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HB 5401

2019 Legislature

1
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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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.—

ENROLLED

HB 5401

2019 Legislature

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

ENROLLED

HB 5401

2019 Legislature

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.