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LEGISLATIVE ACTION

Senate

House

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03/08/2012 10:22 AM

Senator Latvala moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



229878

14 Commission.

15 (2) The Bureau of Emergency Response within the Department
16 of Environmental Protection is reassigned to the Secretary of
17 Environmental Protection as the Office of Emergency Response
18 within the Department of Environmental Protection.

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

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

31 (a) Support and response for oil spills, hazardous spills,
32 and natural disasters.

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

35 (c) Law enforcement services, including investigative
36 services, for all criminal law violations of chapters 161, 258,
37 373, 376, and 403, Florida Statutes.

38 (d) Enforcement services for all civil violations of all
39 department administrative rules related to the following program
40 areas:

41 1. Division of Recreation and Parks.

42 2. Office of Coastal and Aquatic Managed Areas.



229878

43 3. Office of Greenways and Trails.

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

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

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

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

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

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



229878

72 transition advisory working group to review and determine the
73 following:

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

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

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

96 Subsequent adjustments between agencies that are determined
97 necessary by the department or commission and approved by the
98 Executive Office of the Governor are authorized and subject to
99 s. 216.177, Florida Statutes. The appropriate substantive
100 committees of the Senate and the House of Representatives shall



229878

101 also be notified of the proposed revisions to ensure consistency
102 with legislative policy and intent.

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

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

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

120 (b) Conservation and recreation lands and commercial
121 aquaculture managed by the Department of Agriculture and
122 Consumer Services.

123 (2) Law enforcement officers of the Fish and Wildlife
124 Conservation Commission are conferred full power to investigate
125 and arrest for any violation of the rules of the Department of
126 Agriculture and Consumer Services, the Department of
127 Environmental Protection, and the Board of Trustees of the
128 Internal Improvement Trust Fund.

129 Section 5. Notwithstanding chapter 60K-5, Florida



229878

130 Administrative Code, or any provision of law to the contrary,
131 employees who are transferred from the Department of
132 Environmental Protection and the Department of Agriculture and
133 Consumer Services to fill positions transferred to the Fish and
134 Wildlife Conservation Commission shall retain and transfer any
135 accrued annual leave, sick leave, and regular and special
136 compensatory leave balances.

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

139 PART IV

140 MISCELLANEOUS PROVISIONS

141 258.601 Enforcement of prohibited activities.-Prohibited
142 activities under this chapter shall be enforced by the
143 Department of Environmental Protection and the Division of Law
144 Enforcement of the Fish and Wildlife Conservation Commission and
145 its officers.

146 Section 7. Subsections (5) through (8) of section 20.255,
147 Florida Statutes, are renumbered as subsections (4) through (7),
148 respectively, and present subsections (2), (3), and (4) of that
149 section are amended to read:

150 20.255 Department of Environmental Protection.-There is
151 created a Department of Environmental Protection.

152 (2) (a) There shall be three deputy secretaries who are to
153 be appointed by and shall serve at the pleasure of the
154 secretary. The secretary may assign any deputy secretary the
155 responsibility to supervise, coordinate, and formulate policy
156 for any division, office, or district. The following special
157 offices are established and headed by managers, each of whom is
158 to be appointed by and serve at the pleasure of the secretary:



229878

- 159 1. Office of Chief of Staff;
- 160 2. Office of General Counsel;
- 161 3. Office of Inspector General;
- 162 4. Office of External Affairs;
- 163 5. Office of Legislative Affairs;
- 164 6. Office of Intergovernmental Programs; and
- 165 7. Office of Greenways and Trails.
- 166 8. Office of Emergency Response.

167 (b) There shall be six administrative districts involved in
168 regulatory matters of waste management, water resource
169 management, wetlands, and air resources, which shall be headed
170 by managers, each of whom is to be appointed by and serve at the
171 pleasure of the secretary. Divisions of the department may have
172 one assistant or two deputy division directors, as required to
173 facilitate effective operation.

174
175 The managers of all divisions and offices specifically named in
176 this section and the directors of the six administrative
177 districts are exempt from part II of chapter 110 and are
178 included in the Senior Management Service in accordance with s.
179 110.205(2)(j).

180 (3) The following divisions of the Department of
181 Environmental Protection are established:

- 182 (a) Division of Administrative Services.
- 183 (b) Division of Air Resource Management.
- 184 (c) Division of Water Resource Management.
- 185 ~~(d) Division of Law Enforcement.~~

186 (d)(e) Division of Environmental Assessment and
187 Restoration.



229878

188 (e)~~(f)~~ Division of Waste Management.
189 (f)~~(g)~~ Division of Recreation and Parks.
190 (g)~~(h)~~ Division of State Lands, the director of which is to
191 be appointed by the secretary of the department, subject to
192 confirmation by the Governor and Cabinet sitting as the Board of
193 Trustees of the Internal Improvement Trust Fund.

194
195 In order to ensure statewide and intradepartmental consistency,
196 the department's divisions shall direct the district offices and
197 bureaus on matters of interpretation and applicability of the
198 department's rules and programs.

199 ~~(4) Law enforcement officers of the Department of
200 Environmental Protection who meet the provisions of s. 943.13
201 are constituted law enforcement officers of this state with full
202 power to investigate and arrest for any violation of the laws of
203 this state, and the rules of the department and the Board of
204 Trustees of the Internal Improvement Trust Fund. The general
205 laws applicable to investigations, searches, and arrests by
206 peace officers of this state apply to such law enforcement
207 officers.~~

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

210 258.008 Prohibited activities; penalties.—

211 (1) Except as provided in subsection (3), any person who
212 violates or otherwise fails to comply with the rules adopted
213 under this chapter commits a noncriminal infraction for which
214 ejection from all property managed by the Division of Recreation
215 and Parks and a fine of up to \$500 may be imposed by the
216 division. Fines paid under this subsection shall be paid to the



229878

217 Fish and Wildlife Conservation Commission ~~Department of~~
218 ~~Environmental Protection~~ and deposited in the State Game Park
219 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395.

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

222 258.501 Myakka River; wild and scenic segment.—

223 (16) ENFORCEMENT. ~~Officers of~~ The department and the Fish
224 and Wildlife Conservation Commission shall have full authority
225 to enforce any rule adopted by the department ~~under this section~~
226 ~~with the same police powers given them by law to enforce the~~
227 ~~rules of state parks and the rules pertaining to saltwater areas~~
228 ~~under the jurisdiction of the Florida Marine Patrol.~~

229 Section 10. Paragraph (a) of subsection (2) of section
230 282.709, Florida Statutes, is amended to read:

231 282.709 State agency law enforcement radio system and
232 interoperability network.—

233 (2) The Joint Task Force on State Agency Law Enforcement
234 Communications is created adjunct to the department to advise
235 the department of member-agency needs relating to the planning,
236 designing, and establishment of the statewide communication
237 system.

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

241 1. A representative of the Division of Alcoholic Beverages
242 and Tobacco of the Department of Business and Professional
243 Regulation who shall be appointed by the secretary of the
244 department.

245 2. A representative of the Division of Florida Highway



229878

246 Patrol of the Department of Highway Safety and Motor Vehicles
247 who shall be appointed by the executive director of the
248 department.

249 3. A representative of the Department of Law Enforcement
250 who shall be appointed by the executive director of the
251 department.

252 4. A representative of the Fish and Wildlife Conservation
253 Commission who shall be appointed by the executive director of
254 the commission.

255 ~~5. A representative of the Division of Law Enforcement of~~
256 ~~the Department of Environmental Protection who shall be~~
257 ~~appointed by the secretary of the department.~~

258 ~~5.6.~~ A representative of the Department of Corrections who
259 shall be appointed by the secretary of the department.

260 ~~6.7.~~ A representative of the Division of State Fire Marshal
261 of the Department of Financial Services who shall be appointed
262 by the State Fire Marshal.

263 ~~7.8.~~ A representative of the Department of Transportation
264 who shall be appointed by the secretary of the department.

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

267 316.003 Definitions.—The following words and phrases, when
268 used in this chapter, shall have the meanings respectively
269 ascribed to them in this section, except where the context
270 otherwise requires:

271 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
272 department (fire patrol), police vehicles, and such ambulances
273 and emergency vehicles of municipal departments, public service
274 corporations operated by private corporations, the Fish and



229878

275 Wildlife Conservation Commission, the Department of
276 Environmental Protection, the Department of Health, the
277 Department of Transportation, and the Department of Corrections
278 as are designated or authorized by their respective department
279 or the chief of police of an incorporated city or any sheriff of
280 any of the various counties.

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

283 316.2397 Certain lights prohibited; exceptions.—

284 (3) Vehicles of the fire department and fire patrol,
285 including vehicles of volunteer firefighters as permitted under
286 s. 316.2398, vehicles of medical staff physicians or technicians
287 of medical facilities licensed by the state as authorized under
288 s. 316.2398, ambulances as authorized under this chapter, and
289 buses and taxicabs as authorized under s. 316.2399 may are
290 ~~permitted to~~ show or display red lights. Vehicles of the fire
291 department, fire patrol, police vehicles, and such ambulances
292 and emergency vehicles of municipal and county departments,
293 public service corporations operated by private corporations,
294 the Fish and Wildlife Conservation Commission, the Department of
295 Environmental Protection, the Department of Transportation, the
296 Department of Agriculture and Consumer Services, and the
297 Department of Corrections as are designated or authorized by
298 their respective department or the chief of police of an
299 incorporated city or any sheriff of any county may are hereby
300 ~~authorized to~~ operate emergency lights and sirens in an
301 emergency. Wreckers, mosquito control fog and spray vehicles,
302 and emergency vehicles of governmental departments or public
303 service corporations may show or display amber lights when in



229878

304 actual operation or when a hazard exists provided they are not
305 used going to and from the scene of operation or hazard without
306 specific authorization of a law enforcement officer or law
307 enforcement agency. Wreckers must use amber rotating or flashing
308 lights while performing recoveries and loading on the roadside
309 day or night, and may use such lights while towing a vehicle on
310 wheel lifts, slings, or under reach if the operator of the
311 wrecker deems such lights necessary. A flatbed, car carrier, or
312 rollback may not use amber rotating or flashing lights when
313 hauling a vehicle on the bed unless it creates a hazard to other
314 motorists because of protruding objects. Further, escort
315 vehicles may show or display amber lights when in the actual
316 process of escorting overdimensioned equipment, material, or
317 buildings as authorized by law. Vehicles owned or leased by
318 private security agencies may show or display green and amber
319 lights, with either color being no greater than 50 percent of
320 the lights displayed, while the security personnel are engaged
321 in security duties on private or public property.

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

326 Section 13. Paragraph (a) of subsection (1) of section
327 316.640, Florida Statutes, is amended to read:

328 316.640 Enforcement.—The enforcement of the traffic laws of
329 this state is vested as follows:

330 (1) STATE.—

331 (a)1.a. The Division of Florida Highway Patrol of the
332 Department of Highway Safety and Motor Vehicles; the Division of



229878

333 Law Enforcement of the Fish and Wildlife Conservation
334 Commission; ~~the Division of Law Enforcement of the Department of~~
335 ~~Environmental Protection;~~ and the agents, inspectors, and
336 officers of the Department of Law Enforcement each have
337 authority to enforce all of the traffic laws of this state on
338 all the streets and highways thereof and elsewhere throughout
339 the state wherever the public has a right to travel by motor
340 vehicle.

341 b. University police officers may ~~shall have authority to~~
342 enforce all of the traffic laws of this state when violations
343 occur on or within 1,000 feet of any property or facilities that
344 are under the guidance, supervision, regulation, or control of a
345 state university, a direct-support organization of such state
346 university, or any other organization controlled by the state
347 university or a direct-support organization of the state
348 university, or when such violations occur within a specified
349 jurisdictional area as agreed upon in a mutual aid agreement
350 entered into with a law enforcement agency pursuant to s.
351 23.1225(1). Traffic laws may also be enforced off-campus when
352 hot pursuit originates on or within 1,000 feet of any such
353 property or facilities, or as agreed upon in accordance with the
354 mutual aid agreement.

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

360 d. Police officers employed by an airport authority may
361 ~~shall have the authority to~~ enforce all of the traffic laws of



229878

362 this state only when such violations occur on any property or
363 facilities that are owned or operated by an airport authority.

364 (I) An airport authority may employ as a parking
365 enforcement specialist any individual who successfully completes
366 a training program established and approved by the Criminal
367 Justice Standards and Training Commission for parking
368 enforcement specialists but who does not otherwise meet the
369 uniform minimum standards established by the commission for law
370 enforcement officers or auxiliary or part-time officers under s.
371 943.12. ~~Nothing in~~ This sub-sub-subparagraph may not ~~shall~~ be
372 construed to permit the carrying of firearms or other weapons,
373 nor shall such parking enforcement specialist have arrest
374 authority.

375 (II) A parking enforcement specialist employed by an
376 airport authority may ~~is authorized to~~ enforce all state,
377 county, and municipal laws and ordinances governing parking only
378 when such violations are on property or facilities owned or
379 operated by the airport authority employing the specialist, by
380 appropriate state, county, or municipal traffic citation.

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

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

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



229878

391 violation of this subparagraph is not subject to the penalties
392 provided in chapter 318.

393 3. Any disciplinary action taken or performance evaluation
394 conducted by an agency of the state as described in subparagraph
395 1. of a law enforcement officer's traffic enforcement activity
396 must be in accordance with written work-performance standards.
397 Such standards must be approved by the agency and any collective
398 bargaining unit representing such law enforcement officer. A
399 violation of this subparagraph is not subject to the penalties
400 provided in chapter 318.

401 4. The Division of the Florida Highway Patrol may employ as
402 a traffic accident investigation officer any individual who
403 successfully completes instruction in traffic accident
404 investigation and court presentation through the Selective
405 Traffic Enforcement Program as approved by the Criminal Justice
406 Standards and Training Commission and funded through the
407 National Highway Traffic Safety Administration or a similar
408 program approved by the commission, but who does not necessarily
409 meet the uniform minimum standards established by the commission
410 for law enforcement officers or auxiliary law enforcement
411 officers under chapter 943. Any such traffic accident
412 investigation officer who makes an investigation at the scene of
413 a traffic accident may issue traffic citations, based upon
414 personal investigation, when he or she has reasonable and
415 probable grounds to believe that a person who was involved in
416 the accident committed an offense under this chapter, chapter
417 319, chapter 320, or chapter 322 in connection with the
418 accident. This subparagraph does not permit the officer to carry
419 firearms or other weapons, and such an officer does not have



229878

420 authority to make arrests.

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

423 375.041 Land Acquisition Trust Fund.—

424 (4) The department may disburse moneys in the Land
425 Acquisition Trust Fund to pay all necessary expenses to carry
426 out the purposes of this act. The department shall disburse
427 moneys from the Land Acquisition Trust Fund to the Fish and
428 Wildlife Conservation Commission for the purpose of funding law
429 enforcement services on state lands.

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

432 376.065 Operation of terminal facility without discharge
433 prevention and response certificate prohibited; penalty.—

434 (5) (a) A ~~Any~~ person who violates this section or the terms
435 and requirements of such certification commits a noncriminal
436 infraction. The civil penalty for any such infraction shall be
437 \$500, except as otherwise provided in this section.

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

- 440 1. Pay the civil penalty;
- 441 2. Post a bond equal to the amount of the applicable civil
442 penalty; or
- 443 3. Sign and accept a citation indicating a promise to
444 appear before the county court.

445
446 The department employee ~~officer~~ authorized to issue these
447 citations may indicate on the citation the time and location of
448 the scheduled hearing and shall indicate the applicable civil



229878

449 penalty.

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

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

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

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

460
461 A person cited for an infraction under this section who pays the
462 civil penalty or forfeits the bond has admitted the infraction
463 and waives the right to a hearing on the issue of commission of
464 the infraction. Such admission may not be used as evidence in
465 any other proceedings.

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

472 (f) At a hearing under this subsection, the commission of a
473 charged infraction must be proved by the greater weight of the
474 evidence.

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



229878

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

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

485 376.07 Regulatory powers of department; penalties for
486 inadequate booming by terminal facilities.—

487 (3) The department shall not require vessels to maintain
488 discharge prevention gear, holding tanks, and containment gear
489 which exceed federal requirements. However, a terminal facility
490 transferring heavy oil to or from a vessel with a heavy oil
491 storage capacity greater than 10,000 gallons shall be required,
492 considering existing weather and tidal conditions, to adequately
493 boom or seal off the transfer area during a transfer, including,
494 but not limited to, a bunkering operation, to minimize the
495 escape of such pollutants from the containment area. As used in
496 this subsection, the term "adequate booming" means booming with
497 proper containment equipment which is employed and located for
498 the purpose of preventing, for the most likely discharge, as
499 much of the pollutant as possible from escaping out of the
500 containment area.

501 (a) The owner or operator of a terminal facility involved
502 in the transfer of such pollutant to or from a vessel which is
503 not adequately boomed commits a noncriminal infraction and shall
504 be cited for such infraction. The civil penalty for such an
505 infraction shall be \$2,500, except as otherwise provided in this
506 section.



229878

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

- 509 1. Pay the civil penalty;
510 2. Post bond equal to the amount of the applicable civil
511 penalty; or
512 3. Sign and accept a citation indicating a promise to
513 appear before the county court.

514

515 The department employee ~~officer~~ authorized to issue these
516 citations may indicate on the citation the time and location of
517 the scheduled hearing and shall indicate the applicable civil
518 penalty.

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

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

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

529

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

535 (e) A ~~Any~~ person who elects to appear before the county



229878

536 court or who is required to appear waives the limitations of the
537 civil penalty specified in paragraph (a). The issue of whether
538 an infraction has been committed and the severity of the
539 infraction shall be determined by a hearing official at a
540 hearing. If the commission of the infraction is proved by the
541 greater weight of the evidence, the court shall impose a civil
542 penalty of \$2,500. If the court determines that the owner or
543 operator of the terminal facility failed to deploy any boom
544 equipment during such a transfer, including, but not limited to,
545 a bunkering operation, the civil penalty shall be \$5,000.

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

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

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

556 376.071 Discharge contingency plan for vessels.—

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

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

564 1. Pay the civil penalty;



229878

565 2. Post bond equal to the amount of the applicable civil
566 penalty; or

567 3. Sign and accept a citation indicating a promise to
568 appear before the county court for the county in which the
569 violation occurred or the county closest to the location at
570 which the violation occurred.

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

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

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

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

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

586
587 A person cited for an infraction under this section who pays the
588 civil penalty or forfeits the bond has admitted the infraction
589 and waives the right to a hearing on the issue of commission of
590 the infraction. Such admission may not be used as evidence in
591 any other proceedings.

592 (e) A ~~Any~~ person who elects to appear before the county
593 court or who is required to appear waives the limitations of the



229878

594 civil penalty specified in paragraph (a). The court, after a
595 hearing, shall make a determination as to whether an infraction
596 has been committed. If the commission of the infraction is
597 proved, the court shall impose a civil penalty of \$5,000.

598 (f) At a hearing under this subsection, the commission of a
599 charged infraction must be proved by the greater weight of the
600 evidence.

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

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

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

611 376.16 Enforcement and penalties.—

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

614 (a) Pay the civil penalty;

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

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

619
620 The department employee ~~officer~~ authorized to issue these
621 citations may indicate on the citation the time and location of
622 the scheduled hearing and shall indicate the applicable civil



229878

623 penalty.

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

626 376.3071 Inland Protection Trust Fund; creation; purposes;
627 funding.—

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

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

636
637 The Inland Protection Trust Fund may only be used to fund the
638 activities in ss. 376.30-376.317 except ss. 376.3078 and
639 376.3079. Amounts on deposit in the Inland Protection Trust Fund
640 in each fiscal year shall first be applied or allocated for the
641 payment of amounts payable by the department pursuant to
642 paragraph (o) under a service contract entered into by the
643 department pursuant to s. 376.3075 and appropriated in each year
644 by the Legislature prior to making or providing for other
645 disbursements from the fund. Nothing in this subsection shall
646 authorize the use of the Inland Protection Trust Fund for
647 cleanup of contamination caused primarily by a discharge of
648 solvents as defined in s. 206.9925(6), or polychlorinated
649 biphenyls when their presence causes them to be hazardous
650 wastes, except solvent contamination which is the result of
651 chemical or physical breakdown of petroleum products and is



229878

652 otherwise eligible. Facilities used primarily for the storage of
653 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall
654 be presumed not to be excluded from eligibility pursuant to this
655 section.

656 Section 20. Section 379.3311, Florida Statutes, is amended
657 to read:

658 379.3311 Police powers of commission and its agents.-

659 (1) The ~~Fish and Wildlife Conservation~~ commission, the
660 executive director and the executive director's assistants
661 designated by her or him, and each commission ~~wildlife~~ officer
662 are constituted peace officers with the power to make arrests
663 for violations of the laws of this state when committed in the
664 presence of the officer or when committed on lands under the
665 supervision and management of the commission, the department,
666 the Board of Trustees of the Internal Improvement Trust Fund, or
667 the Department of Agricultural and Consumer Services, including
668 state parks, coastal and aquatic managed areas, and greenways
669 and trails. The general laws applicable to arrests by peace
670 officers of this state shall also be applicable to such ~~said~~
671 director, assistants, and commission ~~wildlife~~ officers. Such
672 persons may enter upon any land or waters of the state for
673 performance of their lawful duties and may take with them any
674 necessary equipment, and such entry does ~~shall~~ not constitute a
675 trespass.

676 (2) Such officers may ~~shall have power and authority to~~
677 enforce throughout the state all laws relating to game, nongame
678 birds, fish, and fur-bearing animals and all rules and
679 regulations of the ~~Fish and Wildlife Conservation~~ commission
680 relating to wild animal life, marine life, and freshwater



229878

681 aquatic life, and in connection with such ~~said~~ laws, rules, and
682 regulations, in the enforcement thereof and in the performance
683 of their duties thereunder, to:

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

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

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

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

691 (e) Arrest upon probable cause without warrant any person
692 found in the act of violating any such ~~of the provisions of said~~
693 laws or, in pursuit immediately following such violations, to
694 examine any person, boat, conveyance, vehicle, game bag, game
695 coat, or other receptacle for wild animal life, marine life, or
696 freshwater aquatic life, or any camp, tent, cabin, or roster, in
697 the presence of any person stopping at or belonging to such
698 camp, tent, cabin, or roster, when such ~~said~~ officer has reason
699 to believe, and has exhibited her or his authority and stated to
700 the suspected person in charge the officer's reason for
701 believing, that any of the aforesaid laws have been violated at
702 such camp;

703 (f) Secure and execute search warrants and in pursuance
704 thereof to enter any building, enclosure, or car and to break
705 open, when found necessary, any apartment, chest, locker, box,
706 trunk, crate, basket, bag, package, or container and examine the
707 contents thereof;

708 (g) Seize and take possession of all wild animal life,
709 marine life, or freshwater aquatic life taken or in possession



229878

710 or under control of, or shipped or about to be shipped by, any
711 person at any time in any manner contrary to such ~~said~~ laws.

712 (3) It is unlawful for any person to resist an arrest
713 authorized by this section or in any manner to interfere, either
714 by abetting, assisting such resistance, or otherwise interfering
715 with such ~~said~~ executive director, assistants, or commission
716 ~~wildlife~~ officers while engaged in the performance of the duties
717 imposed upon them by law or regulation of the ~~Fish and Wildlife~~
718 ~~Conservation~~ commission, the department, the Board of Trustees
719 of the Internal Improvement Trust Fund, or the Department of
720 Agriculture and Consumer Services.

721 (4) Upon final disposition of any alleged offense for which
722 a citation for any violation of this chapter or the rules of the
723 commission has been issued, the court shall, within 10 days
724 after the final disposition of the action, certify the
725 disposition to the commission.

726 Section 21. Section 379.3312, Florida Statutes, is amended
727 to read:

728 379.3312 Powers of arrest by agents of ~~Department of~~
729 ~~Environmental Protection or Fish and Wildlife Conservation~~
730 commission.—Any certified law enforcement officer of the
731 ~~Department of Environmental Protection or the Fish and Wildlife~~
732 ~~Conservation~~ commission, upon receiving information, relayed to
733 her or him from any law enforcement officer stationed on the
734 ground, on the water, or in the air, that a driver, operator, or
735 occupant of any vehicle, boat, or airboat has violated any
736 section of chapter 327, chapter 328, or this chapter, or s.
737 597.010 or s. 597.020, may arrest the driver, operator, or
738 occupant for violation of such ~~said~~ laws when reasonable and



229878

739 proper identification of the vehicle, boat, or airboat and
740 reasonable and probable grounds to believe that the driver,
741 operator, or occupant has committed or is committing any such
742 offense have been communicated to the arresting officer by the
743 other officer stationed on the ground, on the water, or in the
744 air.

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

747 379.3313 Powers of commission law enforcement officers.—

748 (1) Law enforcement officers of the commission are
749 constituted law enforcement officers of this state with full
750 power to investigate and arrest for any violation of the laws of
751 this state and the rules of the commission, the department, the
752 Board of Trustees of the Internal Improvement Trust Fund, and
753 the Department of Agriculture and Consumer Services under their
754 jurisdiction. The general laws applicable to arrests by peace
755 officers of this state shall also be applicable to law
756 enforcement officers of the commission. Such law enforcement
757 officers may enter upon any land or waters of the state for
758 performance of their lawful duties and may take with them any
759 necessary equipment, and such entry will not constitute a
760 trespass. It is lawful for any boat, motor vehicle, or aircraft
761 owned or chartered by the commission or its agents or employees
762 to land on and depart from any of the beaches or waters of the
763 state. Such law enforcement officers have the authority, without
764 warrant, to board, inspect, and search any boat, fishing
765 appliance, storage or processing plant, fishhouse, spongehouse,
766 oysterhouse, or other warehouse, building, or vehicle engaged in
767 transporting or storing any fish or fishery products. Such



229878

768 authority to search and inspect without a search warrant is
769 limited to those cases in which such law enforcement officers
770 have reason to believe that fish or any saltwater products are
771 taken or kept for sale, barter, transportation, or other
772 purposes in violation of laws or rules adopted ~~promulgated~~ under
773 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any
774 time seize or take possession of any saltwater products or
775 contraband which have been unlawfully caught, taken, or
776 processed or which are unlawfully possessed or transported in
777 violation of any of the laws of this state or any rule of the
778 commission. Such law enforcement officers may arrest any person
779 in the act of violating ~~any of the provisions of~~ this law, the
780 rules of the commission, or any of the laws of this state. It is
781 ~~hereby declared~~ unlawful for a ~~any~~ person to resist such arrest
782 or in any manner interfere, either by abetting or assisting such
783 resistance or otherwise interfering, with any such law
784 enforcement officer while engaged in the performance of the
785 duties imposed upon him or her by law or rule of the commission.

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

788 379.333 Arrest by officers of the ~~Fish and Wildlife~~
789 ~~Conservation~~ commission; recognizance; cash bond; citation.—

790 (1) In all cases of arrest by officers of the ~~Fish and~~
791 ~~Wildlife Conservation~~ commission ~~and the Department of~~
792 ~~Environmental Protection~~, the person arrested shall be delivered
793 forthwith by such ~~said~~ officer to the sheriff of the county, or
794 shall obtain from such person arrested a recognizance or, if
795 deemed necessary, a cash bond or other sufficient security
796 conditioned for her or his appearance before the proper tribunal



229878

797 of such county to answer the charge for which the person has
798 been arrested.

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

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

805 379.341 Disposition of illegal fishing devices; exercise of
806 police power.—

807 (1) In all cases of arrest and conviction for use of
808 illegal nets or traps or fishing devices, as provided in this
809 chapter, such illegal net, trap, or fishing device is declared
810 to be a nuisance and shall be seized and carried before the
811 court having jurisdiction of such offense and such ~~said~~ court
812 shall order such illegal trap, net, or fishing device forfeited
813 to the commission immediately after trial and conviction of the
814 person in whose possession they were found. When any illegal
815 net, trap, or fishing device is found in the fresh waters of the
816 state, and its ~~the~~ owner is ~~of same shall~~ not be known to the
817 officer finding it ~~the same~~, such officer shall immediately
818 procure from the county court judge an order forfeiting such
819 ~~said~~ illegal net, trap, or fishing device to the commission. The
820 commission may destroy such illegal net, trap, or fishing
821 device, if in its judgment such ~~said~~ net, trap, or fishing
822 device is not of value in the work of the commission ~~department~~.

823 Section 25. Section 379.343, Florida Statutes, is amended
824 to read:

825 379.343 Rewards.—The Fish and Wildlife Conservation



229878

826 Commission is authorized to offer rewards in amounts of up to
827 \$500 to any person furnishing information leading to the arrest
828 and conviction of any person who has inflicted or attempted to
829 inflict bodily injury upon any commission ~~wildlife~~ officer
830 engaged in the enforcement of the provisions of this chapter or
831 the rules and regulations of the Fish and Wildlife Conservation
832 Commission.

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

835 403.413 Florida Litter Law.—

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

837 (f) ~~(a)~~ "Litter" means any garbage; rubbish; trash; refuse;
838 can; bottle; box; container; paper; tobacco product; tire;
839 appliance; mechanical equipment or part; building or
840 construction material; tool; machinery; wood; motor vehicle or
841 motor vehicle part; vessel; aircraft; farm machinery or
842 equipment; sludge from a waste treatment facility, water supply
843 treatment plant, or air pollution control facility; or substance
844 in any form resulting from domestic, industrial, commercial,
845 mining, agricultural, or governmental operations.

846 (h) ~~(b)~~ "Person" means any individual, firm, sole
847 proprietorship, partnership, corporation, or unincorporated
848 association.

849 (e) ~~(c)~~ "Law enforcement officer" means any officer of the
850 Florida Highway Patrol, a county sheriff's department, a
851 municipal law enforcement department, a law enforcement
852 department of any other political subdivision, ~~the department,~~
853 or the Fish and Wildlife Conservation Commission. In addition,
854 and solely for the purposes of this section, "law enforcement



229878

855 officer" means any employee of a county or municipal park or
856 recreation department designated by the department head as a
857 litter enforcement officer.

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

861 (b)~~(e)~~ "Commercial purpose" means for the purpose of
862 economic gain.

863 (c)~~(f)~~ "Commercial vehicle" means a vehicle that is owned
864 or used by a business, corporation, association, partnership, or
865 sole proprietorship or any other entity conducting business for
866 a commercial purpose.

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

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

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

874 Section 27. Paragraph (d) of subsection (1) of section
875 784.07, Florida Statutes, is amended to read:

876 784.07 Assault or battery of law enforcement officers,
877 firefighters, emergency medical care providers, public transit
878 employees or agents, or other specified officers;
879 reclassification of offenses; minimum sentences.-

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

881 (d) "Law enforcement officer" includes a law enforcement
882 officer, a correctional officer, a correctional probation
883 officer, a part-time law enforcement officer, a part-time



229878

884 correctional officer, an auxiliary law enforcement officer, and
885 an auxiliary correctional officer, as those terms are
886 respectively defined in s. 943.10, and any county probation
887 officer; an employee or agent of the Department of Corrections
888 who supervises or provides services to inmates; an officer of
889 the Parole Commission; a federal law enforcement officer as
890 defined in s. 901.1505; and law enforcement personnel of the
891 Fish and Wildlife Conservation Commission, ~~the Department of~~
892 ~~Environmental Protection,~~ or the Department of Law Enforcement.

893 Section 28. Section 843.08, Florida Statutes, is amended to
894 read:

895 843.08 Falsely personating officer, etc.—A person who
896 falsely assumes or pretends to be a sheriff, officer of the
897 Florida Highway Patrol, officer of the Fish and Wildlife
898 Conservation Commission, ~~officer of the Department of~~
899 ~~Environmental Protection,~~ officer of the Department of
900 Transportation, officer of the Department of Financial Services,
901 officer of the Department of Corrections, correctional probation
902 officer, deputy sheriff, state attorney or assistant state
903 attorney, statewide prosecutor or assistant statewide
904 prosecutor, state attorney investigator, coroner, police
905 officer, lottery special agent or lottery investigator, beverage
906 enforcement agent, or watchman, or any member of the Parole
907 Commission and any administrative aide or supervisor employed by
908 the commission, or any personnel or representative of the
909 Department of Law Enforcement, or a federal law enforcement
910 officer as defined in s. 901.1505, and takes upon himself or
911 herself to act as such, or to require any other person to aid or
912 assist him or her in a matter pertaining to the duty of any such



229878

913 officer, commits a felony of the third degree, punishable as
914 provided in s. 775.082, s. 775.083, or s. 775.084. However, a
915 person who falsely personates any such officer during the course
916 of the commission of a felony commits a felony of the second
917 degree, punishable as provided in s. 775.082, s. 775.083, or s.
918 775.084. ~~except that~~ If the commission of the felony results in
919 the death or personal injury of another human being, the person
920 commits a felony of the first degree, punishable as provided in
921 s. 775.082, s. 775.083, or s. 775.084.

922 Section 29. Section 843.085, Florida Statutes, is amended
923 to read:

924 843.085 Unlawful use of police badges or other indicia of
925 authority.—It is unlawful for any person:

926 (1) Unless appointed by the Governor pursuant to chapter
927 354, authorized by the appropriate agency, or displayed in a
928 closed or mounted case as a collection or exhibit, to wear or
929 display any authorized indicia of authority, including any
930 badge, insignia, emblem, identification card, or uniform, or any
931 colorable imitation thereof, of any federal, state, county, or
932 municipal law enforcement agency, or other criminal justice
933 agency as now or hereafter defined in s. 943.045, which could
934 deceive a reasonable person into believing that such item is
935 authorized by any of the agencies described above for use by the
936 person displaying or wearing it, or which displays in any manner
937 or combination the word or words "police," "patrolman," "agent,"
938 "sheriff," "deputy," "trooper," "highway patrol," "commission
939 officer," "Wildlife Officer," "Marine Patrol Officer," "state
940 attorney," "public defender," "marshal," "constable," or
941 "bailiff," which could deceive a reasonable person into



229878

942 believing that such item is authorized by any of the agencies
943 described above for use by the person displaying or wearing it.
944 (2) To own or operate a motor vehicle marked or identified
945 in any manner or combination by the word or words "police,"
946 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
947 "commission officer," "Wildlife Officer," "Marine Patrol
948 Officer," "marshal," "constable," or "bailiff," or by any
949 lettering, marking, or insignia, or colorable imitation thereof,
950 including, but not limited to, stars, badges, or shields,
951 officially used to identify the vehicle as a federal, state,
952 county, or municipal law enforcement vehicle or a vehicle used
953 by a criminal justice agency as now or hereafter defined in s.
954 943.045, which could deceive a reasonable person into believing
955 that such vehicle is authorized by any of the agencies described
956 above for use by the person operating the motor vehicle, unless
957 such vehicle is owned or operated by the appropriate agency and
958 its use is authorized by such agency, or the local law
959 enforcement agency authorizes the use of such vehicle or unless
960 the person is appointed by the Governor pursuant to chapter 354.
961 (3) To sell, transfer, or give away the authorized badge,
962 or colorable imitation thereof, including miniatures, of any
963 criminal justice agency as now or hereafter defined in s.
964 943.045, or bearing in any manner or combination the word or
965 words "police," "patrolman," "sheriff," "deputy," "trooper,"
966 "highway patrol," "commission officer," "Wildlife Officer,"
967 "Marine Patrol Officer," "marshal," "constable," "agent," "state
968 attorney," "public defender," or "bailiff," which could deceive
969 a reasonable person into believing that such item is authorized
970 by any of the agencies described above, except for agency



229878

971 purchases or upon the presentation and recordation of both a
972 driver's license and other identification showing any transferee
973 to actually be a member of such criminal justice agency or
974 unless the person is appointed by the Governor pursuant to
975 chapter 354. A transferor of an item covered by this subsection
976 is required to maintain for 2 years a written record of such
977 transaction, including records showing compliance with this
978 subsection, and if such transferor is a business, it shall make
979 such records available during normal business hours for
980 inspection by any law enforcement agency having jurisdiction in
981 the area where the business is located.

982 (4) Nothing in this section shall prohibit a fraternal,
983 benevolent, or labor organization or association, or their
984 chapters or subsidiaries, from using the following words, in any
985 manner or in any combination, if those words appear in the
986 official name of the organization or association: "police,"
987 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
988 "commission officer," "Wildlife Officer," "Marine Patrol
989 Officer," "marshal," "constable," or "bailiff."

990 (5) Violation of any provision of this section is a
991 misdemeanor of the first degree, punishable as provided in s.
992 775.082 or s. 775.083. This section is cumulative to any law now
993 in force in the state.

994 Section 30. Section 870.04, Florida Statutes, is amended to
995 read:

996 870.04 Specified officers to disperse riotous assembly.—If
997 any number of persons, whether armed or not, are unlawfully,
998 riotously, or tumultuously assembled in any county, city, or
999 municipality, the sheriff or the sheriff's deputies, or the



229878

1000 mayor, or any commissioner, council member, alderman, or police
1001 officer of the ~~said~~ city or municipality, or any officer or
1002 member of the Florida Highway Patrol, or any officer or agent of
1003 the Fish and Wildlife Conservation Commission, ~~Department of~~
1004 ~~Environmental Protection~~, any ~~or~~ beverage enforcement agent, any
1005 personnel or representatives of the Department of Law
1006 Enforcement or its successor, or any other peace officer, shall
1007 go among the persons so assembled, or as near to them as may be
1008 done with safety, and shall in the name of the state command all
1009 the persons so assembled immediately and peaceably to disperse. ~~+~~
1010 ~~and~~ If such persons do not thereupon immediately and peaceably
1011 disperse, such ~~said~~ officers shall command the assistance of all
1012 such persons in seizing, arresting, and securing such persons in
1013 custody. ~~+~~ ~~and~~ If any person present being so commanded to aid
1014 and assist in seizing and securing such rioter or persons so
1015 unlawfully assembled, or in suppressing such riot or unlawful
1016 assembly, refuses or neglects to obey such command, or, when
1017 required by such officers to depart from the place, refuses and
1018 neglects to do so, the person shall be deemed one of the rioters
1019 or persons unlawfully assembled, and may be prosecuted and
1020 punished accordingly.

1021 Section 31. Paragraphs (c) through (n) of subsection (6) of
1022 section 932.7055, Florida Statutes, are redesignated as
1023 paragraphs (b) through (m), respectively, and present paragraph
1024 (b) of that subsection is amended to read:

1025 932.7055 Disposition of liens and forfeited property.—

1026 (6) If the seizing agency is a state agency, all remaining
1027 proceeds shall be deposited into the General Revenue Fund.

1028 However, if the seizing agency is:



229878

1029 ~~(b) The Department of Environmental Protection, the~~
1030 ~~proceeds accrued pursuant to the provisions of the Florida~~
1031 ~~Contraband Forfeiture Act shall be deposited into the Internal~~
1032 ~~Improvement Trust Fund.~~

1033 Section 32. This act shall take effect July 1, 2012.

1034
1035 ===== T I T L E A M E N D M E N T =====

1036 And the title is amended as follows:

1037 Delete everything before the enacting clause
1038 and insert:

1039 A bill to be entitled
1040 An act relating to the Fish and Wildlife Conservation
1041 Commission; transferring and reassigning functions and
1042 responsibilities of the Division of Law Enforcement,
1043 excluding the Bureau of Emergency Response, within the
1044 Department of Environmental Protection to the Division
1045 of Law Enforcement within the Fish and Wildlife
1046 Conservation Commission; reassigning the Bureau of
1047 Emergency Response within the Department of
1048 Environmental Protection to the Secretary of
1049 Environmental Protection as the Office of Emergency
1050 Response within the Department of Environmental
1051 Protection; providing for the transfer of additional
1052 positions to the commission; providing for a
1053 memorandum of agreement between the department and the
1054 commission regarding the responsibilities of the
1055 commission to the department; transferring and
1056 reassigning functions and responsibilities of sworn
1057 positions funded by the Conservation and Recreation



229878

1058 Lands Program and assigned to the Florida Forest
1059 Service within the Department of Agriculture and
1060 Consumer Services and the investigator responsible for
1061 the enforcement of aquaculture violations at the
1062 Department of Agriculture and Consumer Services to the
1063 Division of Law Enforcement within the Fish and
1064 Wildlife Conservation Commission; providing for a
1065 memorandum of agreement between the department and the
1066 commission regarding the responsibilities between the
1067 commission and the department; providing for
1068 transition advisory working groups; assigning powers,
1069 duties, responsibilities, and functions for
1070 enforcement of the laws and rules governing certain
1071 lands managed by the Department of Environmental
1072 Protection and certain lands and aquaculture managed
1073 by the Department of Agriculture and Consumer Services
1074 to the Fish and Wildlife Conservation Commission;
1075 conferring full power to the law enforcement officers
1076 of the Fish and Wildlife Conservation Commission to
1077 investigate and arrest for violations of rules of the
1078 Department of Agriculture and Consumer Services, the
1079 Department of Environmental Protection, and the Board
1080 of Trustees of the Internal Improvement Trust Fund;
1081 providing for the retention and transfer of specified
1082 benefits for employees that are transferred from the
1083 Department of Environmental Protection and the
1084 Department of Agriculture and Consumer Services to
1085 fill positions transferred to the Fish and Wildlife
1086 Conservation Commission; creating s. 258.601, F.S.;



229878

1087 specifying powers and duties of the commission
1088 relating to state parks and preserves and wild and
1089 scenic rivers; amending ss. 20.255, 258.008, 258.501,
1090 282.709, 316.003, 316.2397, 316.640, 375.041, 376.065,
1091 376.07, 376.071, 376.16, 376.3071, 379.3311, 379.3312,
1092 379.3313, 379.333, 379.341, 379.343, 403.413, 784.07,
1093 843.08, 843.085, 870.04, and 932.7055, F.S. ;
1094 conforming provisions to changes made by the act;
1095 providing an effective date.