ~~Environmental Protection;~~ and the agents, inspectors, and
392 officers of the Department of Law Enforcement each have
393 authority to enforce all of the traffic laws of this state on
394 all the streets and highways thereof and elsewhere throughout
395 the state wherever the public has a right to travel by motor
396 vehicle.

397 b. University police officers may ~~shall have authority to~~
398 enforce all of the traffic laws of this state when violations
399 occur on or within 1,000 feet of any property or facilities that
400 are under the guidance, supervision, regulation, or control of a
401 state university, a direct-support organization of such state
402 university, or any other organization controlled by the state
403 university or a direct-support organization of the state
404 university, or when such violations occur within a specified
405 jurisdictional area as agreed upon in a mutual aid agreement
406 entered into with a law enforcement agency pursuant to s.
407 23.1225(1). Traffic laws may also be enforced off-campus when
408 hot pursuit originates on or within 1,000 feet of any such
409 property or facilities, or as agreed upon in accordance with the
410 mutual aid agreement.

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

416 d. Police officers employed by an airport authority may
417 ~~shall have the authority to~~ enforce all of the traffic laws of
418 this state only when such violations occur on any property or

ENROLLED
CS/CS/HB 1383

2012 Legislature

419 facilities that are owned or operated by an airport authority.

420 (I) An airport authority may employ as a parking
421 enforcement specialist any individual who successfully completes
422 a training program established and approved by the Criminal
423 Justice Standards and Training Commission for parking
424 enforcement specialists but who does not otherwise meet the
425 uniform minimum standards established by the commission for law
426 enforcement officers or auxiliary or part-time officers under s.
427 943.12. ~~Nothing in~~ This sub-sub-subparagraph may not ~~shall~~ be
428 construed to permit the carrying of firearms or other weapons,
429 nor shall such parking enforcement specialist have arrest
430 authority.

431 (II) A parking enforcement specialist employed by an
432 airport authority may ~~is authorized to~~ enforce all state,
433 county, and municipal laws and ordinances governing parking only
434 when such violations are on property or facilities owned or
435 operated by the airport authority employing the specialist, by
436 appropriate state, county, or municipal traffic citation.

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

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

445 2. An agency of the state as described in subparagraph 1.
446 is prohibited from establishing a traffic citation quota. A

ENROLLED
CS/CS/HB 1383

2012 Legislature

447 violation of this subparagraph is not subject to the penalties
448 provided in chapter 318.

449 3. Any disciplinary action taken or performance evaluation
450 conducted by an agency of the state as described in subparagraph
451 1. of a law enforcement officer's traffic enforcement activity
452 must be in accordance with written work-performance standards.
453 Such standards must be approved by the agency and any collective
454 bargaining unit representing such law enforcement officer. A
455 violation of this subparagraph is not subject to the penalties
456 provided in chapter 318.

457 4. The Division of the Florida Highway Patrol may employ
458 as a traffic accident investigation officer any individual who
459 successfully completes instruction in traffic accident
460 investigation and court presentation through the Selective
461 Traffic Enforcement Program as approved by the Criminal Justice
462 Standards and Training Commission and funded through the
463 National Highway Traffic Safety Administration or a similar
464 program approved by the commission, but who does not necessarily
465 meet the uniform minimum standards established by the commission
466 for law enforcement officers or auxiliary law enforcement
467 officers under chapter 943. Any such traffic accident
468 investigation officer who makes an investigation at the scene of
469 a traffic accident may issue traffic citations, based upon
470 personal investigation, when he or she has reasonable and
471 probable grounds to believe that a person who was involved in
472 the accident committed an offense under this chapter, chapter
473 319, chapter 320, or chapter 322 in connection with the
474 accident. This subparagraph does not permit the officer to carry

ENROLLED
CS/CS/HB 1383

2012 Legislature

475 | firearms or other weapons, and such an officer does not have
476 | authority to make arrests.

477 | Section 14. Subsection (4) of section 375.041, Florida
478 | Statutes, is amended to read:

479 | 375.041 Land Acquisition Trust Fund.—

480 | (4) The department may disburse moneys in the Land
481 | Acquisition Trust Fund to pay all necessary expenses to carry
482 | out the purposes of this act. The department shall disburse
483 | moneys from the Land Acquisition Trust Fund to the Fish and
484 | Wildlife Conservation Commission for the purpose of funding law
485 | enforcement services on state lands.

486 | Section 15. Subsection (5) of section 376.065, Florida
487 | Statutes, is amended to read:

488 | 376.065 Operation of terminal facility without discharge
489 | prevention and response certificate prohibited; penalty.—

490 | (5) (a) A ~~Any~~ person who violates this section or the terms
491 | and requirements of such certification commits a noncriminal
492 | infraction. The civil penalty for any such infraction shall be
493 | \$500, except as otherwise provided in this section.

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

- 496 | 1. Pay the civil penalty;
- 497 | 2. Post a bond equal to the amount of the applicable civil
498 | penalty; or
- 499 | 3. Sign and accept a citation indicating a promise to
500 | appear before the county court.

501 |

502 | The department employee ~~officer~~ authorized to issue these

ENROLLED
CS/CS/HB 1383

2012 Legislature

503 citations may indicate on the citation the time and location of
504 the scheduled hearing and shall indicate the applicable civil
505 penalty.

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

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

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

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

516
517 A person cited for an infraction under this section who pays the
518 civil penalty or forfeits the bond has admitted the infraction
519 and waives the right to a hearing on the issue of commission of
520 the infraction. Such admission may not be used as evidence in
521 any other proceedings.

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

528 (f) At a hearing under this subsection, the commission of
529 a charged infraction must be proved by the greater weight of the
530 evidence.

ENROLLED
CS/CS/HB 1383

2012 Legislature

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

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

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

541 376.07 Regulatory powers of department; penalties for
542 inadequate booming by terminal facilities.—

543 (3) The department shall not require vessels to maintain
544 discharge prevention gear, holding tanks, and containment gear
545 which exceed federal requirements. However, a terminal facility
546 transferring heavy oil to or from a vessel with a heavy oil
547 storage capacity greater than 10,000 gallons shall be required,
548 considering existing weather and tidal conditions, to adequately
549 boom or seal off the transfer area during a transfer, including,
550 but not limited to, a bunkering operation, to minimize the
551 escape of such pollutants from the containment area. As used in
552 this subsection, the term "adequate booming" means booming with
553 proper containment equipment which is employed and located for
554 the purpose of preventing, for the most likely discharge, as
555 much of the pollutant as possible from escaping out of the
556 containment area.

557 (a) The owner or operator of a terminal facility involved
558 in the transfer of such pollutant to or from a vessel which is

ENROLLED
CS/CS/HB 1383

2012 Legislature

559 | not adequately boomed commits a noncriminal infraction and shall
560 | be cited for such infraction. The civil penalty for such an
561 | infraction shall be \$2,500, except as otherwise provided in this
562 | section.

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

- 565 | 1. Pay the civil penalty;
566 | 2. Post bond equal to the amount of the applicable civil
567 | penalty; or
568 | 3. Sign and accept a citation indicating a promise to
569 | appear before the county court.

570 |
571 | The department employee ~~officer~~ authorized to issue these
572 | citations may indicate on the citation the time and location of
573 | the scheduled hearing and shall indicate the applicable civil
574 | penalty.

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

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

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

585 |
586 | A person cited for an infraction under this section who pays the

ENROLLED
CS/CS/HB 1383

2012 Legislature

587 civil penalty or forfeits the bond has admitted the infraction
588 and waives the right to a hearing on the issue of commission of
589 the infraction. Such admission may not be used as evidence in
590 any other proceedings.

591 (e) A ~~Any~~ person who elects to appear before the county
592 court or who is required to appear waives the limitations of the
593 civil penalty specified in paragraph (a). The issue of whether
594 an infraction has been committed and the severity of the
595 infraction shall be determined by a hearing official at a
596 hearing. If the commission of the infraction is proved by the
597 greater weight of the evidence, the court shall impose a civil
598 penalty of \$2,500. If the court determines that the owner or
599 operator of the terminal facility failed to deploy any boom
600 equipment during such a transfer, including, but not limited to,
601 a bunkering operation, the civil penalty shall be \$5,000.

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

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

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

612 376.071 Discharge contingency plan for vessels.—

613 (2) (a) A ~~Any~~ master of a vessel that ~~which~~ violates
614 subsection (1) commits a noncriminal infraction and shall be

ENROLLED
CS/CS/HB 1383

2012 Legislature

615 | cited for such infraction. The civil penalty for such an
616 | infraction shall be \$5,000, except as otherwise provided in this
617 | subsection.

618 | (b) A ~~Any~~ person charged with a noncriminal infraction
619 | under this section may:

620 | 1. Pay the civil penalty;

621 | 2. Post bond equal to the amount of the applicable civil
622 | penalty; or

623 | 3. Sign and accept a citation indicating a promise to
624 | appear before the county court for the county in which the
625 | violation occurred or the county closest to the location at
626 | which the violation occurred.

627 |

628 | The department employee ~~officer~~ authorized to issue these
629 | citations may indicate on the citation the time and location of
630 | the scheduled hearing and shall indicate the applicable civil
631 | penalty.

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

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

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

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

642 |

ENROLLED
CS/CS/HB 1383

2012 Legislature

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

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

654 (f) At a hearing under this subsection, the commission of
655 a charged infraction must be proved by the greater weight of the
656 evidence.

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

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

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

667 376.16 Enforcement and penalties.—

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

670 (a) Pay the civil penalty;

ENROLLED
CS/CS/HB 1383

2012 Legislature

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

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

675
676 The department employee ~~officer~~ authorized to issue these
677 citations may indicate on the citation the time and location of
678 the scheduled hearing and shall indicate the applicable civil
679 penalty.

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

682 376.3071 Inland Protection Trust Fund; creation; purposes;
683 funding.—

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

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

692
693 The Inland Protection Trust Fund may only be used to fund the
694 activities in ss. 376.30-376.317 except ss. 376.3078 and
695 376.3079. Amounts on deposit in the Inland Protection Trust Fund
696 in each fiscal year shall first be applied or allocated for the
697 payment of amounts payable by the department pursuant to
698 paragraph (o) under a service contract entered into by the

ENROLLED
CS/CS/HB 1383

2012 Legislature

699 department pursuant to s. 376.3075 and appropriated in each year
700 by the Legislature prior to making or providing for other
701 disbursements from the fund. Nothing in this subsection shall
702 authorize the use of the Inland Protection Trust Fund for
703 cleanup of contamination caused primarily by a discharge of
704 solvents as defined in s. 206.9925(6), or polychlorinated
705 biphenyls when their presence causes them to be hazardous
706 wastes, except solvent contamination which is the result of
707 chemical or physical breakdown of petroleum products and is
708 otherwise eligible. Facilities used primarily for the storage of
709 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall
710 be presumed not to be excluded from eligibility pursuant to this
711 section.

712 Section 20. Section 379.3311, Florida Statutes, is amended
713 to read:

714 379.3311 Police powers of commission and its agents.—

715 (1) ~~The Fish and Wildlife Conservation~~ commission, the
716 executive director and the executive director's assistants
717 designated by her or him, and each commission ~~wildlife~~ officer
718 are constituted peace officers with the power to make arrests
719 for violations of the laws of this state when committed in the
720 presence of the officer or when committed on lands under the
721 supervision and management of the commission, the department,
722 the Board of Trustees of the Internal Improvement Trust Fund, or
723 the Department of Agricultural and Consumer Services, including
724 state parks, coastal and aquatic managed areas, and greenways
725 and trails. The general laws applicable to arrests by peace
726 officers of this state shall also be applicable to such said

ENROLLED
CS/CS/HB 1383

2012 Legislature

727 director, assistants, and commission ~~wildlife~~ officers. Such
728 persons may enter upon any land or waters of the state for
729 performance of their lawful duties and may take with them any
730 necessary equipment, and such entry does ~~shall~~ not constitute a
731 trespass.

732 (2) Such officers may ~~shall have power and authority to~~
733 enforce throughout the state all laws relating to game, nongame
734 birds, fish, and fur-bearing animals and all rules and
735 regulations of the ~~Fish and Wildlife Conservation~~ commission
736 relating to wild animal life, marine life, and freshwater
737 aquatic life, and in connection with such ~~said~~ laws, rules, and
738 regulations, in the enforcement thereof and in the performance
739 of their duties thereunder, to:

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

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

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

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

747 (e) Arrest upon probable cause without warrant any person
748 found in the act of violating any such ~~of the provisions of said~~
749 laws or, in pursuit immediately following such violations, to
750 examine any person, boat, conveyance, vehicle, game bag, game
751 coat, or other receptacle for wild animal life, marine life, or
752 freshwater aquatic life, or any camp, tent, cabin, or roster, in
753 the presence of any person stopping at or belonging to such
754 camp, tent, cabin, or roster, when such ~~said~~ officer has reason

ENROLLED
CS/CS/HB 1383

2012 Legislature

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

759 (f) Secure and execute search warrants and in pursuance
760 thereof to enter any building, enclosure, or car and to break
761 open, when found necessary, any apartment, chest, locker, box,
762 trunk, crate, basket, bag, package, or container and examine the
763 contents thereof;

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

768 (3) It is unlawful for any person to resist an arrest
769 authorized by this section or in any manner to interfere, either
770 by abetting, assisting such resistance, or otherwise interfering
771 with such ~~said~~ executive director, assistants, or commission
772 ~~wildlife~~ officers while engaged in the performance of the duties
773 imposed upon them by law or regulation of the ~~Fish and Wildlife~~
774 Conservation commission, the department, the Board of Trustees
775 of the Internal Improvement Trust Fund, or the Department of
776 Agriculture and Consumer Services.

777 (4) Upon final disposition of any alleged offense for
778 which a citation for any violation of this chapter or the rules
779 of the commission has been issued, the court shall, within 10
780 days after the final disposition of the action, certify the
781 disposition to the commission.

782 Section 21. Section 379.3312, Florida Statutes, is amended

ENROLLED
CS/CS/HB 1383

2012 Legislature

783 to read:
784 379.3312 Powers of arrest by agents of ~~Department of~~
785 ~~Environmental Protection or Fish and Wildlife Conservation~~
786 commission.—Any certified law enforcement officer of the
787 ~~Department of Environmental Protection or the Fish and Wildlife~~
788 ~~Conservation~~ commission, upon receiving information, relayed to
789 her or him from any law enforcement officer stationed on the
790 ground, on the water, or in the air, that a driver, operator, or
791 occupant of any vehicle, boat, or airboat has violated any
792 section of chapter 327, chapter 328, or this chapter, or s.
793 597.010 or s. 597.020, may arrest the driver, operator, or
794 occupant for violation of such ~~said~~ laws when reasonable and
795 proper identification of the vehicle, boat, or airboat and
796 reasonable and probable grounds to believe that the driver,
797 operator, or occupant has committed or is committing any such
798 offense have been communicated to the arresting officer by the
799 other officer stationed on the ground, on the water, or in the
800 air.

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

803 379.3313 Powers of commission law enforcement officers.—

804 (1) Law enforcement officers of the commission are
805 constituted law enforcement officers of this state with full
806 power to investigate and arrest for any violation of the laws of
807 this state and the rules of the commission, the department, the
808 Board of Trustees of the Internal Improvement Trust Fund, and
809 the Department of Agriculture and Consumer Services under their
810 jurisdiction. The general laws applicable to arrests by peace

ENROLLED
CS/CS/HB 1383

2012 Legislature

811 officers of this state shall also be applicable to law
 812 enforcement officers of the commission. Such law enforcement
 813 officers may enter upon any land or waters of the state for
 814 performance of their lawful duties and may take with them any
 815 necessary equipment, and such entry will not constitute a
 816 trespass. It is lawful for any boat, motor vehicle, or aircraft
 817 owned or chartered by the commission or its agents or employees
 818 to land on and depart from any of the beaches or waters of the
 819 state. Such law enforcement officers have the authority, without
 820 warrant, to board, inspect, and search any boat, fishing
 821 appliance, storage or processing plant, fishhouse, spongehouse,
 822 oysterhouse, or other warehouse, building, or vehicle engaged in
 823 transporting or storing any fish or fishery products. Such
 824 authority to search and inspect without a search warrant is
 825 limited to those cases in which such law enforcement officers
 826 have reason to believe that fish or any saltwater products are
 827 taken or kept for sale, barter, transportation, or other
 828 purposes in violation of laws or rules adopted ~~promulgated~~ under
 829 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any
 830 time seize or take possession of any saltwater products or
 831 contraband which have been unlawfully caught, taken, or
 832 processed or which are unlawfully possessed or transported in
 833 violation of any of the laws of this state or any rule of the
 834 commission. Such law enforcement officers may arrest any person
 835 in the act of violating ~~any of the provisions of~~ this law, the
 836 rules of the commission, or any of the laws of this state. It is
 837 ~~hereby declared~~ unlawful for a ~~any~~ person to resist such arrest
 838 or in any manner interfere, either by abetting or assisting such

ENROLLED
CS/CS/HB 1383

2012 Legislature

839 resistance or otherwise interfering, with any such law
840 enforcement officer while engaged in the performance of the
841 duties imposed upon him or her by law or rule of the commission.

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

844 379.333 Arrest by officers of the ~~Fish and Wildlife~~
845 ~~Conservation~~ commission; recognizance; cash bond; citation.—

846 (1) In all cases of arrest by officers of the ~~Fish and~~
847 ~~Wildlife Conservation~~ commission ~~and the Department of~~
848 ~~Environmental Protection~~, the person arrested shall be delivered
849 forthwith by such ~~said~~ officer to the sheriff of the county, or
850 shall obtain from such person arrested a recognizance or, if
851 deemed necessary, a cash bond or other sufficient security
852 conditioned for her or his appearance before the proper tribunal
853 of such county to answer the charge for which the person has
854 been arrested.

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

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

861 379.341 Disposition of illegal fishing devices; exercise
862 of police power.—

863 (1) In all cases of arrest and conviction for use of
864 illegal nets or traps or fishing devices, as provided in this
865 chapter, such illegal net, trap, or fishing device is declared
866 to be a nuisance and shall be seized and carried before the

ENROLLED
CS/CS/HB 1383

2012 Legislature

867 court having jurisdiction of such offense and such ~~said~~ court
 868 shall order such illegal trap, net, or fishing device forfeited
 869 to the commission immediately after trial and conviction of the
 870 person in whose possession they were found. When any illegal
 871 net, trap, or fishing device is found in the fresh waters of the
 872 state, and its ~~the~~ owner is ~~of same shall~~ not be known to the
 873 officer finding it ~~the same~~, such officer shall immediately
 874 procure from the county court judge an order forfeiting such
 875 ~~said~~ illegal net, trap, or fishing device to the commission. The
 876 commission may destroy such illegal net, trap, or fishing
 877 device, if in its judgment such ~~said~~ net, trap, or fishing
 878 device is not of value in the work of the commission ~~department~~.

879 Section 25. Section 379.343, Florida Statutes, is amended
 880 to read:

881 379.343 Rewards.—The Fish and Wildlife Conservation
 882 Commission is authorized to offer rewards in amounts of up to
 883 \$500 to any person furnishing information leading to the arrest
 884 and conviction of any person who has inflicted or attempted to
 885 inflict bodily injury upon any commission ~~wildlife~~ officer
 886 engaged in the enforcement of the provisions of this chapter or
 887 the rules and regulations of the Fish and Wildlife Conservation
 888 Commission.

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

891 403.413 Florida Litter Law.—

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

893 (f) ~~(a)~~ "Litter" means any garbage; rubbish; trash; refuse;
 894 can; bottle; box; container; paper; tobacco product; tire;

ENROLLED
CS/CS/HB 1383

2012 Legislature

895 | appliance; mechanical equipment or part; building or
896 | construction material; tool; machinery; wood; motor vehicle or
897 | motor vehicle part; vessel; aircraft; farm machinery or
898 | equipment; sludge from a waste treatment facility, water supply
899 | treatment plant, or air pollution control facility; or substance
900 | in any form resulting from domestic, industrial, commercial,
901 | mining, agricultural, or governmental operations.

902 | (h)~~(b)~~ "Person" means any individual, firm, sole
903 | proprietorship, partnership, corporation, or unincorporated
904 | association.

905 | (e)~~(e)~~ "Law enforcement officer" means any officer of the
906 | Florida Highway Patrol, a county sheriff's department, a
907 | municipal law enforcement department, a law enforcement
908 | department of any other political subdivision, ~~the department,~~
909 | or the Fish and Wildlife Conservation Commission. In addition,
910 | and solely for the purposes of this section, "law enforcement
911 | officer" means any employee of a county or municipal park or
912 | recreation department designated by the department head as a
913 | litter enforcement officer.

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

917 | (b)~~(e)~~ "Commercial purpose" means for the purpose of
918 | economic gain.

919 | (c)~~(f)~~ "Commercial vehicle" means a vehicle that is owned
920 | or used by a business, corporation, association, partnership, or
921 | sole proprietorship or any other entity conducting business for
922 | a commercial purpose.

ENROLLED
CS/CS/HB 1383

2012 Legislature

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

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

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

930 Section 27. Paragraph (d) of subsection (1) of section
931 784.07, Florida Statutes, is amended to read:

932 784.07 Assault or battery of law enforcement officers,
933 firefighters, emergency medical care providers, public transit
934 employees or agents, or other specified officers;
935 reclassification of offenses; minimum sentences.—

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

937 (d) "Law enforcement officer" includes a law enforcement
938 officer, a correctional officer, a correctional probation
939 officer, a part-time law enforcement officer, a part-time
940 correctional officer, an auxiliary law enforcement officer, and
941 an auxiliary correctional officer, as those terms are
942 respectively defined in s. 943.10, and any county probation
943 officer; an employee or agent of the Department of Corrections
944 who supervises or provides services to inmates; an officer of
945 the Parole Commission; a federal law enforcement officer as
946 defined in s. 901.1505; and law enforcement personnel of the
947 Fish and Wildlife Conservation Commission, ~~the Department of~~
948 ~~Environmental Protection,~~ or the Department of Law Enforcement.

949 Section 28. Section 843.08, Florida Statutes, is amended
950 to read:

ENROLLED
CS/CS/HB 1383

2012 Legislature

951 843.08 Falsely personating officer, etc.—A person who
 952 falsely assumes or pretends to be a sheriff, officer of the
 953 Florida Highway Patrol, officer of the Fish and Wildlife
 954 Conservation Commission, ~~officer of the Department of~~
 955 ~~Environmental Protection,~~ officer of the Department of
 956 Transportation, officer of the Department of Financial Services,
 957 officer of the Department of Corrections, correctional probation
 958 officer, deputy sheriff, state attorney or assistant state
 959 attorney, statewide prosecutor or assistant statewide
 960 prosecutor, state attorney investigator, coroner, police
 961 officer, lottery special agent or lottery investigator, beverage
 962 enforcement agent, or watchman, or any member of the Parole
 963 Commission and any administrative aide or supervisor employed by
 964 the commission, or any personnel or representative of the
 965 Department of Law Enforcement, or a federal law enforcement
 966 officer as defined in s. 901.1505, and takes upon himself or
 967 herself to act as such, or to require any other person to aid or
 968 assist him or her in a matter pertaining to the duty of any such
 969 officer, commits a felony of the third degree, punishable as
 970 provided in s. 775.082, s. 775.083, or s. 775.084.‡ However, a
 971 person who falsely personates any such officer during the course
 972 of the commission of a felony commits a felony of the second
 973 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 974 775.084.~~‡; except that~~ If the commission of the felony results in
 975 the death or personal injury of another human being, the person
 976 commits a felony of the first degree, punishable as provided in
 977 s. 775.082, s. 775.083, or s. 775.084.
 978 Section 29. Section 843.085, Florida Statutes, is amended

ENROLLED
CS/CS/HB 1383

2012 Legislature

979 to read:

980 843.085 Unlawful use of police badges or other indicia of
981 authority.—It is unlawful for any person:

982 (1) Unless appointed by the Governor pursuant to chapter
983 354, authorized by the appropriate agency, or displayed in a
984 closed or mounted case as a collection or exhibit, to wear or
985 display any authorized indicia of authority, including any
986 badge, insignia, emblem, identification card, or uniform, or any
987 colorable imitation thereof, of any federal, state, county, or
988 municipal law enforcement agency, or other criminal justice
989 agency as now or hereafter defined in s. 943.045, which could
990 deceive a reasonable person into believing that such item is
991 authorized by any of the agencies described above for use by the
992 person displaying or wearing it, or which displays in any manner
993 or combination the word or words "police," "patrolman," "agent,"
994 "sheriff," "deputy," "trooper," "highway patrol," "commission
995 officer," "Wildlife Officer," "Marine Patrol Officer," "state
996 attorney," "public defender," "marshal," "constable," or
997 "bailiff," which could deceive a reasonable person into
998 believing that such item is authorized by any of the agencies
999 described above for use by the person displaying or wearing it.

1000 (2) To own or operate a motor vehicle marked or identified
1001 in any manner or combination by the word or words "police,"
1002 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
1003 "commission officer," "Wildlife Officer," "Marine Patrol
1004 Officer," "marshal," "constable," or "bailiff," or by any
1005 lettering, marking, or insignia, or colorable imitation thereof,
1006 including, but not limited to, stars, badges, or shields,

ENROLLED
CS/CS/HB 1383

2012 Legislature

1007 | officially used to identify the vehicle as a federal, state,
1008 | county, or municipal law enforcement vehicle or a vehicle used
1009 | by a criminal justice agency as now or hereafter defined in s.
1010 | 943.045, which could deceive a reasonable person into believing
1011 | that such vehicle is authorized by any of the agencies described
1012 | above for use by the person operating the motor vehicle, unless
1013 | such vehicle is owned or operated by the appropriate agency and
1014 | its use is authorized by such agency, or the local law
1015 | enforcement agency authorizes the use of such vehicle or unless
1016 | the person is appointed by the Governor pursuant to chapter 354.

1017 | (3) To sell, transfer, or give away the authorized badge,
1018 | or colorable imitation thereof, including miniatures, of any
1019 | criminal justice agency as now or hereafter defined in s.
1020 | 943.045, or bearing in any manner or combination the word or
1021 | words "police," "patrolman," "sheriff," "deputy," "trooper,"
1022 | "highway patrol," "commission officer," "Wildlife Officer,"
1023 | "Marine Patrol Officer," "marshal," "constable," "agent," "state
1024 | attorney," "public defender," or "bailiff," which could deceive
1025 | a reasonable person into believing that such item is authorized
1026 | by any of the agencies described above, except for agency
1027 | purchases or upon the presentation and recordation of both a
1028 | driver's license and other identification showing any transferee
1029 | to actually be a member of such criminal justice agency or
1030 | unless the person is appointed by the Governor pursuant to
1031 | chapter 354. A transferor of an item covered by this subsection
1032 | is required to maintain for 2 years a written record of such
1033 | transaction, including records showing compliance with this
1034 | subsection, and if such transferor is a business, it shall make

ENROLLED
CS/CS/HB 1383

2012 Legislature

1035 such records available during normal business hours for
1036 inspection by any law enforcement agency having jurisdiction in
1037 the area where the business is located.

1038 (4) Nothing in this section shall prohibit a fraternal,
1039 benevolent, or labor organization or association, or their
1040 chapters or subsidiaries, from using the following words, in any
1041 manner or in any combination, if those words appear in the
1042 official name of the organization or association: "police,"
1043 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
1044 "commission officer," "Wildlife Officer," "Marine Patrol
1045 Officer," "marshal," "constable," or "bailiff."

1046 (5) Violation of any provision of this section is a
1047 misdemeanor of the first degree, punishable as provided in s.
1048 775.082 or s. 775.083. This section is cumulative to any law now
1049 in force in the state.

1050 Section 30. Section 870.04, Florida Statutes, is amended
1051 to read:

1052 870.04 Specified officers to disperse riotous assembly.—If
1053 any number of persons, whether armed or not, are unlawfully,
1054 riotously, or tumultuously assembled in any county, city, or
1055 municipality, the sheriff or the sheriff's deputies, or the
1056 mayor, or any commissioner, council member, alderman, or police
1057 officer of the ~~said~~ city or municipality, or any officer or
1058 member of the Florida Highway Patrol, or any officer or agent of
1059 the Fish and Wildlife Conservation Commission, ~~Department of~~
1060 ~~Environmental Protection,~~ any ~~or~~ beverage enforcement agent, any
1061 personnel or representatives of the Department of Law
1062 Enforcement or its successor, or any other peace officer, shall

ENROLLED
CS/CS/HB 1383

2012 Legislature

1063 go among the persons so assembled, or as near to them as may be
 1064 done with safety, and shall in the name of the state command all
 1065 the persons so assembled immediately and peaceably to disperse. ~~+~~
 1066 ~~and~~ If such persons do not thereupon immediately and peaceably
 1067 disperse, such ~~said~~ officers shall command the assistance of all
 1068 such persons in seizing, arresting, and securing such persons in
 1069 custody. ~~+~~ ~~and~~ If any person present being so commanded to aid
 1070 and assist in seizing and securing such rioter or persons so
 1071 unlawfully assembled, or in suppressing such riot or unlawful
 1072 assembly, refuses or neglects to obey such command, or, when
 1073 required by such officers to depart from the place, refuses and
 1074 neglects to do so, the person shall be deemed one of the rioters
 1075 or persons unlawfully assembled, and may be prosecuted and
 1076 punished accordingly.

1077 Section 31. Paragraphs (c) through (n) of subsection (6)
 1078 of section 932.7055, Florida Statutes, are redesignated as
 1079 paragraphs (b) through (m), respectively, and present paragraph
 1080 (b) of that subsection is amended to read:

1081 932.7055 Disposition of liens and forfeited property.—

1082 (6) If the seizing agency is a state agency, all remaining
 1083 proceeds shall be deposited into the General Revenue Fund.

1084 However, if the seizing agency is:

1085 ~~(b) The Department of Environmental Protection, the~~
 1086 ~~proceeds accrued pursuant to the provisions of the Florida~~
 1087 ~~Contraband Forfeiture Act shall be deposited into the Internal~~
 1088 ~~Improvement Trust Fund.~~

1089 Section 32. This act shall take effect July 1, 2012.