

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; transferring primary powers and duties of
4 the Fish and Wildlife Conservation Commission relating
5 to certain environmental crimes and the enforcement of
6 related laws to the Division of Law Enforcement within
7 the Department of Environmental Protection; providing
8 requirements for a memorandum of agreement between the
9 department and the commission regarding their
10 respective responsibilities; reassigning personnel and
11 equipment from the Office of Emergency Response within
12 the department to the Division of Law Enforcement
13 within the department; providing for a transition
14 advisory working group; providing for the retention
15 and transfer of specified benefits for employees who
16 are transferred from the commission to the department;
17 amending s. 20.255, F.S.; establishing the Division of
18 Law Enforcement within the department; providing law
19 enforcement officers of the department who meet
20 certain requirements with specified authority;
21 amending s. 258.004, F.S.; requiring the Division of
22 Law Enforcement of the department and its officers and
23 the Division of Law Enforcement of the commission and
24 its officers to enforce laws relating to state parks;
25 amending s. 258.008, F.S.; providing for certain fines

26 | to be paid to the department and deposited in the
27 | State Park Trust Fund; amending s. 258.501, F.S.;
28 | conforming provisions to changes made by the act;
29 | amending s. 282.709, F.S.; appointing a representative
30 | of the Division of Law Enforcement of the department
31 | to the Joint Task Force on State Agency Law
32 | Enforcement Communications; amending s. 316.640, F.S.;
33 | vesting the enforcement of certain traffic laws in the
34 | Division of Law Enforcement of the department;
35 | amending s. 376.3071, F.S.; authorizing the use of
36 | moneys from the Inland Protection Trust Fund for the
37 | enforcement of certain laws by the department;
38 | amending ss. 403.413 and 784.07, F.S.; revising
39 | definitions; amending ss. 843.08 and 843.085, F.S.;
40 | providing penalties for false personation and unlawful
41 | use of badges and other symbols of an officer of the
42 | department, respectively; amending s. 870.04, F.S.;
43 | vesting the dispersement of riotous assembly in the
44 | officers of the department; amending s. 932.7055,
45 | F.S.; providing for proceeds accrued pursuant to the
46 | Florida Contraband Forfeiture Act to be deposited in
47 | specified trust funds of the department; reenacting s.
48 | 790.166(8)(a), F.S., relating to the prohibited
49 | manufacturing, possession, sale, delivery, display,
50 | use, or attempted or threatened use of a weapon of

51 mass destruction or hoax weapon of mass destruction,
52 to incorporate the amendment made to s. 784.07, F.S.,
53 in a reference thereto; providing an effective date.
54

55 Be It Enacted by the Legislature of the State of Florida:
56

57 Section 1. (1) The primary powers and duties of the Fish
58 and Wildlife Conservation Commission relating to the
59 investigation of certain environmental crimes and the
60 enforcement of related laws, as specified in the new memorandum
61 of agreement developed as required under subsection (2), are
62 transferred to the Division of Law Enforcement within the
63 Department of Environmental Protection. The commission retains
64 law enforcement authority over the patrol of state-owned lands
65 managed by the department and shall coordinate with the
66 department in that regard.

67 (2) A new memorandum of agreement must be developed
68 between the commission and the department detailing their
69 respective responsibilities regarding, at minimum, the
70 following:

71 (a) Support and response for oil spills, hazardous spills,
72 and natural disasters.

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

75 (c) Law enforcement services, including investigative

76 services, for all criminal law violations of chapters 161, 258,
77 373, 376, 377, 378, and 403, Florida Statutes.

78 (d) Enforcement services for civil violations of
79 department administrative rules related to all of the following
80 program areas:

81 1. The Division of Recreation and Parks.

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

83 3. The Office of Greenways and Trails.

84 (e) Current and future funding, training, or other support
85 for positions and equipment being transferred from the
86 commission to the department which are funded through any trust
87 fund.

88 Section 2. All personnel and equipment assigned to the
89 Office of Emergency Response within the Department of
90 Environmental Protection are reassigned to the Division of Law
91 Enforcement within the department.

92 Section 3. The Secretary of Environmental Protection and
93 the Executive Director of the Fish and Wildlife Conservation
94 Commission shall each appoint two staff members to a transition
95 advisory working group to review the administrative rules
96 adopted by the Department of Environmental Protection and the
97 commission to identify any rules that must be amended to reflect
98 the changes made by this act.

99 Section 4. Notwithstanding chapter 60L-34, Florida
100 Administrative Code, or any law to the contrary, employees who

HB 5401

2019

101 are transferred from the Fish and Wildlife Conservation
102 Commission to fill positions transferred to the Department of
103 Environmental Protection shall retain and transfer any accrued
104 annual leave, sick leave, and regular and special compensatory
105 leave balances. The employees shall retain their current
106 position status, including permanent status, upon transfer to
107 the department.

108 Section 5. Paragraph (i) is added to subsection (3) of
109 section 20.255, Florida Statutes, and subsection (10) is added
110 that section, to read:

111 20.255 Department of Environmental Protection.—There is
112 created a Department of Environmental Protection.

113 (3) The following divisions of the Department of
114 Environmental Protection are established:

115 (i) Division of Law Enforcement.

116

117 In order to ensure statewide and intradepartmental consistency,
118 the department's divisions shall direct the district offices and
119 bureaus on matters of interpretation and applicability of the
120 department's rules and programs.

121 (10) Law enforcement officers of the Department of
122 Environmental Protection who meet the requirements of s. 943.13
123 are constituted law enforcement officers of this state with full
124 power to investigate and arrest for any violation of the laws of
125 this state and the rules of the department and the Board of

126 Trustees of the Internal Improvement Trust Fund. The general
127 laws applicable to investigations, searches, and arrests by
128 peace officers of this state apply to such law enforcement
129 officers.

130 Section 6. Subsection (8) is added to section 258.004,
131 Florida Statutes, to read:

132 258.004 Duties of division.—

133 (8) This part shall be enforced by the Division of Law
134 Enforcement of the Department of Environmental Protection and
135 its officers and by the Division of Law Enforcement of the Fish
136 and Wildlife Conservation Commission and its officers.

137 Section 7. Subsection (1) of section 258.008, Florida
138 Statutes, is amended to read:

139 258.008 Prohibited activities; penalties.—

140 (1) Except as provided in subsection (3), any person who
141 violates or otherwise fails to comply with the rules adopted
142 under this chapter commits a noncriminal infraction for which
143 ejection from all property managed by the Division of Recreation
144 and Parks and a fine of up to \$500 may be imposed by the
145 division. Fines paid under this subsection shall be paid to the
146 Fish and Wildlife Conservation Commission and deposited in the
147 State Game Trust Fund as provided in ss. 379.338, 379.339, and
148 379.3395 or to the Department of Environmental Protection and
149 deposited in the State Park Trust Fund, as applicable.

150 Section 8. Subsection (16) of section 258.501, Florida

151 Statutes, is amended to read:

152 258.501 Myakka River; wild and scenic segment.—

153 (16) ENFORCEMENT.—Officers of the department and the Fish
 154 and Wildlife Conservation Commission shall have full authority
 155 to enforce any rule adopted by the department.

156 Section 9. Paragraph (a) of subsection (2) of section
 157 282.709, Florida Statutes, is amended to read:

158 282.709 State agency law enforcement radio system and
 159 interoperability network.—

160 (2) The Joint Task Force on State Agency Law Enforcement
 161 Communications is created adjunct to the department to advise
 162 the department of member-agency needs relating to the planning,
 163 designing, and establishment of the statewide communication
 164 system.

165 (a) The Joint Task Force on State Agency Law Enforcement
 166 Communications shall consist of the following members:

167 1. A representative of the Division of Alcoholic Beverages
 168 and Tobacco of the Department of Business and Professional
 169 Regulation who shall be appointed by the secretary of the
 170 department.

171 2. A representative of the Division of Florida Highway
 172 Patrol of the Department of Highway Safety and Motor Vehicles
 173 who shall be appointed by the executive director of the
 174 department.

175 3. A representative of the Department of Law Enforcement

176 | who shall be appointed by the executive director of the
177 | department.

178 | 4. A representative of the Fish and Wildlife Conservation
179 | Commission who shall be appointed by the executive director of
180 | the commission.

181 | 5. A representative of the Division of Law Enforcement of
182 | the Department of Environmental Protection who shall be
183 | appointed by the secretary of the department.

184 | ~~6.5.~~ A representative of the Department of Corrections who
185 | shall be appointed by the secretary of the department.

186 | ~~7.6.~~ A representative of the Department of Financial
187 | Services who shall be appointed by the Chief Financial Officer.

188 | ~~8.7.~~ A representative of the Department of Agriculture and
189 | Consumer Services who shall be appointed by the Commissioner of
190 | Agriculture.

191 | ~~9.8.~~ A representative of the Florida Sheriffs Association
192 | who shall be appointed by the president of the Florida Sheriffs
193 | Association.

194 | Section 10. Paragraph (a) of subsection (1) of section
195 | 316.640, Florida Statutes, is amended to read:

196 | 316.640 Enforcement.—The enforcement of the traffic laws
197 | of this state is vested as follows:

198 | (1) STATE.—

199 | (a)1.a. The Division of Florida Highway Patrol of the
200 | Department of Highway Safety and Motor Vehicles; the Division of

201 Law Enforcement of the Fish and Wildlife Conservation
202 Commission; the Division of Law Enforcement of the Department of
203 Environmental Protection; and the agents, inspectors, and
204 officers of the Department of Law Enforcement each have
205 authority to enforce all of the traffic laws of this state on
206 all the streets and highways thereof and elsewhere throughout
207 the state wherever the public has a right to travel by motor
208 vehicle.

209 b. University police officers may enforce all of the
210 traffic laws of this state when violations occur on or within
211 1,000 feet of any property or facilities that are under the
212 guidance, supervision, regulation, or control of a state
213 university, a direct-support organization of such state
214 university, or any other organization controlled by the state
215 university or a direct-support organization of the state
216 university, or when such violations occur within a specified
217 jurisdictional area as agreed upon in a mutual aid agreement
218 entered into with a law enforcement agency pursuant to s.
219 23.1225(1). Traffic laws may also be enforced off-campus when
220 hot pursuit originates on or within 1,000 feet of any such
221 property or facilities, or as agreed upon in accordance with the
222 mutual aid agreement.

223 c. Florida College System institution police officers may
224 enforce all the traffic laws of this state only when such
225 violations occur on or within 1,000 feet of any property or

226 facilities that are under the guidance, supervision, regulation,
227 or control of the Florida College System institution, or when
228 such violations occur within a specified jurisdictional area as
229 agreed upon in a mutual aid agreement entered into with a law
230 enforcement agency pursuant to s. 23.1225. Traffic laws may also
231 be enforced off-campus when hot pursuit originates on or within
232 1,000 feet of any such property or facilities, or as agreed upon
233 in accordance with the mutual aid agreement.

234 d. Police officers employed by an airport authority may
235 enforce all of the traffic laws of this state only when such
236 violations occur on any property or facilities that are owned or
237 operated by an airport authority.

238 (I) An airport authority may employ as a parking
239 enforcement specialist any individual who successfully completes
240 a training program established and approved by the Criminal
241 Justice Standards and Training Commission for parking
242 enforcement specialists but who does not otherwise meet the
243 uniform minimum standards established by the commission for law
244 enforcement officers or auxiliary or part-time officers under s.
245 943.12. This sub-sub-subparagraph may not be construed to permit
246 the carrying of firearms or other weapons, nor shall such
247 parking enforcement specialist have arrest authority.

248 (II) A parking enforcement specialist employed by an
249 airport authority may enforce all state, county, and municipal
250 laws and ordinances governing parking only when such violations

251 are on property or facilities owned or operated by the airport
252 authority employing the specialist, by appropriate state,
253 county, or municipal traffic citation.

254 e. The Office of Agricultural Law Enforcement of the
255 Department of Agriculture and Consumer Services may enforce
256 traffic laws of this state.

257 f. School safety officers may enforce all of the traffic
258 laws of this state when such violations occur on or about any
259 property or facilities that are under the guidance, supervision,
260 regulation, or control of the district school board.

261 2. Any disciplinary action taken or performance evaluation
262 conducted by an agency of the state as described in subparagraph
263 1. of a law enforcement officer's traffic enforcement activity
264 must be in accordance with written work-performance standards.
265 Such standards must be approved by the agency and any collective
266 bargaining unit representing such law enforcement officer. A
267 violation of this subparagraph is not subject to the penalties
268 provided in chapter 318.

269 3. The Division of the Florida Highway Patrol may employ
270 as a traffic accident investigation officer any individual who
271 successfully completes instruction in traffic accident
272 investigation and court presentation through the Selective
273 Traffic Enforcement Program as approved by the Criminal Justice
274 Standards and Training Commission and funded through the
275 National Highway Traffic Safety Administration or a similar

276 program approved by the commission, but who does not necessarily
277 meet the uniform minimum standards established by the commission
278 for law enforcement officers or auxiliary law enforcement
279 officers under chapter 943. Any such traffic accident
280 investigation officer who makes an investigation at the scene of
281 a traffic accident may issue traffic citations, based upon
282 personal investigation, when he or she has reasonable and
283 probable grounds to believe that a person who was involved in
284 the accident committed an offense under this chapter, chapter
285 319, chapter 320, or chapter 322 in connection with the
286 accident. This subparagraph does not permit the officer to carry
287 firearms or other weapons, and such an officer does not have
288 authority to make arrests.

289 Section 11. Paragraph (p) of subsection (4) of section
290 376.3071, Florida Statutes, is amended to read:

291 376.3071 Inland Protection Trust Fund; creation; purposes;
292 funding.—

293 (4) USES.—Whenever, in its determination, incidents of
294 inland contamination related to the storage of petroleum or
295 petroleum products may pose a threat to the public health,
296 safety, or welfare, water resources, or the environment, the
297 department shall obligate moneys available in the fund to
298 provide for:

299 (p) Enforcement of this section and ss. 376.30-376.317 by
300 the Fish and Wildlife Conservation Commission and the Department

301 of Environmental Protection. The department may ~~shall~~ disburse
302 moneys to the commission for such purpose.

303
304 The issuance of a site rehabilitation completion order pursuant
305 to subsection (5) or paragraph (12)(b) for contamination
306 eligible for programs funded by this section does not alter the
307 project's eligibility for state-funded remediation if the
308 department determines that site conditions are not protective of
309 human health under actual or proposed circumstances of exposure
310 under subsection (5). The Inland Protection Trust Fund may be
311 used only to fund the activities in ss. 376.30-376.317 except
312 ss. 376.3078 and 376.3079. Amounts on deposit in the fund in
313 each fiscal year must first be applied or allocated for the
314 payment of amounts payable by the department pursuant to
315 paragraph (n) under a service contract entered into by the
316 department pursuant to s. 376.3075 and appropriated in each year
317 by the Legislature before making or providing for other
318 disbursements from the fund. This subsection does not authorize
319 the use of the fund for cleanup of contamination caused
320 primarily by a discharge of solvents as defined in s.
321 206.9925(6), or polychlorinated biphenyls when their presence
322 causes them to be hazardous wastes, except solvent contamination
323 which is the result of chemical or physical breakdown of
324 petroleum products and is otherwise eligible. Facilities used
325 primarily for the storage of motor or diesel fuels as defined in

326 ss. 206.01 and 206.86 are not excluded from eligibility pursuant
 327 to this section.

328 Section 12. Paragraph (e) of subsection (2) of section
 329 403.413, Florida Statutes, is amended to read:

330 403.413 Florida Litter Law.—

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

332 (e) "Law enforcement officer" means any officer of the
 333 Florida Highway Patrol, a county sheriff's department, a
 334 municipal law enforcement department, a law enforcement
 335 department of any other political subdivision, the Department of
 336 Environmental Protection, or the Fish and Wildlife Conservation
 337 Commission. In addition, and solely for the purposes of this
 338 section, "law enforcement officer" means any employee of a
 339 county or municipal park or recreation department designated by
 340 the department head as a litter enforcement officer.

341 Section 13. Paragraph (d) of subsection (1) of section
 342 784.07, Florida Statutes, is amended to read:

343 784.07 Assault or battery of law enforcement officers,
 344 firefighters, emergency medical care providers, public transit
 345 employees or agents, or other specified officers;
 346 reclassification of offenses; minimum sentences.—

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

348 (d) "Law enforcement officer" includes a law enforcement
 349 officer, a correctional officer, a correctional probation
 350 officer, a part-time law enforcement officer, a part-time

HB 5401

2019

351 correctional officer, an auxiliary law enforcement officer, and
352 an auxiliary correctional officer, as those terms are
353 respectively defined in s. 943.10, and any county probation
354 officer; an employee or agent of the Department of Corrections
355 who supervises or provides services to inmates; an officer of
356 the Florida Commission on Offender Review; a federal law
357 enforcement officer as defined in s. 901.1505; and law
358 enforcement personnel of the Fish and Wildlife Conservation
359 Commission, the Department of Environmental Protection, or the
360 Department of Law Enforcement.

361 Section 14. Section 843.08, Florida Statutes, is amended
362 to read:

363 843.08 False personation.—A person who falsely assumes or
364 pretends to be a firefighter, sheriff, officer of the Florida
365 Highway Patrol, officer of the Fish and Wildlife Conservation
366 Commission, officer of the Department of Environmental
367 Protection, fire or arson investigator of the Department of
368 Financial Services, officer of the Department of Financial
369 Services, officer of the Department of Corrections, correctional
370 probation officer, deputy sheriff, state attorney or assistant
371 state attorney, statewide prosecutor or assistant statewide
372 prosecutor, state attorney investigator, coroner, police
373 officer, lottery special agent or lottery investigator, beverage
374 enforcement agent, or watchman, or any member of the Florida
375 Commission on Offender Review and any administrative aide or

376 supervisor employed by the commission, or any personnel or
377 representative of the Department of Law Enforcement, or a
378 federal law enforcement officer as defined in s. 901.1505, and
379 takes upon himself or herself to act as such, or to require any
380 other person to aid or assist him or her in a matter pertaining
381 to the duty of any such officer, commits a felony of the third
382 degree, punishable as provided in s. 775.082, s. 775.083, or s.
383 775.084. However, a person who falsely personates any such
384 officer during the course of the commission of a felony commits
385 a felony of the second degree, punishable as provided in s.
386 775.082, s. 775.083, or s. 775.084. If the commission of the
387 felony results in the death or personal injury of another human
388 being, the person commits a felony of the first degree,
389 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
390 The term "watchman" means a security officer licensed under
391 chapter 493.

392 Section 15. Section 843.085, Florida Statutes, is amended
393 to read:

394 843.085 Unlawful use of badges or other indicia of
395 authority.—

396 (1) It is unlawful for any person, unless appointed by the
397 Governor pursuant to chapter 354, authorized by the appropriate
398 agency, or displayed in a closed or mounted case as a collection
399 or exhibit, to wear or display any authorized indicia of
400 authority, including any badge, insignia, emblem, identification

401 card, or uniform, or any colorable imitation thereof, of any
402 federal, state, county, or municipal law enforcement agency, or
403 other criminal justice agency as defined in s. 943.045, with the
404 intent to mislead or cause another person to believe that he or
405 she is a member of that agency or is authorized to display or
406 wear such item, or to wear or display any item that displays in
407 any manner or combination the word or words "police,"
408 "patrolman," "agent," "sheriff," "deputy," "trooper," "highway
409 patrol," "commission officer," "Wildlife Officer," "Department
410 of Environmental Protection officer," "Marine Patrol Officer,"
411 "state attorney," "public defender," "marshal," "constable,"
412 "bailiff," or "fire department," with the intent to mislead or
413 cause another person to believe that he or she is a member of
414 that agency or is authorized to wear or display such item.

415 (2) It is unlawful for a person to own or operate a motor
416 vehicle marked or identified in any manner or combination by the
417 word or words "police," "patrolman," "sheriff," "deputy,"
418 "trooper," "highway patrol," "commission officer," "Wildlife
419 Officer," "Department of Environmental Protection officer,"
420 "Marine Patrol Officer," "marshal," "constable," "bailiff," or
421 "fire department," or by any lettering, marking, or insignia, or
422 colorable imitation thereof, including, but not limited to,
423 stars, badges, or shields, officially used to identify the
424 vehicle as a federal, state, county, or municipal law
425 enforcement vehicle or a vehicle used by a criminal justice

426 agency as defined in s. 943.045, or a vehicle used by a fire
427 department with the intent to mislead or cause another person to
428 believe that such vehicle is an official vehicle of that agency
429 and is authorized to be used by that agency, unless such vehicle
430 is owned or operated by the appropriate agency and its use is
431 authorized by such agency, or the local law enforcement agency
432 or fire department authorizes the use of such vehicle, or the
433 person is appointed by the Governor pursuant to chapter 354.

434 (3) It is unlawful for a person to sell, transfer, or give
435 away the authorized badge, or colorable imitation thereof,
436 including miniatures, of any criminal justice agency as defined
437 in s. 943.045, or bearing in any manner or combination the word
438 or words "police," "patrolman," "sheriff," "deputy," "trooper,"
439 "highway patrol," "commission officer," "Wildlife Officer,"
440 "Department of Environmental Protection officer," "Marine Patrol
441 Officer," "marshal," "constable," "agent," "state attorney,"
442 "public defender," "bailiff," or "fire department," with the
443 intent to mislead or cause another person to believe that he or
444 she is a member of that agency or is authorized to wear or
445 display such item, except for agency purchases or upon the
446 presentation and recordation of both a driver license and other
447 identification showing any transferee to actually be a member of
448 such criminal justice agency or unless the person is appointed
449 by the Governor pursuant to chapter 354. A transferor of an item
450 covered by this subsection is required to maintain for 2 years a

451 written record of such transaction, including records showing
452 compliance with this subsection, and if such transferor is a
453 business, it shall make such records available during normal
454 business hours for inspection by any law enforcement agency
455 having jurisdiction in the area where the business is located.

456 (4) This section does not prohibit a fraternal,
457 benevolent, or labor organization or association, or their
458 chapters or subsidiaries, from using the following words, in any
459 manner or in any combination, if those words appear in the
460 official name of the organization or association: "police,"
461 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
462 "commission officer," "Wildlife Officer," "Department of
463 Environmental Protection officer," "Marine Patrol Officer,"
464 "marshal," "constable," "bailiff," or "fire department."

465 (5) A violation of ~~any provision of~~ this section is a
466 misdemeanor of the first degree, punishable as provided in s.
467 775.082 or s. 775.083. This section is cumulative to any law now
468 in force in the state.

469 Section 16. Section 870.04, Florida Statutes, is amended
470 to read:

471 870.04 Specified officers to disperse riotous assembly.—If
472 any number of persons, whether armed or not, are unlawfully,
473 riotously, or tumultuously assembled in any county, city, or
474 municipality, the sheriff or the sheriff's deputies, or the
475 mayor, or any commissioner, council member, alderman, or police

476 officer of the city or municipality, or any officer or member of
477 the Florida Highway Patrol, or any officer or agent of the Fish
478 and Wildlife Conservation Commission or the Department of
479 Environmental Protection, any beverage enforcement agent, any
480 personnel or representatives of the Department of Law
481 Enforcement or its successor, or any other peace officer, shall
482 go among the persons so assembled, or as near to them as may be
483 done with safety, and shall in the name of the state command all
484 the persons so assembled immediately and peaceably to disperse.
485 If such persons do not thereupon immediately and peaceably
486 disperse, such officers shall command the assistance of all such
487 persons in seizing, arresting, and securing such persons in
488 custody. If any person present being so commanded to aid and
489 assist in seizing and securing such rioter or persons so
490 unlawfully assembled, or in suppressing such riot or unlawful
491 assembly, refuses or neglects to obey such command, or, when
492 required by such officers to depart from the place, refuses and
493 neglects to do so, the person shall be deemed one of the rioters
494 or persons unlawfully assembled, and may be prosecuted and
495 punished accordingly.

496 Section 17. Present paragraphs (b) through (l) of
497 subsection (6) of section 932.7055, Florida Statutes, are
498 redesignated as paragraphs (c) through (m), respectively, and a
499 new paragraph (b) is added to that subsection to read:

500 932.7055 Disposition of liens and forfeited property.—

501 (6) If the seizing agency is a state agency, all remaining
 502 proceeds shall be deposited into the General Revenue Fund.
 503 However, if the seizing agency is:

504 (b) The Department of Environmental Protection, the
 505 proceeds accrued pursuant to the Florida Contraband Forfeiture
 506 Act shall be deposited in the Internal Improvement Trust Fund,
 507 the Water Quality Assurance Trust Fund, the Inland Protection
 508 Trust Fund, the Coastal Protection Trust Fund, or the Solid
 509 Waste Management Trust Fund, as specified by the statute under
 510 which the violation occurs.

511 Section 18. For the purpose of incorporating the amendment
 512 made by this act to section 784.07, Florida Statutes, in a
 513 reference thereto, paragraph (a) of subsection (8) of section
 514 790.166, Florida Statutes, is reenacted to read:

515 790.166 Manufacture, possession, sale, delivery, display,
 516 use, or attempted or threatened use of a weapon of mass
 517 destruction or hoax weapon of mass destruction prohibited;
 518 definitions; penalties.—

519 (8) For purposes of this section, the term "weapon of mass
 520 destruction" does not include:

521 (a) A device or instrument that emits or discharges smoke
 522 or an offensive, noxious, or irritant liquid, powder, gas, or
 523 chemical for the purpose of immobilizing, incapacitating, or
 524 thwarting an attack by a person or animal and that is lawfully
 525 possessed or used by a person for the purpose of self-protection

HB 5401

2019

526 or, as provided in subsection (7), is lawfully possessed or used
527 by any member or employee of the Armed Forces of the United
528 States, a federal or state governmental agency, or a private
529 entity. A member or employee of a federal or state governmental
530 agency includes, but is not limited to, a law enforcement
531 officer, as defined in s. 784.07; a federal law enforcement
532 officer, as defined in s. 901.1505; and an emergency service
533 employee, as defined in s. 496.404.

534 Section 19. This act shall take effect July 1, 2019.