

By the Committee on Environmental Preservation and Conservation;
and Senators Latvala and Alexander

592-02644-12

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1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; transferring and reassigning functions and
4 responsibilities of the Division of Law Enforcement,
5 excluding the Bureau of Emergency Response, within the
6 Department of Environmental Protection to the Division
7 of Law Enforcement within the Fish and Wildlife
8 Conservation Commission; reassigning the Bureau of
9 Emergency Response within the Department of
10 Environmental Protection to the 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
29 commission and the department; providing for

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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 authorizing salary parity and other pay adjustments
44 for positions transferred by the act; providing for
45 the retention and transfer of specified benefits for
46 employees who are transferred from the Department of
47 Environmental Protection and the Department of
48 Agriculture and Consumer Services to fill positions
49 transferred to the Fish and Wildlife Conservation
50 Commission; creating s. 258.601, F.S.; specifying
51 powers and duties of the commission relating to state
52 parks and preserves and wild and scenic rivers;
53 amending ss. 20.255, 258.008, 258.501, 282.709,
54 316.003, 316.2397, 316.640, 375.041, 376.065, 376.07,
55 376.071, 376.16, 376.3071, 379.3311, 379.3312,
56 379.3313, 379.333, 379.341, 403.413, 784.07, 843.08,
57 870.04, and 932.7055, F.S.; conforming provisions to
58 changes made by the act; providing an effective date.

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

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

72 (2) The Bureau of Emergency Response within the Department
73 of Environmental Protection is reassigned to the Secretary of
74 Environmental Protection, as the Office of Emergency Response,
75 within the Department of Environmental Protection.

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

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

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

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

92 (c) Law enforcement services, including investigative
93 services, for all criminal law violations of chapters 161, 258,
94 373, 376, and 403, Florida Statutes.

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

98 1. The Division of Recreation and Parks.

99 2. The Office of Coastal and Aquatic Managed Areas.

100 3. The Office of Greenways and Trails.

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

104 Section 2. (1) All powers, duties, functions, records,
105 property, pending issues and existing contracts, administrative
106 authority, administrative rules, and unexpended balances of
107 appropriations, allocations, and other funds relating to sworn
108 positions funded by the Conservation and Recreation Lands
109 Program and assigned to the Florida Forest Service within the
110 Department of Agriculture and Consumer Services as of July 1,
111 2011, and the investigator responsible for the enforcement of
112 aquaculture violations at the Department of Agriculture and
113 Consumer Services as of July 1, 2011, are transferred by a type
114 two transfer, as defined in s. 20.06(2), Florida Statutes, to
115 the Division of Law Enforcement within the Fish and Wildlife
116 Conservation Commission.

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

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

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

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

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

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

143 (c) Any operating budget adjustments that are necessary to
144 implement the requirements of this act. Adjustments made to the
145 operating budgets of the department and the commission in the

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

160 (2) The Secretary of Environmental Protection, the
161 Commissioner of Agriculture, and the Executive Director of the
162 Fish and Wildlife Conservation Commission shall each appoint two
163 staff members to a transition advisory working group to identify
164 rules of the Department of Environmental Protection, the Board
165 of Trustees of the Internal Improvement Trust Fund, the
166 Department of Agriculture and Consumer Services, and the Fish
167 and Wildlife Conservation Commission which need to be amended to
168 reflect the changes made by this act.

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

173 (a) Management, protection, conservation, improvement, and
174 expansion of the state-owned lands managed by the Department of

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175 Environmental Protection, including state parks, coastal and
176 aquatic managed areas, and greenways and trails.

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

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

186 Section 5. (1) Notwithstanding ss. 110.2035 and 216.251,
187 Florida Statutes, the Division of Law Enforcement within the
188 Fish and Wildlife Conservation Commission may use available
189 funds to provide for general salary increases or pay additives
190 for positions sharing the same job classification or job
191 occupations in order to bring pay parity between positions of
192 the Fish and Wildlife Conservation Commission and the positions
193 transferring to the commission from the Department of
194 Agriculture and Consumer Services and the Department of
195 Environmental Protection and for those positions assuming
196 significant additional duties or an increased work load as a
197 result of this act.

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

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204 sick leave, and regular and special compensatory leave balances.

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

207 PART IV

208 MISCELLANEOUS PROVISIONS

209 258.601 Enforcement of prohibited activities.—Prohibited
210 activities under this chapter shall be enforced by the
211 Department of Environmental Protection and the Division of Law
212 Enforcement of the Fish and Wildlife Conservation Commission and
213 its officers.

214 Section 7. Subsections (5) through (8) of section 20.255,
215 Florida Statutes, are renumbered as subsections (4) through (7),
216 respectively, and present subsections (2), (3), and (4) of that
217 section are amended to read:

218 20.255 Department of Environmental Protection.—There is
219 created a Department of Environmental Protection.

220 (2) (a) There shall be three deputy secretaries who are to
221 be appointed by and shall serve at the pleasure of the
222 secretary. The secretary may assign any deputy secretary the
223 responsibility to supervise, coordinate, and formulate policy
224 for any division, office, or district. The following special
225 offices are established and headed by managers, each of whom is
226 to be appointed by and serve at the pleasure of the secretary:

- 227 1. Office of Chief of Staff;
- 228 2. Office of General Counsel;
- 229 3. Office of Inspector General;
- 230 4. Office of External Affairs;
- 231 5. Office of Legislative Affairs;
- 232 6. Office of Intergovernmental Programs; ~~and~~

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233 7. Office of Greenways and Trails; and-

234 8. Office of Emergency Management.

235 (b) There shall be six administrative districts involved in
236 regulatory matters of waste management, water resource
237 management, wetlands, and air resources, which shall be headed
238 by managers, each of whom is to be appointed by and serve at the
239 pleasure of the secretary. Divisions of the department may have
240 one assistant or two deputy division directors, as required to
241 facilitate effective operation.

242

243 The managers of all divisions and offices specifically named in
244 this section and the directors of the six administrative
245 districts are exempt from part II of chapter 110 and are
246 included in the Senior Management Service in accordance with s.
247 110.205(2)(j).

248 (3) The following divisions of the Department of
249 Environmental Protection are established:

250 (a) Division of Administrative Services.

251 (b) Division of Air Resource Management.

252 (c) Division of Water Resource Management.

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

254 (d)-~~(e)~~ Division of Environmental Assessment and
255 Restoration.

256 (e)-~~(f)~~ Division of Waste Management.

257 (f)-~~(g)~~ Division of Recreation and Parks.

258 (g)-~~(h)~~ Division of State Lands, the director of which is to
259 be appointed by the secretary of the department, subject to
260 confirmation by the Governor and Cabinet sitting as the Board of
261 Trustees of the Internal Improvement Trust Fund.

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263 In order to ensure statewide and intradepartmental consistency,
264 the department's divisions shall direct the district offices and
265 bureaus on matters of interpretation and applicability of the
266 department's rules and programs.

267 ~~(4) Law enforcement officers of the Department of~~
268 ~~Environmental Protection who meet the provisions of s. 943.13~~
269 ~~are constituted law enforcement officers of this state with full~~
270 ~~power to investigate and arrest for any violation of the laws of~~
271 ~~this state, and the rules of the department and the Board of~~
272 ~~Trustees of the Internal Improvement Trust Fund. The general~~
273 ~~laws applicable to investigations, searches, and arrests by~~
274 ~~peace officers of this state apply to such law enforcement~~
275 ~~officers.~~

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

278 258.008 Prohibited activities; penalties.—

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

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

290 258.501 Myakka River; wild and scenic segment.—

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291 (16) ENFORCEMENT. ~~Officers of The Fish and Wildlife~~
292 Conservation Commission and the department shall have full
293 authority to enforce any rule adopted by the department ~~under~~
294 ~~this section with the same police powers given them by law to~~
295 ~~enforce the rules of state parks and the rules pertaining to~~
296 ~~saltwater areas under the jurisdiction of the Florida Marine~~
297 ~~Patrol.~~

298 Section 10. Paragraph (a) of subsection (2) of section
299 282.709, Florida Statutes, is amended to read:

300 282.709 State agency law enforcement radio system and
301 interoperability network.—

302 (2) The Joint Task Force on State Agency Law Enforcement
303 Communications is created adjunct to the department to advise
304 the department of member-agency needs relating to the planning,
305 designing, and establishment of the statewide communication
306 system.

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

310 1. A representative of the Division of Alcoholic Beverages
311 and Tobacco of the Department of Business and Professional
312 Regulation who shall be appointed by the secretary of the
313 department.

314 2. A representative of the Division of Florida Highway
315 Patrol of the Department of Highway Safety and Motor Vehicles
316 who shall be appointed by the executive director of the
317 department.

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

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320 department.

321 4. A representative of the Fish and Wildlife Conservation
322 Commission who shall be appointed by the executive director of
323 the commission.

324 ~~5. A representative of the Division of Law Enforcement of
325 the Department of Environmental Protection who shall be
326 appointed by the secretary of the department.~~

327 ~~5.6.~~ A representative of the Department of Corrections who
328 shall be appointed by the secretary of the department.

329 ~~6.7.~~ A representative of the Division of State Fire Marshal
330 of the Department of Financial Services who shall be appointed
331 by the State Fire Marshal.

332 ~~7.8.~~ A representative of the Department of Transportation
333 who shall be appointed by the secretary of the department.

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

336 316.003 Definitions.—The following words and phrases, when
337 used in this chapter, shall have the meanings respectively
338 ascribed to them in this section, except where the context
339 otherwise requires:

340 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
341 department (fire patrol), police vehicles, and such ambulances
342 and emergency vehicles of municipal departments, public service
343 corporations operated by private corporations, the Department of
344 Environmental Protection, the Fish and Wildlife Conservation
345 Commission, the Department of Health, the Department of
346 Transportation, and the Department of Corrections as are
347 designated or authorized by their respective department or the
348 chief of police of an incorporated city or any sheriff of any of

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349 the various counties.

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

352 316.2397 Certain lights prohibited; exceptions.—

353 (3) Vehicles of the fire department and fire patrol,
354 including vehicles of volunteer firefighters as permitted under
355 s. 316.2398, vehicles of medical staff physicians or technicians
356 of medical facilities licensed by the state as authorized under
357 s. 316.2398, ambulances as authorized under this chapter, and
358 buses and taxicabs as authorized under s. 316.2399 may are
359 ~~permitted to~~ show or display red lights. Vehicles of the fire
360 department, fire patrol, police vehicles, and such ambulances
361 and emergency vehicles of municipal and county departments,
362 public service corporations operated by private corporations,
363 the Fish and Wildlife Conservation Commission, the Department of
364 Environmental Protection, the Department of Transportation, the
365 Department of Agriculture and Consumer Services, and the
366 Department of Corrections as are designated or authorized by
367 their respective department or the chief of police of an
368 incorporated city or any sheriff of any county may are hereby
369 ~~authorized to~~ operate emergency lights and sirens in an
370 emergency. Wreckers, mosquito control fog and spray vehicles,
371 and emergency vehicles of governmental departments or public
372 service corporations may show or display amber lights when in
373 actual operation or when a hazard exists provided they are not
374 used going to and from the scene of operation or hazard without
375 specific authorization of a law enforcement officer or law
376 enforcement agency. Wreckers must use amber rotating or flashing
377 lights while performing recoveries and loading on the roadside

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378 day or night, and may use such lights while towing a vehicle on
379 wheel lifts, slings, or under reach if the operator of the
380 wrecker deems such lights necessary. A flatbed, car carrier, or
381 rollback may not use amber rotating or flashing lights when
382 hauling a vehicle on the bed unless it creates a hazard to other
383 motorists because of protruding objects. Further, escort
384 vehicles may show or display amber lights when in the actual
385 process of escorting overdimensioned equipment, material, or
386 buildings as authorized by law. Vehicles owned or leased by
387 private security agencies may show or display green and amber
388 lights, with either color being no greater than 50 percent of
389 the lights displayed, while the security personnel are engaged
390 in security duties on private or public property.

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

395 Section 13. Paragraph (a) of subsection (1) of section
396 316.640, Florida Statutes, is amended to read:

397 316.640 Enforcement.—The enforcement of the traffic laws of
398 this state is vested as follows:

399 (1) STATE.—

400 (a)1.a. The Division of Florida Highway Patrol of the
401 Department of Highway Safety and Motor Vehicles; the Division of
402 Law Enforcement of the Fish and Wildlife Conservation
403 Commission; ~~the Division of Law Enforcement of the Department of~~
404 ~~Environmental Protection~~; and the agents, inspectors, and
405 officers of the Department of Law Enforcement each have
406 authority to enforce all of the traffic laws of this state on

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407 all the streets and highways thereof and elsewhere throughout
408 the state wherever the public has a right to travel by motor
409 vehicle.

410 b. University police officers may ~~shall have authority to~~
411 enforce all of the traffic laws of this state when violations
412 occur on or within 1,000 feet of any property or facilities that
413 are under the guidance, supervision, regulation, or control of a
414 state university, a direct-support organization of such state
415 university, or any other organization controlled by the state
416 university or a direct-support organization of the state
417 university, or when such violations occur within a specified
418 jurisdictional area as agreed upon in a mutual aid agreement
419 entered into with a law enforcement agency pursuant to s.
420 23.1225(1). Traffic laws may also be enforced off-campus when
421 hot pursuit originates on or within 1,000 feet of any such
422 property or facilities, or as agreed upon in accordance with the
423 mutual aid agreement.

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

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

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

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436 Justice Standards and Training Commission for parking
437 enforcement specialists but who does not otherwise meet the
438 uniform minimum standards established by the commission for law
439 enforcement officers or auxiliary or part-time officers under s.
440 943.12. ~~Nothing in~~ This sub-sub-subparagraph does not ~~shall be~~
441 ~~construed to~~ permit the carrying of firearms or other weapons,
442 nor shall such parking enforcement specialist have arrest
443 authority.

444 (II) A parking enforcement specialist employed by an
445 airport authority may ~~is authorized to~~ enforce all state,
446 county, and municipal laws and ordinances governing parking only
447 when such violations are on property or facilities owned or
448 operated by the airport authority employing the specialist, by
449 appropriate state, county, or municipal traffic citation.

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

453 f. School safety officers may ~~shall have the authority to~~
454 enforce all of the traffic laws of this state when such
455 violations occur on or about any property or facilities which
456 are under the guidance, supervision, regulation, or control of
457 the district school board.

458 2. An agency of the state as described in subparagraph 1.
459 is prohibited from establishing a traffic citation quota. A
460 violation of this subparagraph is not subject to the penalties
461 provided in chapter 318.

462 3. Any disciplinary action taken or performance evaluation
463 conducted by an agency of the state as described in subparagraph
464 1. of a law enforcement officer's traffic enforcement activity

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465 must be in accordance with written work-performance standards.
466 Such standards must be approved by the agency and any collective
467 bargaining unit representing such law enforcement officer. A
468 violation of this subparagraph is not subject to the penalties
469 provided in chapter 318.

470 4. The Division of the Florida Highway Patrol may employ as
471 a traffic accident investigation officer any individual who
472 successfully completes instruction in traffic accident
473 investigation and court presentation through the Selective
474 Traffic Enforcement Program as approved by the Criminal Justice
475 Standards and Training Commission and funded through the
476 National Highway Traffic Safety Administration or a similar
477 program approved by the commission, but who does not necessarily
478 meet the uniform minimum standards established by the commission
479 for law enforcement officers or auxiliary law enforcement
480 officers under chapter 943. Any such traffic accident
481 investigation officer who makes an investigation at the scene of
482 a traffic accident may issue traffic citations, based upon
483 personal investigation, when he or she has reasonable and
484 probable grounds to believe that a person who was involved in
485 the accident committed an offense under this chapter, chapter
486 319, chapter 320, or chapter 322 in connection with the
487 accident. This subparagraph does not permit the officer to carry
488 firearms or other weapons, and such an officer does not have
489 authority to make arrests.

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

492 375.041 Land Acquisition Trust Fund.—

493 (4) The department may disburse moneys in the Land

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494 Acquisition Trust Fund to pay all necessary expenses to carry
495 out the purposes of this act. The department shall disburse
496 moneys from the Land Acquisition Trust Fund to the Fish and
497 Wildlife Conservation Commission for the purpose of funding law
498 enforcement services on state lands.

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

501 376.065 Operation of terminal facility without discharge
502 prevention and response certificate prohibited; penalty.-

503 (5) (a) A ~~Any~~ person who violates this section or the terms
504 and requirements of such certification commits a noncriminal
505 infraction. The civil penalty for any such infraction shall be
506 \$500, except as otherwise provided in this section.

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

- 509 1. Pay the civil penalty;
- 510 2. Post a 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 ~~the provisions of~~ subparagraph

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523 (b)2. or subparagraph (b)3., a ~~any~~ person charged with a
524 noncriminal 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
536 court or who is required to so appear waives the limitations of
537 the civil penalty specified in paragraph (a). The court, after a
538 hearing, shall make a determination as to whether an infraction
539 has been committed. If the commission of the infraction is
540 proved, the court shall impose a civil penalty of \$500.

541 (f) At a hearing under this subsection, the commission of a
542 charged infraction must be proved by the greater weight of the
543 evidence.

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

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

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

554 376.07 Regulatory powers of department; penalties for
555 inadequate booming by terminal facilities.-

556 (3) The department shall not require vessels to maintain
557 discharge prevention gear, holding tanks, and containment gear
558 which exceed federal requirements. However, a terminal facility
559 transferring heavy oil to or from a vessel with a heavy oil
560 storage capacity greater than 10,000 gallons shall be required,
561 considering existing weather and tidal conditions, to adequately
562 boom or seal off the transfer area during a transfer, including,
563 but not limited to, a bunkering operation, to minimize the
564 escape of such pollutants from the containment area. As used in
565 this subsection, the term "adequate booming" means booming with
566 proper containment equipment which is employed and located for
567 the purpose of preventing, for the most likely discharge, as
568 much of the pollutant as possible from escaping out of the
569 containment area.

570 (a) The owner or operator of a terminal facility involved
571 in the transfer of such pollutant to or from a vessel which is
572 not adequately boomed commits a noncriminal infraction and shall
573 be cited for such infraction. The civil penalty for such an
574 infraction shall be \$2,500, except as otherwise provided in this
575 section.

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

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

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581 3. Sign and accept a citation indicating a promise to
582 appear before the county court.

583

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

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

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

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

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

598

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

604 (e) A ~~Any~~ person who elects to appear before the county
605 court or who is required to appear waives the limitations of the
606 civil penalty specified in paragraph (a). The issue of whether
607 an infraction has been committed and the severity of the
608 infraction shall be determined by a hearing official at a
609 hearing. If the commission of the infraction is proved by the

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610 greater weight of the evidence, the court shall impose a civil
611 penalty of \$2,500. If the court determines that the owner or
612 operator of the terminal facility failed to deploy any boom
613 equipment during such a transfer, including, but not limited to,
614 a bunkering operation, the civil penalty shall be \$5,000.

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

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

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

625 376.071 Discharge contingency plan for vessels.—

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

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

- 633 1. Pay the civil penalty;
- 634 2. Post bond equal to the amount of the applicable civil
635 penalty; or
- 636 3. Sign and accept a citation indicating a promise to
637 appear before the county court for the county in which the
638 violation occurred or the county closest to the location at

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639 which the violation occurred.

640

641 The department employee ~~officer~~ authorized to issue these
642 citations may indicate on the citation the time and location of
643 the scheduled hearing and shall indicate the applicable civil
644 penalty.

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

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

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

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

655

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

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

667 (f) At a hearing under this subsection, the commission of a

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668 charged infraction must be proved by the greater weight of the
669 evidence.

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

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

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

680 376.16 Enforcement and penalties.—

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

683 (a) Pay the civil penalty;

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

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

688
689 The department employee officer ~~officer~~ authorized to issue these
690 citations may indicate on the citation the time and location of
691 the scheduled hearing and shall indicate the applicable civil
692 penalty.

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

695 376.3071 Inland Protection Trust Fund; creation; purposes;
696 funding.—

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

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

705
706 The Inland Protection Trust Fund may only be used to fund the
707 activities in ss. 376.30-376.317 except ss. 376.3078 and
708 376.3079. Amounts on deposit in the Inland Protection Trust Fund
709 in each fiscal year shall first be applied or allocated for the
710 payment of amounts payable by the department pursuant to
711 paragraph (o) under a service contract entered into by the
712 department pursuant to s. 376.3075 and appropriated in each year
713 by the Legislature prior to making or providing for other
714 disbursements from the fund. Nothing in this subsection shall
715 authorize the use of the Inland Protection Trust Fund for
716 cleanup of contamination caused primarily by a discharge of
717 solvents as defined in s. 206.9925(6), or polychlorinated
718 biphenyls when their presence causes them to be hazardous
719 wastes, except solvent contamination which is the result of
720 chemical or physical breakdown of petroleum products and is
721 otherwise eligible. Facilities used primarily for the storage of
722 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall
723 be presumed not to be excluded from eligibility pursuant to this
724 section.

725 Section 20. Section 379.3311, Florida Statutes, is amended

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726 to read:

727 379.3311 Police powers of commission and its agents.-

728 (1) The ~~Fish and Wildlife Conservation~~ commission, the
729 executive director and the executive director's assistants
730 designated by her or him, and each commission ~~wildlife~~ officer
731 are constituted peace officers with the power to make arrests
732 for violations of the laws of this state when committed in the
733 presence of the officer or when committed on lands under the
734 supervision and management of the commission, the department,
735 the Board of Trustees of the Internal Improvement Trust Fund, or
736 the Department of Agricultural and Consumer Services, including
737 state parks, coastal and aquatic managed areas, and greenways
738 and trails. The general laws applicable to arrests by peace
739 officers of this state shall also be applicable to the said
740 director, assistants, and wildlife officers. Such persons may
741 enter upon any land or waters of the state for performance of
742 their lawful duties and may take with them any necessary
743 equipment, and such entry does ~~shall~~ not constitute a trespass.

744 (2) Such officers may ~~shall have power and authority to~~
745 enforce throughout the state all laws relating to game, nongame
746 birds, fish, and fur-bearing animals and all rules and
747 regulations of the ~~Fish and Wildlife Conservation~~ commission
748 relating to wild animal life, marine life, and freshwater
749 aquatic life, and in connection with the said laws, rules, and
750 regulations, in the enforcement thereof and in the performance
751 of their duties thereunder, to:

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

753 (b) Execute warrants and search warrants for the violation
754 of the said laws;

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

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

759 (e) Arrest upon probable cause without warrant any person
760 found in the act of violating any such ~~of the provisions of said~~
761 laws or, in pursuit immediately following such violations, to
762 examine any person, boat, conveyance, vehicle, game bag, game
763 coat, or other receptacle for wild animal life, marine life, or
764 freshwater aquatic life, or any camp, tent, cabin, or roster, in
765 the presence of any person stopping at or belonging to such
766 camp, tent, cabin, or roster, when the ~~said~~ officer has reason
767 to believe, and has exhibited her or his authority and stated to
768 the suspected person in charge the officer's reason for
769 believing, that any of the aforesaid laws have been violated at
770 such camp;

771 (f) Secure and execute search warrants and in pursuance
772 thereof to enter any building, enclosure, or car and to break
773 open, when found necessary, any apartment, chest, locker, box,
774 trunk, crate, basket, bag, package, or container and examine the
775 contents thereof;

776 (g) Seize and take possession of all wild animal life,
777 marine life, or freshwater aquatic life taken or in possession
778 or under control of, or shipped or about to be shipped by, any
779 person at any time in any manner contrary to the ~~said~~ laws.

780 (3) It is unlawful for a ~~any~~ person to resist an arrest
781 authorized by this section or in any manner to interfere, either
782 by abetting, assisting such resistance, or otherwise interfering
783 with the ~~said~~ executive director, assistants, or wildlife

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784 officers while engaged in the performance of the duties imposed
785 upon them by law or regulation of the ~~Fish and Wildlife~~
786 ~~Conservation~~ commission, the department, the Board of Trustees
787 of the Internal Improvement Trust Fund, or the Department of
788 Agriculture and Consumer Services.

789 (4) Upon final disposition of any alleged offense for which
790 a citation for any violation of this chapter or the rules of the
791 commission has been issued, the court shall, within 10 days
792 after the final disposition of the action, certify the
793 disposition to the commission.

794 Section 21. Section 379.3312, Florida Statutes, is amended
795 to read:

796 379.3312 Powers of arrest by agents of ~~Department of~~
797 ~~Environmental Protection or Fish and Wildlife Conservation~~
798 commission.—Any certified law enforcement officer of the
799 ~~Department of Environmental Protection or the Fish and Wildlife~~
800 ~~Conservation~~ commission, upon receiving information, relayed to
801 her or him from any law enforcement officer stationed on the
802 ground, on the water, or in the air, that a driver, operator, or
803 occupant of any vehicle, boat, or airboat has violated any
804 section of chapter 327, chapter 328, or this chapter, or s.
805 597.010 or s. 597.020, may arrest the driver, operator, or
806 occupant for violation of such ~~said~~ laws when reasonable and
807 proper identification of the vehicle, boat, or airboat and
808 reasonable and probable grounds to believe that the driver,
809 operator, or occupant has committed or is committing any such
810 offense have been communicated to the arresting officer by the
811 other officer stationed on the ground, on the water, or in the
812 air.

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

815 379.3313 Powers of commission law enforcement officers.—

816 (1) Law enforcement officers of the commission are
817 constituted law enforcement officers of this state with full
818 power to investigate and arrest for any violation of the laws of
819 this state and the rules of the commission, the department, the
820 Board of Trustees of the Internal Improvement Trust Fund, and
821 the Department of Agriculture and Consumer Services under their
822 jurisdiction. The general laws applicable to arrests by peace
823 officers of this state shall also be applicable to law
824 enforcement officers of the commission. Such law enforcement
825 officers may enter upon any land or waters of the state for
826 performance of their lawful duties and may take with them any
827 necessary equipment, and such entry will not constitute a
828 trespass. It is lawful for any boat, motor vehicle, or aircraft
829 owned or chartered by the commission or its agents or employees
830 to land on and depart from any of the beaches or waters of the
831 state. Such law enforcement officers have the authority, without
832 warrant, to board, inspect, and search any boat, fishing
833 appliance, storage or processing plant, fishhouse, spongehouse,
834 oysterhouse, or other warehouse, building, or vehicle engaged in
835 transporting or storing any fish or fishery products. Such
836 authority to search and inspect without a search warrant is
837 limited to those cases in which such law enforcement officers
838 have reason to believe that fish or any saltwater products are
839 taken or kept for sale, barter, transportation, or other
840 purposes in violation of laws or rules adopted ~~promulgated~~ under
841 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any

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842 time seize or take possession of any saltwater products or
843 contraband which have been unlawfully caught, taken, or
844 processed or which are unlawfully possessed or transported in
845 violation of any of the laws of this state or any rule of the
846 commission. Such law enforcement officers may arrest any person
847 in the act of violating ~~any of the provisions of~~ this law, the
848 rules of the commission, or any of the laws of this state. It is
849 hereby declared unlawful for a ~~any~~ person to resist such arrest
850 or in any manner interfere, either by abetting or assisting such
851 resistance or otherwise interfering, with any such law
852 enforcement officer while engaged in the performance of the
853 duties imposed upon him or her by law or rule of the commission.

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

856 379.333 Arrest by officers of the ~~Fish and Wildlife~~
857 ~~Conservation~~ commission; recognizance; cash bond; citation.—

858 (1) In all cases of arrest by officers of the ~~Fish and~~
859 ~~Wildlife Conservation~~ commission ~~and the Department of~~
860 ~~Environmental Protection~~, the person arrested shall be delivered
861 forthwith by the ~~said~~ officer to the sheriff of the county, or
862 shall obtain from the ~~such~~ person arrested a recognizance or, if
863 deemed necessary, a cash bond or other sufficient security
864 conditioned for her or his appearance before the proper tribunal
865 of the ~~such~~ county to answer the charge for which the person has
866 been arrested.

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

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

873 379.341 Disposition of illegal fishing devices; exercise of
874 police power.—

875 (1) In all cases of arrest and conviction for use of
876 illegal nets or traps or fishing devices, as provided in this
877 chapter, the ~~such~~ illegal net, trap, or fishing device is
878 declared to be a nuisance and shall be seized and carried before
879 the court having jurisdiction of the ~~such~~ offense and the ~~said~~
880 court shall order the ~~such~~ illegal trap, net, or fishing device
881 forfeited to the commission immediately after trial and
882 conviction of the person in whose possession they were found.
883 When any illegal net, trap, or fishing device is found in the
884 fresh waters of the state, and the owner of same is ~~shall~~ not be
885 known to the officer finding the same, the ~~such~~ officer shall
886 immediately procure from the county court judge an order
887 forfeiting the ~~said~~ illegal net, trap, or fishing device to the
888 commission. The commission may destroy the ~~such~~ illegal net,
889 trap, or fishing device, if in its judgment the ~~said~~ net, trap,
890 or fishing device is ~~not~~ of no value in the work of the
891 commission ~~department~~.

892 Section 25. Subsection (2) of section 403.413, Florida
893 Statutes, is reordered and amended to read:

894 403.413 Florida Litter Law.—

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

896 (f) ~~(a)~~ "Litter" means any garbage; rubbish; trash; refuse;
897 can; bottle; box; container; paper; tobacco product; tire;
898 appliance; mechanical equipment or part; building or
899 construction material; tool; machinery; wood; motor vehicle or

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900 motor vehicle part; vessel; aircraft; farm machinery or
901 equipment; sludge from a waste treatment facility, water supply
902 treatment plant, or air pollution control facility; or substance
903 in any form resulting from domestic, industrial, commercial,
904 mining, agricultural, or governmental operations.

905 (h)~~(b)~~ "Person" means any individual, firm, sole
906 proprietorship, partnership, corporation, or unincorporated
907 association.

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

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

920 (b)~~(e)~~ "Commercial purpose" means for the purpose of
921 economic gain.

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

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

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

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929 truck, trailer, semitrailer, truck tractor, or semitrailer
930 combination or any other vehicle that is powered by a motor.

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

933 Section 26. Paragraph (d) of subsection (1) of section
934 784.07, Florida Statutes, is amended to read:

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

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

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

952 Section 27. Section 843.08, Florida Statutes, is amended to
953 read:

954 843.08 Falsely personating officer, etc.—A person who
955 falsely assumes or pretends to be a sheriff, officer of the
956 Florida Highway Patrol, officer of the Fish and Wildlife
957 Conservation Commission, ~~officer of the Department of~~

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958 ~~Environmental Protection,~~ officer of the Department of
959 Transportation, officer of the Department of Financial Services,
960 officer of the Department of Corrections, correctional probation
961 officer, deputy sheriff, state attorney or assistant state
962 attorney, statewide prosecutor or assistant statewide
963 prosecutor, state attorney investigator, coroner, police
964 officer, lottery special agent or lottery investigator, beverage
965 enforcement agent, or watchman, or any member of the Parole
966 Commission and any administrative aide or supervisor employed by
967 the commission, or any personnel or representative of the
968 Department of Law Enforcement, or a federal law enforcement
969 officer as defined in s. 901.1505, and takes upon himself or
970 herself to act as such, or to require any other person to aid or
971 assist him or her in a matter pertaining to the duty of any such
972 officer, commits a felony of the third degree, punishable as
973 provided in s. 775.082, s. 775.083, or s. 775.084; however, a
974 person who falsely personates any such officer during the course
975 of the commission of a felony commits a felony of the second
976 degree, punishable as provided in s. 775.082, s. 775.083, or s.
977 775.084. ~~except that~~ If the commission of the felony results in
978 the death or personal injury of another human being, the person
979 commits a felony of the first degree, punishable as provided in
980 s. 775.082, s. 775.083, or s. 775.084.

981 Section 28. Section 870.04, Florida Statutes, is amended to
982 read:

983 870.04 Specified officers to disperse riotous assembly.—If
984 any number of persons, whether armed or not, are unlawfully,
985 riotously or tumultuously assembled in any county, city or
986 municipality, the sheriff or the sheriff's deputies, or the

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987 mayor, or any commissioner, council member, alderman or police
988 officer of the ~~said~~ city or municipality, or any officer or
989 member of the Florida Highway Patrol, or any officer or agent of
990 the Fish and Wildlife Conservation Commission, a Department of
991 ~~Environmental Protection, or~~ beverage enforcement agent, any
992 personnel or representatives of the Department of Law
993 Enforcement or its successor, or any other peace officer, shall
994 go among the persons so assembled, or as near to them as may be
995 done with safety, and shall in the name of the state command all
996 the persons so assembled immediately and peaceably to disperse;
997 and if such persons do not thereupon immediately and peaceably
998 disperse, such ~~said~~ officers shall command the assistance of all
999 such persons in seizing, arresting and securing such persons in
1000 custody. ~~and~~ If a ~~any~~ person present being so commanded to aid
1001 and assist in seizing and securing such rioter or persons so
1002 unlawfully assembled, or in suppressing a ~~such~~ riot or unlawful
1003 assembly, refuses or neglects to obey such command, or, when
1004 required by the ~~such~~ officers to depart from the place, refuses
1005 and neglects to do so, the person shall be deemed one of the
1006 rioters or persons unlawfully assembled, and may be prosecuted
1007 and punished accordingly.

1008 Section 29. Paragraphs (c) through (n) of subsection (6) of
1009 section 932.7055, Florida Statutes, are redesignated as
1010 paragraphs (b) through (m), respectively, and present paragraph
1011 (b) of that subsection is amended to read:

1012 932.7055 Disposition of liens and forfeited property.—

1013 (6) If the seizing agency is a state agency, all remaining
1014 proceeds shall be deposited into the General Revenue Fund.

1015 However, if the seizing agency is:

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1016 ~~(b) The Department of Environmental Protection, the~~
1017 ~~proceeds accrued pursuant to the provisions of the Florida~~
1018 ~~Contraband Forfeiture Act shall be deposited into the Internal~~
1019 ~~Improvement Trust Fund.~~

1020 Section 30. This act shall take effect July 1, 2012.