

1 A bill to be entitled
2 An act relating to the Fish and Wildlife
3 Conservation Commission; amending s. 20.325,
4 F.S.; specifying the divisions in the Fish and
5 Wildlife Conservation Commission; transferring
6 the duties of the Marine Fisheries Commission
7 assigned to the Board of Trustees of the
8 Internal Improvement Trust Fund to the
9 commission; transferring the duties of the Game
10 and Fresh Water Fish Commission to the Fish and
11 Wildlife Conservation Commission; transferring
12 certain duties of the Department of
13 Environmental Protection, Division of Marine
14 Resources and Division of Law Enforcement, to
15 the Fish and Wildlife Conservation Commission;
16 amending s. 20.255, F.S.; providing for the
17 organization and powers of the Department of
18 Environmental Protection; providing for a
19 transition advisory committee to determine the
20 appropriate number of support service personnel
21 to be transferred; amending s. 206.606, F.S.;
22 revising the distribution of funds; amending s.
23 259.101, F.S.; providing for the sale of
24 conservation lands; amending s. 370.0603, F.S.;
25 establishing the Marine Resources Conservation
26 Trust Fund in the Fish and Wildlife
27 Conservation Commission; amending s. 370.0608,
28 F.S.; revising the use of license fees by the
29 Fish and Wildlife Conservation Commission;
30 amending s. 370.16; transferring certain
31 activities related to oysters and shellfish to

1 the Fish and Wildlife Conservation Commission;
2 amending s. 370.26, F.S.; transferring certain
3 activities related to aquaculture to the Fish
4 and Wildlife Conservation Commission; amending
5 s. 932.7055, F.S.; providing for funds to be
6 deposited into the Forfeited Property Trust
7 Fund; amending ss. 20.055, 23.21, 120.52,
8 120.81, 163.3244, 186.003, 186.005, 229.8058,
9 240.155, 252.365, 253.05, 253.45, 253.75,
10 253.7829, 253.787, 255.502, 258.157, 258.397,
11 258.501, 259.035, 259.036, 282.1095, 282.404,
12 285.09, 285.10, 288.021, 288.975, 316.640,
13 320.08058, 327.02, 327.25, 327.26, 327.28,
14 327.30, 327.35215, 327.395, 327.41, 327.43,
15 327.46, 327.48, 327.70, 327.71, 327.731,
16 327.74, 327.803, 327.804, 327.90, 328.01,
17 339.281, 341.352, 369.20, 369.22, 369.25,
18 370.01, 370.021, 370.028, 370.06, 370.0605,
19 370.0615, 370.062, 370.063, 370.0805, 370.081,
20 370.092, 370.093, 370.1107, 370.1111, 370.12,
21 370.13, 370.14, 370.1405, 370.142, 370.1535,
22 370.17, 370.31, 372.001, 372.01, 372.0215,
23 372.0222, 372.0225, 372.023, 372.025, 372.03,
24 372.051, 372.06, 372.07, 372.071, 372.072,
25 372.0725, 372.073, 372.074, 372.105, 372.106,
26 372.12, 372.121, 372.16, 372.26, 372.265,
27 372.27, 372.31, 372.57, 372.5714, 372.5717,
28 372.5718, 372.574, 372.651, 372.653, 372.66,
29 372.661, 372.662, 372.663, 372.664, 372.6645,
30 372.667, 372.6672, 372.672, 372.673, 372.674,
31 372.70, 372.701, 372.7015, 372.7016, 372.72,

1 372.73, 372.74, 372.76, 372.761, 372.77,
2 372.7701, 372.771, 372.85, 372.86, 372.87,
3 372.88, 372.89, 372.901, 372.911, 372.912,
4 372.92, 372.921, 372.922, 372.97, 372.971,
5 372.98, 372.981, 372.99, 372.9901, 372.9903,
6 372.9904, 372.9906, 372.991, 372.992, 372.995,
7 373.453, 373.455, 373.4595, 373.465, 373.466,
8 373.591, 375.021, 375.311, 375.312, 376.121,
9 378.011, 378.036, 378.409, 380.061, 388.45,
10 388.46, 403.0752, 403.0885, 403.413, 403.507,
11 403.508, 403.518, 403.526, 403.527, 403.5365,
12 403.7841, 403.786, 403.787, 403.9325, 403.941,
13 403.9411, 403.961, 403.962, 403.972, 403.973,
14 487.0615, 581.186, 585.21, 597.003, 597.004,
15 597.006, 784.07, 790.06, 790.15, 828.122,
16 832.06, 843.08, 870.04, 943.1728, F.S.;
17 conforming provisions to the State Constitution
18 and this act; repealing s. 370.0205, F.S.,
19 which provides for the use of citizen support
20 organizations; repealing s. 370.025, F.S.,
21 which provides policies for the Marine
22 Fisheries Commission; repealing s. 370.026,
23 F.S., which provides for the creation of the
24 Marine Fisheries Commission; repealing s.
25 370.027, F.S., which provides for rulemaking
26 authority; repealing s. 372.021, F.S., which
27 provides for the powers of the Game and Fresh
28 Water Fish Commission; repealing s. 372.061,
29 F.S., which provides for meetings of the Game
30 and Fresh Water Fish Commission; repealing s.
31 373.1965, F.S., which creates the Coordinating

1 Council on the Restoration of the Kissimmee
2 River Valley and Taylor Creek-Nubbins Slough
3 Basin; repealing s. 373.197, F.S., which
4 provides direction for the Kissimmee River
5 Valley and Taylor Creek-Nubbins Slough Basin
6 restoration project; repealing s. 403.261,
7 F.S., which provides for the repeal of
8 rulemaking jurisdiction over air and water
9 pollution; creating s. 403.0611, F.S.;
10 providing for the use of citizen support
11 organizations; creating s. 406.0613, F.S.;
12 providing authorization for publications;
13 creating s. 403.0614, F.S.; providing for the
14 administration of Department of Environmental
15 Protection grant programs; amending ss.
16 161.031, 161.36, 252.937, 309.01, 370.023,
17 370.03, 370.0607, 370.0609, 370.061, 370.07,
18 370.071, 370.08, 370.0821, 370.10, 370.103,
19 370.135, 370.143, 370.15, 370.151, 370.153,
20 370.1603, 370.172, 370.18, 370.19, 370.20,
21 370.21, 372.107, 376.15, 823.11, F.S.;
22 conforming provisions to the State Constitution
23 and this act; authorizing the executive Office
24 of the Governor to transfer funds when
25 necessary because of the reorganization made by
26 this act, after prior consultation with
27 specified legislative committees; providing an
28 effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Section 20.325, Florida Statutes, is
2 amended to read:

3 20.325 Fish and Wildlife Conservation ~~Game and Fresh~~
4 ~~Water Fish~~ Commission.--The Legislature, recognizing the Fish
5 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
6 as being specifically provided for and authorized by the State
7 Constitution under s. 9, Art. IV, grants rights and privileges
8 to the commission, as contemplated by s. 6, Art. IV of the
9 State Constitution, equal to those of departments established
10 under this chapter, while preserving its constitutional
11 designation and title as a commission.

12 (1) The head of the Fish and Wildlife Conservation
13 ~~Game and Fresh Water Fish~~ Commission is the commission
14 appointed by the Governor as provided for in s. 9, Art. IV of
15 the State Constitution.

16 (2) The following divisions are established within the
17 commission:

18 (a) Division of Administrative Services.

19 (b) Division of Law Enforcement.

20 (c) Division of Freshwater Fisheries.

21 (d) Division of Wildlife.

22 (e) Division of Marine Resources.

23 (3) The commission shall appoint an executive director
24 who shall be subject to confirmation by the Florida Senate and
25 upon approval shall serve at the pleasure of the commission.
26 ~~The powers, duties, and functions of the commission shall be~~
27 ~~as prescribed by law.~~

28 Section 2. The powers, duties, functions, and
29 jurisdiction as set forth in statutes in effect on March 1,
30 1998, and staff, equipment, and fund balances of the Marine
31 Fisheries Commission assigned to the Board of Trustees of the

1 Internal Improvement Trust Fund are transferred by a type two
2 transfer, as defined in section 20.06, Florida Statutes, to
3 the Fish and Wildlife Conservation Commission.

4 Section 3. The powers, duties, functions, staff,
5 equipment, and fund balances of the Game and Fresh Water Fish
6 Commission are transferred by a type two transfer, as defined
7 in section 20.06, Florida Statutes, to the Fish and Wildlife
8 Conservation Commission.

9 Section 4. The powers, duties, functions, staff,
10 equipment, facilities, and fund balances of the Department of
11 Environmental Protection, Division of Marine Resources,
12 related to the Office of Fisheries Management, Bureau of
13 Marine Resources Regulation and Development, Bureau of
14 Protected Species Management, and the Florida Marine Research
15 Institute are transferred by a type two transfer, to the Fish
16 and Wildlife Conservation Commission. The remaining powers,
17 duties, functions, staff, equipment and fund balances of the
18 Division of Marine Resources relating to the Bureau of Coastal
19 and Aquatic Managed Areas shall remain in the Department of
20 Environmental Protection.

21 Section 5. The powers, duties, functions, staff,
22 equipment, facilities, and fund balances of the Department of
23 Environmental Protection, Division of Law Enforcement, related
24 to the Office of Enforcement Planning and Policy Coordination,
25 Bureau of Administrative Support, Bureau of Operational
26 Support, and the Bureau of Environmental Law Enforcement, are
27 transferred by a type two transfer to the Fish and Wildlife
28 Conservation Commission, except for those powers, duties,
29 functions, staff, equipment, facilities, and fund balances of
30 the Bureau relating to the Florida Park Patrol, the Bureau of
31 Emergency Response, and the Office of Investigations, which

1 shall remain in the department's Division of Law Enforcement.
2 No duties or responsibilities relating to boating safety
3 matters shall remain in the Department of Environmental
4 Protection.

5 Section 6. Subsection (6) of section 20.255, Florida
6 Statutes, 1998 Supplement, is amended, present subsection (7)
7 of that section is redesignated as subsection (10), and new
8 subsections (7), (8), and (9), are added to that section, to
9 read:

10 20.255 Department of Environmental Protection.--There
11 is created a Department of Environmental Protection.

12 (6) The following divisions of the Department of
13 Environmental Protection are established:

14 (a) Division of Administrative and Technical Services.

15 (b) Division of Air Resource Management.

16 (c) Division of Water Resource Management ~~Facilities~~.

17 (d) Division of Law Enforcement.

18 ~~(e) Division of Marine Resources.~~

19 (e)(f) Division of Waste Management.

20 (f)(g) Division of Recreation and Parks.

21 (g)(h) Division of State Lands, the director of which
22 is to be appointed by the secretary of the department, subject
23 to confirmation by the Governor and Cabinet sitting as the
24 Board of Trustees of the Internal Improvement Trust Fund.

25 ~~(i) Division of Environmental Resource Permitting.~~

26
27 In order to ensure statewide and intradepartmental
28 consistency, the department's divisions shall direct the
29 district offices and bureaus on matters of interpretation and
30 applicability of the department's rules and programs.

31

1 (7) Law enforcement officers of the Department of
2 Environmental Protection are constituted law enforcement
3 officers of this state with full power to investigate and
4 arrest for any violation of the laws of this state and the
5 rules of the department under its jurisdiction and for
6 violations of chapter 253 and the rules adopted thereunder.
7 The general laws applicable to arrests by peace officers of
8 this state apply to such law enforcement officers. The law
9 enforcement officers may enter upon any land or waters of the
10 state in performing their lawful duties and may take with them
11 any necessary equipment; and this entry does not constitute a
12 trespass. It is lawful for any boat, motor vehicle, or
13 aircraft owned or chartered by the department or its agents or
14 employees to land on and depart from any of the beaches or
15 waters of this state. The law enforcement officers may arrest
16 any person in the act of violating any rule of the department
17 or any of the laws of this state. It is unlawful for any
18 person to resist arrest or in any manner interfere, either by
19 abetting or assisting the resistance or otherwise interfering,
20 with any law enforcement officer engaged in performing the
21 duties imposed upon him or her by law or rule of the
22 department.

23 (8) Records and documents of the Department of
24 Environmental Protection shall be retained by the department
25 as specified in record retention schedules established under
26 the general provisions of chapters 119 and 257. Further, the
27 department is authorized to:

28 (a) Destroy or otherwise dispose of those records and
29 documents in conformity with the approved retention schedules.

30 (b) Photograph, microphotograph, or reproduce such
31 records and documents on film, as authorized and directed by

1 the approved retention schedules, in a manner such that each
2 page will be exposed in exact conformity with the original
3 records and documents retained in compliance with the
4 provisions of this section. Photographs or microphotographs in
5 the form of film or print of any records which are made in
6 compliance with the provisions of this section shall have the
7 same force and effect as the originals thereof would have and
8 shall be treated as originals for the purpose of their
9 admissibility in evidence. Duly certified or authenticated
10 reproductions of such photographs or microphotographs shall be
11 admitted in evidence equally with the original photographs or
12 microphotographs. The impression of the seal of the Department
13 of Environmental Protection on a certificate made by the
14 department and signed by the Secretary of Environmental
15 Protection entitles the certificate to be received in all
16 courts and in all proceedings in this state and is prima facie
17 evidence of all factual matters set forth in the certificate.
18 A certificate may relate to one or more records as set forth
19 in the certificate or in a schedule attached to the
20 certificate.

21 (9) The Department of Environmental Protection may
22 require that bond be given by any employee of the department,
23 payable to the Governor of the state and the Governor's
24 successor in office, for the use and benefit of those whom it
25 concerns, in such penal sums and with such good and sufficient
26 surety or sureties as are approved by the department,
27 conditioned upon the faithful performance of the duties of the
28 employee.

29 Section 7. The Secretary of the Department of
30 Environmental Protection and the Executive Director of the
31 Fish and Wildlife Conservation Commission shall each appoint

1 three staff members to a transition advisory committee to
2 review and determine the appropriate number of positions, up
3 to 60 positions and their related funding levels and sources
4 from the Office of General Counsel and from the Division of
5 Administrative and Technical Services, to be transferred from
6 the Department of Environmental Protection to the Fish and
7 Wildlife Conservation Commission to provide legal services and
8 administrative and operational support services, including
9 communications equipment involving the National Crime
10 Information System (NCIS) and the Florida Crime Information
11 System (FCIS) which were previously provided to the programs
12 transferred by sections 4 and 5 of this act. The Governor
13 shall appoint a staff member from the Office of Planning and
14 Budget to chair the meetings of the transition advisory
15 committee and to assist in implementing these provisions as
16 appropriate with adjustments in the operating budgets of the
17 two agencies involved during Fiscal Year 1999-2000 as provided
18 by chapter 216, Florida Statutes, and providing consultation
19 with the Appropriations Committees in the Senate and the House
20 of Representatives.

21 Section 8. Subsection (1) of section 206.606, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 206.606 Distribution of certain proceeds.--

24 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
25 206.87(1)(e) shall be deposited in the Fuel Tax Collection
26 Trust Fund created by s. 206.875. Such moneys, exclusive of
27 the service charges imposed by s. 215.20, and exclusive of
28 refunds granted pursuant to s. 206.41, shall be distributed
29 monthly to the State Transportation Trust Fund, except that:

30 (a) \$6.30~~\$7.55~~ million shall be transferred to the
31 Department of Environmental Protection in each fiscal year

1 ~~and. The transfers must be made in equal monthly amounts~~
2 ~~beginning on July 1 of each fiscal year. \$1.25 million of the~~
3 ~~amount transferred shall be deposited annually in the Marine~~
4 ~~Resources Conservation Trust Fund and must be used by the~~
5 ~~department to fund special projects to provide recreational~~
6 ~~channel marking, public launching facilities, and other~~
7 ~~boating-related activities. The department shall annually~~
8 ~~determine where unmet needs exist for boating-related~~
9 ~~activities, and may fund such activities in counties where,~~
10 ~~due to the number of vessel registrations, insufficient~~
11 ~~financial resources are available to meet total water resource~~
12 ~~needs. The remaining proceeds of the annual transfer shall be~~
13 ~~deposited in the Aquatic Plant Control Trust Fund to and must~~
14 ~~be used for aquatic plant management, including nonchemical~~
15 ~~control of aquatic weeds, research into nonchemical controls,~~
16 ~~and enforcement activities. Beginning in fiscal year~~
17 ~~1993-1994, the department shall allocate at least \$1 million~~
18 ~~of such funds to the eradication of melaleuca.~~

19 (b) ~~\$2.5~~\$1.25 million shall be transferred to the
20 State Game Trust Fund in the Fish and Wildlife Conservation
21 ~~Game and Fresh Water Fish~~ Commission in each fiscal year. The
22 transfers must be made in equal monthly amounts beginning on
23 July 1 of each fiscal year. The commission shall annually
24 determine where unmet needs exist for boating-related
25 activities, and may fund such activities in counties where,
26 due to the number of vessel registrations, insufficient
27 financial resources are available to meet the total water
28 resource needs.~~and must be used for recreational boating~~
29 ~~activities of a type consistent with projects eligible for~~
30 ~~funding under the Florida Boating Improvement Program~~
31

1 ~~administered by the Department of Environmental Protection,~~
2 ~~and freshwater fisheries management and research.~~

3 (c) 0.65 percent of moneys collected pursuant to s.
4 206.41(1)(g) shall be transferred to the Agricultural
5 Emergency Eradication Trust Fund.

6 Section 9. Paragraph (f) of subsection (3) and
7 subsection (6) of section 259.101, Florida Statutes, 1998
8 Supplement, are amended to read:

9 259.101 Florida Preservation 2000 Act.--

10 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
11 costs of issuance, the costs of funding reserve accounts, and
12 other costs with respect to the bonds, the proceeds of bonds
13 issued pursuant to this act shall be deposited into the
14 Florida Preservation 2000 Trust Fund created by s. 375.045.
15 Ten percent of the proceeds of any bonds deposited into the
16 Preservation 2000 Trust Fund shall be distributed by the
17 Department of Environmental Protection to the Department of
18 Environmental Protection for the purchase by the South Florida
19 Water Management District of lands in Dade, Broward, and Palm
20 Beach Counties identified in s. 7, chapter 95-349, Laws of
21 Florida. This distribution shall apply for any bond issue for
22 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
23 \$20 million per year from the proceeds of any bonds deposited
24 into the Florida Preservation 2000 Trust Fund shall be
25 distributed by the Department of Environmental Protection to
26 the St. Johns Water Management District for the purchase of
27 lands necessary to restore Lake Apopka. The remaining proceeds
28 shall be distributed by the Department of Environmental
29 Protection in the following manner:

30 (f) Two and nine-tenths percent to the Fish and
31 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to

1 fund the acquisition of inholdings and additions to lands
2 managed by the commission which are important to the
3 conservation of fish and wildlife.
4
5 Local governments may use federal grants or loans, private
6 donations, or environmental mitigation funds, including
7 environmental mitigation funds required pursuant to s.
8 338.250, for any part or all of any local match required for
9 the purposes described in this subsection. Bond proceeds
10 allocated pursuant to paragraph (c) may be used to purchase
11 lands on the priority lists developed pursuant to s. 259.035.
12 Title to lands purchased pursuant to paragraphs (a), (d), (e),
13 (f), and (g) shall be vested in the Board of Trustees of the
14 Internal Improvement Trust Fund, except that title to lands,
15 or rights or interests therein, acquired by either the
16 Southwest Florida Water Management District or the St. Johns
17 River Water Management District in furtherance of the Green
18 Swamp Land Authority's mission pursuant to s. 380.0677(3),
19 shall be vested in the district where the acquisition project
20 is located. Title to lands purchased pursuant to paragraph
21 (c) may be vested in the Board of Trustees of the Internal
22 Improvement Trust Fund, except that title to lands, or rights
23 or interests therein, acquired by either the Southwest Florida
24 Water Management District or the St. Johns River Water
25 Management District in furtherance of the Green Swamp Land
26 Authority's mission pursuant to s. 380.0677(3), shall be
27 vested in the district where the acquisition project is
28 located. This subsection is repealed effective October 1,
29 2000. Prior to repeal, the Legislature shall review the
30 provisions scheduled for repeal and shall determine whether to
31 reenact or modify the provisions or to take no action.

1 (6) DISPOSITION OF LANDS.--

2 (a) Any lands acquired pursuant to paragraph (3)(a),
3 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),
4 paragraph (3)(f), or paragraph (3)(g), if title to such lands
5 is vested in the Board of Trustees of the Internal Improvement
6 Trust Fund, may be disposed of by the Board of Trustees of the
7 Internal Improvement Trust Fund in accordance with the
8 provisions and procedures set forth in s. 253.034(6)~~s.~~
9 ~~253.034(5)~~, and lands acquired pursuant to paragraph (3)(b)
10 may be disposed of by the owning water management district in
11 accordance with the procedures and provisions set forth in ss.
12 373.056 and 373.089 provided such disposition also shall
13 satisfy the requirements of paragraphs (b) and (c).

14 (b) Land acquired for conservation purposes may be
15 disposed of only after the Board of Trustees of the Internal
16 Improvement Trust Fund or, in the case of water management
17 district lands, the owning water management district governing
18 board makes a determination that preservation of the land is
19 no longer necessary for conservation purposes and only upon a
20 two-thirds vote of the appropriate governing board. Following
21 a determination by the governing board that the land is no
22 longer needed for conservation purposes, the governing board
23 must also make a determination that the land is of no further
24 benefit to the public, as required by s. 253.034(6), or that
25 the land is surplus land under s. 373.089. Any lands eligible
26 for disposal under these procedures also may be exchanged for
27 other lands described in the same paragraph of subsection (3)
28 as the lands disposed of.~~Before land can be determined to be~~
29 ~~of no further benefit to the public as required by s.~~
30 ~~253.034(5), or to be no longer required for its purposes under~~
31 ~~s. 373.056(4), whichever may be applicable, there shall first~~

1 ~~be a determination by the Board of Trustees of the Internal~~
2 ~~Improvement Trust Fund, or, in the case of water management~~
3 ~~district lands, by the owning water management district, that~~
4 ~~such land no longer needs to be preserved in furtherance of~~
5 ~~the intent of the Florida Preservation 2000 Act. Any lands~~
6 ~~eligible to be disposed of under this procedure also may be~~
7 ~~used to acquire other lands through an exchange of lands,~~
8 ~~provided such lands obtained in an exchange are described in~~
9 ~~the same paragraph of subsection (3) as the lands disposed.~~

10 (c) Notwithstanding paragraphs (a) and (b), no such
11 disposition of land shall be made if such disposition would
12 have the effect of causing all or any portion of the interest
13 on any revenue bonds issued to fund the Florida Preservation
14 2000 Act to lose their exclusion from gross income for
15 purposes of federal income taxation. Any revenue derived from
16 the disposal of such lands may not be used for any purpose
17 except for deposit into the Florida Preservation 2000 Trust
18 Fund for recredit to the share held under subsection (3), in
19 which such disposed land is described.

20 Section 10. Subsection (1) of section 370.0603,
21 Florida Statutes, is amended to read:

22 370.0603 Marine Resources Conservation Trust Fund;
23 purposes.--

24 (1) The Marine Resources Conservation Trust Fund
25 within the Fish and Wildlife Conservation Commission
26 ~~Department of Environmental Protection~~ shall serve as a
27 broad-based depository for funds from various marine-related
28 activities and shall be administered by the commission
29 ~~department~~ for the purposes of:

30 (a) Funding for marine research.

31

1 (b) Funding for fishery enhancement, including, but
2 not limited to, fishery statistics development, artificial
3 reefs, and fish hatcheries.

4 (c) Funding for marine law enforcement.

5 (d) Funding for administration of licensing programs
6 for recreational fishing, saltwater products sales, and
7 related information and education activities.

8 (e) Funding for the operations of the Fish and
9 Wildlife Conservation ~~Marine Fisheries~~ Commission.

10 (f) Funding for titling and registration of vessels.

11 (g) Funding for marine turtle protection, research,
12 and recovery activities from revenues that are specifically
13 credited to the trust fund for these purposes.

14 (h) Funding activities for rehabilitation of oyster
15 harvesting areas from which special oyster surcharge fees are
16 collected, including relaying and transplanting live oysters.

17 Section 11. Section 370.0608, Florida Statutes, 1998
18 Supplement, is amended to read:

19 370.0608 Deposit of license fees; allocation of
20 federal funds.--

21 (1) All license fees collected pursuant to s. 370.0605
22 shall be deposited into the Marine Resources Conservation
23 Trust Fund, to be used as follows:

24 ~~(a) Not more than 5 percent of the total fees~~
25 ~~collected shall be for the Marine Fisheries Commission to be~~
26 ~~used to carry out the responsibilities of the commission and~~
27 ~~to provide for the award of funds to marine research~~
28 ~~institutions in this state for the purposes of enabling such~~
29 ~~institutions to conduct worthy marine research projects.~~

30 ~~(b) Not less than 2.5 percent of the total fees~~
31 ~~collected shall be used for aquatic education purposes.~~

1 ~~(c)1. The remainder of such fees shall be used by the~~
2 ~~department for the following program functions:~~

3 (a)a. Not more than 12.5 5 percent of the total fees
4 collected, for administration of the licensing program and for
5 information and education.

6 (b)b. Not more than 30 percent of the total fees
7 collected, for law enforcement.

8 (c)c. Not less than 27.5 percent of the total fees
9 collected, for marine research.

10 (d)d. Not less than 30 percent of the total fees
11 collected, for fishery enhancement, including, but not limited
12 to, fishery statistics development, artificial reefs, and fish
13 hatcheries.

14 (2)2. The Legislature shall annually appropriate to
15 the Fish and Wildlife Conservation Commission ~~Department of~~
16 ~~Environmental Protection~~ from the General Revenue Fund for the
17 activities and programs specified in subsection (1)
18 ~~subparagraph 1.~~ at least the same amount of money as was
19 appropriated to the Department of Environmental Protection
20 from the General Revenue Fund for such activities and programs
21 for fiscal year 1988-1989, and the amounts appropriated to the
22 commission ~~department~~ for such activities and programs from
23 the Marine Resources Conservation Trust Fund shall be in
24 addition to the amount appropriated to the commission
25 ~~department~~ for such activities and programs from the General
26 Revenue Fund. The proceeds from recreational saltwater fishing
27 license fees paid by fishers shall only be appropriated to the
28 commission ~~Department of Environmental Protection~~.

29 ~~(3)(2) The Department of Environmental Protection and~~
30 ~~the Game and Fresh Water Fish Commission shall develop and~~
31 ~~maintain a memorandum of understanding to provide for the~~

1 ~~equitable allocation of federal aid available to Florida~~
2 ~~pursuant to the Sport Fish Restoration Administration Funds.~~
3 ~~Funds available from the Wallop-Breaux Aquatic Resources Trust~~
4 ~~Fund shall be distributed between the department and the~~
5 ~~commission in proportion to the numbers of resident fresh and~~
6 ~~saltwater anglers as determined by the most current data on~~
7 ~~license sales.~~ Unless otherwise provided by federal law, the
8 ~~department and the~~ commission, at a minimum, shall provide the
9 following:

10 (a) Not less than 5 percent or more than 10 percent of
11 the funds allocated to the commission ~~each agency~~ shall be
12 expended for an aquatic resources education program; and

13 (b) Not less than 10 percent of the funds allocated to
14 the commission ~~each agency~~ shall be expended for acquisition,
15 development, renovation, or improvement of boating facilities.

16 ~~(4)(3)~~ All license fees collected pursuant to s.
17 370.0605 shall be transferred to the Marine Resources
18 Conservation Trust Fund within 7 days following the last
19 business day of the week in which the license fees were
20 received by the commission. One-fifth of the total proceeds
21 derived from the sale of 5-year licenses and replacement
22 5-year licenses, and all interest derived therefrom, shall be
23 available for appropriation annually.

24 Section 12. Section 370.16, Florida Statutes, 1998
25 Supplement, is amended to read:

26 370.16 Oysters and shellfish; regulation.--

27 (1) LEASE, APPLICATION FORM; NOTICE TO RIPARIAN OWNER;
28 LANDS LEASED TO BE COMPACT.--When any qualified person desires
29 to lease a part of the bottom or bed of any of the water of
30 this state, for the purpose of growing oysters or clams, as
31 provided for in this section, he or she shall present to the

1 Department of Environmental Protection ~~Division of Marine~~
2 ~~Resources~~ a written application setting forth the name and
3 address of the applicant, a reasonably definite description of
4 the location and amount of land covered by water desired, and
5 shall pray that the application be filed; that the water
6 bottoms be surveyed and a plat or map of the survey thereof be
7 made if no plat or map of such bottoms should have been so
8 made thereto; and that the water bottoms described be leased
9 to the applicant under the provisions of this section. Such
10 applicant shall accompany with his or her written application
11 a sufficient sum to defray the estimated expenses of the
12 survey; thereupon the department ~~division~~ shall file such
13 application and shall direct the same surveyed and platted
14 forthwith at the expense of the applicant. When applications
15 are made by two or more persons for the same lands, they shall
16 be leased to the applicant who first filed application for
17 same; but to all applications for leases of any of the bottoms
18 of said waters owned under the riparian acts of the laws of
19 Florida, heretofore enacted, notice of such application shall
20 be given the riparian owner, when known, and, when not known,
21 notice of such application shall be given by publication for 4
22 weeks in some newspaper published in the county in which the
23 water bottoms lie; and when there is no newspaper published in
24 such county, then by posting the notice for 4 weeks at the
25 courthouse door of the county, and preference shall be given
26 to the riparian owners under the terms and conditions herein
27 created, when the riparian owner makes application for such
28 water bottoms for the purpose of planting oysters or clams
29 before the same are leased to another. The lands leased shall
30 be as compact as possible, taking into consideration the shape
31 of the body of water and the condition of the bottom as to

1 hardness, or soft mud or sand, or other conditions which would
2 render the bottoms desirable or undesirable for the purpose of
3 oyster or clam cultivation.

4 (2) SURVEYS, PLATS, AND MAPS OF REEFS.--The Department
5 of Environmental Protection ~~Division of Marine Resources~~ shall
6 accept, adopt, and use official reports, surveys, and maps of
7 oyster, clam, or other shellfish grounds made under the
8 direction of any authority of the United States as prima facie
9 evidence of the natural oyster and clam reefs, for the purpose
10 and intent of this chapter. The department ~~said division~~ may
11 also make surveys of any natural oyster or clam reefs when it
12 deems such surveys necessary and where such surveys are made
13 pursuant to an application for a lease, the cost thereof may
14 be charged to the applicant as a part of the cost of his or
15 her application.

16 (3) EXECUTION OF LEASES; LESSEE TO STAKE OFF
17 BOUNDARIES; PENALTY FOR FAILURE TO COMPLY WITH
18 REGULATIONS.--As soon as the survey has been made and the plat
19 or map thereof filed with the Department of Environmental
20 Protection ~~Division of Marine Resources~~ and the cost thereof
21 paid by the applicant, the department ~~division~~ may execute in
22 duplicate a lease of the water bottoms to the applicant. One
23 duplicate, with a plat or map of the water bottoms so leased,
24 shall be delivered to the applicant, and the other, with a
25 plat or map of the bottom so leased, shall be retained by the
26 department ~~division~~ and registered in a lease book which shall
27 be kept exclusively for that purpose by the department
28 ~~division~~; thereafter the lessees shall enjoy the exclusive use
29 of the lands and all oysters and clams, shell, and cultch
30 grown or placed thereon shall be the exclusive property of
31 such lessee as long as he or she shall comply with the

1 provisions of this chapter. The department ~~division~~ shall
2 require the lessee to stake off and mark the water bottoms
3 leased, by such ranges, monuments, stakes, buoys, etc., so
4 placed and made as not to interfere with the navigation, as it
5 may deem necessary to locate the same to the end that the
6 location and limits of the lands embraced in such lease be
7 easily and accurately found and fixed, and such lessee shall
8 keep the same in good condition during the open and closed
9 oyster or clam season. All leases shall be marked according to
10 the standards derived from the uniform waterway markers for
11 safety and navigation as described in s. 327.40. The
12 department ~~division~~ may stipulate in each individual lease
13 contract the types, shape, depth, size, and height of marker
14 or corner posts. Failure on the part of the lessee to comply
15 with the orders of the department ~~division~~ to this effect
16 within the time fixed by it, and to keep the markers, etc., in
17 good condition during the open and closed oyster or clam
18 season, shall subject such lessee to a fine not exceeding \$100
19 for each and every such offense. All lessees shall cause the
20 area of the leased water bottoms and the names of the lessees
21 to be shown by signs as may be determined by the department
22 ~~division~~, if so required.

23 (4) LEASES IN PERPETUITY; RENT; STIPULATIONS; TAXES;
24 CULTIVATION, ETC.--

25 (a) All leases made under the provisions of this
26 chapter shall begin on the day executed and continue in
27 perpetuity under such restrictions as shall herein be stated.
28 The rent for the first 10 years shall be \$5 per acre, or any
29 fraction of an acre, per year. The actual rate charged for
30 all leases shall consist of the minimum rate of \$15 per acre,
31 or any fraction of an acre, per year and shall be adjusted on

1 January 1, 1995, and every 5 years thereafter, based upon the
2 5-year average change in the Consumer Price Index. However,
3 the rent for any lease currently in effect shall not be
4 increased during the first 10 years of said lease. This rent
5 shall be paid in advance at the time of signing the lease up
6 to January 1 following, and annually thereafter in advance on
7 or before January 1, whether the lease be held by the original
8 lessee or by an heir, assignee, or transferee.

9 (b) A surcharge of \$5 per acre, or any fraction of an
10 acre, per annum shall be levied upon each lease, other than a
11 perpetual lease granted pursuant to this subsection, and
12 deposited into the Marine Resources Conservation Trust Fund.
13 The surcharge shall be levied until the balance of receipts
14 from the surcharge equals or exceeds \$30,000. For the fiscal
15 year immediately following the year in which the balance of
16 receipts from the surcharge equals or exceeds \$30,000, no
17 surcharge shall be levied unless the balance from receipts
18 from the surcharge is less than or equal to \$20,000. For the
19 fiscal year immediately following the year in which the
20 balance of receipts from the surcharge is less than or equal
21 to \$20,000, the surcharge shall be and shall remain \$5 per
22 acre, or any fraction of an acre, per annum until the balance
23 of receipts from the surcharge again is equal to or exceeds
24 \$30,000. The purpose of the surcharge is to provide a
25 mechanism to have financial resources immediately available
26 for cleanup and rehabilitation of abandoned or vacated lease
27 sites. The department is authorized to adopt rules necessary
28 to carry out the provisions of this subsection.

29 (c) Moneys in the fund that are not needed currently
30 for cleanup and rehabilitation of abandoned or vacated lease
31 sites shall be deposited with the Treasurer to the credit of

1 the fund and may be invested in such manner as is provided for
2 by statute. Interest received on such investment shall be
3 credited to the fund.

4 (d) Funds from receipts from the surcharge within the
5 Marine Resources Conservation Trust Fund from the surcharge
6 established by paragraph (b) shall be disbursed for the
7 following purposes and no others:

8 1. Administrative expenses, personnel expenses, and
9 equipment costs of the department related to cleanup and
10 rehabilitation of abandoned or vacated aquaculture lease sites
11 and enforcement of provisions of subsections (1)-(13).

12 2. All costs involved in the cleanup and
13 rehabilitation of abandoned or vacated lease sites.

14 3. All costs and damages which are the proximate
15 results of lease abandonment or vacation.

16 4. The department shall recover to the use of the fund
17 from the person or persons abandoning or vacating the lease,
18 jointly and severally, all sums owed or expended from the
19 fund. Requests for reimbursement to the fund for the above
20 costs, if not paid within 30 days of demand, shall be turned
21 over to the Department of Legal Affairs for collection.

22 (e) Effective cultivation shall consist of the growing
23 of the oysters or clams in a density suitable for commercial
24 harvesting over the amount of bottom prescribed by law. This
25 commercial density shall be accomplished by the planting of
26 seed oysters, shell, and cultch of various descriptions. The
27 Department of Environmental Protection ~~Division of Marine~~
28 ~~Resources~~ may stipulate in each individual lease contract the
29 types, shape, depth, size, and height of cultch materials on
30 lease bottoms according to the individual shape, depth,
31 location, and type of bottom of the proposed lease. Each

1 tenant leasing from the state water bottoms under the
2 provisions of this section shall have begun, within 1 year
3 from the date of such lease, bona fide cultivation of the
4 same, and shall, by the end of the second year from the
5 commencement of his or her lease, have placed under
6 cultivation at least one-fourth of the water bottom leased and
7 shall each year thereafter place in cultivation at least
8 one-fourth of the water bottom leased until the whole,
9 suitable for bedding of oysters or clams, shall have been put
10 in cultivation by the planting thereon of not less than 200
11 barrels of oysters, shell, or its equivalent in cultch to the
12 acre. When leases are granted, or when grants have heretofore
13 been made under existing laws for the planting of oysters or
14 clams, such lessee or grantee is authorized to plant the
15 leased or granted bottoms both in oysters and clams.

16 (f) These stipulations will apply to all leases
17 granted after the passing of this section. All leases
18 existing prior to the passing of this section will operate
19 under the law which was in effect when the leases were
20 granted.

21 (g) When evidence is gathered by the department and
22 such evidence conclusively shows a lack of effective
23 cultivation, the department may revoke leases and return the
24 bottoms in question to the public domain.

25 (h) The department has the authority to adopt rules
26 and regulations pertaining to the water column over shellfish
27 leases. All cultch materials in place 6 months after the
28 formal adoption and publication of rules and regulations
29 establishing standards for cultch materials on shellfish
30 leases which do not comply with such rules and regulations may
31 be declared a nuisance by the department. The department

1 shall have the authority to direct the lessee to remove such
2 cultch in violation of this section. The department may
3 cancel a lease upon the refusal by the lessee violating such
4 rules and regulations to remove unlawful cultch materials, and
5 all improvements, cultch, marketable oysters, and shell shall
6 become the property of the state. The department shall have
7 the authority to retain, dispose of, or remove such materials
8 in the best interest of the state.

9 (5) INCREASE OF RENTALS AFTER 10 YEARS.--After 10
10 years from the execution of the lease, the rentals shall be
11 increased to a minimum of \$1 per acre per annum. The
12 department shall assess rental value on the leased water
13 bottoms, taking into consideration their value as
14 oyster-growing or clam-growing water bottoms, their nearness
15 to factories, transportation, and other conditions adding
16 value thereto and placing such valuation upon them in shape of
17 annual rental to be paid thereunder as said condition shall
18 warrant.

19 (6) LEASES TRANSFERABLE, ETC.--The leases shall be
20 inheritable and transferable, in whole or in part, and shall
21 also be subject to mortgage, pledge, or hypothecation and
22 shall be subject to seizure and sale for debts as any other
23 property, rights, and credits in this state, and this
24 provision shall also apply to all buildings, betterments, and
25 improvements thereon. Leases granted under this section cannot
26 be transferred, by sale or barter, in whole or in part,
27 without the written, express acquiescence of the Department of
28 Environmental Protection Division of Marine Resources, and
29 such a transferee shall pay a \$50 transfer fee before
30 department division acquiescence may be given. No lease or
31 part of a lease may be transferred by sale or barter until the

1 lease has been in existence at least 2 years and has been
2 cultivated according to the statutory standards found in
3 paragraph (4)(e), except as otherwise provided by regulation
4 adopted by the department ~~Division of Marine Resources~~. No
5 such inheritance or transfer shall be valid or of any force or
6 effect whatever unless evidenced by an authentic act,
7 judgment, or proper judicial deed, registered in the office of
8 the department ~~division~~ in a book to be provided for said
9 purpose. The department ~~division~~ shall keep proper indexes so
10 that all original leases and all subsequent changes and
11 transfers can be easily and accurately ascertained.

12 (7) PAYMENT OF RENT; FORFEITURE FOR NONPAYMENT;
13 NOTICE, ETC.--All leases shall stipulate for the payment of
14 the annual rent in advance on or before January 1 of each
15 year, and the further stipulation that the failure of the
16 tenant to pay the rent punctually on or before that day, or
17 within 30 days thereafter shall ipso facto, and upon demand,
18 terminate and cancel said lease and forfeit to the state all
19 the works, improvements, betterments, oysters, and clams on
20 the leased water bottoms, and authorize the Department of
21 Environmental Protection ~~Division of Marine Resources~~ to at
22 once enter on said water bottom and take possession thereof,
23 and such water bottom shall then be open for lease as herein
24 provided; and the department ~~division~~ shall within 10 days
25 thereafter enter such termination, cancellation, and
26 forfeiture on its books and shall give such public notice
27 thereof, and of the fact that the water bottoms are open to
28 lease, as it shall deem proper; provided, that the department
29 ~~division~~ may, in its discretion, waive such termination,
30 cancellation, and forfeiture when the rent due, with 10
31 percent additional, and all costs and expenses growing out of

1 such failure to pay, be tendered to it within 60 days after
2 the same became due; provided, that in all cases of
3 cancellation of lease, the department ~~division~~ shall, after 60
4 days' notice by publication in some newspaper published in the
5 state, having a general statewide circulation, which notice
6 shall contain a full description of the leased waters and beds
7 and any parts thereof, sell such lease to the highest and best
8 bidder; and all moneys received over and above the rents due
9 to the state, under the terms of the lease and provisions
10 herein, and costs and expenses growing out of such failure to
11 pay, shall be paid to the lessee forfeiting his or her rights
12 therein. No leased water bottoms shall be forfeited for
13 nonpayment of rent under the provisions of this section,
14 unless there shall previously have been mailed by the said
15 department ~~division~~ to the last known address of such tenant
16 according to the books of said department ~~division~~, 30 days'
17 notice of the maturity of such lease. Whenever any leased
18 water bottoms are forfeited for nonpayment of rent, and there
19 is a plat or survey thereof in the archives of the department
20 ~~division~~, when such bedding grounds are re-leased, no new
21 survey thereof shall be made, but the original stakes,
22 monuments, and bounds shall be preserved, and the new lease
23 shall be based upon the original survey. This subsection
24 shall also apply to all costs and expenses taxed against a
25 lessee by the department ~~division~~ under this section.

26 (8) CANCELLATION OF LEASES TO NATURAL REEFS.--Any
27 person, within 6 months from and after the execution of any
28 lease to water bottoms, may file a petition with the
29 Department of Environmental Protection ~~Division of Marine~~
30 ~~Resources~~ for the purpose of determining whether a natural
31 oyster or clam reef having an area of not less than 100 square

1 yards existed within the leased area on the date of the lease,
2 with sufficient natural or maternal oysters or clams thereon
3 (not including coon oysters) to have constituted a stratum
4 sufficient to have been resorted to by the public generally
5 for the purpose of gathering the same to sell for a
6 livelihood. The petition shall be in writing addressed to the
7 ~~Division of Marine Resources of the~~ Department of
8 Environmental Protection, verified under oath, stating the
9 location and approximate area of the natural reef and the
10 claim or interest of the petitioner therein and requesting the
11 cancellation of the lease to the said natural reef. No
12 petition may be considered unless it is accompanied by a
13 deposit of \$10 to defray the expense of examining into the
14 matter. The petition may include several contemporaneous
15 natural reefs of oysters or clams. Upon receipt of such
16 petition, the department ~~division~~ shall cause an investigation
17 to be made into the truth of the allegations of the petition,
18 and, if found untrue, the \$10 deposit shall be retained by the
19 department ~~division~~ to defray the expense of the
20 investigation, but should the allegations of the petition be
21 found true and the leased premises to contain a natural oyster
22 or clam reef, as above described, the said \$10 shall be
23 returned to the petitioner and the costs and expenses of the
24 investigation taxed against the lessee and the lease canceled
25 to the extent of the natural reef and the same shall be marked
26 with buoys and stakes and notices placed thereon showing the
27 same to be a public reef, the cost of the markers and notices
28 to be taxed against the lessee.

29 (9) WHEN NATURAL REEFS MAY BE INCLUDED IN LEASE.--When
30 an application for oyster or clam bedding grounds is filed and
31 upon survey of such bedding ground, it should develop that the

1 area applied for contains natural oyster or clam reefs or beds
2 less in size than 100 square yards, or oyster or clam reefs or
3 bars of greater size, but not of sufficient quantity to
4 constitute a stratum, and it should further be made to appear
5 to the Department of Environmental Protection ~~Division of~~
6 ~~Marine Resources~~ by the affidavit of the applicant, together
7 with such other proof as the department ~~division~~ may require,
8 that the natural reef, bed, or bar could not be excluded, and
9 the territory applied for properly protected or policed, the
10 department ~~division~~ may, if it deems it for the best interest
11 of the state and the oyster industry so to do, permit the
12 including of such natural reefs, beds, or bars; and it shall
13 fix a reasonable value on the same, to be paid by the
14 applicant for such bedding ground; provided, that no such
15 natural reefs shall be included in any lease hereafter granted
16 to the bottom or bed of waters of this state contiguous to
17 Franklin County. There shall be no future oyster leases
18 issued in Franklin County except for purposes of oyster
19 aquaculture activities approved under ss. 253.67-253.75.
20 However, such aquaculture leases shall be for an area not
21 larger than 1 acre and shall not be transferred or subleased.
22 Only the flexible belt system or off-bottom methods may be
23 used for aquaculture on these lease areas, and no cultch
24 materials shall be placed on the bottom of the lease areas.
25 Under no circumstances shall mechanical dredging devices be
26 used to harvest oysters on such lease areas. Oyster
27 aquaculture leases issued in Franklin County shall be issued
28 only to Florida residents.

29 (10) SETTLEMENT OF BOUNDARY DISPUTES; REVIEW.--The
30 Department of Environmental Protection ~~Division of Marine~~
31 ~~Resources~~ shall determine and settle all disputes as to

1 boundaries between lessees of bedding grounds. The department
2 ~~division~~ shall, in all cases, be the judge as to whether any
3 particular bottom is or is not a natural reef or whether it is
4 suitable for bedding oysters or clams.

5 (11) TRESPASS ON LEASED BEDS; GATHERING OYSTERS AND
6 CLAMS BETWEEN SUNSET AND SUNRISE FROM NATURAL REEFS, ETC.--Any
7 person who willfully takes oysters, shells, cultch, or clams
8 bedded or planted by a licensee under this chapter, or grantee
9 under the provisions of heretofore existing laws, or riparian
10 owner who may have heretofore planted the same on his or her
11 riparian bottoms, or any oysters or clams deposited by anyone
12 making up a cargo for market, or who willfully carries or
13 attempts to carry away the same without permission of the
14 owner thereof, or who willfully or knowingly removes, breaks
15 off, destroys, or otherwise injures or alters any stakes,
16 bounds, monuments, buoys, notices, or other designations of
17 any natural oyster or clam reefs or beds or private bedding or
18 propagating grounds, or who willfully injures, destroys, or
19 removes any other protection around any oyster or clam beds,
20 or who willfully moves any bedding ground stakes, buoys,
21 marks, or designations, placed by the department ~~division~~, or
22 who gathers oysters or clams between sunset and sunrise from
23 the natural reefs or from private bedding grounds, is guilty
24 of a violation of this section.

25 (12) PROTECTION OF OYSTER AND CLAM REEFS AND
26 SHELLFISH.--

27 (a) The Department of Environmental Protection
28 ~~Division of Marine Resources~~ shall improve, enlarge, and
29 protect the natural oyster and clam reefs of this state to the
30 extent it may deem advisable and the means at its disposal
31 will permit.

1 (b) The Fish and Wildlife Conservation Commission
2 ~~division~~ shall ~~also~~, to the same extent, assist in protecting
3 shellfish aquaculture products produced on leased or granted
4 reefs in the hands of lessees or grantees from the state.
5 Harvesting shellfish is prohibited within a distance of 25
6 feet outside lawfully marked lease boundaries or within
7 setback and access corridors within specifically designated
8 high-density aquaculture lease areas and aquaculture use
9 zones.

10 (c) The department, in cooperation with the
11 commission,~~division~~ shall provide the Legislature ~~annually~~
12 with recommendations as needed for the development and the
13 proper protection of the rights of the state and private
14 holders therein with respect to the oyster and clam business.

15 (13) STAKING OFF WATER BOTTOMS OR BEDDING OYSTERS
16 WITHOUT OBTAINING LEASE.--Any person staking off the water
17 bottoms of this state, or bedding oysters on the bottoms of
18 the waters of this state, without previously leasing same as
19 required by law shall be guilty of a violation of this
20 section, and shall acquire no rights by reason of such staking
21 off. This provision does not apply to grants heretofore made
22 under the provisions of any heretofore existing laws or to
23 artificial beds made heretofore by a riparian owner or his or
24 her grantees on the owner's riparian bottoms.

25 (14) SHELLFISH HARVESTING SEASONS; DAYS: SPECIAL
26 PROVISIONS RELATING TO APALACHICOLA BAY.--

27 (a) The Fish and Wildlife Conservation Commission
28 ~~Marine Fisheries Commission~~ shall consider setting the
29 shellfish harvesting seasons in the Apalachicola Bay as
30 follows:
31

1 1. The open season shall be from October 1 to July 31
2 of each year.

3 2. The entire bay, including private leased or granted
4 grounds, shall be closed to shellfish harvesting from August 1
5 to September 30 of each year for the purpose of oyster
6 relaying and transplanting and shell planting.

7 (b) If the commission changes the harvesting seasons
8 by rule as set forth in this subsection, for 3 years after the
9 rule takes effect, the commission ~~department~~ shall monitor the
10 impacts of the new harvesting schedule on the bay and on local
11 shellfish harvesters to determine whether the new harvesting
12 schedule should be discontinued, retained, or modified. In
13 monitoring the new schedule and in preparing its report, the
14 commission ~~department~~ shall consider the following:

15 1. Whether the bay benefits ecologically from being
16 closed to shellfish harvesting from August 1 to September 30
17 of each year.

18 2. Whether the new harvesting schedule enhances the
19 enforcement of shellfish harvesting laws in the bay.

20 3. Whether the new harvesting schedule enhances
21 natural shellfish production, oyster relay and planting
22 programs, and shell planting programs in the bay.

23 4. Whether the new harvesting schedule has more than a
24 short-term adverse economic impact, if any, on local shellfish
25 harvesters.

26 (c) The Fish and Wildlife Conservation Commission
27 ~~Marine Fisheries Commission~~ by rule shall consider restricting
28 harvesting on shellfish grants or leases to the same days of
29 the week as harvesting on public beds.

30 (15) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
31 REEFS; LICENSES, ETC., PENALTY.--

1 (a) It is unlawful to use a dredge or any means or
2 implement other than hand tongs in removing oysters from the
3 natural or artificial state reefs. This restriction shall
4 apply to all areas of the Apalachicola Bay for all shellfish
5 harvesting, excluding private grounds leased or granted by the
6 state prior to July 1, 1989, if the lease or grant
7 specifically authorizes the use of implements other than hand
8 tongs for harvesting. Except in the Apalachicola Bay, upon
9 the payment of \$25 annually, for each vessel or boat using a
10 dredge or machinery in the gathering of clams or mussels, a
11 special activity license may be issued by the Fish and
12 Wildlife Conservation Commission ~~division~~ pursuant to s.
13 370.06 for such use to such person.

14 (b) Special activity licenses issued to harvest
15 shellfish by dredge or other mechanical means from privately
16 held shellfish leases or grants in Apalachicola Bay shall
17 include, but not be limited to, the following conditions:

18 1. The use of any mechanical harvesting device other
19 than ordinary hand tongs for taking shellfish for any purpose
20 from public shellfish beds in Apalachicola Bay shall be
21 unlawful.

22 2. The possession of any mechanical harvesting device
23 on the waters of Apalachicola Bay from 5 p.m. until sunrise
24 shall be unlawful.

25 3. Leaseholders or grantees shall telephonically
26 notify the Fish and Wildlife Conservation Commission ~~Division~~
27 ~~of Law Enforcement and the Division of Marine Resources~~ no
28 less than 48 hours prior to each day's use of a dredge or
29 scrape in order to arrange for a commission ~~Marine Patrol~~
30 officer to be present on the lease or grant area while a
31 dredge or scrape is used on the lease or grant. Under no

1 circumstances may a dredge or scrape be used without a
2 commission ~~Marine Patrol~~ officer present.

3 4. Only two dredges or scrapes per lease or grant may
4 be possessed or operated at any time.

5 5. Each vessel used for the transport or deployment of
6 a dredge or scrape shall prominently display the lease or
7 grant number or numbers, in numerals which are at least 12
8 inches high and 6 inches wide, in such a manner that the lease
9 or grant number or numbers are readily identifiable from both
10 the air and the water. The commission ~~department~~ shall apply
11 other statutes, rules, or conditions necessary to protect the
12 environment and natural resources from improper transport,
13 deployment, and operation of a dredge or scrape. Any
14 violation of this paragraph or of any other statutes, rules,
15 or conditions referenced in the special activity license shall
16 be considered a violation of the license and shall result in
17 revocation of the license and forfeiture of the bond submitted
18 to the commission ~~department~~ as a prerequisite to the issuance
19 of this license.

20 (c) Oysters may be harvested from natural or public or
21 private leased or granted grounds by common hand tongs or by
22 hand, by scuba diving, free diving, leaning from vessels, or
23 wading. In the Apalachicola Bay, this provision shall apply
24 to all shellfish.

25 (16) FISHING FOR RELAYING OR TRANSPLANTING PURPOSES.--

26 (a) Designation of areas for the taking of oysters and
27 clams to be planted on leases, grants, and public areas is to
28 be made by qualified personnel of the Fish and Wildlife
29 Conservation Commission ~~Division of Marine Resources~~. Oysters,
30 clams, and mussels may be taken for relaying or transplanting
31 at any time during the year so long as, in the opinion of the

1 commission ~~division~~, the public health will not be endangered.
2 The amount of oysters, clams, and mussels to be obtained for
3 relaying or transplanting, the area relayed or transplanted
4 to, and relaying or transplanting time periods will be
5 established in each case by the commission ~~division~~.

6 (b) Application for a special activity license issued
7 pursuant to s. 370.06 for obtaining oysters, clams, or mussels
8 for relaying from closed shellfish harvesting areas to
9 shellfish or aquaculture leases in open areas or certified
10 controlled purification plants or transplanting sublegal-sized
11 oysters, clams, or mussels to shellfish aquaculture leases for
12 growout or cultivation purposes must be made to the commission
13 ~~division~~. In return, the commission ~~division~~ may assign an
14 area and a period of time for the oysters, clams, or mussels
15 to be relayed or transplanted to be taken. All relaying and
16 transplanting operations shall take place under the
17 surveillance of the commission ~~division~~.

18 (c) Relayed oysters, clams, or mussels shall not be
19 subsequently harvested for any reason without written
20 permission or public notice from the commission ~~division~~, if
21 oysters, clams, or mussels were relayed from areas not
22 approved by the commission ~~division~~ as shellfish harvesting
23 areas.

24 (17) LICENSES; OYSTER, CLAM, AND MUSSEL
25 CANNERIES.--Every person as a condition precedent to the
26 operation of any oyster, clam, or mussel canning factory in
27 this state shall obtain a license pursuant to s. 370.071 and
28 pay a license fee of \$50.

29 (18) FALSE RETURNS AS TO OYSTERS OR CLAMS
30 HANDLED.--Each packer, canner, corporation, firm, commission
31 person, or dealer in fish shall, on the first day of each

1 month, make a return under oath to the Fish and Wildlife
2 Conservation Commission ~~Division of Marine Resources~~, as to
3 the number of oysters, clams, and shellfish purchased, caught,
4 or handled during the preceding month. Whoever is found
5 guilty of making any false affidavit to any such report is
6 guilty of perjury and punished as provided by law, and any
7 person who fails to make such report shall be punished by a
8 fine not exceeding \$500 or by imprisonment in the county jail
9 not exceeding 6 months.

10 (19) DEPOSIT OF SHELLFISH LEASE RENTAL FEES.--Rental
11 fees for shellfish leases issued under this section shall be
12 deposited into the Land Acquisition ~~Marine Resources~~
13 ~~Conservation~~ Trust Fund and used for shellfish-related
14 aquaculture activities, including research, lease compliance
15 inspections, mapping, and siting.

16 (20) WATER PATROL FOR COLLECTION OF TAX.--

17 (a) The Fish and Wildlife Conservation Commission
18 ~~Division of Law Enforcement~~ may establish and maintain
19 necessary patrols of the salt waters of Florida, with
20 authority to use such force as may be necessary to capture any
21 vessel or person violating the provisions of the laws relating
22 to oysters and clams, and may establish ports of entry at
23 convenient locations where the severance or privilege tax
24 levied on oysters and clams may be collected or paid and may
25 make such rules and regulations as it may deem necessary for
26 the enforcement of such tax.

27 (b) Each person in any way dealing in shellfish shall
28 keep a record, on blanks or forms prescribed by the commission
29 ~~Division of Marine Resources~~, of all oysters, clams, and
30 shellfish taken, purchased, used, or handled by him or her,
31 with the name of the persons from whom purchased, if

1 purchased, together with the quantity and the date taken or
2 purchased, and shall exhibit this account at all times when
3 requested so to do by the commission ~~division~~ or any
4 conservation agent; and he or she shall, on the first day of
5 each month, make a return under oath to the commission
6 ~~division~~ as to the number of oysters, clams, and shellfish
7 purchased, caught, or handled during the preceding month. The
8 commission ~~division~~ may require detailed returns whenever it
9 deems them necessary.

10 (21) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER
11 AND CLAM LAWS, ETC.--Vessels, with their cargoes, violating
12 the provisions of the laws relating to oysters and clams may
13 be seized by anyone duly and lawfully authorized to make
14 arrests under this section or by any sheriff or the sheriff's
15 deputies, and taken into custody, and when not arrested by the
16 sheriff or the sheriff's deputies, delivered to the sheriff of
17 the county in which the seizure is made, and shall be liable
18 to forfeiture, on appropriate proceedings being instituted by
19 the Fish and Wildlife Conservation Commission ~~Division of~~
20 ~~Marine Resources~~, before the courts of that county. In such
21 case the cargo shall at once be disposed of by the sheriff,
22 for account of whom it may concern. Should the master or any
23 of the crew of said vessel be found guilty of using dredges or
24 other instruments in fishing oysters on natural reefs contrary
25 to law, or fishing on the natural oyster or clam reefs out of
26 season, or unlawfully taking oysters or clams belonging to a
27 lessee, such vessel shall be declared forfeited by the court,
28 and ordered sold and the proceeds of the sale shall be
29 deposited with the Treasurer to the credit of the General
30 Revenue Fund; any person guilty of such violations shall not
31 be permitted to have any license provided for in this chapter

1 within a period of 1 year from the date of conviction.
2 Pending proceedings such vessel may be released upon the owner
3 furnishing bond, with good and solvent security in double the
4 value of the vessel, conditioned upon its being returned in
5 good condition to the sheriff to abide the judgment of the
6 court.

7 (22) OYSTER AND CLAM REHABILITATION.--The board of
8 county commissioners of the several counties may appropriate
9 and expend such sums as it may deem proper for the purpose of
10 planting or transplanting oysters, clams, oyster shell, clam
11 shell, or cultch or to perform such other acts for the
12 enhancement of the oyster and clam industries of the state,
13 out of any sum in the county treasury not otherwise
14 appropriated.

15 (23) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging
16 of dead shell deposits is prohibited in the state.

17 (24) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
18 SERVICE.--The Fish and Wildlife Conservation Commission
19 ~~Division of Marine Resources~~ shall cooperate with the United
20 States Fish and Wildlife Service, under existing federal laws,
21 rules, and regulations, and is authorized to accept donations,
22 grants, and matching funds from the Federal Government in
23 order to carry out its oyster resource and development
24 responsibilities. The commission ~~division~~ is further
25 authorized to accept any and all donations including funds,
26 oysters, or oyster shells.

27 (25) OYSTER AND CLAM SHELLS PROPERTY OF DEPARTMENT
28 ~~DIVISION~~.--

29 (a) Except for oysters used directly in the half-shell
30 trade, 50 percent of all shells from oysters and clams shucked
31 commercially in the state shall be and remain the property of

1 the Department of Environmental Protection ~~Division of Marine~~
2 ~~Resources~~ when such shells are needed and required for
3 rehabilitation projects and planting operations, in
4 cooperation with the Fish and Wildlife Conservation
5 Commission, when sufficient resources and facilities exist for
6 handling and planting said shell, and when the collection and
7 handling of such shell is practical and useful, except that
8 bona fide holders of leases and grants may retain 75 percent
9 of such shell as they produce for planting purposes by
10 obtaining a special activity license from the commission
11 ~~division~~ pursuant to s. 370.06. Storage, transportation, and
12 planting of shells so retained by lessees and grantees shall
13 be carried out under the surveillance of agents of the Fish
14 and Wildlife Conservation Commission ~~division~~ and be subject
15 to such reasonable time limits as the department ~~division~~ may
16 fix. In the event of an accumulation of an excess of shells,
17 the department ~~division~~ is authorized to sell shells only to
18 private growers for use in oyster or clam cultivation on bona
19 fide leases and grants. No profit shall accrue to the
20 department ~~division~~ in these transactions, and shells are to
21 be sold for the estimated moneys spent by the department
22 ~~division~~ to gather and stockpile the shells. Planting of
23 shells obtained from the department ~~division~~ by purchase shall
24 be subject to the surveillance of the Fish and Wildlife
25 Conservation Commission ~~division~~ if the department ~~division~~
26 chooses to exercise its right of supervision. Any shells not
27 claimed and used by private oyster cultivators 10 years after
28 shells are gathered and stockpiled may be sold at auction to
29 the highest bidder for any private use.

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1 (b) Whenever the department ~~division~~ determines that
2 it is unfeasible to collect oyster or clam shells, the shells
3 become the property of the producer.

4 (c) Whenever oyster or clam shells are owned by the
5 department ~~division~~ and it is not useful or feasible to use
6 them in the rehabilitation projects, and when no leaseholder
7 has exercised his or her option to acquire them, the
8 department ~~division~~ may sell such shells for the highest price
9 obtainable. The shells thus sold may be used in any manner
10 and for any purpose at the discretion of the purchaser.

11 (d) Moneys derived from the sale of shell shall be
12 deposited in the Land Acquisition ~~Marine Resources~~
13 ~~Conservation~~ Trust Fund for shellfish programs.

14 (e) The department ~~division~~ shall annually publish
15 notice, in a newspaper serving the county, of its intention to
16 collect the oyster and clam shells and shall notify, by
17 certified mail, each shucking establishment from which shells
18 are to be collected. The notice shall contain the period of
19 time the department ~~division~~ intends to collect the shells in
20 that county and the collection purpose.

21 (26) OYSTER CULTURE.--The Fish and Wildlife
22 Conservation Commission ~~Division of Marine Resources~~ shall
23 protect all oyster beds, oyster grounds, and oyster reefs from
24 damage or destruction resulting from improper cultivation,
25 propagation, planting, or harvesting and control the pollution
26 of the waters over or surrounding oyster grounds, beds, or
27 reefs, and to this end the Department of Health and
28 Rehabilitative Services is authorized and directed to lend its
29 cooperation to the commission ~~division~~, to make available to
30 it its laboratory testing facilities and apparatus. The
31 commission ~~division~~ may also do and perform all acts and

1 things within its power and authority necessary to the
2 performance of its duties.

3 (27) HEALTH PERMITS.--

4 (a) Any person engaged in harvesting, handling, or
5 processing oysters for commercial use shall be required to
6 obtain a health permit from the county health department or
7 from a private physician.

8 (b) No person shall be employed or remain employed in
9 a certified oyster house without the possession of the
10 required health permit.

11 (c) For the purpose of this subsection, "commercial
12 use" shall be a quantity of more than 4 bushels, or more than
13 2 gallons, of shucked oysters, per person or per boat, or any
14 number or quantity of oysters if the oysters are to be sold.

15 (28) REQUIREMENTS FOR OYSTER VESSELS.--

16 (a) All vessels used for the harvesting, gathering, or
17 transporting of oysters for commercial use shall be
18 constructed and maintained to prevent contamination or
19 deterioration of oysters. To this end, all such vessels shall
20 be provided with false bottoms and bulkheads fore and aft to
21 prevent oysters from coming in contact with any bilge water.
22 No dogs or other animals shall be allowed at any time on
23 vessels used to harvest or transport oysters. A violation of
24 any provision of this subsection shall result in at least the
25 revocation of the violator's license.

26 (b) For the purpose of this subsection, "commercial
27 use" shall be a quantity of more than 4 bushels, or more than
28 2 gallons, of shucked oysters, per person or per boat, or any
29 number or quantity of oysters if the oysters are to be sold.

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1 Section 13. Subsections (2), (3), (8), (9), (10), and
2 (11) of section 370.26, Florida Statutes, 1998 Supplement, are
3 amended to read:

4 370.26 Aquaculture definitions; marine aquaculture
5 products, producers, and facilities.--

6 (2) The Department of Environmental Protection shall
7 encourage the development of aquaculture and the production of
8 aquaculture products. The department shall develop a process
9 consistent with this section that would consolidate permits,
10 general permits, ~~special activity licenses~~, and other
11 regulatory requirements to streamline the permitting process
12 and result in effective regulation of aquaculture activities.
13 This process shall provide for a single application and
14 application fee for marine aquaculture activities which are
15 regulated by the department. Procedures to consolidate
16 permitting actions under this section do not constitute rules
17 within the meaning of s. 120.52.

18 (3) The Department of Agriculture and Consumer
19 Services shall act as a clearinghouse for aquaculture
20 applications, and act as a liaison between the Fish and
21 Wildlife Conservation Commission ~~Division of Marine Resources~~,
22 the Division of State Lands, the Department of Environmental
23 Protection district offices, other divisions within the
24 Department of Environmental Protection, and the water
25 management districts. The Department of Agriculture and
26 Consumer Services shall be responsible for regulating marine
27 aquaculture producers, except as specifically provided herein.

28 (8) The department shall:

29 (a) Coordinate with the Aquaculture Review Council,
30 the Aquaculture Interagency Coordinating Council, and the
31

1 Department of Agriculture and Consumer Services when
2 developing criteria for aquaculture general permits.

3 (b) Permit experimental technologies to collect and
4 evaluate data necessary to reduce or mitigate environmental
5 concerns.

6 (c) Provide technical expertise and promote the
7 transfer of information that would be beneficial to the
8 development of aquaculture.

9 (9) The Fish and Wildlife Conservation Commission
10 ~~department~~ shall encourage the development of aquaculture in
11 the state through the following:

12 (a) Providing assistance in developing technologies
13 applicable to aquaculture activities, evaluating practicable
14 production alternatives, and providing management agreements
15 to develop innovative culture practices.

16 ~~(b) Permitting experimental technologies to collect~~
17 ~~and evaluate data necessary to reduce or mitigate~~
18 ~~environmental concerns.~~

19 ~~(c) Providing technical expertise and promoting the~~
20 ~~transfer of information that would be beneficial to the~~
21 ~~development of aquaculture.~~

22 (b)(d) Facilitating aquaculture research on life
23 histories, stock enhancement, and alternative species, and
24 providing research results that would assist in the
25 evaluation, development, and commercial production of
26 candidate species for aquaculture, including:

27 1. Providing eggs, larvae, fry, and fingerlings to
28 aquaculturists when excess cultured stocks are available from
29 the commission's ~~department's~~ facilities and the culture
30 activities are consistent with the commission's ~~department's~~
31 stock enhancement projects. Such stocks may be obtained by

1 reimbursing the commission ~~department~~ for the cost of
2 production on a per-unit basis. Revenues resulting from the
3 sale of stocks shall be deposited into the trust fund used to
4 support the production of such stocks.

5 2. Conducting research programs to evaluate candidate
6 species when funding and staff are available.

7 3. Encouraging the private production of marine fish
8 and shellfish stocks for the purpose of providing such stocks
9 for statewide stock enhancement programs. When such stocks
10 become available, the commission ~~department~~ shall reduce or
11 eliminate duplicative production practices that would result
12 in direct competition with private commercial producers.

13 4. Developing a working group, in cooperation with the
14 Department of Agriculture and Consumer Services, the
15 Aquaculture Review Council, and the Aquaculture Interagency
16 Coordinating Council, to plan and facilitate the development
17 of private marine fish and nonfish hatcheries and to encourage
18 private/public partnerships to promote the production of
19 marine aquaculture products.

20 ~~(c)(e) Coordinating with Cooperating with the Game and~~
21 ~~Fresh Water Fish Commission and~~ public and private research
22 institutions within the state to advance the aquaculture
23 production and sale of sturgeon as a food fish.

24 (10) The Fish and Wildlife Conservation Commission
25 ~~department~~ shall coordinate with the Aquaculture Review
26 Council and the Department of Agriculture and Consumer
27 Services to establish and implement grant programs to provide
28 funding for projects and programs that are identified in the
29 state's aquaculture plan, pending legislative appropriations.
30 The commission ~~department~~ and the Department of Agriculture
31 and Consumer Services shall establish and implement a grant

1 program to make grants available to qualified nonprofit,
2 educational, and research entities or local governments to
3 fund infrastructure, planning, practical and applied research,
4 development projects, production economic analysis, and
5 training and stock enhancement projects, and to make grants
6 available to counties, municipalities, and other state and
7 local entities for applied aquaculture projects that are
8 directed to economic development, pending legislative
9 appropriations.

10 (11) The Fish and Wildlife Conservation Commission
11 ~~department~~ shall provide assistance to the Department of
12 Agriculture and Consumer Services in the development of an
13 aquaculture plan for the state.

14 Section 14. Subsection (5) of section 932.7055,
15 Florida Statutes, 1998 Supplement, is amended to read:

16 932.7055 Disposition of liens and forfeited
17 property.--

18 (5) If the seizing agency is a state agency, all
19 remaining proceeds shall be deposited into the General Revenue
20 Fund. However, if the seizing agency is:

21 (a) The Department of Law Enforcement, the proceeds
22 accrued pursuant to the provisions of the Florida Contraband
23 Forfeiture Act shall be deposited into the Forfeiture and
24 Investigative Support Trust Fund as provided in s. 943.362 or
25 into the department's Federal Law Enforcement Trust Fund as
26 provided in s. 943.365, as applicable.

27 (b) The Department of Environmental Protection, the
28 proceeds accrued pursuant to the provisions of the Florida
29 Contraband Forfeiture Act shall be deposited into the
30 Forfeited Property Trust Fund ~~Marine Resources Conservation~~
31 ~~Trust Fund to be used for law enforcement purposes as provided~~

1 ~~in ss. 370.021 and 370.061~~ or into the department's Federal
2 Law Enforcement Trust Fund as provided in s. 20.2553, as
3 applicable.

4 (c) The Division of Alcoholic Beverages and Tobacco,
5 the proceeds accrued pursuant to the Florida Contraband
6 Forfeiture Act shall be deposited into the Alcoholic Beverage
7 and Tobacco Trust Fund or into the department's Federal Law
8 Enforcement Trust Fund as provided in s. 561.027, as
9 applicable.

10 (d) The Department of Highway Safety and Motor
11 Vehicles, the proceeds accrued pursuant to the Florida
12 Contraband Forfeiture Act shall be deposited into the
13 Department of Highway Safety and Motor Vehicles Law
14 Enforcement Trust Fund as provided in s. 932.705(1)(a) or into
15 the department's Federal Law Enforcement Trust Fund as
16 provided in s. 932.705(1)(b), as applicable.

17 (e) The Fish and Wildlife Conservation ~~Game and Fresh~~
18 ~~Water Fish~~ Commission, the proceeds accrued pursuant to the
19 provisions of the Florida Contraband Forfeiture Act shall be
20 deposited into the State Game Trust Fund as provided in ss.
21 372.73, 372.9901, and 372.9904, into the Marine Resources
22 Conservation Trust Fund as provided in s. 370.061, or into the
23 commission's Federal Law Enforcement Trust Fund as provided in
24 s. 372.107, as applicable.

25 (f) A state attorney's office acting within its
26 judicial circuit, the proceeds accrued pursuant to the
27 provisions of the Florida Contraband Forfeiture Act shall be
28 deposited into the State Attorney's Forfeiture and
29 Investigative Support Trust Fund to be used for the
30 investigation of crime and prosecution of criminals within the
31 judicial circuit.

1 (g) A school board security agency employing law
2 enforcement officers, the proceeds accrued pursuant to the
3 provisions of the Florida Contraband Forfeiture Act shall be
4 deposited into the School Board Law Enforcement Trust Fund.

5 (h) One of the State University System police
6 departments acting within the jurisdiction of its employing
7 state university, the proceeds accrued pursuant to the
8 provisions of the Florida Contraband Forfeiture Act shall be
9 deposited into that state university's special law enforcement
10 trust fund.

11 (i) The Department of Agriculture and Consumer
12 Services, the proceeds accrued pursuant to the provisions of
13 the Florida Contraband Forfeiture Act shall be deposited into
14 the Agricultural Law Enforcement Trust Fund or into the
15 department's Federal Law Enforcement Trust Fund as provided in
16 s. 570.205, as applicable.

17 (j) The Department of Military Affairs, the proceeds
18 accrued from federal forfeiture sharing pursuant to 21 U.S.C.
19 ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19
20 U.S.C. s. 1616a shall be deposited into the Armory Board Trust
21 Fund and used for purposes authorized by such federal
22 provisions based on the department's budgetary authority or
23 into the department's Federal Law Enforcement Trust Fund as
24 provided in s. 250.175, as applicable.

25 Section 15. Subsection (1) of section 20.055, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 20.055 Agency inspectors general.--

28 (1) For the purposes of this section:

29 (a) "State agency" means each department created
30 pursuant to this chapter, and also includes the Executive
31 Office of the Governor, the Department of Military Affairs,

1 the Parole Commission, the Board of Regents, the Fish and
2 Wildlife Conservation Game and Fresh Water Fish Commission,
3 the Public Service Commission, and the state courts system.

4 (b) "Agency head" means the Governor, a Cabinet
5 officer, a secretary as defined in s. 20.03(5), or an
6 executive director as defined in s. 20.03(6). It also includes
7 the chair of the Public Service Commission and the Chief
8 Justice of the State Supreme Court.

9 Section 16. Subsection (1) of section 23.21, Florida
10 Statutes, is amended to read:

11 23.21 Definitions.--For purposes of this part:

12 (1) "Department" means a principal administrative unit
13 within the executive branch of state government, as defined in
14 chapter 20, and includes the State Board of Administration,
15 the Executive Office of the Governor, the Fish and Wildlife
16 Conservation Game and Fresh Water Fish Commission, the Parole
17 Commission, the Agency for Health Care Administration, the
18 Board of Regents, the State Board of Community Colleges, the
19 Justice Administrative Commission, the Capital Collateral
20 Representative, and separate budget entities placed for
21 administrative purposes within a department.

22 Section 17. Paragraph (b) of subsection (1) of section
23 120.52, Florida Statutes, is amended to read:

24 120.52 Definitions.--As used in this act:

25 (1) "Agency" means:

26 (b) Each state officer and state department,
27 departmental unit described in s. 20.04, commission, regional
28 planning agency, board, multicounty special district with a
29 majority of its governing board comprised of nonelected
30 persons, and authority, including, but not limited to, the
31 Commission on Ethics and the Fish and Wildlife Conservation

1 ~~Game and Fresh Water Fish~~ Commission when acting pursuant to
2 statutory authority derived from the Legislature, educational
3 units, and those entities described in chapters 163, 298, 373,
4 380, and 582 and s. 186.504, except any legal entity or agency
5 created in whole or in part pursuant to chapter 361, part II,
6 an expressway authority pursuant to chapter 348, or any legal
7 or administrative entity created by an interlocal agreement
8 pursuant to s. 163.01(7), unless any party to such agreement
9 is otherwise an agency as defined in this subsection.

10 (c) Each other unit of government in the state,
11 including counties and municipalities, to the extent they are
12 expressly made subject to this act by general or special law
13 or existing judicial decisions.

14 Section 18. Subsection (5) of section 120.81, Florida
15 Statutes, is amended to read:

16 120.81 Exceptions and special requirements; general
17 areas.--

18 (5) HUNTING AND FISHING REGULATION.--Agency action
19 which has the effect of altering established hunting or
20 fishing seasons, or altering established annual harvest limits
21 for saltwater fishing if the procedure for altering such
22 harvest limits is set out by rule of the Fish and Wildlife
23 Conservation ~~Marine Fisheries~~ Commission, is not a rule as
24 defined by this chapter, provided such action is adequately
25 noticed in the area affected through publishing in a newspaper
26 of general circulation or through notice by broadcasting by
27 electronic media.

28 Section 19. Subsection (6) of section 163.3244,
29 Florida Statutes, is amended to read:

30 163.3244 Sustainable communities demonstration
31 project.--

1 (6) The secretary of the Department of Environmental
2 Protection, the Secretary of Community Affairs, the Secretary
3 of Transportation, the Commissioner of Agriculture, the
4 executive director of the Fish and Wildlife Conservation ~~Game~~
5 ~~and Fresh Water Fish~~ Commission, and the executive directors
6 of the five water management districts shall have the
7 authority to enter into agreements with landowners,
8 developers, businesses, industries, individuals, and
9 governmental agencies as may be necessary to effectuate the
10 provisions of this section.

11 Section 20. Subsection (6) of section 186.003, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 186.003 Definitions.--As used in ss. 186.001-186.031
14 and 186.801-186.911, the term:

15 (6) "State agency" means each executive department,
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission, the Parole Commission, and the Department of
18 Military Affairs.

19 Section 21. Subsection (1) of section 186.005, Florida
20 Statutes, is amended to read:

21 186.005 Designation of departmental planning
22 officer.--

23 (1) The head of each executive department and the
24 Public Service Commission, the Fish and Wildlife Conservation
25 ~~Game and Fresh Water Fish~~ Commission, the Parole Commission,
26 and the Department of Military Affairs shall select from
27 within such agency a person to be designated as the planning
28 officer for such agency. The planning officer shall be
29 responsible for coordinating with the Executive Office of the
30 Governor and with the planning officers of other agencies all
31

1 activities and responsibilities of such agency relating to
2 planning.

3 Section 22. Subsection (1) of section 229.8058,
4 Florida Statutes, is amended to read:

5 229.8058 Advisory Council on Environmental Education;
6 establishment; responsibilities.--

7 (1) There is created within the Legislature the
8 Advisory Council on Environmental Education. The council shall
9 have 14 voting members, including:

10 (a) Two members of the Senate, appointed by the
11 President of the Senate.

12 (b) Two members of the House of Representatives,
13 appointed by the Speaker of the House of Representatives.

14 (c) Five members appointed by the Governor.

15 (d) A representative of the Department of Education.

16 (e) A representative of the Department of
17 Environmental Protection.

18 (f) A representative of the Fish and Wildlife
19 Conservation ~~Game and Fresh Water Fish~~ Commission.

20 (g) A representative of the Executive Office of the
21 Governor.

22 (h) The chair of the Environmental Education
23 Foundation.

24 Section 23. Subsection (6) of section 240.155, Florida
25 Statutes, is amended to read:

26 240.155 Campus master plans and campus development
27 agreements.--

28 (6) Before a campus master plan is adopted, a copy of
29 the draft master plan must be sent for review to the host and
30 any affected local governments, the state land planning
31 agency, the Department of Environmental Protection, the

1 Department of Transportation, the Department of State, the
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
3 Commission, and the applicable water management district and
4 regional planning council. These agencies must be given 90
5 days after receipt of the campus master plans in which to
6 conduct their review and provide comments to the Board of
7 Regents. The commencement of this review period must be
8 advertised in newspapers of general circulation within the
9 host local government and any affected local government to
10 allow for public comment. Following receipt and consideration
11 of all comments, and the holding of at least two public
12 hearings within the host jurisdiction, the Board of Regents
13 shall adopt the campus master plan. It is the intent of the
14 Legislature that the Board of Regents comply with the notice
15 requirements set forth in s. 163.3184(15) to ensure full
16 public participation in this planning process. Campus master
17 plans developed under this section are not rules and are not
18 subject to chapter 120 except as otherwise provided in this
19 section.

20 Section 24. Subsection (1) of section 252.365, Florida
21 Statutes, is amended to read:

22 252.365 Designation of emergency coordination
23 officers.--

24 (1) The head of each executive department, the
25 executive director of each water management district, the
26 Public Service Commission, the Fish and Wildlife Conservation
27 ~~Game and Fresh Water Fish~~ Commission, and the Department of
28 Military Affairs shall select from within such agency a person
29 to be designated as the emergency coordination officer for the
30 agency and an alternate.

31

1 Section 25. Section 253.05, Florida Statutes, is
2 amended to read:

3 253.05 Prosecuting officers to assist in protecting
4 state lands.--State attorneys, other prosecuting officers of
5 the state or county, wildlife officers of the Fish and
6 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
7 Commission, conservation officers, together with the Secretary
8 of Environmental Protection, and county sheriffs and their
9 deputies shall see that the lands owned by the state, as
10 described in ss. 253.01 and 253.03, shall not be the object of
11 damage, trespass, depredation, or unlawful use by any person.
12 The said officers and their deputies shall, upon information
13 that unlawful use is being made of state lands, report the
14 same, together with the information in their possession
15 relating thereto, to the Board of Trustees of the Internal
16 Improvement Trust Fund and shall cooperate with the said board
17 in carrying out the purposes of ss. 253.01-253.04 and this
18 section. State attorneys and other prosecuting officers of the
19 state or any county, upon request of the Governor or Board of
20 Trustees of the Internal Improvement Trust Fund, shall
21 institute and maintain such legal proceedings as may be
22 necessary to carry out the purpose of said sections.

23 Section 26. Subsection (1) of section 253.45, Florida
24 Statutes, is amended to read:

25 253.45 Sale or lease of phosphate, clay, minerals,
26 etc., in or under state lands.--

27 (1) The Board of Trustees of the Internal Improvement
28 Trust Fund may sell or lease any phosphate, earth or clay,
29 sand, gravel, shell, mineral, metal, timber or water, or any
30 other substance similar to the foregoing, in, on, or under,
31 any land the title to which is vested in the state, the

1 Department of Management Services, the Department of
2 Environmental Protection, the Fish and Wildlife Conservation
3 ~~Game and Fresh Water Fish~~ Commission, the State Board of
4 Education, or any other state board, department, or agency;
5 provided that the board of trustees may not grant such a sale
6 or lease on the land of any other state board, department, or
7 agency without first obtaining approval therefrom. No sale or
8 lease provided for in this section shall be allowed on
9 hard-surfaced beaches that are used for bathing or driving and
10 areas contiguous thereto out to a mean low-water depth of 3
11 feet and landward to the nearest paved public road. Any sale
12 or lease provided for in this section shall be conducted by
13 competitive bidding as provided for in ss. 253.52, 253.53, and
14 253.54. The proceeds of such sales or leases are to be
15 credited to the board of trustees, board, department, or
16 agency which has title or control of the land involved.

17 Section 27. Section 253.75, Florida Statutes, is
18 amended to read:

19 253.75 Studies and recommendations by the department
20 and the Fish and Wildlife Conservation ~~Game and Fresh Water~~
21 ~~Fish~~ Commission; designation of recommended traditional and
22 other use zones; supervision of aquaculture operations.--

23 (1) Prior to the granting of any lease under this act,
24 the board shall request a recommendation by the department,
25 when the application relates to tidal bottoms, and by the Fish
26 and Wildlife Conservation ~~Game and Fresh Water Fish~~
27 Commission, when the application relates to bottom land
28 covered by fresh water. Such recommendations shall be based on
29 such factors as an assessment of the probable effect of the
30 proposed leasing arrangement on the lawful rights of riparian
31 owners, navigation, commercial and sport fishing, and the

1 conservation of fish or other wildlife or other natural
2 resources, including beaches and shores.

3 (2) The department and the Fish and Wildlife
4 Conservation ~~Game and Fresh Water Fish~~ Commission shall both
5 have the following responsibilities with respect to submerged
6 land and water column falling within their respective
7 jurisdictions:

8 (a) To undertake, or cause to be undertaken, the
9 studies and surveys necessary to support their respective
10 recommendations to the board;

11 (b) To institute procedures for supervising the
12 aquaculture activities of lessees holding under this act and
13 reporting thereon from time to time to the board; and

14 (c) To designate in advance areas of submerged land
15 and water column owned by the state for which they recommend
16 reservation for uses that may possibly be inconsistent with
17 the conduct of aquaculture activities. Such uses shall
18 include, but not be limited to, recreational, commercial and
19 sport fishing and other traditional uses, exploration for
20 petroleum and other minerals, and scientific instrumentation.
21 The existence of such designated areas shall be considered by
22 the board in granting leases under this act.

23 Section 28. Subsection (3) of section 253.7829,
24 Florida Statutes, is amended to read:

25 253.7829 Management plan for retention or disposition
26 of former Cross Florida Barge Canal lands; authority to manage
27 lands until disposition.--

28 (3)(a) Before taking any action to control the rhesus
29 monkey population located in Marion County, the Fish and
30 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
31 Commission shall conduct a study of the options available to

1 them to deal with control of the rhesus monkeys located within
2 a 10-mile radius of the convergence of the Oklawaha and Silver
3 Rivers. The options studied shall include but not be limited
4 to:

5 1. Developing a management plan to allow the monkeys
6 to remain in their present locations.

7 2. Relocating all or some of the monkeys to
8 appropriate private state or federal lands in the United
9 States.

10 3. Sterilizing all or some of the monkeys, regardless
11 of whether they remain in their present location or are
12 relocated.

13 4. Euthanizing all or some of the monkeys.

14 (b) During the time the study is being conducted, the
15 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~
16 ~~Fish~~ Commission may control monkeys that constitute a threat
17 to visitors to such area. Such control includes, but is not
18 limited to, the right to deny public access to any area where
19 the monkeys are known to congregate. The Fish and Wildlife
20 Conservation ~~Florida Game and Fresh Water~~ ~~Fish~~ Commission
21 shall post adequate warning signs in areas to which the public
22 is denied access.

23 (c) The Fish and Wildlife Conservation ~~Florida Game~~
24 ~~and Fresh Water~~ ~~Fish~~ Commission may consult with any other
25 local or state agency while conducting the study and may
26 subcontract with any such agency to complete the study.

27 (d) The study of the options shall be delivered to the
28 Board of Trustees of the Internal Improvement Trust Fund.

29 (e) Nothing in this subsection affects the signed
30 agreement between the department and the Silver Springs
31 Attraction regarding the relocation of rhesus monkeys from

1 Silver River State Park to the attraction, and such agreement
2 continues to be valid.

3 Section 29. Subsection (4) of section 253.787, Florida
4 Statutes, is amended to read:

5 253.787 Florida Greenways Coordinating Council;
6 composition; duties.--

7 (4) The council is to be composed of 26 members,
8 consisting of:

9 (a) Four members appointed by the Governor, four
10 members appointed by the President of the Senate, and four
11 members appointed by the Speaker of the House of
12 Representatives. Each appointing authority must consider
13 ethnic and gender balance and appoint one member who is
14 representative of:

- 15 1. Business interests;
- 16 2. The interests of landowners;
- 17 3. Conservation interests; and
- 18 4. Recreation interests.

19

20 The Governor shall designate one of his or her appointees as
21 chair of the council.

22 (b) Six members appointed by the Governor with the
23 concurrence of the President of the Senate and the Speaker of
24 the House of Representatives, one of whom represents the
25 government of an urban county, one of whom represents the
26 government of a rural county, two of whom represent a
27 municipal government, one of whom represents the state's water
28 management districts, and one of whom represents a federal
29 land management entity active in the state.

30 (c) Eight ex officio members consisting of the head or
31 designee of the following state agencies: the Department of

1 Environmental Protection, the Department of Transportation,
2 the Department of Community Affairs, the Division of Forestry
3 of the Department of Agriculture and Consumer Services, the
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
5 Commission, the Department of Commerce, the Department of
6 Education, and the Division of Historical Resources of the
7 Department of State.

8 Section 30. Subsection (3) of section 255.502, Florida
9 Statutes, 1998 Supplement, is amended to read:

10 255.502 Definitions; ss. 255.501-255.525.--As used in
11 this act, the following words and terms shall have the
12 following meanings unless the context otherwise requires:

13 (3) "Agency" means any department created by chapter
14 20, the Executive Office of the Governor, the Fish and
15 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
16 the Parole Commission, the State Board of Administration, the
17 Department of Military Affairs, or the Legislative Branch or
18 the Judicial Branch of state government.

19 Section 31. Subsection (2) of section 258.157, Florida
20 Statutes, is amended to read:

21 258.157 Prohibited acts in Savannas State Reserve.--

22 (2) It is unlawful for any person, except a law
23 enforcement or conservation officer, to have in his or her
24 possession any firearm while within the Savannas except when
25 in compliance with regulations established by the Fish and
26 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
27 Commission applying to lands within the described boundaries.

28 Section 32. Subsection (4) of section 258.397, Florida
29 Statutes, is amended to read:

30 258.397 Biscayne Bay Aquatic Preserve.--

31 (4) RULES.--

1 (a) The board of trustees shall adopt and enforce
2 reasonable rules and regulations to carry out the provisions
3 of this section and specifically to provide:

4 1. Additional preserve management criteria as may be
5 necessary to accommodate special circumstances.

6 2. Regulation of human activity within the preserve in
7 such a manner as not to interfere unreasonably with lawful and
8 traditional public uses of the preserve, such as fishing (both
9 sport and commercial), boating, and swimming.

10 (b) Other uses of the preserve, or human activity
11 within the preserve, although not originally contemplated, may
12 be permitted by the board of trustees, but only subsequent to
13 a formal finding of compatibility with the purposes of this
14 section.

15 (c) Fishing involving the use of seines or nets is
16 prohibited in the preserve, except when the fishing is for
17 shrimp or mullet and such fishing is otherwise permitted by
18 state law or rules promulgated by the Fish and Wildlife
19 Conservation ~~Marine Fisheries~~ Commission. As used in this
20 paragraph, the terms "seines" or "nets" shall not include
21 landing nets, cast nets, or bully nets.

22 Section 33. Paragraph (a) of subsection (7) of section
23 258.501, Florida Statutes, is amended to read:

24 258.501 Myakka River; wild and scenic segment.--

25 (7) MANAGEMENT COORDINATING COUNCIL.--

26 (a) Upon designation, the department shall create a
27 permanent council to provide interagency and intergovernmental
28 coordination in the management of the river. The coordinating
29 council shall be composed of one representative appointed from
30 each of the following: the department, the Department of
31 Transportation, the Fish and Wildlife Conservation ~~Game and~~

1 ~~Fresh Water Fish~~ Commission, the Department of Community
2 Affairs, the Division of Forestry of the Department of
3 Agriculture and Consumer Services, the Division of Historical
4 Resources of the Department of State, the Tampa Bay Regional
5 Planning Council, the Southwest Florida Water Management
6 District, the Southwest Florida Regional Planning Council,
7 Manatee County, Sarasota County, Charlotte County, the City of
8 Sarasota, the City of North Port, agricultural interests,
9 environmental organizations, and any others deemed advisable
10 by the department.

11 Section 34. Subsection (1) of section 259.035, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 259.035 Advisory council; powers and duties.--

14 (1) There is created a Land Acquisition and Management
15 Advisory Council to be composed of the secretary and a
16 designee of the department, the director of the Division of
17 Forestry of the Department of Agriculture and Consumer
18 Services, the executive director of the Fish and Wildlife
19 Conservation ~~Game and Fresh Water Fish~~ Commission, the
20 director of the Division of Historical Resources of the
21 Department of State, and the secretary of the Department of
22 Community Affairs, or their respective designees. The
23 chairmanship of the council shall rotate annually in the
24 foregoing order. The council shall hold periodic meetings at
25 the request of the chair. The department shall provide primary
26 staff support to the council and shall ensure that council
27 meetings are electronically recorded. Such recordings shall be
28 preserved pursuant to chapters 119 and 257. The department has
29 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
30 to implement the provisions of this section.

31

1 Section 35. Subsection (1) of section 259.036, Florida
2 Statutes, is amended to read:

3 259.036 Management review teams.--

4 (1) To determine whether conservation, preservation,
5 and recreation lands titled in the name of the Board of
6 Trustees of the Internal Improvement Trust Fund are being
7 managed for the purposes for which they were acquired and in
8 accordance with a land management plan adopted pursuant to s.
9 259.032, the board of trustees, acting through the Department
10 of Environmental Protection, shall cause periodic management
11 reviews to be conducted as follows:

12 (a) The department shall establish a regional land
13 management review team composed of the following members:

14 1. One individual who is from the county or local
15 community in which the parcel or project is located and who is
16 selected by the county commission in the county which is most
17 impacted by the acquisition.

18 2. One individual from the Division of Recreation and
19 Parks of the department.

20 3. One individual from the Division of Forestry of the
21 Department of Agriculture and Consumer Services.

22 4. One individual from the Fish and Wildlife
23 Conservation ~~Game and Fresh Water Fish~~ Commission.

24 5. One individual from the department's district
25 office in which the parcel is located.

26 6. A private land manager mutually agreeable to the
27 state agency representatives.

28 7. A member of the local soil and water conservation
29 district board of supervisors.

30 8. A member of a conservation organization.

31

1 (b) The staff of the Division of State Lands shall act
2 as the review team coordinator for the purposes of
3 establishing schedules for the reviews and other staff
4 functions. The Legislature shall appropriate funds necessary
5 to implement land management review team functions.

6 Section 36. Paragraph (a) of subsection (2) of section
7 282.1095, Florida Statutes, is amended to read:

8 282.1095 State agency law enforcement radio system.--

9 (2)(a) The Joint Task Force on State Agency Law
10 Enforcement Communications shall consist of eight members, as
11 follows:

12 1. A representative of the Division of Alcoholic
13 Beverages and Tobacco of the Department of Business and
14 Professional Regulation who shall be appointed by the
15 secretary of the department.

16 2. A representative of the Division of Florida Highway
17 Patrol of the Department of Highway Safety and Motor Vehicles
18 who shall be appointed by the executive director of the
19 department.

20 3. A representative of the Department of Law
21 Enforcement who shall be appointed by the executive director
22 of the department.

23 4. A representative of the Fish and Wildlife
24 Conservation ~~Game and Fresh Water Fish~~ Commission who shall be
25 appointed by the executive director of the commission.

26 5. A representative of the Division of Law Enforcement
27 of the Department of Environmental Protection who shall be
28 appointed by the secretary of the department.

29 6. A representative of the Department of Corrections
30 who shall be appointed by the secretary of the department.

31

1 7. A representative of the Division of State Fire
2 Marshal of the Department of Insurance who shall be appointed
3 by the State Fire Marshal.

4 8. A representative of the Department of
5 Transportation who shall be appointed by the secretary of the
6 department.

7 Section 37. Subsections (3) and (7) of section
8 282.404, Florida Statutes, are amended to read:

9 282.404 Geographic information board; definition;
10 membership; creation; duties; advisory council; membership;
11 duties.--

12 (3) The board consists of the Director of Planning and
13 Budgeting within the Executive Office of the Governor, the
14 executive director of the Fish and Wildlife Conservation Game
15 ~~and Fresh Water Fish~~ Commission, the executive director of the
16 Department of Revenue, and the State Cadastral Surveyor, as
17 defined in s. 177.503, or their designees, and the heads of
18 the following agencies, or their designees: the Department of
19 Agriculture and Consumer Services, the Department of Community
20 Affairs, the Department of Environmental Protection, the
21 Department of Transportation, and the Board of Professional
22 Surveyors and Mappers. The Governor shall appoint to the board
23 one member each to represent the counties, municipalities,
24 regional planning councils, water management districts, and
25 county property appraisers. The Governor shall initially
26 appoint two members to serve 2-year terms and three members to
27 serve 4-year terms. Thereafter, the terms of all appointed
28 members must be 4 years and the terms must be staggered.
29 Members may be appointed to successive terms and incumbent
30 members may continue to serve the board until a new
31 appointment is made.

1 (7) The Geographic Information Advisory Council
2 consists of one member each from the Office of Planning and
3 Budgeting within the Executive Office of the Governor, the
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
5 Commission, the Department of Revenue, the Department of
6 Agriculture and Consumer Services, the Department of Community
7 Affairs, the Department of Environmental Protection, the
8 Department of Transportation, the State Cadastral Surveyor,
9 the Board of Professional Surveyors and Mappers, counties,
10 municipalities, regional planning councils, water management
11 districts, and property appraisers, as appointed by the
12 corresponding member of the board, and the State Geologist.
13 The Governor shall appoint to the council one member each, as
14 recommended by the respective organization, to represent the
15 Department of Children and Family Services, the Department of
16 Health, the Florida Survey and Mapping Society, Florida Region
17 of the American Society of Photogrammetry and Remote Sensing,
18 Florida Association of Cadastral Mappers, the Florida
19 Association of Professional Geologists, Florida Engineering
20 Society, Florida Chapter of the Urban and Regional Information
21 Systems Association, the forestry industry, the State
22 University System survey and mapping academic research
23 programs, and State University System geographic information
24 systems academic research programs; and two members
25 representing utilities, one from a regional utility, and one
26 from a local or municipal utility. These persons must have
27 technical expertise in geographic information issues. The
28 Governor shall initially appoint six members to serve 2-year
29 terms and six members to serve 4-year terms. Thereafter, the
30 terms of all appointed members must be 4 years and must be
31 staggered. Members may be appointed to successive terms, and

1 incumbent members may continue to serve the council until a
2 successor is appointed. Representatives of the Federal
3 Government may serve as ex officio members without voting
4 rights.

5 Section 38. Subsection (2) of section 285.09, Florida
6 Statutes, is amended to read:

7 285.09 Rights of Miccosukee and Seminole Tribes with
8 respect to hunting, fishing, and frogging.--

9 (2) In addition, members of the Miccosukee Tribe may
10 take wild game and fish for subsistence purposes and take
11 frogs for personal consumption as food or for commercial
12 purposes at any time within their reservation and the area
13 leased to the Miccosukee Tribe pursuant to the actions of the
14 Board of Trustees of the Internal Improvement Trust Fund on
15 April 8, 1981. The Fish and Wildlife Conservation ~~Game and~~
16 ~~Fresh Water Fish~~ Commission may restrict, for wildlife
17 management purposes, the exercise of these rights in the area
18 leased. Prior to placing restrictions upon hunting, fishing,
19 and frogging for subsistence purposes, the Fish and Wildlife
20 Conservation ~~Game and Fresh Water Fish~~ Commission shall
21 totally restrict nonsubsistence uses for the particular
22 species.

23 Section 39. Section 285.10, Florida Statutes, is
24 amended to read:

25 285.10 No license or permit fees required;
26 identification card required.--Indians may exercise the
27 hunting, fishing, and frogging rights granted to them in those
28 areas specified by s. 285.09 without payment of licensing or
29 permitting fees. Each Indian exercising such rights shall be
30 required to have an identification card issued without cost by
31 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

1 Commission through the chairs of the Miccosukee Tribe and
2 Seminole Tribe. Each Indian is required to have the
3 identification card on his or her person at all times when
4 exercising such rights and shall exhibit it to officers of the
5 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
6 Commission upon the request of such officers.

7 Section 40. Subsection (1) of section 288.021, Florida
8 Statutes, is amended to read:

9 288.021 Economic development liaison.--

10 (1) The heads of the Department of Transportation, the
11 Department of Environmental Protection and an additional
12 member appointed by the secretary of the department, the
13 Department of Labor and Employment Security, the Department of
14 Education, the Department of Community Affairs, the Department
15 of Management Services, and the Fish and Wildlife Conservation
16 ~~Game and Fresh Water Fish~~ Commission shall designate a
17 high-level staff member from within such agency to serve as
18 the economic development liaison for the agency. This person
19 shall report to the agency head and have general knowledge
20 both of the state's permitting and other regulatory functions
21 and of the state's economic goals, policies, and programs.
22 This person shall also be the primary point of contact for the
23 agency with the Office of Tourism, Trade, and Economic
24 Development on issues and projects important to the economic
25 development of Florida, including its rural areas, to expedite
26 project review, to ensure a prompt, effective response to
27 problems arising with regard to permitting and regulatory
28 functions, and to work closely with the other economic
29 development liaisons to resolve interagency conflicts.

30
31

1 Section 41. Subsections (8) and (9) of section
2 288.975, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 288.975 Military base reuse plans.--

5 (8) At the request of a host local government, the
6 Office of Tourism, Trade, and Economic Development shall
7 coordinate a presubmission workshop concerning a military base
8 reuse plan within the boundaries of the host jurisdiction.
9 Agencies that shall participate in the workshop shall include
10 any affected local governments; the Department of
11 Environmental Protection; the Office of Tourism, Trade, and
12 Economic Development; the Department of Community Affairs; the
13 Department of Transportation; the Department of Health; the
14 Department of Children and Family Services; the Department of
15 Agriculture and Consumer Services; the Department of State;
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission; and any applicable water management districts and
18 regional planning councils. The purposes of the workshop shall
19 be to assist the host local government to understand issues of
20 concern to the above listed entities pertaining to the
21 military base site and to identify opportunities for better
22 coordination of planning and review efforts with the
23 information and analyses generated by the federal
24 environmental impact statement process and the federal
25 community base reuse planning process.

26 (9) If a host local government elects to use the
27 optional provisions of this act, it shall, no later than 12
28 months after notifying the agencies of its intent pursuant to
29 subsection (3) either:

30 (a) Send a copy of the proposed military base reuse
31 plan for review to any affected local governments; the

1 Department of Environmental Protection; the Office of Tourism,
2 Trade, and Economic Development; the Department of Community
3 Affairs; the Department of Transportation; the Department of
4 Health; the Department of Children and Family Services; the
5 Department of Agriculture and Consumer Services; the
6 Department of State; the Fish and Wildlife Conservation
7 ~~Florida Game and Fresh Water Fish~~ Commission; and any
8 applicable water management districts and regional planning
9 councils, or

10 (b) Petition the secretary of the Department of
11 Community Affairs for an extension of the deadline for
12 submitting a proposed reuse plan. Such an extension request
13 must be justified by changes or delays in the closure process
14 by the federal Department of Defense or for reasons otherwise
15 deemed to promote the orderly and beneficial planning of the
16 subject military base reuse. The secretary of the Department
17 of Community Affairs may grant extensions to the required
18 submission date of the reuse plan.

19 Section 42. Subsection (1) of section 316.640, Florida
20 Statutes, is amended to read:

21 316.640 Enforcement.--The enforcement of the traffic
22 laws of this state is vested as follows:

23 (1) STATE.--

24 (a)1.a. The Division of Florida Highway Patrol of the
25 Department of Highway Safety and Motor Vehicles, the Division
26 of Law Enforcement of the Fish and Wildlife Conservation
27 Commission ~~Game and Fresh Water Fish Commission~~, the Division
28 of Law Enforcement of the Department of Environmental
29 Protection, and law enforcement officers of the Department of
30 Transportation each have authority to enforce all of the
31 traffic laws of this state on all the streets and highways

1 thereof and elsewhere throughout the state wherever the public
2 has a right to travel by motor vehicle.

3 b. University police officers shall have authority to
4 enforce all of the traffic laws of this state when such
5 violations occur on or about any property or facilities that
6 are under the guidance, supervision, regulation, or control of
7 the State University System, except that traffic laws may be
8 enforced off-campus when hot pursuit originates on-campus.

9 c. Community college police officers shall have the
10 authority to enforce all the traffic laws of this state only
11 when such violations occur on any property or facilities that
12 are under the guidance, supervision, regulation, or control of
13 the community college system.

14 d. Police officers employed by an airport authority
15 shall have the authority to enforce all of the traffic laws of
16 this state only when such violations occur on any property or
17 facilities that are owned or operated by an airport authority.

18 e. The Office of Agricultural Law Enforcement of the
19 Department of Agriculture and Consumer Services shall have the
20 authority to enforce traffic laws of this state only as
21 authorized by the provisions of chapter 570. However, nothing
22 in this section shall expand the authority of the Office of
23 Agricultural Law Enforcement at its agricultural inspection
24 stations to issue any traffic tickets except those traffic
25 tickets for vehicles illegally passing the inspection station.

26 f. School safety officers shall have the authority to
27 enforce all of the traffic laws of this state when such
28 violations occur on or about any property or facilities which
29 are under the guidance, supervision, regulation, or control of
30 the district school board.

31

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

5 3. Any disciplinary action taken or performance
6 evaluation conducted by an agency of the state as described in
7 subparagraph 1. of a law enforcement officer's traffic
8 enforcement activity must be in accordance with written
9 work-performance standards. Such standards must be approved by
10 the agency and any collective bargaining unit representing
11 such law enforcement officer. A violation of this subparagraph
12 is not subject to the penalties provided in chapter 318.

13 (b)1. The Department of Transportation has authority
14 to enforce on all the streets and highways of this state all
15 laws applicable within its authority.

16 2.a. The Department of Transportation shall develop
17 training and qualifications standards for toll enforcement
18 officers whose sole authority is to enforce the payment of
19 tolls pursuant to s. 316.1001. Nothing in this subparagraph
20 shall be construed to permit the carrying of firearms or other
21 weapons, nor shall a toll enforcement officer have arrest
22 authority.

23 b. For the purpose of enforcing s. 316.1001,
24 governmental entities, as defined in s. 334.03, which own or
25 operate a toll facility may employ independent contractors or
26 designate employees as toll enforcement officers; however, any
27 such toll enforcement officer must successfully meet the
28 training and qualifications standards for toll enforcement
29 officers established by the Department of Transportation.

30 Section 43. Paragraph (b) of subsection (1), of
31 section 320.08058, Florida Statutes, 1998 Supplement, as

1 amended by section 7 of chapter 98-414, Laws of Florida, and
2 subsections (5), (18), (19), and (25) of that section are
3 amended to read:

4 320.08058 Specialty license plates.--

5 (1) MANATEE LICENSE PLATES.--

6 (b) The manatee license plate annual use fee must be
7 deposited into the Save the Manatee Trust Fund, created within
8 the Fish and Wildlife Conservation Commission ~~Department of~~
9 ~~Environmental Protection~~. The funds deposited in the Save the
10 Manatee Trust Fund may be used only for manatee-related
11 environmental education; manatee research; facilities, as
12 provided in s. 370.12(4)(5)(b); and manatee protection and
13 recovery.

14 (5) FLORIDA PANTHER LICENSE PLATES.--

15 (a) The department shall develop a Florida panther
16 license plate as provided in this section. Florida panther
17 license plates must bear the design of a Florida panther and
18 the colors that department approves. In small letters, the
19 word "Florida" must appear at the bottom of the plate.

20 (b) The department shall distribute the Florida
21 panther license plate annual use fee in the following manner:

22 1. Eighty-five percent must be deposited in the
23 Florida Panther Research and Management Trust Fund in the Fish
24 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
25 to be used for education and programs to protect the
26 endangered Florida panther.

27 2. Fifteen percent, but no less than \$300,000, must be
28 deposited in the Florida Communities Trust Fund to be used
29 pursuant to the Florida Communities Trust Act.

30 (c) A person or corporation that purchases 10,000 or
31 more panther license plates shall pay an annual use fee of \$5

1 per plate and an annual processing fee of \$2 per plate, in
2 addition to the applicable license tax required under s.
3 320.08.

4 (18) LARGEMOUTH BASS LICENSE PLATES.--

5 (a) The department shall develop a Largemouth Bass
6 license plate as provided in this section to commemorate the
7 official freshwater fish of this state. The word "Florida"
8 must appear at the top of the plate, the words "Go Fishing"
9 must appear at the bottom of the plate, and a representation
10 of a largemouth bass must appear to the left of the numerals.

11 (b) The annual use fees shall be distributed to the
12 State Game Trust Fund and used by the Fish and Wildlife
13 Conservation ~~Game and Fresh Water Fish~~ Commission to fund
14 current conservation programs that maintain current levels of
15 protection and management of this state's fish and wildlife
16 resources, including providing hunting, fishing, and
17 nonconsumptive wildlife opportunities.

18 (19) SEA TURTLE LICENSE PLATES.--

19 (a) The department shall develop a Sea Turtle license
20 plate as provided in this section. The word "Florida" must
21 appear at the top of the plate, the words "Helping Sea Turtles
22 Survive" must appear at the bottom of the plate, and the image
23 of a sea turtle must appear in the center of the plate.

24 (b) The annual use fees shall be deposited in the
25 Marine Resources Conservation Trust Fund in the Fish and
26 Wildlife Conservation Commission ~~Florida Department of~~
27 ~~Environmental Protection~~. The first \$500,000 in annual revenue
28 shall be used by the Florida Marine Turtle Protection Program
29 to conduct sea turtle protection, research, and recovery
30 programs. The remaining annual use proceeds shall be used by
31 the Fish and Wildlife Conservation Commission ~~Department of~~

1 ~~Environmental Protection~~ for sea turtle conservation
2 activities, except that up to 30 percent of the remaining
3 annual use fee proceeds shall be annually dispersed through
4 the marine turtle grants program as provided in s.
5 370.12(1)(h).

6 (25) CONSERVE WILDLIFE LICENSE PLATES.--

7 (a) The department shall develop a Conserve Wildlife
8 license plate. Conserve Wildlife license plates shall bear the
9 colors and design approved by the department. The word
10 "Florida" shall appear at the top of the plate, and the words
11 "Conserve Wildlife" shall appear at the bottom of the plate.
12 The plate design shall include the likeness of a Florida black
13 bear.

14 (b) The proceeds of the Conserve Wildlife license
15 plate annual use fee shall be forwarded to the Wildlife
16 Foundation of Florida, Inc., a citizen support organization
17 created pursuant to s. 372.0215.

18 1. Notwithstanding s. 320.08062, up to 10 percent of
19 the proceeds from the annual use fee may be used for marketing
20 the Conserve Wildlife license plate and administrative costs
21 directly related to the management and distribution of the
22 proceeds.

23 2. The remaining proceeds from the annual use fee
24 shall be used for programs and activities of the Fish and
25 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
26 Commission that contribute to the health and well-being of
27 Florida black bears and other wildlife diversity.

28 Section 44. Present subsection (5) of section 327.02,
29 Florida Statutes, 1998 Supplement, is redesignated as
30 subsection (6), present subsection (6) is repealed, subsection
31

1 (7) is amended, and new subsection (5) is added to that
2 section to read:

3 327.02 Definitions of terms used in this chapter and
4 in chapter 328.--As used in this chapter and in chapter 328,
5 unless the context clearly requires a different meaning, the
6 term:

7 (5) "Commission" means the Fish and Wildlife
8 Conservation Commission.

9 (7) "Division" means the Division of Law Enforcement
10 of the Fish and Wildlife Conservation Commission ~~Department of~~
11 ~~Environmental Protection.~~

12 Section 45. Subsection (17) of section 327.25, Florida
13 Statutes, is amended to read:

14 327.25 Classification; registration; fees and charges;
15 surcharge; disposition of fees; fines; marine turtle
16 stickers.--

17 (17) MARINE TURTLE STICKER.--The Department of Highway
18 Safety and Motor Vehicles ~~Department of Environmental~~
19 ~~Protection~~ shall offer for sale with vessel registrations a
20 waterproof sticker in the shape of a marine turtle at an
21 additional cost of \$5, the proceeds of which shall be
22 deposited in the Marine Resources Conservation Trust Fund to
23 be used for marine turtle protection, research, and recovery
24 efforts pursuant to the provisions of s. 370.12(1).

25 Section 46. Section 327.26, Florida Statutes, is
26 amended to read:

27 327.26 Stickers or emblems for the Save the Manatee
28 Trust Fund.--The commission ~~department~~ shall prepare stickers
29 or emblems signifying support for the Save the Manatee Trust
30 Fund which shall be given to persons who contribute to the
31 Save the Manatee Trust Fund as provided in s. 327.25. The

1 commission department may accept stickers or emblems donated
2 by any governmental or nongovernmental entity for the purposes
3 of this section.

4 Section 47. Subsection (2) of section 327.28, Florida
5 Statutes, is amended to read:

6 327.28 Marine Resources Conservation Trust Fund;
7 vessel registration funds; appropriation and distribution.--

8 (2) All funds collected pursuant to s. 370.06(2) shall
9 be deposited in the Marine Resources Conservation Trust Fund.
10 Such funds shall be used to pay the cost of implementing the
11 saltwater products license program. Additional proceeds from
12 the licensing revenue shall be distributed among the following
13 program functions:

14 ~~(a) No more than 15 percent nor less than the amount~~
15 ~~deposited in the former Marine Fisheries Commission Trust Fund~~
16 ~~pursuant to this subsection in fiscal year 1987-1988 shall go~~
17 ~~to the Marine Fisheries Commission for its operations;~~

18 (a)~~(b)~~ No more than 15 percent shall go to law
19 enforcement;

20 (b)~~(c)~~ No more than 25 percent shall go to the Florida
21 Saltwater Products Promotion Trust Fund within the Department
22 of Agriculture and Consumer Services for the purpose of
23 providing marketing and extension services including industry
24 information and education; and

25 (c)~~(d)~~ The remainder, ~~but at least 45 percent,~~ shall
26 go to the Division of Marine Resources of the Fish and
27 Wildlife Conservation Commission, for use in marine research
28 and statistics development, including quota management.

29 Section 48. Subsection (2) of section 327.30, Florida
30 Statutes, is amended to read:

31 327.30 Collisions, accidents, and casualties.--

1 (2) In the case of collision, accident, or other
2 casualty involving a vessel in or upon or entering into or
3 exiting from the water, including capsizing, collision with
4 another vessel or object, sinking, personal injury requiring
5 medical treatment beyond immediate first aid, death,
6 disappearance of any person from on board under circumstances
7 which indicate the possibility of death or injury, or damage
8 to any vessel or other property in an apparent aggregate
9 amount of at least \$500, the operator shall without delay, by
10 the quickest means available give notice of the accident to
11 one of the following agencies: ~~the Division of Law~~
12 ~~Enforcement;~~ the Fish and Wildlife Conservation Game and Fresh
13 ~~Water Fish~~ Commission; the sheriff of the county within which
14 the accident occurred; or the police chief of the municipality
15 within which the accident occurred, if applicable.

16 Section 49. Subsection (5) of section 327.35215,
17 Florida Statutes, 1998 Supplement, is amended to read:

18 327.35215 Penalty for failure to submit to test.--

19 (5) Moneys collected by the clerk of the court
20 pursuant to this section shall be disposed of in the following
21 manner:

22 (a) If the arresting officer was employed or appointed
23 by a ~~state law enforcement agency except the Fish and Wildlife~~
24 Conservation Game and Fresh Water Fish Commission, the moneys
25 shall be deposited into the Marine Resources Conservation
26 Trust Fund or the State Game Trust Fund.

27 (b) If the arresting officer was employed or appointed
28 by a county or municipal law enforcement agency, the moneys
29 shall be deposited into the law enforcement trust fund of that
30 agency.

31

1 ~~(c) If the arresting officer was employed or appointed~~
2 ~~by the Game and Fresh Water Fish Commission, the money shall~~
3 ~~be deposited into the State Game Trust Fund.~~

4 Section 50. Section 327.395, Florida Statutes, is
5 amended to read:

6 327.395 Boating safety identification cards.--

7 (1) Until October 1, 2001, a person born after
8 September 30, 1980, and on or after October 1, 2001, a person
9 21 years of age or younger may not operate a vessel powered by
10 a motor of 10 horsepower or greater unless such person has in
11 his or her possession aboard the vessel photographic
12 identification and a boater safety identification card issued
13 by the commission ~~department~~ which shows that he or she has:

14 (a) Completed a commission ~~department~~-approved boater
15 education course that meets the minimum 8-hour instruction
16 requirement established by the National Association of State
17 Boating Law Administrators;

18 (b) Passed a course equivalency examination approved
19 by the commission ~~department~~; or

20 (c) Passed a temporary certificate examination
21 developed or approved by the commission ~~department~~.

22 (2) Any person may obtain a boater safety
23 identification card by complying with the requirements of this
24 section.

25 (3) The commission ~~department~~ may appoint liveries,
26 marinas, or other persons as its agents to administer the
27 course, course equivalency examination, or temporary
28 certificate examination and issue identification cards under
29 guidelines established by the commission ~~department~~. An agent
30 must charge the \$2 examination fee, which must be forwarded to
31

1 the commission ~~department~~ with proof of passage of the
2 examination and may charge and keep a \$1 service fee.

3 (4) An identification card issued to a person who has
4 completed a boating education course or a course equivalency
5 examination is valid for life. A card issued to a person who
6 has passed a temporary certification examination is valid for
7 12 months from the date of issuance.

8 (5) A person is exempt from subsection (1) if he or
9 she:

10 (a) Is licensed by the United States Coast Guard to
11 serve as master of a vessel.

12 (b) Operates a vessel only on a private lake or pond.

13 (c) Is accompanied in the vessel by a person who is
14 exempt from this section or who holds an identification card
15 in compliance with this section, is 18 years of age or older,
16 and is attendant to the operation of the vessel and
17 responsible for any violation that occurs during the
18 operation.

19 (d) Is a nonresident who has in his or her possession
20 proof that he or she has completed a boater education course
21 or equivalency examination in another state which meets or
22 exceeds the requirements of subsection (1).

23 (e) Is exempted by rule of the commission ~~department~~.

24 (6) A person who violates this section is guilty of a
25 noncriminal infraction, punishable as provided in s. 327.73.

26 (7) The commission ~~department~~ shall design forms and
27 adopt rules to administer this section. Such rules shall
28 include provision for educational and other public and private
29 entities to offer the course and administer examinations.

30 (8) The commission ~~department~~ shall institute and
31 coordinate a statewide program of boating safety instruction

1 and certification to ensure that boating courses and
2 examinations are available in each county of the state.

3 (9) The commission ~~department~~ is authorized to
4 establish and to collect a \$2 examination fee to cover
5 administrative costs.

6 Section 51. Section 327.41, Florida Statutes, is
7 amended to read:

8 327.41 Uniform waterway regulatory markers.--

9 (1) The Fish and Wildlife Conservation Commission
10 ~~Department of Environmental Protection~~ shall adopt rules and
11 regulations establishing a uniform system of regulatory
12 markers for the Florida Intracoastal Waterway, compatible with
13 the system of regulatory markers prescribed by the United
14 States Coast Guard, and shall give due regard to the System of
15 Uniform Waterway Markers approved by the Advisory Panel of
16 State Officials to the Merchant Marine Council, United States
17 Coast Guard.

18 (2) Any county or municipality which has been granted
19 a restricted area designation, pursuant to s. 327.46, for a
20 portion of the Florida Intracoastal Waterway within its
21 jurisdiction may apply to the Fish and Wildlife Conservation
22 Commission ~~Department of Environmental Protection~~ for
23 permission to place regulatory markers within the restricted
24 area.

25 (3) Application for placing regulatory markers on the
26 Florida Intracoastal Waterway shall be made to the commission
27 ~~Division of Marine Resources~~, accompanied by a map locating
28 the approximate placement of the markers, a statement of the
29 specification of the markers, a statement of purpose of the
30 markers, and a statement of the city or county responsible for
31 the placement and upkeep of the markers.

1 (4) No person or municipality, county, or other
2 governmental entity shall place any regulatory markers in, on,
3 or over the Florida Intracoastal Waterway without a permit
4 from the Fish and Wildlife Conservation Commission ~~Division of~~
5 ~~Marine Resources~~.

6 (5) Aquaculture leaseholds shall be marked as required
7 by this section, and the Department of Environmental
8 Protection may approve alternative marking requirements as a
9 condition of the lease pursuant to s. 253.68. The provisions
10 of this section notwithstanding, no permit shall be required
11 for the placement of markers required by such a lease.

12 Section 52. Section 327.43, Florida Statutes, is
13 amended to read:

14 327.43 Silver Glen Run and Silver Glen Springs;
15 navigation channel; anchorage buoys; violations.--

16 (1) The Fish and Wildlife Conservation Commission
17 ~~Department of Environmental Protection~~ is hereby directed to
18 mark a navigation channel within Silver Glen Run and Silver
19 Glen Springs, located on the western shore of Lake George on
20 the St. Johns River.

21 (2) The commission ~~department~~ is further directed to
22 establish permanent anchorage buoys within Silver Glen Run and
23 Silver Glen Springs.

24 (3) Vessel anchorage or mooring shall only be allowed
25 utilizing permanently established anchorage buoys. No vessel
26 shall anchor or otherwise attach, temporarily or permanently,
27 to the bottom within Silver Glen Run or Silver Glen Springs.

28 (4) Any violation of this act shall constitute a
29 violation of the boating laws of this state and shall be
30 punishable by issuance of a uniform boating citation as
31 provided in s. 327.74. Any person who refuses to post a bond

1 or accept and sign a uniform boating citation, as provided in
2 s. 327.73(3), commits a misdemeanor of the second degree,
3 punishable as provided in s. 775.082 or s. 775.083.

4 Section 53. Subsection (1) of section 327.46, Florida
5 Statutes, is amended to read:

6 327.46 Restricted areas.--

7 (1) The commission ~~department~~ shall have the authority
8 for establishing, by rule, restricted areas on the waters of
9 the state for any purpose deemed necessary for the safety of
10 the public, including, but not limited to, boat speeds and
11 boat traffic where such restrictions are deemed necessary
12 based on boating accidents, visibility, tides, congestion, or
13 other navigational hazards. Each such restricted area shall
14 be developed in consultation and coordination with the
15 governing body of the county or municipality in which the
16 restricted area is located and, where required, with the
17 United States Army Corps of Engineers. Restricted areas shall
18 be established in accordance with procedures under chapter
19 120.

20 Section 54. Section 327.48, Florida Statutes, is
21 amended to read:

22 327.48 Regattas, races, marine parades, tournaments,
23 or exhibitions.--Any person directing the holding of a
24 regatta, tournament, or marine parade or exhibition shall
25 secure a permit from the Coast Guard when such event is held
26 in navigable waters of the United States. A person directing
27 any such affair in any county shall notify the sheriff of the
28 county, or the Fish and Wildlife Conservation Commission ~~Game~~
29 ~~and Fresh Water Fish Commission, or the department~~ at least 15
30 days prior to any event in order that appropriate arrangements
31 for safety and navigation may be assured. Any person or

1 organization sponsoring a regatta or boat race, marine parade,
2 tournament, or exhibition shall be responsible for providing
3 adequate protection to the participants, spectators, and other
4 users of the water.

5 Section 55. Subsections (1) and (3) of section 327.70,
6 Florida Statutes, is amended to read:

7 327.70 Enforcement of this chapter and chapter 328.--

8 (1) This chapter and chapter 328 shall be enforced by
9 the Division of Law Enforcement of the Fish and Wildlife
10 ~~Conservation department and its officers, the Game and Fresh~~
11 ~~Water Fish~~ Commission and its officers, the sheriffs of the
12 various counties and their deputies, and any other authorized
13 law enforcement officer, all of whom may order the removal of
14 vessels deemed to be an interference or a hazard to public
15 safety, enforce the provisions of this chapter and chapter
16 328, or cause any inspections to be made of all vessels in
17 accordance with this chapter and chapter 328.

18 (3) The Fish and Wildlife Conservation Commission
19 ~~department~~ or any other law enforcement agency may make any
20 investigation necessary to secure information required to
21 carry out and enforce the provisions of this chapter and
22 chapter 328.

23 Section 56. Section 327.71, Florida Statutes, is
24 amended to read:

25 327.71 Exemption.--The commission ~~department~~ may, if
26 it finds that federal law imposes less restrictive
27 requirements than provided herein or if it determines that
28 boating safety will not be adversely affected, issue temporary
29 exemptions from any provision of this chapter or rules
30 established hereunder, on such terms and conditions as it
31 considers appropriate.

1 Section 57. Subsections (1) and (3) of section
2 327.731, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 327.731 Mandatory education for violators.--

5 (1) Every person convicted of a criminal violation of
6 this chapter, every person convicted of a noncriminal
7 infraction under this chapter if the infraction resulted in a
8 reportable boating accident, and every person convicted of two
9 noncriminal infractions as defined in s. 327.73(1)(h) through
10 (k), (m) through (p), (s), and (t), said infractions occurring
11 within a 12-month period, must:

12 (a) Enroll in, attend, and successfully complete, at
13 his or her own expense, a boating safety course that meets
14 minimum standards established by the commission ~~department~~ by
15 rule; however, the commission ~~department~~ may provide by rule
16 for waivers of the attendance requirement for violators
17 residing in areas where classroom presentation of the course
18 is not available;

19 (b) File with the commission ~~department~~ within 90 days
20 proof of successful completion of the course;

21 (c) Refrain from operating a vessel until he or she
22 has filed the proof of successful completion of the course
23 with the commission ~~department~~.

24
25 Any person who has successfully completed an approved boating
26 course shall be exempt from these provisions upon showing
27 proof to the commission ~~department~~ as specified in paragraph
28 (b).

29 (3) The commission ~~department~~ shall print on the
30 reverse side of the defendant's copy of the boating citation a
31 notice of the provisions of this section. Upon conviction, the

1 clerk of the court shall notify the defendant that it is
2 unlawful for him or her to operate any vessel until he or she
3 has complied with this section, but failure of the clerk of
4 the court to provide such a notice shall not be a defense to a
5 charge of unlawful operation of a vessel under subsection (2).

6 Section 58. Subsections (1), (2), (4), (6), and (10)
7 of section 327.74, Florida Statutes, are amended to read:

8 327.74 Uniform boating citations.--

9 (1) The commission ~~department~~ shall prepare, and
10 supply to every law enforcement agency in this state which
11 enforces the laws of this state regulating the operation of
12 vessels, an appropriate form boating citation containing a
13 notice to appear (which shall be issued in prenumbered books
14 with citations in quintuplicate) and meeting the requirements
15 of this chapter or any laws of this state regulating boating,
16 which form shall be consistent with the state's county court
17 rules and the procedures established by the commission
18 ~~department~~.

19 (2) Courts, enforcement agencies, and the commission
20 ~~department~~ are jointly responsible to account for all uniform
21 boating citations in accordance with the procedures
22 promulgated by the commission ~~department~~.

23 (4) The chief administrative officer of every law
24 enforcement agency shall require the return to him or her of
25 the commission ~~department~~ record copy of every boating
26 citation issued by an officer under his or her supervision to
27 an alleged violator of any boating law or ordinance and all
28 copies of every boating citation which has been spoiled or
29 upon which any entry has been made and not issued to an
30 alleged violator.

31

1 (6) The chief administrative officer shall transmit,
2 on a form approved by the commission ~~department~~, the
3 commission ~~department~~ record copy of the uniform boating
4 citation to the commission ~~department~~ within 5 days after
5 submission of the original and one copy to the court. A copy
6 of such transmittal shall also be provided to the court having
7 jurisdiction for accountability purposes.

8 (10) Upon final disposition of any alleged offense for
9 which a uniform boating citation has been issued, the court
10 shall, within ten days, certify said disposition to the
11 commission ~~department~~.

12 Section 59. Section 327.803, Florida Statutes, are
13 amended to read:

14 327.803 Boating Advisory Council.--

15 (1) The Boating Advisory Council is created within the
16 Fish and Wildlife Conservation Commission ~~Department of~~
17 ~~Environmental Protection~~ and shall be composed of 15 ~~16~~
18 members. The initial members shall be appointed before August
19 1, 1994, and must include:

20 (a) One representative from the Fish and Wildlife
21 Conservation Commission ~~Department of Environmental~~
22 ~~Protection~~, who shall serve as the chair of the council.

23 (b) One representative each from ~~the Game and Fresh~~
24 ~~Water Fish Commission~~, the United States Coast Guard
25 Auxiliary, the United States Power Squadron, and the inland
26 navigation districts.

27 (c) One representative of manatee protection
28 interests, one representative of the marine industries, two
29 representatives of water-related environmental groups, one
30 representative of marine manufacturers, one representative of
31 commercial vessel owners or operators, one representative of

1 sport boat racing, and two representatives of the boating
2 public, each of whom shall be nominated by the Executive
3 Director of the Fish and Wildlife Conservation Commission
4 ~~Secretary of Environmental Protection~~ and appointed by the
5 Governor to serve staggered 2-year terms.

6 (d) One member of the House of Representatives, who
7 shall be appointed by the Speaker of the House of
8 Representatives.

9 (e) One member of the Senate, who shall be appointed
10 by the President of the Senate.

11 (2) The council shall meet at the call of the chair,
12 at the request of a majority of its membership, or at such
13 times as may be prescribed by rule.

14 (3) The purpose of the council is to make
15 recommendations to the Fish and Wildlife Conservation
16 Commission ~~Department of Environmental Protection~~ and the
17 Department of Community Affairs regarding issues affecting the
18 boating community, including, but not limited to, issues
19 related to:

20 (a) Boating safety education.

21 (b) Boating-related facilities, including marinas and
22 boat testing facilities.

23 (c) Boat usage.

24

25 ~~However, it is not the purpose of the council to make~~
26 ~~recommendations to the Marine Fisheries Commission.~~

27 (4) Members of the council shall serve without
28 compensation.

29 Section 60. Section 327.804, Florida Statutes, is
30 amended to read:

31

1 327.804 Compilation of statistics on boating accidents
2 and violations.--The Fish and Wildlife Conservation Commission
3 ~~Department of Environmental Protection~~ shall compile
4 statistics on boating accidents and boating violations of the
5 age groups of persons affected by chapter 96-187, Laws of
6 Florida.

7 Section 61. Section 327.90, Florida Statutes, is
8 amended to read:

9 327.90 Transactions by electronic or telephonic
10 means.--The commission ~~department~~ is authorized to accept any
11 application provided for under this chapter by electronic or
12 telephonic means.

13 Section 62. Paragraph (c) of subsection (2) of section
14 328.01, Florida Statutes, is amended to read:

15 328.01 Application for certificate of title.--

16 (2)

17 (c) In making application for an initial title, the
18 owner of a homemade vessel shall establish proof of ownership
19 by submitting with the application:

20 1. A notarized statement of the builder or its
21 equivalent, whichever is acceptable to the Department of
22 Highway Safety and Motor Vehicles, if the vessel is less than
23 16 feet in length; or

24 2. A certificate of inspection from the Division of
25 Law Enforcement of the Fish and Wildlife Conservation
26 ~~Department of Environmental Protection or the Game and Fresh~~
27 ~~Water Fish~~ Commission and a notarized statement of the builder
28 or its equivalent, whichever is acceptable to the Department
29 of Highway Safety and Motor Vehicles, if the vessel is 16 feet
30 or more in length.

31

1 Section 63. Subsection (1) of section 339.281, Florida
2 Statutes, is amended to read:

3 339.281 Damage to transportation facility by vessel;
4 marine accident report; investigative authorities;
5 penalties.--

6 (1) Whenever any vessel has caused damage to a
7 transportation facility, the managing owner, agent, or master
8 of such vessel shall immediately, or as soon thereafter as
9 possible, report the same to the nearest Fish and Wildlife
10 Conservation Commission Officer ~~Florida Marine Patrol~~, the
11 sheriff of the county wherein such accident occurred, ~~the Game~~
12 ~~and Fresh Water Fish Commission~~, or the Florida Highway
13 Patrol, who shall immediately go to the scene of the accident
14 and, if necessary, board the vessel subsequent to the accident
15 in pursuance of its investigation. The law enforcement agency
16 investigating the accident shall submit a copy of its report
17 to the department.

18 Section 64. Paragraph (a) of subsection (2) of section
19 341.352, Florida Statutes, is amended to read:

20 341.352 Certification hearing.--

21 (2)(a) The parties to the certification proceeding
22 are:

- 23 1. The franchisee.
- 24 2. The Department of Commerce.
- 25 3. The Department of Environmental Protection.
- 26 4. The Department of Transportation.
- 27 5. The Department of Community Affairs.
- 28 6. The Fish and Wildlife Conservation ~~Game and Fresh~~
29 ~~Water Fish~~ Commission.
- 30 7. Each water management district.
- 31 8. Each local government.

1 9. Each regional planning council.

2 10. Each metropolitan planning organization.

3 Section 65. Subsection (3) of section 369.20, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 369.20 Florida Aquatic Weed Control Act.--

6 (3) It shall be the duty of the department to guide
7 and coordinate the activities of all public bodies,
8 authorities, agencies, and special districts charged with the
9 control or eradication of aquatic weeds and plants. It may
10 delegate all or part of such functions to the Fish and
11 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.

12 Section 66. Subsection (9) of section 369.22, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 369.22 Nonindigenous aquatic plant control.--

15 (9) The department may delegate various nonindigenous
16 aquatic plant control and maintenance functions to the Fish
17 and Wildlife Conservation ~~Game and Fresh Water Fish~~
18 Commission. The commission shall, in accepting commitments to
19 engage in nonindigenous aquatic plant control and maintenance
20 activities, be subject to the rules of the department, except
21 that the commission shall regulate, control, and coordinate
22 the use of any fish for aquatic weed control in fresh waters
23 of the state. In addition, the commission shall render
24 technical and other assistance to the department in order to
25 carry out most effectively the purposes of s. 369.20.
26 However, nothing herein shall diminish or impair the
27 regulatory authority of the commission with respect to the
28 powers granted to it by s. 9, Art. IV of the State
29 Constitution.

30 Section 67. Paragraph (b) of subsection (3) of section
31 369.25, Florida Statutes, is amended to read:

1 369.25 Aquatic plants; definitions; permits; powers of
2 department; penalties.--

3 (3) The department has the following powers:

4 (b) To establish by rule lists of aquatic plant
5 species regulated under this section, including those exempted
6 from such regulation, provided the Department of Agriculture
7 and Consumer Services and the Fish and Wildlife Conservation
8 ~~Game and Fresh Water Fish~~ Commission approve such lists prior
9 to the lists becoming effective.

10 Section 68. Section 370.01, Florida Statutes, 1998
11 Supplement, is amended to read:

12 370.01 Definitions.--In construing these statutes,
13 where the context does not clearly indicate otherwise, the
14 word, phrase, or term:

15 (1) "Authorization" means a number issued by the Fish
16 and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission, or its authorized agent, which serves in lieu of a
18 license or permits and affords the privilege purchased for a
19 specified period of time.

20 (2) "Beaches" and "shores" shall mean the coastal and
21 intracoastal shoreline of this state bordering upon the waters
22 of the Atlantic Ocean, the Gulf of Mexico, the Straits of
23 Florida, and any part thereof, and any other bodies of water
24 under the jurisdiction of the State of Florida, between the
25 mean high-water line and as far seaward as may be necessary to
26 effectively carry out the purposes of this act.

27 (3) "Closed season" shall be that portion of the year
28 wherein the laws or rules of Florida forbid the taking of
29 particular species of game or varieties of fish.

30
31

1 (4) "Coastal construction" includes any work or
2 activity which is likely to have a material physical effect on
3 existing coastal conditions or natural shore processes.

4 (5) "Commission" shall mean the Fish and Wildlife
5 Conservation Commission.

6 (6)~~(5)~~ "Common carrier" shall include any person,
7 firm, or corporation, who undertakes for hire, as a regular
8 business, to transport persons or commodities from place to
9 place offering his or her services to all such as may choose
10 to employ the common carrier and pay his or her charges.

11 (7)~~(6)~~ "Coon oysters" are oysters found growing in
12 bunches along the shore between high-water mark and low-water
13 mark.

14 (8)~~(7)~~ "Department" shall mean the Department of
15 Environmental Protection.

16 (9)~~(8)~~ "Erosion control," "beach preservation," and
17 "hurricane protection" shall include any activity, work,
18 program, project, or other thing deemed necessary by the
19 ~~Division of Marine Resources of the~~ Department of
20 Environmental Protection to effectively preserve, protect,
21 restore, rehabilitate, stabilize, and improve the beaches and
22 shores of this state, as defined above.

23 (10)~~(9)~~ "Exhibit" means to present or display upon
24 request.

25 (11)~~(10)~~ "Finfish" means any member of the classes
26 Agnatha, Chondrichthyes, or Osteichthyes.

27 (12)~~(11)~~ "Food fish" shall include mullet, trout,
28 redfish, sheepshead, pompano, mackerel, bluefish, red snapper,
29 grouper, black drum, jack crevalle, and all other fish
30 generally used for human consumption.

31

1 ~~(13)~~(12) "Guide" shall include any person engaged in
2 the business of guiding hunters or hunting parties, fishers or
3 fishing parties, for compensation.

4 ~~(14)~~(13) "Marine fish" means any saltwater species of
5 finfish of the classes Agnatha, Chondrichthyes, and
6 Osteichthyes, and marine invertebrates in the classes
7 Gastropoda, Bivalvia, and Crustacea, or the phylum
8 Echinodermota, but does not include nonliving shells or
9 Echinoderms.

10 ~~(15)~~(14) A "natural oyster or clam reef" or "bed" or
11 "bar" shall be considered and defined as an area containing
12 not less than 100 square yards of the bottom where oysters or
13 clams are found in a stratum.

14 ~~(16)~~(15) "Nonresident alien" shall mean those
15 individuals from other nations who can provide documentation
16 from the Immigration and Naturalization Service evidencing
17 permanent residency status in the United States. For the
18 purposes of this chapter, a "nonresident alien" shall be
19 considered a "nonresident."

20 ~~(17)~~(16) "Open season" shall be that portion of the
21 year wherein the laws of Florida for the preservation of fish
22 and game permit the taking of particular species of game or
23 varieties of fish.

24 ~~(18)~~(17) "Reef bunch oysters" are oysters found
25 growing on the bars or reefs in the open bay and exposed to
26 the air between high and low tide.

27 ~~19~~(18) "Resident" or "resident of Florida" includes
28 citizens of the United States who have continuously resided in
29 this state, next preceding the making of their application for
30 hunting, fishing, or other license, for the following period
31 of time, to wit: For 1 year in the state and 6 months in the

1 county when applied to all fish and game laws not related to
2 freshwater fish and game.

3 (20)~~(19)~~ "Resident alien" shall mean those persons who
4 have continuously resided in this state for at least 1 year
5 and 6 months in the county and can provide documentation from
6 the Immigration and Naturalization Service evidencing
7 permanent residency status in the United States. For the
8 purposes of this chapter, a "resident alien" shall be
9 considered a "resident."

10 (21)~~(20)~~ "Restricted species" means any species of
11 saltwater products ~~for~~ which the state by law, or the Fish and
12 Wildlife Conservation ~~Marine Fisheries~~ Commission by rule, has
13 found it necessary to so designate. The term includes a
14 species of saltwater products designated by the commission as
15 restricted within a geographical area or during a particular
16 time period of each year. Designation as a restricted species
17 does not confer the authority to sell a species pursuant to s.
18 370.06 if the law or rule prohibits the sale of the species.

19 (22)~~(21)~~ "Salt water," except where otherwise provided
20 by law, shall be all of the territorial waters of Florida
21 excluding all lakes, rivers, canals, and other waterways of
22 Florida from such point or points where the fresh and salt
23 waters commingle to such an extent as to become unpalatable
24 because of the saline content, or from such point or points as
25 may be fixed for conservation purposes by the Fish and
26 Wildlife Conservation ~~Division of Marine Resources of the~~
27 ~~Department of Environmental Protection and the Game and Fresh~~
28 ~~Water Fish~~ Commission, with the consent and advice of the
29 board of county commissioners of the county or counties to be
30 affected.

31

1 (23)~~(22)~~ "Saltwater fish" shall include all classes of
2 pisces, shellfish, sponges, and crustacea indigenous to salt
3 water.

4 (24)~~(23)~~ "Saltwater license privileges," except where
5 otherwise provided by law, means any license, endorsement,
6 certificate, or permit issued pursuant to this chapter.

7 (25)~~(24)~~ "Saltwater products" means any species of
8 saltwater fish, marine plant, or echinoderm, except shells,
9 and salted, cured, canned, or smoked seafood.

10 (26)~~(25)~~ "Shellfish" shall include oysters, clams, and
11 whelks.

12 (27)~~(26)~~ "Transport" shall include shipping,
13 transporting, carrying, importing, exporting, receiving or
14 delivering for shipment, transportation or carriage or export.

15 Section 69. Section 370.021, Florida Statutes, 1998
16 Supplement, is amended to read:

17 370.021 Administration; rules, publications, records;
18 penalties; injunctions.--

19 ~~(1) RULES.--The Department of Environmental Protection~~
20 ~~has authority to adopt rules pursuant to ss. 120.536(1) and~~
21 ~~120.54 to implement provisions of law conferring powers or~~
22 ~~duties upon it. The director of each division shall submit to~~
23 ~~the department suggested rules and regulations for that~~
24 ~~division. Any person violating or otherwise failing to comply~~
25 ~~with any of the rules and regulations adopted as aforesaid is~~
26 ~~guilty of a misdemeanor of the second degree, punishable as~~
27 ~~provided in s. 775.082 or s. 775.083, unless otherwise~~
28 ~~provided by law.~~

29 (1)~~(2)~~ PENALTIES.--Unless otherwise provided by law,
30 any person, firm, or corporation who is convicted for
31 violating any provision of this chapter, ~~any rule of the~~

1 ~~department adopted pursuant to this chapter,~~ or any rule of
2 the Fish and Wildlife Conservation ~~Marine Fisheries~~ Commission
3 adopted pursuant to this chapter, shall be punished:

4 (a) Upon a first conviction, by imprisonment for a
5 period of not more than 60 days or by a fine of not less than
6 \$100 nor more than \$500, or by both such fine and
7 imprisonment.

8 (b) On a second or subsequent conviction within 12
9 months, by imprisonment for not more than 6 months or by a
10 fine of not less than \$250 nor more than \$1,000, or by both
11 such fine and imprisonment.

12 (2)(3) MAJOR VIOLATIONS.--In addition to the penalties
13 provided in paragraphs (1)(a) and (b) ~~(2)(a) and (b)~~, the
14 court shall assess additional penalties against any person,
15 firm, or corporation convicted of major violations as follows:

16 (a) For a violation involving more than 100 illegal
17 blue crabs, crawfish, or stone crabs, an additional penalty of
18 \$10 for each illegal blue crab, crawfish, stone crab, or part
19 thereof.

20 (b) For a violation involving the taking or harvesting
21 of shrimp from a nursery or other prohibited area, an
22 additional penalty of \$10 for each pound of illegal shrimp or
23 part thereof.

24 (c) For a violation involving the taking or harvesting
25 of oysters from nonapproved areas or the taking or possession
26 of unculled oysters, an additional penalty of \$10 for each
27 bushel of illegal oysters.

28 (d) For a violation involving the taking or harvesting
29 of clams from nonapproved areas, an additional penalty of \$100
30 for each 500 count bag of illegal clams.

31

1 (e) For a violation involving the taking, harvesting,
2 or possession of any of the following species, which are
3 endangered, threatened, or of special concern:

- 4 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 5 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 6 3. Common snook (*Centropomus undecimalis*);
- 7 4. Atlantic loggerhead turtle (*Caretta caretta*
8 *caretta*);
- 9 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 10 6. Leatherback turtle (*Dermochelys coriacea*);
- 11 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
12 *imbricata*);
- 13 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 14 9. West Indian manatee (*Trichechus manatus*
15 *latirostris*),

16
17 an additional penalty of \$100 for each unit of marine life or
18 part thereof.

19 (f) For a second or subsequent conviction within 24
20 months for any violation of the same law or rule involving the
21 taking or harvesting of more than 100 pounds of any finfish,
22 an additional penalty of \$5 for each pound of illegal finfish.

23 (g) For any violation involving the taking,
24 harvesting, or possession of more than 1,000 pounds of any
25 illegal finfish, an additional penalty equivalent to the
26 wholesale value of the illegal finfish.

27 (h) The proceeds from the penalties assessed pursuant
28 to this subsection shall be deposited into the Marine
29 Resources Conservation Trust Fund to be used for marine
30 fisheries research or into the commission's ~~department's~~
31

1 Federal Law Enforcement Trust Fund as provided in s. 372.107
2 ~~s. 20.2553~~, as applicable.

3 (i) Permits issued to any person, firm, or corporation
4 by the commission ~~department~~ to take or harvest saltwater
5 products, or any license issued pursuant to s. 370.06 or s.
6 370.07 may be suspended or revoked by the commission
7 ~~department~~, pursuant to the provisions and procedures of s.
8 120.60, for any major violation prescribed in this subsection:

9 1. Upon a second conviction for a violation which
10 occurs within 12 months after a prior violation, for up to 60
11 days.

12 2. Upon a third conviction for a violation which
13 occurs within 24 months after a prior violation, for up to 180
14 days.

15 3. Upon a fourth conviction for a violation which
16 occurs within 36 months after a prior violation, for a period
17 of 6 months to 3 years.

18 (j) Upon the arrest and conviction for a major
19 violation involving stone crabs, the licenseholder must show
20 just cause why his or her license should not be suspended or
21 revoked. For the purposes of this paragraph, a "major
22 violation" means a major violation as prescribed for illegal
23 stone crabs; any single violation involving possession of more
24 than 25 stone crabs during the closed season or possession of
25 25 or more whole-bodied or egg-bearing stone crabs; any
26 violation for trap molestation, trap robbing, or pulling traps
27 at night; or any combination of violations in any
28 3-consecutive-year period wherein more than 75 illegal stone
29 crabs in the aggregate are involved.

30 (k) Upon the arrest and conviction for a major
31 violation involving crawfish, the licenseholder must show just

1 cause why his or her license should not be suspended or
2 revoked. For the purposes of this paragraph, a "major
3 violation" means a major violation as prescribed for illegal
4 crawfish; any single violation involving possession of more
5 than 25 crawfish during the closed season or possession of
6 more than 25 wrung crawfish tails or more than 25 egg-bearing
7 or stripped crawfish; any violation for trap molestation, trap
8 robbing, or pulling traps at night; or any combination of
9 violations in any 3-consecutive-year period wherein more than
10 75 illegal crawfish in the aggregate are involved.

11 (l) Upon the arrest and conviction for a major
12 violation involving blue crabs, the licenseholder shall show
13 just cause why his or her saltwater products license should
14 not be suspended or revoked. This paragraph shall not apply
15 to an individual fishing with no more than five traps. For
16 the purposes of this paragraph, a "major violation" means a
17 major violation as prescribed for illegal blue crabs, any
18 single violation wherein 50 or more illegal blue crabs are
19 involved; any violation for trap molestation, trap robbing, or
20 pulling traps at night; or any combination of violations in
21 any 3-consecutive-year period wherein more than 100 illegal
22 blue crabs in the aggregate are involved.

23 (m) Upon the conviction for a major violation
24 involving finfish, the licenseholder must show just cause why
25 his or her saltwater products license should not be suspended
26 or revoked. For the purposes of this paragraph, a major
27 violation is prescribed for the taking and harvesting of
28 illegal finfish, any single violation involving the possession
29 of more than 100 pounds of illegal finfish, or any combination
30 of violations in any 3-consecutive-year period wherein more
31

1 than 200 pounds of illegal finfish in the aggregate are
2 involved.

3 (n) Upon final disposition of any alleged offense for
4 which a citation for any violation of this chapter or the
5 rules of the Fish and Wildlife Conservation ~~Marine Fisheries~~
6 Commission has been issued, the court shall, within 10 days,
7 certify the disposition to the commission ~~department~~.

8
9 Notwithstanding the provisions of s. 948.01, no court may
10 suspend, defer, or withhold adjudication of guilt or
11 imposition of sentence for any major violation prescribed in
12 this subsection.

13 (3)~~(4)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

14 (a) It shall be a major violation pursuant to
15 subsection (3) and shall be punished as provided below for any
16 person, firm, or corporation to be simultaneously in
17 possession of any species of mullet in excess of the
18 recreational daily bag limit and any gill or other entangling
19 net as defined in s. 16(c), Art. X of the State Constitution.
20 Simultaneous possession under this provision shall include
21 possession of mullet and gill or other entangling nets on
22 separate vessels or vehicles where such vessels or vehicles
23 are operated in coordination with one another including
24 vessels towed behind a main vessel. This subsection does not
25 prohibit a resident of this state from transporting on land,
26 from Alabama to this state, a commercial quantity of mullet
27 together with a gill net if:

28 1. The person possesses a valid commercial fishing
29 license that is issued by the State of Alabama and that allows
30 the person to use a gill net to legally harvest mullet in
31 commercial quantities from Alabama waters.

1 2. The person possesses a trip ticket issued in
2 Alabama and filled out to match the quantity of mullet being
3 transported, and the person is able to present such trip
4 ticket immediately upon entering this state.

5 3. The mullet are to be sold to a wholesale saltwater
6 products dealer located in Escambia County or Santa Rosa
7 County, which dealer also possesses a valid seafood dealer's
8 license issued by the State of Alabama. The dealer's name must
9 be clearly indicated on the trip ticket.

10 4. The mullet being transported are totally removed
11 from any net also being transported.

12 (b) In addition to being subject to the other
13 penalties provided in this chapter, any violation of s. 16,
14 Art. X of the State Constitution, paragraph (b), or any rules
15 of the Fish and Wildlife Conservation ~~Marine Fisheries~~
16 Commission which implement the gear prohibitions and
17 restrictions specified therein shall be considered a major
18 violation; and any person, firm, or corporation receiving any
19 judicial disposition other than acquittal or dismissal of such
20 violation shall be subject to the following additional
21 penalties:

22 1. For a first major violation within a 7-year period,
23 a civil penalty of \$2,500 and suspension of all saltwater
24 products license privileges for 90 calendar days following
25 final disposition shall be imposed.

26 2. For a second major violation under this paragraph
27 charged within 7 years of a previous judicial disposition,
28 which results in a second judicial disposition other than
29 acquittal or dismissal, a civil penalty of \$5,000 and
30 suspension of all saltwater products license privileges for 12
31 months shall be imposed.

1 3. For a third and subsequent major violation under
2 this paragraph, charged within a 7-year period, resulting in a
3 third or subsequent judicial disposition other than acquittal
4 or dismissal, a civil penalty of \$5,000, lifetime revocation
5 of the saltwater products license, and forfeiture of all gear
6 and equipment used in the violation shall be imposed.

7
8 A court may suspend, defer, or withhold adjudication of guilt
9 or imposition of sentence only for any first violation of s.
10 16, Art. X of the State Constitution, or any rule or statute
11 implementing its restrictions, determined by a court only
12 after consideration of competent evidence of mitigating
13 circumstances to be a nonflagrant or minor violation of those
14 restrictions upon the use of nets. Any violation of s. 16,
15 Art. X of the State Constitution, or any rule or statute
16 implementing its restrictions, occurring within a 7-year
17 period commencing upon the conclusion of any judicial
18 proceeding resulting in any outcome other than acquittal shall
19 be punished as a second, third, or subsequent violation
20 accordingly.

21 (c) During the period of suspension or revocation of
22 saltwater license privileges under this subsection, the
23 licensee may not participate in the taking or harvesting or
24 attempt the taking or harvesting of saltwater products from
25 any vessel within the waters of the state, or any other
26 activity requiring a license, permit, or certificate issued
27 pursuant to this chapter. Any person who violates this
28 paragraph is:

29 1. Upon a first or second conviction, to be punished
30 as provided by paragraph (1)(a) ~~(2)(a)~~ or paragraph (1)(b)
31 ~~(2)(b)~~.

1 2. Upon a third or subsequent conviction, guilty of a
2 felony of the third degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084.

4 (d) Upon reinstatement of saltwater license privileges
5 suspended pursuant to a violation of this section, a licensee
6 owning or operating a vessel containing or otherwise
7 transporting in or on Florida waters any gill net or other
8 entangling net, or containing or otherwise transporting in
9 nearshore and inshore Florida waters any net containing more
10 than 500 square feet of mesh area shall remain restricted for
11 a period of 12 months following reinstatement, to operation
12 under the following conditions:

13 1. Vessels subject to this reinstatement period shall
14 be restricted to the corridors established by commission
15 ~~department~~ rule.

16 2. A violation of the reinstatement period provisions
17 shall be punishable pursuant to paragraphs (1)(a) and (b)
18 ~~(2)(a) and (b)~~.

19 (e) Rescission and revocation proceedings under this
20 section shall be governed by chapter 120.

21 (4)(5) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS
22 INVOLVING CERTAIN FINFISH.--It shall be a major violation
23 pursuant to this section and punishable pursuant to paragraph
24 (3)(b)(4)(b) for any person to be in possession of any
25 species of trout, snook, or redfish which is three fish in
26 excess of the recreational or commercial daily bag limit.

27 (5)(6) BUYING SALTWATER PRODUCTS FROM UNLICENSED
28 SELLER.--In addition to being subject to other penalties
29 provided in this chapter, any violation of s. 370.06 or s.
30 370.07, or rules of the commission ~~department~~ implementing s.
31 370.06 or s. 370.07, involving buying saltwater products from

1 an unlicensed person, firm, or corporation, shall be a major
2 violation, and the commission ~~department~~ may assess the
3 following penalties:

4 (a) For a first violation, the commission ~~department~~
5 may assess a civil penalty of up to \$2,500 and may suspend the
6 wholesale or ~~and/or~~ retail dealer's license privileges for up
7 to 90 calendar days.

8 (b) For a second violation occurring within 12 months
9 of a prior violation, the commission ~~department~~ may assess a
10 civil penalty of up to \$5,000 and may suspend the wholesale or
11 ~~and/or~~ retail dealer's license privileges for up to 180
12 calendar days.

13 (c) For a third or subsequent violation occurring
14 within a 24-month period, the commission ~~department~~ shall
15 assess a civil penalty of \$5,000 and shall suspend the
16 wholesale or ~~and/or~~ retail dealer's license privileges for up
17 to 24 months.

18
19 Any proceeds from the civil penalties assessed pursuant to
20 this subsection shall be deposited into the Marine Resources
21 Conservation Trust Fund and shall be used as follows: 40
22 percent for administration and processing purposes and 60
23 percent for law enforcement purposes.

24 (6)~~(7)~~ RULES; ADMISSIBILITY AS EVIDENCE.--Rules and
25 regulations shall be admitted as evidence in the courts of the
26 state when accompanied by an affidavit from the executive
27 director ~~secretary~~ of the commission ~~department~~ certifying
28 that the rule or regulation has been lawfully adopted,
29 promulgated, and published; and such affidavit shall be prima
30 facie evidence of proper adoption, promulgation, and
31 publication of the rule or regulation.

1 ~~(7)(8)~~ PUBLICATIONS BY COMMISSION ~~DEPARTMENT~~.--The
2 Fish and Wildlife Conservation Commission ~~department~~ through
3 ~~the Division of Administration and Technical Services~~ is given
4 authority, from time to time in its discretion, to cause the
5 statutory laws under its jurisdiction, together with any rules
6 and regulations promulgated by it, to be published in pamphlet
7 form for free distribution in this state. The commission
8 ~~department~~ is authorized to make charges for technical and
9 educational publications and mimeographed material of use for
10 educational or reference purposes. Such charges shall be made
11 at the discretion of the commission ~~Division of Administration~~
12 ~~and Technical Services~~. Such charges may be sufficient to
13 cover cost of preparation, printing, publishing, and
14 distribution. All moneys received for publications shall be
15 deposited into the fund from which the cost of the publication
16 was paid. The commission ~~department~~ is further authorized to
17 enter into agreements with persons, firms, corporations,
18 governmental agencies, and other institutions whereby
19 publications may be exchanged reciprocally in lieu of payments
20 for said publications.

21 ~~(8)(9)~~ POWERS OF OFFICERS.--

22 (a) ~~The department may designate such employees of the~~
23 ~~several divisions, as it may deem necessary in its discretion,~~
24 ~~as law enforcement officers, who shall meet the provisions of~~
25 ~~s. 943.13(1)-(10) and have the powers and duties conferred in~~
26 ~~this subsection, except that such employees shall comply with~~
27 ~~the provisions of chapter 943. Such Law enforcement officers~~
28 ~~of the Fish and Wildlife Conservation Commission and the~~
29 ~~Director of the Division of Law Enforcement, are constituted~~
30 law enforcement officers of this state with full power to
31 investigate and arrest for any violation of the laws of this

1 state and the rules and regulations of the commission
2 ~~department~~ under their jurisdiction, ~~and for violations of~~
3 ~~chapter 253 and the rules and regulations promulgated~~
4 ~~thereunder.~~ The general laws applicable to arrests by peace
5 officers of this state shall also be applicable to ~~such~~ law
6 enforcement officers of the commission. Such law enforcement
7 officers may enter upon any land or waters of the state for
8 performance of their lawful duties and may take with them any
9 necessary equipment, and such entry will not constitute a
10 trespass. It is lawful for any boat, motor vehicle, or
11 aircraft owned or chartered by the commission ~~department~~ or
12 its agents or employees to land on and depart from any of the
13 beaches or waters of the state. Such law enforcement officers
14 have the authority, without warrant, to board, inspect, and
15 search any boat, fishing appliance, storage or processing
16 plant, fishhouse, spongehouse, oysterhouse, or other
17 warehouse, building, or vehicle engaged in transporting or
18 storing any fish or fishery products. Such authority to search
19 and inspect without a search warrant is limited to those cases
20 in which such law enforcement officers have reason to believe
21 that fish or any saltwater products are taken or kept for
22 sale, barter, transportation, or other purposes in violation
23 of laws or rules promulgated under this law. Any such law
24 enforcement officer may at any time seize or take possession
25 of any saltwater products or contraband which have been
26 unlawfully caught, taken, or processed or which are unlawfully
27 possessed or transported in violation of any of the laws of
28 this state or any rule or regulation of the commission
29 ~~department~~. Such law enforcement officers may arrest any
30 person in the act of violating any of the provisions of this
31 law, the rules or regulations of the commission ~~department,~~

1 ~~the provisions of chapter 253 and the rules and regulations~~
2 ~~promulgated thereunder~~, or any of the laws of this state. It
3 is hereby declared unlawful for any person to resist such
4 arrest or in any manner interfere, either by abetting or
5 assisting such resistance or otherwise interfering, with any
6 such law enforcement officer while engaged in the performance
7 of the duties imposed upon him or her by law or regulation of
8 the commission department.

9 (b) The Legislature finds that the checking and
10 inspection of saltwater products aboard vessels is critical to
11 good fishery management and conservation and that, because
12 almost all saltwater products are either iced or cooled in
13 closed areas or containers, the enforcement of seasons, size
14 limits, and bag limits can only be effective when inspection
15 of saltwater products so stored is immediate and routine.
16 Therefore, in addition to the authority granted in paragraph
17 (a), a law enforcement officer of the commission department
18 who has probable cause to believe that the vessel has been
19 used for fishing prior to the inspection shall have full
20 authority to open and inspect all containers or areas where
21 saltwater products are normally kept aboard vessels while such
22 vessels are on the water, such as refrigerated or iced
23 locations, coolers, fish boxes, and bait wells, but
24 specifically excluding such containers that are located in
25 sleeping or living areas of the vessel.

26 ~~(10) DUTIES OF DEPARTMENT OF LEGAL AFFAIRS.--The~~
27 ~~Department of Legal Affairs shall attend to the legal business~~
28 ~~of the Department of Environmental Protection and its~~
29 ~~divisions; but, if at any time any question of law or any~~
30 ~~litigation arises and the Department of Legal Affairs is~~
31 ~~otherwise occupied and cannot give the time and attention~~

1 ~~necessary to such question of law or litigation as the~~
2 ~~occasion demands, the several state attorneys shall attend to~~
3 ~~any such question of law or litigation arising within their~~
4 ~~respective circuits; and, if such state attorney is otherwise~~
5 ~~occupied and cannot give the time and attention necessary to~~
6 ~~such question of law or litigation as the case may demand, the~~
7 ~~Department of Environmental Protection may employ additional~~
8 ~~counsel for that particular cause, with the advice and consent~~
9 ~~of the Department of Legal Affairs. Such additional counsel's~~
10 ~~fees shall be paid from the moneys appropriated to the~~
11 ~~Department of Environmental Protection.~~

12 (9)~~(11)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF
13 RECORDS.--Records and documents of the Fish and Wildlife
14 Conservation Commission ~~Department of Environmental Protection~~
15 created in compliance with and in the implementation of this
16 chapter or former chapter 371 shall be retained by the
17 commission ~~department~~ as specified in record retention
18 schedules established under the general provisions of chapters
19 119 and 257. Such records retained by the Department of
20 Environmental Protection on July 1, 1999, shall be transferred
21 to the commission. Further, the commission ~~department~~ is
22 authorized to:

23 (a) Destroy, or otherwise dispose of, those records
24 and documents in conformity with the approved retention
25 schedules.

26 (b) Photograph, microphotograph, or reproduce such
27 records and documents on film, as authorized and directed by
28 the approved retention schedules, whereby each page will be
29 exposed in exact conformity with the original records and
30 documents retained in compliance with the provisions of this
31 section. Photographs or microphotographs in the form of film

1 or print of any records, made in compliance with the
2 provisions of this section, shall have the same force and
3 effect as the originals thereof would have and shall be
4 treated as originals for the purpose of their admissibility in
5 evidence. Duly certified or authenticated reproductions of
6 such photographs or microphotographs shall be admitted in
7 evidence equally with the original photographs or
8 microphotographs. The impression of the seal of the Fish and
9 Wildlife Conservation Commission ~~Department of Environmental~~
10 ~~Protection~~ on a certificate made pursuant to the provisions
11 hereof and signed by the Executive Director of the Fish and
12 Wildlife Conservation Commission ~~Secretary of Environmental~~
13 ~~Protection~~ shall entitle the same to be received in evidence
14 in all courts and in all proceedings in this state and shall
15 be prima facie evidence of all factual matters set forth in
16 the certificate. A certificate may relate to one or more
17 records, as set forth in the certificate, or in a schedule
18 continued on an attachment to the certificate.

19 (c) Furnish certified copies of such records for a fee
20 of \$1 which shall be deposited in the Marine Resources
21 Conservation Trust Fund.

22 (10)~~(12)~~ COURTS OF EQUITY MAY ENJOIN.--Courts of
23 equity in this state have jurisdiction to enforce the
24 conservation laws of this state by injunction.

25 ~~(13) BOND OF EMPLOYEES.--The department may require,~~
26 ~~as it determines, that bond be given by any employee of the~~
27 ~~department or divisions thereof, payable to the Governor of~~
28 ~~the state and the Governor's successor in office, for the use~~
29 ~~and benefit of those whom it may concern, in such penal sums~~
30 ~~with good and sufficient surety or sureties approved by the~~

31

1 ~~department conditioned for the faithful performance of the~~
2 ~~duties of such employee.~~

3 (11)(14) REVOCATION OF LICENSES.--Any person licensed
4 under this chapter who has been convicted of taking
5 aquaculture species raised at a certified facility shall have
6 his or her license revoked for 5 years by the Fish and
7 Wildlife Conservation Commission ~~Department of Environmental~~
8 ~~Protection~~ pursuant to the provisions and procedures of s.
9 120.60.

10 Section 70. Section 370.028, Florida Statutes, 1998
11 Supplement, is amended to read:

12 370.028 Enforcement of commission rules; penalties for
13 violation of rule.--Rules of the Fish and Wildlife
14 Conservation ~~department and the Marine Fisheries~~ Commission
15 shall be enforced by any law enforcement officer certified
16 pursuant to s. 943.13. Any person who violates or otherwise
17 fails to comply with any rule adopted by the commission shall
18 be punished pursuant to s. 370.021(1)~~s. 370.021(2)~~.

19 Section 71. Section 370.06, Florida Statutes, 1998
20 Supplement, is amended to read:

21 370.06 Licenses.--

22 (1) LICENSE ON PURSE SEINES.--There is levied, in
23 addition to any other taxes thereon, an annual license tax of
24 \$25 upon each purse seine used in the waters of this state.
25 This license fee shall be collected in the manner provided in
26 this section.

27 (2) SALTWATER PRODUCTS LICENSE.--

28 (a) Every person, firm, or corporation that sells,
29 offers for sale, barter, or exchanges for merchandise any
30 saltwater products, or which harvests saltwater products with
31 certain gear or equipment as specified by law, must have a

1 valid saltwater products license, except that the holder of an
2 aquaculture certificate under s. 597.004 is not required to
3 purchase and possess a saltwater products license in order to
4 possess, transport, or sell marine aquaculture products. Each
5 saltwater products license allows the holder to engage in any
6 of the activities for which the license is required. The
7 license must be in the possession of the licenseholder or
8 aboard the vessel and shall be subject to inspection at any
9 time that harvesting activities for which a license is
10 required are being conducted. A restricted species endorsement
11 on the saltwater products license is required to sell to a
12 licensed wholesale dealer those species which the state, by
13 law or rule, has designated as "restricted species." This
14 endorsement may be issued only to a person who is at least 16
15 years of age, or to a firm certifying that over 25 percent of
16 its income or \$5,000 of its income, whichever is less, is
17 attributable to the sale of saltwater products pursuant to a
18 license issued under this paragraph or a similar license from
19 another state. This endorsement may also be issued to a
20 for-profit corporation if it certifies that at least \$5,000 of
21 its income is attributable to the sale of saltwater products
22 pursuant to a license issued under this paragraph or a similar
23 license from another state. However, if at least 50 percent of
24 the annual income of a person, firm, or for-profit corporation
25 is derived from charter fishing, the person, firm, or
26 for-profit corporation must certify that at least \$2,500 of
27 the income of the person, firm, or corporation is attributable
28 to the sale of saltwater products pursuant to a license issued
29 under this paragraph or a similar license from another state,
30 in order to be issued the endorsement. Such income attribution
31 must apply to at least 1 year out of the last 3 years. For the

1 purpose of this section "income" means that income which is
2 attributable to work, employment, entrepreneurship, pensions,
3 retirement benefits, and social security benefits. To renew an
4 existing restricted species endorsement, a marine aquaculture
5 producer possessing a valid saltwater products license with a
6 restricted species endorsement may apply income from the sale
7 of marine aquaculture products to licensed wholesale dealers.

8 1. The Fish and Wildlife Conservation Commission
9 ~~department~~ is authorized to require verification of such
10 income. Acceptable proof of income earned from the sale of
11 saltwater products shall be:

12 a. Copies of trip ticket records generated pursuant to
13 this subsection (marine fisheries information system),
14 documenting qualifying sale of saltwater products;

15 b. Copies of sales records from locales other than
16 Florida documenting qualifying sale of saltwater products;

17 c. A copy of the applicable federal income tax return,
18 including Form 1099 attachments, verifying income earned from
19 the sale of saltwater products;

20 d. Crew share statements verifying income earned from
21 the sale of saltwater products; or

22 e. A certified public accountant's notarized statement
23 attesting to qualifying source and amount of income.

24
25 Any provision of this section or any other section of the
26 Florida Statutes to the contrary notwithstanding, any person
27 who owns a retail seafood market or ~~and/or~~ restaurant at a
28 fixed location for at least 3 years who has had an
29 occupational license for 3 years prior to January 1, 1990, who
30 harvests saltwater products to supply his or her retail store
31 and has had a saltwater products license for 1 of the past 3

1 years prior to January 1, 1990, may provide proof of his or
2 her verification of income and sales value at the person's
3 retail seafood market or ~~and/or~~ restaurant and in his or her
4 saltwater products enterprise by affidavit and shall thereupon
5 be issued a restricted species endorsement.

6 2. Exceptions from income requirements shall be as
7 follows:

8 a. A permanent restricted species endorsement shall be
9 available to those persons age 62 and older who have qualified
10 for such endorsement for at least 3 out of the last 5 years.

11 b. Active military duty time shall be excluded from
12 consideration of time necessary to qualify and shall not be
13 counted against the applicant for purposes of qualifying.

14 c. Upon the sale of a used commercial fishing vessel
15 owned by a person, firm, or corporation possessing or eligible
16 for a restricted species endorsement, the purchaser of such
17 vessel shall be exempted from the qualifying income
18 requirement for the purpose of obtaining a restricted species
19 endorsement for a period of 1 year after purchase of the
20 vessel.

21 d. Upon the death or permanent disablement of a person
22 possessing a restricted species endorsement, an immediate
23 family member wishing to carry on the fishing operation shall
24 be exempted from the qualifying income requirement for the
25 purpose of obtaining a restricted species endorsement for a
26 period of 1 year after the death or disablement.

27 e. A restricted species endorsement may be issued on
28 an individual saltwater products license to a person age 62 or
29 older who documents that at least \$2,500 is attributable to
30 the sale of saltwater products pursuant to the provisions of
31 this paragraph.

1 f. A permanent restricted species endorsement may also
2 be issued on an individual saltwater products license to a
3 person age 70 or older who has held a saltwater products
4 license for at least 3 of the last 5 license years.

5 g. Any resident who is certified to be totally and
6 permanently disabled by a verified written statement, based
7 upon the criteria for permanent total disability in chapter
8 440 from a physician licensed in this state, by any branch of
9 the United States Armed Services, by the Social Security
10 Administration, or by the United States Department of Veterans
11 Affairs or its predecessor, or any resident who holds a valid
12 identification card issued by the Department of Veterans'
13 Affairs pursuant to s. 295.17, shall be exempted from the
14 income requirements if he or she also has held a saltwater
15 products license for at least 3 of the last 5 license years
16 prior to the date of the disability. A Disability Award Notice
17 issued by the United States Social Security Administration is
18 not sufficient certification for a resident to obtain the
19 income exemption unless the notice certifies that the resident
20 is totally and permanently disabled.

21
22 At least one saltwater products license bearing a restricted
23 species endorsement shall be aboard any vessel harvesting
24 restricted species in excess of any bag limit or when fishing
25 under a commercial quota or in commercial quantities, and such
26 vessel shall have a commercial vessel registration. This
27 subsection does not apply to any person, firm, or corporation
28 licensed under s. 370.07(1)(a)1. or (b) for activities
29 pursuant to such licenses. A saltwater products license may be
30 issued in the name of an individual or a valid boat
31 registration number. Such license is not transferable. A decal

1 shall be issued with each saltwater products license issued to
2 a valid boat registration number. The saltwater products
3 license decal shall be the same color as the vessel
4 registration decal issued each year pursuant to s. 327.11(5)
5 and shall indicate the period of time such license is valid.
6 The saltwater products license decal shall be placed beside
7 the vessel registration decal and, in the case of an
8 undocumented vessel, shall be placed so that the vessel
9 registration decal lies between the vessel registration number
10 and the saltwater products license decal. Any saltwater
11 products license decal for a previous year shall be removed
12 from a vessel operating on the waters of the state. A resident
13 shall pay an annual license fee of \$50 for a saltwater
14 products license issued in the name of an individual or \$100
15 for a saltwater products license issued to a valid boat
16 registration number. A nonresident shall pay an annual license
17 fee of \$200 for a saltwater products license issued in the
18 name of an individual or \$400 for a saltwater products license
19 issued to a valid boat registration number. An alien shall pay
20 an annual license fee of \$300 for a saltwater products license
21 issued in the name of an individual or \$600 for a saltwater
22 products license issued to a valid boat registration number.
23 Any person who sells saltwater products pursuant to this
24 license may sell only to a licensed wholesale dealer. A
25 saltwater products license must be presented to the licensed
26 wholesale dealer each time saltwater products are sold, and an
27 imprint made thereof. The wholesale dealer shall keep records
28 of each transaction in such detail as may be required by rule
29 of the Fish and Wildlife Conservation Commission ~~Department of~~
30 ~~Environmental Protection~~ not in conflict with s. 370.07(6),
31 and shall provide the holder of the saltwater products license

1 with a copy of the record. It is unlawful for any licensed
2 wholesale dealer to buy saltwater products from any unlicensed
3 person under the provisions of this section, except that a
4 licensed wholesale dealer may buy from another licensed
5 wholesale dealer. It is unlawful for any licensed wholesale
6 dealer to buy saltwater products designated as "restricted
7 species" from any person, firm, or corporation not possessing
8 a restricted species endorsement on his or her saltwater
9 products license under the provisions of this section, except
10 that a licensed wholesale dealer may buy from another licensed
11 wholesale dealer. The commission ~~Department of Environmental~~
12 ~~Protection~~ shall be the licensing agency, may contract with
13 private persons or entities to implement aspects of the
14 licensing program, and shall establish by rule a marine
15 fisheries information system in conjunction with the licensing
16 program to gather fisheries data.

17 (b) Any person who sells, offers for sale, barter, or
18 exchanges for merchandise saltwater products must have a
19 method of catch preservation which meets the requirements and
20 standards of the seafood quality control code promulgated by
21 the commission ~~Department of Environmental Protection~~.

22 (c) A saltwater products license is required to
23 harvest commercial quantities of saltwater products. Any
24 vessel from which commercial quantities of saltwater products
25 are harvested must have a commercial vessel registration.
26 Commercial quantities of saltwater products shall be defined
27 as:

28 1. With respect to those species for which no bag
29 limit has been established, more than 100 pounds per person
30 per day, provided that the harvesting of two fish or less per
31

1 person per day shall not be considered commercial quantities
2 regardless of aggregate weight; and

3 2. With respect to those species for which a bag limit
4 has been established, more than the bag limit allowed by law
5 or rule.

6 (d)1. In addition to the saltwater products license, a
7 marine life fishing endorsement is required for the harvest of
8 marine life species as defined by rule of the Fish and
9 Wildlife Conservation ~~Marine Fisheries~~ Commission. This
10 endorsement may be issued only to a person who is at least 16
11 years of age or older or to a corporation holding a valid
12 restricted species endorsement.

13 2.a. Effective July 1, 1998, and until July 1, 2002, a
14 marine life endorsement may not be issued under this
15 paragraph, except that those endorsements that are active
16 during the 1997-1998 fiscal year may be renewed.

17 b. In 1998 persons or corporations holding a marine
18 life endorsement that was active in the 1997-1998 fiscal year
19 or an immediate family member of that person must request
20 renewal of the marine life endorsement before December 31,
21 1998.

22 c. In subsequent years and until July 1, 2002, a
23 marine life endorsement holder or member of his or her
24 immediate family must request renewal of the marine life
25 endorsement before September 30 of each year.

26 d. If a person or corporation holding an active marine
27 life fishing endorsement or a member of that person's
28 immediate family does not request renewal of the endorsement
29 before the applicable dates specified in this paragraph, the
30 commission ~~department~~ shall deactivate that marine life
31 fishing endorsement.

1 e. In the event of the death or disability of a person
2 holding an active marine life fishing endorsement, the
3 endorsement may be transferred by the person to a member of
4 his or her immediate family or may be renewed by any person so
5 designated by the executor of the person's estate.

6 f. Persons or corporations who hold saltwater product
7 licenses with marine life fishing endorsements issued to their
8 vessel registration numbers and who subsequently replace their
9 existing vessels with new vessels may transfer the existing
10 marine life fishing endorsement to the new boat registration
11 numbers.

12 g. Persons or corporations who hold saltwater product
13 licenses with marine life fishing endorsements issued to their
14 name and who subsequently incorporate or unincorporate may
15 transfer the existing marine life fishing endorsement to the
16 new corporation or person.

17 h. By July 1, 2000, the Fish and Wildlife Conservation
18 ~~Marine Fisheries~~ Commission shall prepare a report regarding
19 options for the establishment of a limited-entry program for
20 the marine life fishery and submit the report to the Governor,
21 the President of the Senate, the Speaker of the House of
22 Representatives, and the chairs of the Senate and House
23 committees having jurisdiction over marine resources.

24 3. The fee for a marine life fishery endorsement on a
25 saltwater products license shall be \$75. These license fees
26 shall be collected and deposited in the Marine Resources
27 Conservation Trust Fund and used for the purchase and
28 installation of vessel mooring buoys at coral reef sites and
29 for research related to marine fisheries.

30 (3) NET LICENSES.--Except for cast nets and bait
31 seines which are 100 feet in length or less and which have a

1 mesh that is 3/8 inch or less, all nets used to take
2 finfish, including, but not limited to, gill nets, trammel
3 nets, and beach seines, must be licensed or registered. Each
4 net used to take finfish for commercial purposes, or by a
5 nonresident, must be licensed under a saltwater products
6 license issued pursuant to subsection (2) and must bear the
7 number of such license. A noncommercial resident net
8 registration must be issued to each net used to take finfish
9 for noncommercial purposes and may only be issued to residents
10 of the state. Each net so registered must bear the name of the
11 person in whose name the net is registered.

12 (4) SPECIAL ACTIVITY LICENSES.--

13 (a) A special activity license is required for any
14 person to use gear or equipment not authorized in this chapter
15 or rule of the Fish and Wildlife Conservation ~~Marine Fisheries~~
16 Commission for harvesting saltwater species. In accordance
17 with this chapter, s. 16, Art. X of the State Constitution,
18 and rules of the Fish and Wildlife Conservation ~~Marine~~
19 ~~Fisheries~~ Commission, the commission ~~department~~ may issue
20 special activity licenses for the use of nonconforming gear or
21 equipment, including, but not limited to, trawls, seines and
22 entangling nets, traps, and hook and line gear, to be used in
23 harvesting saltwater species for scientific and governmental
24 purposes, and, where allowable, for innovative fisheries. The
25 commission ~~department~~ may prescribe by rule application
26 requirements and terms, conditions, and restrictions to be
27 incorporated into each special activity license. This
28 subsection does not apply to gear or equipment used by
29 certified marine aquaculturists to harvest marine aquaculture
30 products.

31

1 (b) The commission ~~department~~ is authorized to issue
2 special activity licenses in accordance with this section and
3 s. 370.31, to permit the importation, possession, and
4 aquaculture of anadromous sturgeon. The special activity
5 license shall provide for specific management practices to
6 prevent the release and escape of cultured anadromous sturgeon
7 and to protect indigenous populations of saltwater species.

8 (c) The commission ~~department~~ is authorized to issue
9 special activity licenses, in accordance with s. 370.071, to
10 permit the harvest or cultivation of oysters, clams, mussels,
11 and crabs when such activities relate to quality control,
12 sanitation, public health regulations, innovative technologies
13 for aquaculture activities, or the protection of shellfish
14 resources provided in this chapter, unless such authority is
15 delegated to the Department of Agriculture and Consumer
16 Services, pursuant to a memorandum of understanding.

17 (d) The conditions and specific management practices
18 established in this section may be incorporated into permits
19 and authorizations issued pursuant to chapter 253, chapter
20 373, chapter 403, or this chapter, when incorporating such
21 provisions is in accordance with the aquaculture permit
22 consolidation procedures. No separate issuance of a special
23 activity license is required when conditions and specific
24 management practices are incorporated into permits or
25 authorizations under this paragraph. Implementation of this
26 section to consolidate permitting actions does not constitute
27 rules within the meaning of s. 120.52.

28 (e) The commission ~~department~~ is authorized to issue
29 special activity licenses in accordance with ss. 370.071,
30 370.101, and this section; aquaculture permit consolidation
31 procedures in s. 370.26(3)(a); and rules of the Fish and

1 Wildlife Conservation ~~Marine Fisheries~~ Commission to permit
2 the capture and possession of saltwater species protected by
3 law and used as stock for artificial cultivation and
4 propagation.

5 (f) The commission ~~department~~ is authorized to adopt
6 rules to govern the administration of special activities
7 licenses as provided in this chapter and rules of the
8 commission ~~Marine Fisheries Commission~~. Such rules may
9 prescribe application requirements and terms, conditions, and
10 restrictions for any such special activity license requested
11 pursuant to this section.

12 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

13 (a) For purposes of this section, the following
14 definitions shall apply:

15 1. "Person" means an individual.

16 2. "Resident" means any person who has:

17 a. Continuously resided in this state for 6 months
18 immediately preceding the making of his or her application for
19 an Apalachicola Bay oyster harvesting license; or

20 b. Established a domicile in this state and evidenced
21 that domicile as provided in s. 222.17.

22 (b) No person shall harvest oysters from the
23 Apalachicola Bay without a valid Apalachicola Bay oyster
24 harvesting license issued by the Fish and Wildlife
25 Conservation Commission ~~department~~. This requirement shall not
26 apply to anyone harvesting noncommercial quantities of oysters
27 in accordance with chapter 46-27, Florida Administrative Code,
28 or to any person less than 18 years old.

29 (c) Any person wishing to obtain an Apalachicola Bay
30 oyster harvesting license shall submit an annual fee for the
31 license during a 45-day period from May 17 to June 30 of each

1 year preceding the license year for which the license is
2 valid. Failure to pay the annual fee within the required time
3 period shall result in a \$500 late fee being imposed before
4 issuance of the license.

5 (d) The Fish and Wildlife Conservation Commission
6 ~~department~~ shall collect an annual fee of \$100 from residents
7 and \$500 from nonresidents for the issuance of an Apalachicola
8 Bay oyster harvesting license. The license year shall begin on
9 July 1 of each year and end on June 30 of the following year.
10 The license shall be valid only for the licensee. Only bona
11 fide residents of Florida may obtain a resident license
12 pursuant to this subsection.

13 (e) Each person who applies for an Apalachicola Bay
14 oyster harvesting license shall, before receiving the license,
15 attend an educational seminar of not more than 16 hours
16 length, developed and conducted jointly by the Apalachicola
17 National Estuarine Research Reserve, the commission's
18 ~~department's~~ Division of Law Enforcement, and the commission's
19 ~~department's~~ Apalachicola District Shellfish Environmental
20 Assessment Laboratory. The seminar shall address, among other
21 things, oyster biology, conservation of the Apalachicola Bay,
22 sanitary care of oysters, small business management, and water
23 safety. The seminar shall be offered five times per year, and
24 each person attending shall receive a certificate of
25 participation to present when obtaining an Apalachicola Bay
26 oyster harvesting license.

27 (f) Each person, while harvesting oysters in
28 Apalachicola Bay, shall have in possession a valid
29 Apalachicola Bay oyster harvesting license, or proof of having
30 applied for a license within the required time period, and
31

1 shall produce such license or proof of application upon
2 request of any law enforcement officer.

3 (g) Each person who obtains an Apalachicola Bay oyster
4 harvesting license shall prominently display the license
5 number upon any vessel the person owns which is used for the
6 taking of oysters, in numbers which are at least 10 inches
7 high and 1 inch wide, so that the permit number is readily
8 identifiable from the air and water. Only one vessel
9 displaying a given number may be used at any time. A licensee
10 may harvest oysters from the vessel of another licensee.

11 (h) Any person holding an Apalachicola Bay oyster
12 harvesting license shall receive credit for the license fee
13 against the saltwater products license fee.

14 (i) The proceeds from Apalachicola Bay oyster
15 harvesting license fees shall be deposited in the Marine
16 Resources Conservation Trust Fund and, less reasonable
17 administrative costs, shall be used or distributed by the
18 commission ~~department~~ for the following purposes in
19 Apalachicola Bay:

- 20 1. Relaying and transplanting live oysters.
- 21 2. Shell planting to construct or rehabilitate oyster
22 bars.
- 23 3. Education programs for licensed oyster harvesters
24 on oyster biology, aquaculture, boating and water safety,
25 sanitation, resource conservation, small business management,
26 marketing, and other relevant subjects.
- 27 4. Research directed toward the enhancement of oyster
28 production in the bay and the water management needs of the
29 bay.

30 (j) Any person who violates any of the provisions of
31 paragraphs (b) and (d)-(g) commits a misdemeanor of the second

1 degree, punishable as provided in ss. 775.082 and 775.083.
2 Nothing in this subsection shall limit the application of
3 existing penalties.

4 (6) LICENSE YEAR.--The license year on all licenses
5 relating to saltwater products dealers, seafood dealers,
6 aliens, residents, and nonresidents, unless otherwise
7 provided, shall begin on July 1 of each year and end on June
8 30 of the next succeeding year. All licenses shall be so
9 dated. However, if the commission ~~department~~ determines that
10 it is in the best interest of the state to issue a license
11 required under this chapter to an individual on the birthday
12 of the applicant, the commission ~~department~~ may establish by
13 rule a procedure to do so. This section does not apply to
14 licenses and permits when their use is confined to an open
15 season.

16 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;
17 EXCEPTION.--Licenses of every kind and nature granted under
18 the provisions of the fish and game laws of this state are at
19 all times subject to inspection by the police officers of this
20 state and,~~the~~ ~~wildlife~~ officers of the Fish and Wildlife
21 Conservation Game and Fresh Water Fish Commission, ~~and the~~
22 ~~officers of the Marine Patrol~~. Such licenses are not
23 transferable unless otherwise provided by law.

24 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
25 provided by law, all license taxes or fees provided for in
26 this chapter shall be collected by the commission ~~department~~
27 or its duly authorized agents or deputies to be deposited by
28 the Comptroller in the Marine Resources Conservation Trust
29 Fund. The commission ~~department~~ may by rule establish a
30 reasonable processing fee for any free license or permit
31 required under this chapter.

1 Section 72. Section 370.0605, Florida Statutes, 1998
2 Supplement, is amended to read:

3 370.0605 Saltwater fishing license required; fees.--

4 (1)(a) No person, except as provided in this section,
5 may take, attempt to take, or possess any marine fish for
6 noncommercial purposes unless the person has been issued an
7 authorization, or has obtained a license pursuant to paragraph
8 (2)(a) and any required permits under ss. 370.1111 and 370.14,
9 nor may any person operate any vessel wherein a fee is paid
10 either directly or indirectly for the purpose of taking,
11 attempting to take, or possessing any marine fish for
12 noncommercial purposes, unless he or she has been issued an
13 authorization or has obtained a license for each vessel for
14 that purpose and has paid the license fee pursuant to
15 subparagraphs (2)(b)1. and 2. for such vessel. One-year
16 licenses must be dated when issued and remain valid for 12
17 months after the date of issuance. Each license must bear on
18 its face, in indelible ink, the name of the person to whom it
19 is issued and other information required by the commission
20 ~~department~~, and, if the license is issued to the owner,
21 operator, or custodian of a vessel, the vessel registration
22 number or federal documentation number must be included.
23 Licenses, permits, and authorizations are not transferable.

24 (b) Any required license, permit, or authorization
25 must be in the personal possession of the person taking,
26 attempting to take, or possessing marine fish or in the
27 possession of the person operating any vessel wherein a fee is
28 paid, either directly or indirectly, for the purpose of taking
29 or attempting to take marine fish for noncommercial purposes
30 and must be exhibited to any authorized law enforcement
31

1 officer upon his or her request. A positive form of
2 identification is required when using an authorization.

3 (c)1. The 5-year licenses provided herein shall be
4 embossed with the applicant's name, date of birth, and other
5 pertinent information as deemed necessary by the commission
6 ~~department~~.

7 2. A resident 5-year license which was purchased by a
8 resident of this state who subsequently resides in another
9 state will be honored for activities authorized by the
10 license.

11 3. A positive form of identification is required when
12 using a 5-year license.

13 (2) Saltwater fishing license fees are as follows:

14 (a)1. For a resident of the state, \$12 for a 1-year
15 license.

16 2. For a resident of the state, \$60 for 5 consecutive
17 years from the date of purchase.

18 3. For a nonresident of the state, \$5 for a 3-day
19 license, \$15 for a 7-day license, and \$30 for a 1-year
20 license.

21 4. For purposes of this section, "resident" has the
22 same meaning as that found in s. 372.001.

23 (b)1. For any person who operates any vessel licensed
24 to carry more than 10 customers wherein a fee is paid, either
25 directly or indirectly, for the purpose of taking or
26 attempting to take marine fish, \$800 per year. The license
27 must be kept aboard the vessel at all times.

28 2. For any person who operates any vessel licensed to
29 carry no more than 10 customers, or for any person licensed to
30 operate any vessel carrying 6 or fewer customers, wherein a
31 fee is paid, either directly or indirectly, for the purpose of

1 taking or attempting to take marine fish, \$400 per year;
2 provided any person licensed to operate any vessel carrying 6
3 or fewer customers but who operates a vessel carrying 4 or
4 fewer customers, wherein a fee is paid, either directly or
5 indirectly, for such purposes, \$200 per year. The license must
6 be kept aboard the vessel at all times.

7 3. A person who operates a vessel required to be
8 licensed pursuant to subparagraph 1. or subparagraph 2. may
9 obtain a license in his or her own name, and such license
10 shall be transferable and apply to any vessel operated by the
11 purchaser, provided that the purchaser has paid the
12 appropriate license fee.

13 4. For any pier fixed to the land for the purpose of
14 taking or attempting to take marine fish therefrom, \$500 per
15 year. Owners, operators, or custodians of piers have the
16 discretion to buy the annual \$500 license. Those who elect to
17 purchase such license must have the license available for
18 inspection at all times.

19 5. For a recreational vessel not for hire and for
20 which no fee is paid either directly or indirectly by guests,
21 for the purpose of taking or attempting to take marine fish
22 noncommercially, \$2,000 per year. The license may be purchased
23 at the option of the vessel owner and must be kept aboard the
24 vessel at all times. A log of species taken and the date the
25 species were taken shall be maintained and a copy of the log
26 filed with the Fish and Wildlife Conservation Commission
27 ~~Department of Environmental Protection~~ at the time of renewal
28 of the license.

29 (c) The commission ~~department~~ is authorized to reduce
30 the fees for licenses under this section for residents of
31

1 those states with which the commission ~~department~~ has entered
2 into reciprocal agreements with respect to such fees.

3 (d) License fees paid pursuant to this subsection are
4 nonrefundable and may not be used as credit toward any other
5 license fee required by this chapter. No other license fee
6 paid pursuant to this chapter shall be used as credit towards
7 the license fees required by this subsection. The owner,
8 operator, or custodian of a vessel the operator of which has
9 been licensed pursuant to subsection (1) must maintain and
10 report such statistical data as required by, and in a manner
11 set forth in, the rules of the commission ~~department~~.

12 (3) A saltwater fishing license is not required for:

13 (a) Any person under 16 years of age.

14 (b) Any Florida resident fishing in salt water from
15 land or from a structure fixed to the land.

16 (c) Any person fishing from a vessel the operator of
17 which is licensed pursuant to subsection (1).

18 (d) Any person who holds a valid saltwater products
19 license issued pursuant to s. 370.06(2).

20 (e) Any resident 65 years of age or older.

21 (f) Any resident who is a member of the Armed Forces
22 of the United States, who is not stationed in this state, when
23 fishing while home on leave for 30 days or less, upon
24 submission of orders.

25 (g) Any person who has been accepted by the Department
26 of Health and Rehabilitative Services for developmental
27 services or any licensed provider of services to the State of
28 Florida through contract with the Department of Health and
29 Rehabilitative Services, where such service involves the need,
30 normally, for possession of a saltwater fishing license and
31 such service is provided as part of a court-decided

1 rehabilitation program involving training in Florida's aquatic
2 resources.

3 (h) Any person fishing from a pier licensed pursuant
4 to subparagraph (2)(b)4.

5 (i) Any person fishing from a vessel which is licensed
6 pursuant to subparagraph (2)(b)5.

7 (j) Any Florida resident who is fishing for mullet in
8 fresh water and has a valid Florida freshwater fishing
9 license.

10 (k) Any Florida resident fishing for a saltwater
11 species in fresh water from land or from a structure fixed to
12 the land.

13 (4) A saltwater fishing license must be issued,
14 without license fee, to any resident who is certified to be
15 totally and permanently disabled by the verified written
16 statement which is based upon the criteria for permanent total
17 disability in chapter 440 of a physician licensed in this
18 state, by any branch of the United States Armed Services, by
19 the Social Security Administration, or by the United States
20 Department of Veterans Affairs or its predecessor or who holds
21 a valid identification card issued by the Department of
22 Veterans' Affairs pursuant to s. 295.17. A Disability Award
23 Notice issued by the United States Social Security
24 Administration is not sufficient certification for obtaining a
25 permanent fishing license under this section unless the notice
26 certifies a resident is totally and permanently disabled. Any
27 license issued after January 1, 1997, expires after 5 years
28 and must be reissued, upon request, every 5 years thereafter.

29 (5) The Fish and Wildlife Conservation ~~Game and~~
30 ~~Freshwater Fish~~ Commission may issue temporary fishing
31 licenses, upon request, to governmental or nonprofit

1 organizations that sponsor 1-day special events in fishing
2 management areas for individuals with physical, mental, or
3 emotional disabilities, or for the economically disadvantaged.
4 There shall be no fee for such temporary license. The
5 temporary license shall be valid for 1 day and shall designate
6 the date and maximum number of individuals.

7 (6)(a) The Fish and Wildlife Conservation ~~Game and~~
8 ~~Freshwater Fish~~ Commission, all county tax collectors, or any
9 appointed subagent may sell licenses and permits and collect
10 fees pursuant to this section.

11 (b) The commission is the issuing department for the
12 purpose of issuing licenses and permits and collecting fees
13 pursuant to this section.

14 (c) In addition to the license and permit fee
15 collected, the sum of \$1.50 shall be charged for each license.
16 Such charge shall be for the purpose of, and the source from
17 which is subtracted, all administrative costs of issuance,
18 including, but not limited to, printing, distribution, and
19 credit card fees. Tax collectors may retain \$1.50 for each
20 license sold.

21 (d)1. Each county tax collector shall maintain records
22 of all such licenses, permits, and stamps that are sold,
23 voided, stolen, or lost. Licenses and permits must be issued
24 and reported, and fees must be remitted, in accordance with
25 the procedures established in chapter 372.

26 2. Not later than August 15 of each year, each county
27 tax collector shall submit to the Fish and Wildlife
28 Conservation ~~Game and Freshwater Fish~~ Commission all unissued
29 stamps for the previous fiscal year along with a written audit
30 report, on forms prescribed or approved by the Fish and
31

1 Wildlife Conservation Game and Freshwater Fish Commission, as
2 to the numbers of the unissued stamps.

3 (e) A license or permit to replace a lost or destroyed
4 license or permit may be obtained by submitting an application
5 for replacement. The fee is \$10 for each application for
6 replacement of a lifetime license and \$2 for each application
7 for replacement for any other license or permit. Such fees
8 shall be for the purpose of, and the source from which is
9 subtracted, all administrative costs of issuing the license or
10 permit, including, but not limited to, printing, distribution,
11 and credit card fees. Tax collectors may retain \$1 for each
12 application for a replacement license or permit processed.

13 ~~(7)(a) Each county tax collector, as issuing agent for~~
14 ~~the department, shall submit to the department by January 31,~~
15 ~~1997, a report of the sale of, and payment for, all licenses~~
16 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

17 ~~(b) By March 15, 1997, each county tax collector shall~~
18 ~~provide the department with a written report, on forms~~
19 ~~provided by the department, of the audit numbers of all~~
20 ~~unissued licenses and permits for the period of June 1, 1996,~~
21 ~~to December 31, 1996. Within 30 days after the submission of~~
22 ~~the annual audit report, each county tax collector shall~~
23 ~~provide the department with a written audit report of~~
24 ~~unissued, sold, and voided licenses, permits, and stamps,~~
25 ~~together with a certified reconciliation statement prepared by~~
26 ~~a certified public accountant. Concurrent with the submission~~
27 ~~of the certification, the county tax collector shall remit to~~
28 ~~the department the monetary value of all licenses, permits,~~
29 ~~and stamps that are unaccounted for. Each tax collector is~~
30 ~~also responsible for fees for all licenses, permits, and~~

31

1 ~~stamps distributed by him or her to subagents, sold by him or~~
2 ~~her, or reported by him or her as lost.~~

3 ~~(7)(a) Each county tax collector, as issuing agent for~~
4 ~~the department, shall submit to the department by January 31,~~
5 ~~1997, a report of the sale of, and payment for, all licenses~~
6 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

7 ~~(b) By March 15, 1997, each county tax collector shall~~
8 ~~provide the department with a written report, on forms~~
9 ~~provided by the department, of the audit numbers of all~~
10 ~~unissued licenses and permits for the period of June 1, 1996,~~
11 ~~to December 31, 1996. Within 30 days after the submission of~~
12 ~~the annual audit report, each county tax collector shall~~
13 ~~provide the department with a written audit report of~~
14 ~~unissued, sold, and voided licenses, permits, and stamps,~~
15 ~~together with a certified reconciliation statement prepared by~~
16 ~~a certified public accountant. Concurrent with the submission~~
17 ~~of the certification, the county tax collector shall remit to~~
18 ~~the department the monetary value of all licenses, permits,~~
19 ~~and stamps that are unaccounted for. Each tax collector is~~
20 ~~also responsible for fees for all licenses, permits, and~~
21 ~~stamps distributed by him or her to subagents, sold by him or~~
22 ~~her, or reported by him or her as lost.~~

23 ~~(7)(8)~~ A person may not alter or change in any manner,
24 or loan or transfer to another, any license issued pursuant to
25 this section, nor may any person other than the person to whom
26 it is issued use the license.

27 ~~(8)(9)~~ It is unlawful for any person to knowingly and
28 willfully enter false information on, or allow or cause false
29 information to be entered on or shown upon, any license issued
30 pursuant to this section in order to avoid prosecution or to
31

1 assist another to avoid prosecution or for any other wrongful
2 purpose.

3 (9)~~(10)~~ The Fish and Wildlife Conservation department,
4 ~~the Game and Fresh Water Fish Commission~~, or any other law
5 enforcement agency may make any investigation necessary to
6 secure information required to carry out and enforce this
7 section.

8 (10)~~(11)~~ It is unlawful for any person to make, forge,
9 counterfeit, or reproduce a saltwater fishing license unless
10 authorized by the commission department. It is unlawful for
11 any person knowingly to have in his or her possession a
12 forged, counterfeit, or imitation of such license, unless
13 possession by such person has been fully authorized by the
14 commission department. Any person who violates this
15 subsection is guilty of a felony of the third degree,
16 punishable as provided in s. 775.082, s. 775.083, or s.
17 775.084.

18 (11)~~(12)~~(a) Any person cited for a violation of the
19 license requirements of subsection (1) or the stamp
20 requirements of s. 370.1111(1)(a) or s. 370.14(11)(a) is
21 guilty of a noncriminal infraction, shall be cited for such an
22 infraction, and shall be cited to appear before the county
23 court. The civil penalty for any such infraction is \$50, in
24 addition to the cost of the amount of the annual license fee
25 or stamp involved in the infraction, except as otherwise
26 provided in this section. The civil penalty for any other
27 noncriminal infraction shall be \$50, except as otherwise
28 provided in this section.

29 (b) Any person cited for an infraction under this
30 section may:

31

1 1. Post a bond, which shall be equal in amount to the
2 applicable civil penalty; or

3 2. Sign and accept a citation indicating a promise to
4 appear before the county court.

5
6 The officer may indicate on the citation the time and location
7 of the scheduled hearing and shall indicate the applicable
8 civil penalty.

9 (c) Any person who willfully refuses to post a bond or
10 accept and sign a citation is guilty of a misdemeanor of the
11 second degree, punishable as provided in s. 775.082 or s.
12 775.083.

13 (d) Any person charged with a noncriminal infraction
14 under this section may:

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

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

19
20 If the person cited follows either procedure prescribed in
21 this paragraph, he or she has admitted the infraction and
22 waives his or her right to a hearing on the issue of
23 commission of the infraction. Such admission may not be used
24 as evidence in any other proceedings.

25 (e) Any person who elects to appear before the county
26 court or who is required so to appear waives the limitations
27 of the civil penalty specified in paragraph (a). The court,
28 after a hearing, shall make a determination as to whether an
29 infraction has been committed. If the commission of an
30 infraction is proved, the court may impose a civil penalty not
31 to exceed \$500.

1 (f) At a hearing under this subsection, the commission
2 of a charged infraction must be proved beyond a reasonable
3 doubt.

4 (g) If a person is found by the hearing official to
5 have committed an infraction, he or she may appeal that
6 finding to the circuit court.

7 (h) Effective October 1, 1991, any person who fails to
8 pay the civil penalty specified in paragraph (a) within 30
9 days or who fails to appear before the court is guilty of a
10 misdemeanor of the second degree, punishable as provided in s.
11 775.082 or s. 775.083.

12 ~~(12)(13)~~ The Fish and Wildlife Conservation department
13 ~~or the Game and Fresh Water Fish~~ Commission may designate by
14 rule no more than 2 consecutive or nonconsecutive days in each
15 year as "Disabled Angler Fishing Days." Notwithstanding any
16 other provision of this chapter, any disabled person may take
17 marine fish for noncommercial purposes on a Disabled Angler
18 Fishing Day without obtaining or possessing a license or
19 paying a license fee as prescribed in this section. A
20 disabled person who takes marine fish on a Disabled Angler
21 Fishing Day without obtaining a license or paying a fee must
22 comply with all laws and regulations governing holders of a
23 license and all other conditions and limitations regulating
24 the taking of marine fish as are imposed by law or rule.

25 Section 73. Paragraph (a) of subsection (1) and
26 subsections (3) and (8) of section 370.0615, Florida Statutes,
27 are amended to read:

28 370.0615 Lifetime licenses.--

29 (1) A resident lifetime saltwater fishing license
30 authorizes the holder to engage in the following noncommercial
31 activities:

1 (a) To take or attempt to take or possess marine fish
2 consistent with state and federal regulations and rules of the
3 Fish and Wildlife Conservation ~~Department of Environmental~~
4 ~~Protection or the Marine Fisheries~~ Commission.

5 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~
6 ~~Water Fish~~ Commission shall be the issuing agent for all
7 lifetime licenses and all replacement lifetime licenses, and
8 is authorized to collect the fees therefor.

9 (8) License moneys collected for lifetime licenses and
10 replacement lifetime licenses, along with a report of funds
11 collected and other required documentation, shall be remitted
12 to the Fish and Wildlife Conservation ~~Game and Fresh Water~~
13 ~~Fish~~ Commission within 10 days after the moneys are collected.

14 Section 74. Section 370.062, Florida Statutes, 1998
15 Supplement, is amended to read:

16 370.062 Fish and Wildlife Conservation Commission
17 ~~Department of Environmental Protection~~ license program for
18 tarpon; fees; penalties.--

19 (1) The Fish and Wildlife Conservation Commission
20 ~~Department of Environmental Protection~~ shall establish a
21 license program for the purpose of issuing tags to individuals
22 desiring to harvest tarpon (*megalops atlantica*) from the
23 waters of the State of Florida. The tags shall be
24 nontransferable, except that the ~~Marine Fisheries~~ commission
25 may allow for a limited number of tags to be purchased by
26 professional fishing guides for transfer to individuals, and
27 issued by the commission ~~department~~ in order of receipt of a
28 properly completed application for a nonrefundable fee of \$50
29 per tag. The ~~Game and Fresh Water Fish~~ commission and any tax
30 collector may sell the tags and collect the fees therefor.
31 Tarpon tags are valid from July 1 through June 30. Before

1 August 5 of each year, each tax collector shall submit to the
2 ~~Game and Fresh Water Fish~~ commission all unissued tags for the
3 previous calendar year along with a written audit report, on
4 forms prescribed or approved by the ~~Game and Fresh Water Fish~~
5 commission, as to the numbers of the unissued tags. To defray
6 the cost of issuing any tag, the issuing tax collector shall
7 collect and retain as his or her costs, in addition to the tag
8 fee collected, the amount allowed under s. 372.561(4) for the
9 issuance of licenses.

10 (2) The number of tags to be issued shall be
11 determined by rule of the ~~Marine Fisheries~~ commission. The
12 commission shall in no way allow the issuance of tarpon tags
13 to adversely affect the tarpon population.

14 (3) Proceeds from the sale of tarpon tags shall be
15 deposited in the Marine Resources Conservation Trust Fund and
16 shall be used to gather information directly applicable to
17 tarpon management.

18 (4) No individual shall take, kill, or possess any
19 fish of the species megalops atlantica, commonly known as
20 tarpon, unless such individual has purchased a tarpon tag and
21 securely attached it through the lower jaw of the fish. Said
22 individual shall within 5 days after the landing of the fish
23 submit a form to the commission ~~department~~ which indicates the
24 length, weight, and physical condition of the tarpon when
25 caught; the date and location of where the fish was caught;
26 and any other pertinent information which may be required by
27 the commission ~~department~~. The commission ~~department~~ may
28 refuse to issue new tags to individuals or guides who fail to
29 provide the required information.

30 (5) Any individual including a taxidermist who
31 possesses a tarpon which does not have a tag securely attached

1 as required by this section shall be subject to penalties as
2 prescribed in s. 370.021. Provided, however, a taxidermist may
3 remove the tag during the process of mounting a tarpon. The
4 removed tag shall remain with the fish during any subsequent
5 storage or shipment.

6 (6) Purchase of a tarpon tag shall not accord the
7 purchaser any right to harvest or possess tarpon in
8 contravention of rules adopted by the ~~Marine Fisheries~~
9 commission. No individual may sell, offer for sale, barter,
10 exchange for merchandise, transport for sale, either within or
11 without the state, offer to purchase, or purchase any species
12 of fish known as tarpon.

13 (7) The commission ~~department~~ shall prescribe and
14 provide suitable forms and tags necessary to carry out the
15 provisions of this section.

16 (8) The provisions of this section shall not apply to
17 anyone who immediately returns a tarpon uninjured to the water
18 at the place where the fish was caught.

19 (9) All tag fees collected by the ~~Game and Fresh Water~~
20 ~~Fish~~ commission shall be transferred to the Marine Resources
21 Conservation Trust Fund within 7 days following the last
22 business day of the week in which the fees were received by
23 the ~~Game and Fresh Water Fish~~ commission.

24 Section 75. Section 370.063, Florida Statutes, is
25 amended to read:

26 370.063 Special recreational crawfish license.--There
27 is created a special recreational crawfish license, to be
28 issued to qualified persons as provided by this section for
29 the recreational harvest of crawfish (spiny lobster) beginning
30 August 5, 1994.

31

1 (1) The special recreational crawfish license shall be
2 available to any individual crawfish trap number holder who
3 also possesses a saltwater products license during the
4 1993-1994 license year. For the 1994-1995 license year and
5 for each license year thereafter, a person issued a special
6 recreational crawfish license may not also possess a trap
7 number.

8 (2) Beginning August 5, 1994, the special recreational
9 crawfish license is required in order to harvest crawfish from
10 state territorial waters in quantities in excess of the
11 regular recreational bag limit but not in excess of a special
12 bag limit to be established by the Marine Fisheries Commission
13 for these harvesters before the 1994-1995 license year. Such
14 special bag limit does not apply during the 2-day sport season
15 established by the Fish and Wildlife Conservation Commission
16 ~~commission~~.

17 (3) The holder of a special recreational crawfish
18 license must also possess the recreational crawfish stamp
19 required by s. 370.14(11) and the license required by s.
20 370.0605.

21 (4) As a condition precedent to the issuance of a
22 special recreational crawfish license, the applicant must
23 agree to file quarterly reports with the Division of Marine
24 Resources of the Fish and Wildlife Conservation Commission
25 ~~Department of Environmental Protection~~, in such form as the
26 division requires, detailing the amount of the licenseholder's
27 crawfish (spiny lobster) harvest in the previous quarter,
28 including the harvest of other recreational harvesters aboard
29 the licenseholder's vessel.

30 (5) The Fish and Wildlife Conservation Commission
31 ~~Department of Environmental Protection~~ shall issue special

1 recreational crawfish licenses ~~beginning in 1994 for the~~
2 ~~1994-1995 license year~~. The fee for each such license is \$100
3 per year. Each license issued in any 1994 ~~for the 1994-1995~~
4 license year must be renewed by June 30 of each subsequent
5 year by the initial individual holder thereof. Noncompliance
6 with the reporting requirement in subsection (4) or with the
7 special recreational bag limit established under subsection
8 (6) constitutes grounds for which the commission ~~department~~
9 may refuse to renew the license for a subsequent license year.
10 The number of such licenses outstanding in any one license
11 year may not exceed the number issued for the 1994-1995
12 license year. A license is not transferable by any method.
13 Licenses that are not renewed expire and may be reissued by
14 the commission in the subsequent ~~department beginning in the~~
15 ~~1995-1996~~ license year to new applicants otherwise qualified
16 under this section.

17 (6) To promote conservation of the spiny lobster
18 (crawfish) resource, consistent with equitable distribution
19 and availability of the resource, the ~~Marine Fisheries~~
20 commission shall establish a spiny lobster management plan
21 incorporating the special recreational crawfish license,
22 including, but not limited to, the establishment of a special
23 recreational bag limit for the holders of such license as
24 required by subsection (2). Such special recreational bag
25 limit must not be less than twice the higher of the daily
26 recreational bag limits.

27 (7) The proceeds of the fees collected under this
28 section must be deposited in the Marine Resources Conservation
29 Trust Fund and used as follows:
30
31

1 (a) Thirty-five percent for research and the
2 development of reliable recreational catch statistics for the
3 crawfish (spiny lobster) fishery.

4 (b) Sixty-five ~~Forty-five~~ percent to be used by the
5 ~~Department of Environmental Protection~~ for administration and
6 enforcement of this section.

7 ~~(c) Twenty percent to be used by the Marine Fisheries~~
8 ~~Commission for the purposes of this section.~~

9 (8) The Fish and Wildlife Conservation Commission
10 ~~Department of Environmental Protection~~ may adopt rules to
11 carry out the purpose and intent of the special recreational
12 lobster license program.

13 Section 76. Subsection (2) of section 370.0805,
14 Florida Statutes, 1998 Supplement, is amended to read:

15 370.0805 Net ban assistance program.--

16 (2) ELIGIBILITY FOR ECONOMIC ASSISTANCE.--The
17 Department of Labor and Employment Security shall determine
18 the eligibility of applicants for economic assistance under
19 this section.

20 (a) Any person who has been convicted of more than two
21 violations of any rule of the Fish and Wildlife Conservation
22 ~~Marine Fisheries~~ Commission or of any provision of this
23 chapter in any single license year since 1991, or of more than
24 four such violations from the period of 1991 through 1995,
25 inclusive, shall not be eligible for economic assistance under
26 this section.

27 (b) Only a person who was a resident of this state on
28 November 8, 1994, is eligible to receive, or designate another
29 resident to receive, economic assistance under this section.

30
31

1 Section 77. Subsection (3) and paragraphs (e) and (h)
2 of subsection (4) of section 370.081, Florida Statutes, 1998
3 Supplement, is amended to read:

4 370.081 Illegal importation or possession of
5 nonindigenous marine plants and animals; rules and
6 regulations.--

7 (3) The Fish and Wildlife Conservation Commission
8 ~~department~~ is authorized to adopt, pursuant to chapter 120,
9 rules and regulations to include any additional marine plant
10 or marine animal which may endanger or infect the marine
11 resources of the state or pose a human health hazard.

12 (4) A zoological park and aquarium may import sea
13 snakes of the family Hydrophiidae for exhibition purposes,
14 only under the following conditions:

15 (e) Each zoological park and aquarium possessing sea
16 snakes shall post with the commission ~~department~~ a \$1 million
17 letter of credit. The letter of credit shall be in favor of
18 the State of Florida, Fish and Wildlife Conservation
19 Commission ~~Department of Environmental Protection~~, for use by
20 the commission ~~department~~ to remove any sea snake accidentally
21 or intentionally introduced into waters of the state. The
22 letter of credit shall be written in the form determined by
23 the commission ~~department~~. The letter of credit shall provide
24 that the zoological park and aquarium is responsible for the
25 sea snakes within that facility and shall be in effect at all
26 times that the zoological park and aquarium possesses sea
27 snakes.

28 (h) A zoological park and aquarium possessing sea
29 snakes shall abide by all statutory and regulatory
30 requirements of the Fish and Wildlife Conservation ~~Game and~~
31 ~~Fresh Water Fish~~ Commission with respect to venomous reptiles.

1 Section 78. Subsections (3), (4), and (5) of section
2 370.092, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 370.092 Carriage of proscribed nets across Florida
5 waters.--

6 (3) Notwithstanding subsections (1) and (2), unless
7 authorized by rule of the Fish and Wildlife Conservation
8 ~~Marine Fisheries~~ Commission, it is a major violation under
9 this section, punishable as provided in subsection (4), for
10 any person, firm, or corporation to possess any gill or
11 entangling net, or any seine net larger than 500 square feet
12 in mesh area, on any airboat or on any other vessel less than
13 22 feet in length and on any vessel less than 25 feet if
14 primary power of the vessel is mounted forward of the vessel
15 center point. Gill or entangling nets shall be as defined in
16 s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or
17 in a rule of the Fish and Wildlife Conservation ~~Marine~~
18 ~~Fisheries~~ Commission implementing s. 16, Art. X of the State
19 Constitution. Vessel length shall be determined in accordance
20 with current United States Coast Guard regulations specified
21 in the Code of Federal Regulations or as titled by the State
22 of Florida. The Marine Fisheries Commission is directed to
23 initiate by July 1, 1998, rulemaking to adjust by rule the use
24 of gear on vessels longer than 22 feet where the primary power
25 of the vessel is mounted forward of the vessel center point in
26 order to prevent the illegal use of gill and entangling nets
27 in state waters and to provide reasonable opportunities for
28 the use of legal net gear in adjacent federal waters.

29 (4) The Fish and Wildlife Conservation ~~Marine~~
30 ~~Fisheries~~ Commission shall adopt rules to prohibit the
31 possession and sale of mullet taken in illegal gill or

1 entangling nets. Violations of such rules shall be punishable
2 as provided in subsection (4).

3 (5) The commission ~~department~~ has authority to adopt
4 rules pursuant to ss. 120.536(1) and 120.54 to implement the
5 provisions of this section.

6 Section 79. Paragraph (a) of subsection (2) and
7 subsection (6) of section 370.093, Florida Statutes, 1998
8 Supplement, are amended to read:

9 370.093 Illegal use of nets.--

10 (2)(a) Beginning July 1, 1998, it is also unlawful to
11 take or harvest, or to attempt to take or harvest, any marine
12 life in Florida waters with any net, as defined in subsection
13 (3) and any attachments to such net, that combined are larger
14 than 500 square feet and have not been expressly authorized
15 for such use by rule of the Fish and Wildlife Conservation
16 ~~Marine Fisheries~~ Commission under s. 370.027. The use of
17 currently legal shrimp trawls and purse seines outside
18 nearshore and inshore Florida waters shall continue to be
19 legal until the commission implements rules regulating those
20 types of gear.

21 ~~(6) The Marine Fisheries Commission is granted~~
22 ~~authority to adopt rules pursuant to ss. 370.025 and 370.027~~
23 ~~implementing this section and the prohibitions and~~
24 ~~restrictions of s. 16, Art. X of the State Constitution.~~

25 Section 80. Section 370.1107, Florida Statutes, is
26 amended to read:

27 370.1107 Definition; possession of certain licensed
28 traps prohibited; penalties; exceptions; consent.--

29 (1) As used in this section, the term "licensed
30 saltwater fisheries trap" means any trap required to be
31 licensed by the Fish and Wildlife Conservation Commission

1 ~~Department of Environmental Protection~~ and authorized pursuant
2 to this chapter or by the ~~Florida Marine Fisheries~~ commission
3 for the taking of saltwater products.

4 (2) It is unlawful for any person, firm, corporation,
5 or association to be in actual or constructive possession of a
6 licensed saltwater fisheries trap registered with the Fish and
7 Wildlife Conservation Commission ~~Department of Environmental~~
8 ~~Protection~~ in another person's, firm's, corporation's, or
9 association's name.

10 (a) Unlawful possession of less than three licensed
11 saltwater fisheries traps is a misdemeanor of the first
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 (b) Unlawful possession of three or more licensed
14 saltwater fisheries traps is a felony of the third degree,
15 punishable as provided in s. 775.082 or s. 775.083.

16 (c) Upon the arrest and conviction for violation of
17 this section, any licenseholder shall show just cause why his
18 or her license shall not be suspended or permanently revoked.

19 (3) This section shall not apply to the agents or
20 employees of the registered owner of the licensed saltwater
21 fisheries trap or to a person, firm, corporation or
22 association who has the written consent from the owner of the
23 licensed saltwater fisheries trap, to possess such licensed
24 saltwater fisheries trap, or to agents or employees of the
25 Fish and Wildlife Conservation Commission ~~Department of~~
26 ~~Environmental Protection~~ who are engaged in the removal of
27 traps during the closed season.

28 (4) The registered owner of the licensed saltwater
29 fisheries trap shall provide the Fish and Wildlife
30 Conservation Commission ~~Department of Environmental Protection~~
31 with the names of any agents, employees, or any other person,

1 firm, company, or association to whom the registered owner has
2 given consent to possess said licensed saltwater fisheries
3 trap.

4 Section 81. Section 370.1111, Florida Statutes, is
5 amended to read:

6 370.1111 Snook; regulation.--

7 (1)(a) In addition to licenses required by s.
8 370.0605, any person who takes and possesses any snook from
9 any waters of the state must have a snook permit. The permit
10 remains valid for 12 months after the date of issuance. The
11 cost of each snook permit is \$2. Each snook permit issued
12 pursuant to this section is valid only during the times
13 established by law for the taking of snook. The Fish and
14 Wildlife Conservation Game and Fresh Water Fish Commission,
15 any tax collector, or any appointed subagent may sell the
16 permit and collect the fees therefor.

17 (b) The intent of paragraph (a) is to expand research
18 and management to increase snook populations in the state
19 without detracting from other programs. Moneys generated from
20 snook permits shall be used exclusively for programs to
21 benefit snook populations.

22 (c) All permit fees collected by the Fish and Wildlife
23 Conservation Game and Fresh Water Fish Commission shall be
24 transferred to the Marine Resources Conservation Trust Fund
25 within 7 days following the last business day of the week in
26 which the fees were received by the Fish and Wildlife
27 Conservation Game and Fresh Water Fish Commission.

28 (2) The commission ~~department~~ may periodically conduct
29 competitions to select a designer of the snook stamp. Also,
30 the commission ~~department~~ may enhance revenues from the sale

31

1 of snook stamps by issuing special editions for stamp
2 collectors and other such special purposes.

3 Section 82. Section 370.12, Florida Statutes, 1998
4 Supplement, is amended to read:

5 370.12 Marine animals; regulation.--

6 (1) PROTECTION OF MARINE TURTLES.--

7 (a) This subsection may be cited as the "Marine Turtle
8 Protection Act."

9 (b) The Legislature intends, pursuant to the
10 provisions of this subsection, to ensure that the Fish and
11 Wildlife Conservation Commission ~~Department of Environmental~~
12 ~~Protection~~ has the appropriate authority and resources to
13 implement its responsibilities under the recovery plans of the
14 United States Fish and Wildlife Service for the following
15 species of marine turtle:

16 1. Atlantic loggerhead turtle (*Caretta caretta*
17 *caretta*).

18 2. Atlantic green turtle (*Chelonis mydas mydas*).

19 3. Leatherback turtle (*Dermochelys coriacea*).

20 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*
21 *imbricata*).

22 5. Atlantic ridley turtle (*Lepidochelys kempfi*).

23 (c)1. Unless otherwise provided by the federal
24 Endangered Species Act or its implementing regulations, no
25 person may take, possess, disturb, mutilate, destroy, cause to
26 be destroyed, sell, offer for sale, transfer, molest, or
27 harass any marine turtle or its nest or eggs at any time. For
28 purposes of this subsection, "take" means an act which
29 actually kills or injures marine turtles, and includes
30 significant habitat modification or degradation that kills or
31

1 injures marine turtles by significantly impairing essential
2 behavioral patterns, such as breeding, feeding, or sheltering.

3 2. Unless otherwise provided by the federal Endangered
4 Species Act or its implementing regulations, no person, firm,
5 or corporation may take, kill, disturb, mutilate, molest,
6 harass, or destroy any marine turtle.

7 3. No person, firm, or corporation may possess any
8 marine turtle, their nests, eggs, hatchlings, or parts thereof
9 unless it is in possession of a special permit or loan
10 agreement from the commission ~~department~~ enabling the holder
11 to possess a marine turtle or parts thereof for scientific,
12 educational, or exhibitional purposes, or for conservation
13 activities such as relocating nests, eggs, or animals away
14 from construction sites. Notwithstanding any other provisions
15 of general or special law to the contrary, the commission
16 ~~department~~ may issue such authorization to any properly
17 accredited person for the purpose of marine turtle
18 conservation upon such terms, conditions, and restrictions as
19 it may prescribe by rule. The commission ~~department~~ shall have
20 the authority to adopt rules to permit the possession of
21 marine turtles pursuant to this paragraph. For the purposes of
22 this subsection, a "properly accredited person" is defined as:

23 a. Students of colleges or universities whose studies
24 with saltwater animals are under the direction of their
25 teacher or professor;

26 b. Scientific or technical faculty of public or
27 private colleges or universities;

28 c. Scientific or technical employees of private
29 research institutions and consulting firms;

30 d. Scientific or technical employees of city, county,
31 state, or federal research or regulatory agencies;

1 e. Members in good standing or recognized and properly
2 chartered conservation organizations, the Audubon Society, or
3 the Sierra Club;

4 f. Persons affiliated with aquarium facilities or
5 museums, or contracted as an agent therefor, which are open to
6 the public with or without an admission fee; or

7 g. Persons without specific affiliations listed above,
8 but who are recognized by the commission ~~department~~ for their
9 contributions to marine conservation such as scientific or
10 technical publications, or through a history of cooperation
11 with the commission ~~department~~ in conservation programs such
12 as turtle nesting surveys, or through advanced educational
13 programs such as high school marine science centers.

14 (d) Any application for a Department of Environmental
15 Protection ~~department~~ permit or other type of approval for an
16 activity that affects marine turtles or their nests or habitat
17 shall be subject to conditions and requirements for marine
18 turtle protection as part of the permitting or approval
19 process.

20 (e) The Department of Environmental Protection may
21 condition the nature, timing, and sequence of construction of
22 permitted activities to provide protection to nesting marine
23 turtles and hatchlings and their habitat pursuant to the
24 provisions of s. 161.053(5). When the department is
25 considering a permit for a beach restoration, beach
26 renourishment, or inlet sand transfer project and the
27 applicant has had an active marine turtle nest relocation
28 program or the applicant has agreed to and has the ability to
29 administer a program, the department must not restrict the
30 timing of the project. Where appropriate, the department, in
31 accordance with the applicable rules of the Fish and Wildlife

1 Conservation Commission, shall require as a condition of the
2 permit that the applicant relocate and monitor all turtle
3 nests that would be affected by the beach restoration, beach
4 renourishment, or sand transfer activities. Such relocation
5 and monitoring activities shall be conducted in a manner that
6 ensures successful hatching. This limitation on the
7 department's authority applies only on the Atlantic coast of
8 Florida.

9 (f) The Department of Environmental Protection shall
10 recommend denial of a permit application if the activity would
11 result in a "take" as defined in this subsection, unless, as
12 provided for in the federal Endangered Species Act and its
13 implementing regulations, such taking is incidental to, and
14 not the purpose of, the carrying out of an otherwise lawful
15 activity.

16 (g) The Department of Environmental Protection shall
17 give special consideration to beach preservation and beach
18 nourishment projects that restore habitat of endangered marine
19 turtle species. Nest relocation shall be considered for all
20 such projects in urbanized areas. When an applicant for a
21 beach restoration, beach renourishment, or inlet sand transfer
22 project has had an active marine turtle nest relocation
23 program or the applicant has agreed to have and has the
24 ability to administer a program, the department in issuing a
25 permit for a project must not restrict the timing of the
26 project. Where appropriate, the department, in accordance
27 with the applicable rules of the Fish and Wildlife
28 Conservation Commission, shall require as a condition of the
29 permit that the applicant relocate and monitor all turtle
30 nests that would be affected by the beach restoration, beach
31 renourishment, or sand transfer activities. Such relocation

1 and monitoring activities shall be conducted in a manner that
2 ensures successful hatching. This limitation on the
3 department's authority applies only on the Atlantic coast of
4 Florida.

5 (h) The Fish and Wildlife Conservation Commission
6 ~~department~~ shall provide grants to coastal local governments,
7 educational institutions, and Florida-based nonprofit
8 organizations to conduct marine turtle research, conservation,
9 and education activities within the state. The commission
10 ~~department~~ shall adopt by rule procedures for submitting grant
11 applications and criteria for allocating available funds. The
12 criteria must include the scope of the proposed activity, the
13 relevance of the proposed activity to the recovery plans for
14 marine turtles, the demand and public support for the proposed
15 activity, the duration of the proposed activity, the
16 availability of alternative funding, and the estimated cost of
17 the activity. The executive director ~~secretary~~ of the
18 commission ~~department~~ shall appoint a committee of at least
19 five members, including at least two nongovernmental
20 representatives, to consider and choose grant recipients from
21 proposals submitted by eligible entities. Committee members
22 shall not receive any compensation from the commission
23 ~~department~~.

24 (2) PROTECTION OF MANATEES OR SEA COWS.--

25 (a) This subsection shall be known and may be cited as
26 the "Florida Manatee Sanctuary Act."

27 (b) The State of Florida is hereby declared to be a
28 refuge and sanctuary for the manatee, the "Florida state
29 marine mammal."

30 (c) Whenever the Fish and Wildlife Conservation
31 Commission ~~department~~ is satisfied that the interest of

1 science will be subserved, and that the application for a
2 permit to possess a manatee or sea cow (*Trichechus manatus*) is
3 for a scientific or propagational purpose and should be
4 granted, and after concurrence by the United States Department
5 of the Interior, the Division of Marine Resources of the Fish
6 and Wildlife Conservation Commission may grant to any person
7 making such application a special permit to possess a manatee
8 or sea cow, which permit shall specify the exact number which
9 shall be maintained in captivity.

10 (d) Except as may be authorized by the terms of a
11 valid state permit issued pursuant to paragraph (c) or by the
12 terms of a valid federal permit, it is unlawful for any person
13 at any time, by any means, or in any manner intentionally or
14 negligently to annoy, molest, harass, or disturb or attempt to
15 molest, harass, or disturb any manatee; injure or harm or
16 attempt to injure or harm any manatee; capture or collect or
17 attempt to capture or collect any manatee; pursue, hunt,
18 wound, or kill or attempt to pursue, hunt, wound, or kill any
19 manatee; or possess, literally or constructively, any manatee
20 or any part of any manatee.

21 (e) Any gun, net, trap, spear, harpoon, boat of any
22 kind, aircraft, automobile of any kind, other motorized
23 vehicle, chemical, explosive, electrical equipment, scuba or
24 other subaquatic gear, or other instrument, device, or
25 apparatus of any kind or description used in violation of any
26 provision of paragraph (d) may be forfeited upon conviction.
27 The foregoing provisions relating to seizure and forfeiture of
28 vehicles, vessels, equipment, or supplies do not apply when
29 such vehicles, vessels, equipment, or supplies are owned by,
30 or titled in the name of, innocent parties; and such
31 provisions shall not vitiate any valid lien, retain title

1 contract, or chattel mortgage on such vehicles, vessels,
2 equipment, or supplies if such lien, retain title contract, or
3 chattel mortgage is property of public record at the time of
4 the seizure.

5 (f) In order to protect manatees or sea cows from
6 harmful collisions with motorboats or from harassment, the
7 Department of Environmental Protection shall adopt rules under
8 chapter 120 regarding the expansion of existing, or
9 construction of new, marine facilities and mooring or docking
10 slips, by the addition or construction of five or more
11 powerboat slips, and the Fish and Wildlife Conservation
12 Commission shall adopt rules under chapter 120 regulating the
13 operation and speed of motorboat traffic, only where manatee
14 sightings are frequent and it can be generally assumed, based
15 on available scientific information, that they inhabit these
16 areas on a regular or continuous basis:

17 1. In Lee County: the entire Orange River, including
18 the Tice Florida Power and Light Corporation discharge canal
19 and adjoining waters of the Caloosahatchee River within 1 mile
20 of the confluence of the Orange and Caloosahatchee Rivers.

21 2. In Brevard County: those portions of the Indian
22 River within three-fourths of a mile of the Orlando Utilities
23 Commission Delespine power plant effluent and the Florida
24 Power and Light Frontenac power plant effluents.

25 3. In Indian River County: the discharge canals of the
26 Vero Beach Municipal Power Plant and connecting waters within
27 1 1/4 miles thereof.

28 4. In St. Lucie County: the discharge of the Henry D.
29 King Municipal Electric Station and connecting waters within 1
30 mile thereof.

31

1 5. In Palm Beach County: the discharges of the Florida
2 Power and Light Riviera Beach power plant and connecting
3 waters within 1 1/2 miles thereof.

4 6. In Broward County: the discharge canal of the
5 Florida Power and Light Port Everglades power plant and
6 connecting waters within 1 1/2 miles thereof and the
7 discharge canal of the Florida Power and Light Fort Lauderdale
8 power plant and connecting waters within 2 miles thereof. For
9 purposes of ensuring the physical safety of boaters in a
10 sometimes turbulent area, the area from the easternmost edge
11 of the authorized navigation project of the intracoastal
12 waterway east through the Port Everglades Inlet is excluded
13 from this regulatory zone.

14 7. In Citrus County: headwaters of the Crystal River,
15 commonly referred to as King's Bay, and the Homosassa River.

16 8. In Volusia County: Blue Springs Run and connecting
17 waters of the St. Johns River within 1 mile of the confluence
18 of Blue Springs and the St. Johns River; and Thompson Creek,
19 Strickland Creek, Dodson Creek, and the Tomoka River.

20 9. In Hillsborough County: that portion of the Alafia
21 River from the main shipping channel in Tampa Bay to U.S.
22 Highway 41.

23 10. In Sarasota County: the Venice Inlet and
24 connecting waters within 1 mile thereof, including Lyons Bay,
25 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the
26 waters of the intracoastal waterway and the right-of-way
27 bordering the centerline of the intracoastal waterway.

28 11. In Collier County: within the Port of Islands,
29 within section 9, township 52 south, range 28 east, and
30 certain unsurveyed lands, all east-west canals and the
31 north-south canals to the southerly extent of the intersecting

1 east-west canals which lie southerly of the centerline of U.S.
2 Highway 41.

3 12. In Manatee County: that portion of the Manatee
4 River east of the west line of section 17, range 19 east,
5 township 34 south; the Braden River south of the north line
6 and east of the west line of section 29, range 18 east,
7 township 34 south; Terra Ceia Bay and River, east of the west
8 line of sections 26 and 35 of range 17 east, township 33
9 south, and east of the west line of section 2, range 17 east,
10 township 34 south; and Bishop Harbor east of the west line of
11 section 13, range 17 east, township 33 south.

12 13. In Dade County: those portions of Black Creek
13 lying south and east of the water control dam, including all
14 boat basins and connecting canals within 1 mile of the dam.

15 (g) The Fish and Wildlife Conservation Commission
16 ~~Department of Environmental Protection~~ shall adopt rules
17 regulating the operation and speed of motorboat traffic only
18 where manatee sightings are frequent and it can be generally
19 assumed that they inhabit these areas on a regular or
20 continuous basis within that portion of the Indian River
21 between the St. Lucie Inlet in Martin County and the Jupiter
22 Inlet in Palm Beach County. In addition, the commission
23 ~~department~~ shall adopt rules regulating the operation and
24 speed of motorboat traffic only where manatee sightings are
25 frequent and it can be generally assumed that they inhabit
26 these areas on a regular or continuous basis within the
27 Loxahatchee River in Palm Beach and Martin Counties, including
28 the north and southwest forks thereof. A limited lane or
29 corridor providing for reasonable motorboat speeds may be
30 identified and designated within this area.

31

1 (h) The commission ~~department~~ shall adopt rules
2 regulating the operation and speed of motorboat traffic only
3 where manatee sightings are frequent and it can be generally
4 assumed that they inhabit these areas on a regular or
5 continuous basis within the Withlacoochee River and its
6 tributaries in Citrus and Levy Counties. The specific areas
7 to be regulated include the Withlacoochee River and the U.S.
8 19 bridge westward to a line between U.S. Coast Guard markers
9 number 33 and number 34 at the mouth of the river, including
10 all side channels and coves along that portion of the river;
11 Bennets' Creek from its beginning to its confluence with the
12 Withlacoochee River; Bird's Creek from its beginning to its
13 confluence with the Withlacoochee River; and the two dredged
14 canal systems on the north side of the Withlacoochee River
15 southwest of Yankeetown. A limited lane or corridor providing
16 for reasonable motorboat speeds may be identified and
17 designated within this area.

18 (i) If any new power plant is constructed or other
19 source of warm water discharge is discovered within the state
20 which attracts a concentration of manatees or sea cows, the
21 Fish and Wildlife Conservation Commission ~~Department of~~
22 ~~Environmental Protection~~ is directed to adopt rules regulating
23 the operation and speed of motorboat traffic within the area
24 of such discharge. Such rules shall designate a zone which is
25 sufficient in size, and which shall remain in effect for a
26 sufficient period of time, to protect the manatees or sea
27 cows.

28 (j) It is the intent of the Legislature through
29 adoption of this paragraph to allow the Fish and Wildlife
30 Conservation Commission ~~Department of Environmental Protection~~
31 to post and regulate boat speeds only where manatee sightings

1 are frequent and it can be generally assumed that they inhabit
2 these areas on a regular or continuous basis. It is not the
3 intent of the Legislature to permit the commission ~~department~~
4 to post and regulate boat speeds generally in the
5 above-described inlets, bays, rivers, creeks, thereby unduly
6 interfering with the rights of fishers, boaters, and water
7 skiers using the areas for recreational and commercial
8 purposes. Limited lanes or corridors providing for reasonable
9 motorboat speeds may be identified and designated within these
10 areas.

11 (k) The commission ~~department~~ shall adopt rules
12 regulating the operation and speed of motorboat traffic all
13 year around within Turkey Creek and its tributaries and within
14 Manatee Cove in Brevard County. The specific areas to be
15 regulated consist of:

16 1. A body of water which starts at Melbourne-Tillman
17 Drainage District structure MS-1, section 35, township 28
18 south, range 37 east, running east to include all natural
19 waters and tributaries of Turkey Creek, section 26, township
20 28 south, range 37 east, to the confluence of Turkey Creek and
21 the Indian River, section 24, township 28 south, range 37
22 east, including all lagoon waters of the Indian River bordered
23 on the west by Palm Bay Point, the north by Castaway Point,
24 the east by the four immediate spoil islands, and the south by
25 Cape Malabar, thence northward along the shoreline of the
26 Indian River to Palm Bay Point.

27 2. A triangle-shaped body of water forming a cove
28 (commonly referred to as Manatee Cove) on the east side of the
29 Banana River, with northern boundaries beginning and running
30 parallel to the east-west cement bulkhead located 870 feet
31 south of SR 520 Relief Bridge in Cocoa Beach and with western

1 boundaries running in line with the City of Cocoa Beach
2 channel markers 121 and 127 and all waters east of these
3 boundaries in section 34, township 24 south, range 37 east;
4 the center coordinates of this cove are 28°20'14" north,
5 80°35'17" west.

6 (l) The Legislature recognizes that, while the manatee
7 or sea cow is designated a marine mammal by federal law, many
8 of the warm water wintering areas are in freshwater springs
9 and rivers which are under the primary state law enforcement
10 jurisdiction of the Fish and Wildlife Conservation Commission.
11 ~~Florida Game and Fresh Water Fish Commission. The law~~
12 ~~enforcement provisions of this section shall be carried out~~
13 ~~jointly by the department and the commission, with the~~
14 ~~department serving as the lead agency. The specific areas of~~
15 ~~jurisdictional responsibility are to be established between~~
16 ~~the department and the commission by interagency agreement.~~

17 (m) The commission ~~department~~ shall promulgate
18 regulations relating to the operation and speed of motor boat
19 traffic in port waters with due regard to the safety
20 requirements of such traffic and the navigational hazards
21 related to the movement of commercial vessels.

22 (n) The commission ~~department~~ may designate by rule
23 other portions of state waters where manatees are frequently
24 sighted and it can be assumed that manatees inhabit such
25 waters periodically or continuously. Upon designation of such
26 waters, the commission ~~department~~ shall adopt rules to
27 regulate motorboat speed and operation which are necessary to
28 protect manatees from harmful collisions with motorboats and
29 from harassment. The commission ~~department~~ may adopt rules to
30 protect manatee habitat, such as seagrass beds, within such
31 waters from destruction by boats or other human activity.

1 Such rules shall not protect noxious aquatic plants subject to
2 control under s. 369.20.

3 (o) The commission ~~department~~ may designate, by rule,
4 limited areas as a safe haven for manatees to rest, feed,
5 reproduce, give birth, or nurse undisturbed by human activity.
6 Access by motor boat to private residences, boat houses, and
7 boat docks through these areas by residents, and their
8 authorized guests, who must cross one of these areas to have
9 water access to their property is permitted when the motorboat
10 is operated at idle speed, no wake.

11 (p) Except in the marked navigation channel of the
12 Florida Intracoastal Waterway as defined in s. 327.02 and the
13 area within 100 feet of such channel, a local government may
14 regulate, by ordinance, motorboat speed and operation on
15 waters within its jurisdiction where manatees are frequently
16 sighted and can be generally assumed to inhabit periodically
17 or continuously. However, such an ordinance may not take
18 effect until it has been reviewed and approved by the
19 commission ~~department~~. If the commission ~~department~~ and a
20 local government disagree on the provisions of an ordinance, a
21 local manatee protection committee must be formed to review
22 the technical data of the commission ~~department~~ and the United
23 States Fish and Wildlife Service, and to resolve conflicts
24 regarding the ordinance. The manatee protection committee must
25 be comprised of:

- 26 1. A representative of the commission ~~department~~;
- 27 2. A representative of the county;
- 28 3. A representative of the United States Fish and
29 Wildlife Service;
- 30 4. A representative of a local marine-related
31 business;

- 1 5. A representative of the Save the Manatee Club;
2 6. A local fisher; and
3 7. An affected property owner. ~~and~~
4 8. ~~A representative of the Florida Marine Patrol.~~

5
6 If local and state regulations are established for the same
7 area, the more restrictive regulation shall prevail.

8 (q) The commission ~~department~~ shall evaluate the need
9 for use of fenders to prevent crushing of manatees between
10 vessels (100' or larger) and bulkheads or wharves in counties
11 where manatees have been crushed by such vessels. For areas
12 in counties where evidence indicates that manatees have been
13 crushed between vessels and bulkheads or wharves, the
14 commission ~~department~~ shall:

- 15 1. Adopt rules requiring use of fenders for
16 construction of future bulkheads or wharves; and
17 2. Implement a plan and time schedule to require
18 retrofitting of existing bulkheads or wharves consistent with
19 port bulkhead or wharf repair or replacement schedules.
20

21 The fenders shall provide sufficient standoff from the
22 bulkhead or wharf under maximum operational compression to
23 ensure that manatees cannot be crushed between the vessel and
24 the bulkhead or wharf.

25 (r) Any violation of a restricted area established by
26 this subsection, or established by rule or ordinance pursuant
27 to this subsection, shall be considered a violation of the
28 boating laws of this state and shall be charged on a uniform
29 boating citation as provided in s. 327.74, except as otherwise
30 provided in paragraph (s). Any person who refuses to post a
31 bond or accept and sign a uniform boating citation shall, as

1 provided in s. 327.73(3), be guilty of a misdemeanor of the
2 second degree, punishable as provided in s. 775.082 or s.
3 775.083.

4 (s) Except as otherwise provided in this paragraph,
5 any person violating the provisions of this subsection or any
6 rule or ordinance adopted pursuant to this subsection shall be
7 guilty of a misdemeanor, punishable as provided in s.
8 370.021(1)(a) or (b)~~s. 370.021(2)(a) or (b)~~.

9 1. Any person operating a vessel in excess of a posted
10 speed limit shall be guilty of a civil infraction, punishable
11 as provided in s. 327.73, except as provided in subparagraph
12 2.

13 2. This paragraph does not apply to persons violating
14 restrictions governing "No Entry" zones or "Motorboat
15 Prohibited" zones, who, if convicted, shall be guilty of a
16 misdemeanor, punishable as provided in s. 370.021(1)(a) or (b)
17 ~~s. 370.021(2)(a) or (b)~~, or, if such violation demonstrates
18 blatant or willful action, may be found guilty of harassment
19 as described in paragraph (d).

20 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It
21 is unlawful to catch, attempt to catch, molest, injure, kill,
22 or annoy, or otherwise interfere with the normal activity and
23 well-being of, mammalian dolphins (porpoises), except as may
24 be authorized as a federal permit.

25 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

26 (a) Each fiscal year the Save the Manatee Trust Fund
27 shall be available to fund an impartial scientific benchmark
28 census of the manatee population in the state. Weather
29 permitting, the study shall be conducted annually by the Fish
30 and Wildlife Conservation Commission ~~Department of~~
31 ~~Environmental Protection~~ and the results shall be made

1 available to the President of the Senate, the Speaker of the
2 House of Representatives, and the Governor and Cabinet for use
3 in the evaluation and development of manatee protection
4 measures. In addition, the Save the Manatee Trust Fund shall
5 be available for annual funding of activities of public and
6 private organizations and those of the commission ~~department~~
7 intended to provide manatee and marine mammal protection and
8 recovery effort; manufacture and erection of informational and
9 regulatory signs; production, publication, and distribution of
10 educational materials; participation in manatee and marine
11 mammal research programs, including carcass salvage and other
12 programs; programs intended to assist the recovery of the
13 manatee as an endangered species, assist the recovery of the
14 endangered or threatened marine mammals, and prevent the
15 endangerment of other species of marine mammals; and other
16 similar programs intended to protect and enhance the recovery
17 of the manatee and other species of marine mammals. The
18 commission ~~department~~ shall annually solicit advisory
19 recommendations from the Save the Manatee Committee affiliated
20 with the Save the Manatee Club, as identified and recognized
21 in Executive Order 85-19, on the use of funds from the Save
22 the Manatee Trust Fund.

23 (b) Each fiscal year moneys in the Save the Manatee
24 Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to
25 reimburse the cost of activities related to manatee
26 rehabilitation by facilities that rescue, rehabilitate, and
27 release manatees as authorized pursuant to the Fish and
28 Wildlife Service of the United States Department of the
29 Interior. Such facilities must be involved in the actual
30 rescue and full-time acute care veterinarian-based
31 rehabilitation of manatees. The cost of activities includes,

1 but is not limited to, costs associated with expansion,
2 capital outlay, repair, maintenance, and operations related to
3 the rescue, treatment, stabilization, maintenance, release,
4 and monitoring of manatees. Moneys distributed through
5 contractual agreement to each facility for manatee
6 rehabilitation shall be proportionate to the number of
7 manatees under acute care rehabilitation and those released
8 during the previous fiscal year. However, the reimbursement
9 may not exceed the total amount available pursuant to ss.
10 327.25(7) and 327.28(1)(b) for the purposes provided in this
11 paragraph. Prior to receiving reimbursement for the expenses
12 of rescue, rehabilitation, and release, a facility that
13 qualifies under state and federal regulations shall submit a
14 plan to the Fish and Wildlife Conservation Commission
15 ~~Department of Environmental Protection~~ for assisting the
16 commission ~~department~~ and the Department of Highway Safety and
17 Motor Vehicles in marketing the manatee specialty license
18 plates. At a minimum, the plan shall include provisions for
19 graphics, dissemination of brochures, recorded oral and visual
20 presentation, and maintenance of a marketing exhibit. The plan
21 shall be updated annually and the Fish and Wildlife
22 Conservation Commission ~~Department of Environmental Protection~~
23 shall inspect each marketing exhibit at least once each year
24 to ensure the quality of the exhibit and promotional material.
25 Each facility that receives funds for manatee rehabilitation
26 shall annually provide the commission ~~department~~ a written
27 report, within 30 days after the close of the state fiscal
28 year, documenting the efforts and effectiveness of the
29 facility's promotional activities.

30 (c) By December 1 each year, the Fish and Wildlife
31 Conservation Commission ~~Department of Environmental Protection~~

1 shall provide the President of the Senate and the Speaker of
2 the House of Representatives a written report, enumerating the
3 amounts and purposes for which all proceeds in the Save the
4 Manatee Trust Fund for the previous fiscal year are expended,
5 in a manner consistent with those recovery tasks enumerated
6 within the manatee recovery plan as required by the Endangered
7 Species Act.

8 (d) When the federal and state governments remove the
9 manatee from status as an endangered or threatened species,
10 the annual allocation may be reduced.

11 Section 83. Subsection (1) of section 370.13, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 370.13 Stone crab; regulation.--

14 (1)(a) It is unlawful for any person, firm, or
15 corporation to catch or have in his or her possession,
16 regardless of where taken, for his or her own use or to sell
17 or offer for sale, any stone crab, or parts thereof, of any
18 size between May 15 and October 15 of each year, except for
19 stone crabs, or parts thereof, placed in inventory prior to
20 May 15 of each year.

21 (b) "Stone crab" means the species *Menippe mercenaria*
22 or any other species of the family Xanthidae as the Fish and
23 Wildlife Conservation ~~Marine Fisheries~~ Commission may define
24 by rule.

25 Section 84. Section 370.14, Florida Statutes, 1998
26 Supplement, is amended to read:

27 370.14 Crawfish; regulation.--

28 (1) It is the intent of the Legislature to maintain
29 the crawfish industry for the economy of the state and to
30 conserve the stocks supplying this industry. The provisions
31 of this act regulating the taking of saltwater crawfish are

1 for the purposes of ensuring and maintaining the highest
2 possible production of saltwater crawfish.

3 (2)(a) Each trap used for taking or attempting to take
4 crawfish must have a trap number permanently attached to the
5 trap and the buoy. This trap number may be issued by the Fish
6 and Wildlife Conservation Commission ~~Division of Law~~
7 ~~Enforcement~~ upon the receipt of application by the owner of
8 the traps and accompanied by the payment of a fee of \$100. The
9 design of the applications and of the trap number shall be
10 determined by the commission division. However, effective July
11 1, 1988, and until July 1, 1992, no crawfish trap numbers
12 issued pursuant to this section except those numbers that were
13 active during the 1990-1991 fiscal year shall be renewed or
14 reissued. No new trap numbers shall be issued during this
15 period. Until July 1, 1992, trap number holders or members of
16 their immediate family or a person to whom the trap number was
17 transferred in writing must request renewal of the number
18 prior to June 30 of each year. If a person holding an active
19 trap number or a member of the person's immediate family or a
20 person to whom the trap number was transferred in writing does
21 not request renewal of the number before the applicable date
22 as specified above, the commission ~~department~~ may reissue the
23 number to another applicant in the order of the receipt of the
24 application for a trap number. Any trap or device used in
25 taking or attempting to take crawfish, other than a trap with
26 the trap number attached as prescribed in this paragraph,
27 shall be seized and destroyed by the commission division. The
28 proceeds of the fees imposed by this paragraph shall be
29 deposited and used as provided in paragraph (b). The
30 commission ~~Department of Environmental Protection~~ is
31

1 authorized to promulgate rules and regulations to carry out
2 the intent of this section.

3 (b) Fees collected pursuant to paragraph (a) shall be
4 deposited as follows:

5 1. Fifty percent of the fees collected shall be
6 deposited in the Marine Resources Conservation Trust Fund for
7 use in enforcing the provisions of paragraph (a) through
8 aerial and other surveillance and trap retrieval.

9 2. Fifty percent of the fees collected shall be
10 deposited as provided in s. 370.142(5).

11 (3) The crawfish license must be on board the boat,
12 and both the license and the harvested crawfish shall be
13 subject to inspection at all times. Only one license shall be
14 issued for each boat. The crawfish license number must be
15 prominently displayed above the topmost portion of the boat so
16 as to be easily and readily identified.

17 (4) It is a felony of the third degree, punishable as
18 provided in s. 775.082 or s. 775.083, for any person willfully
19 to molest any crawfish traps, lines, or buoys belonging to
20 another without permission of the licenseholder.

21 (5) Any crawfish licenseholder, upon selling licensed
22 crawfish traps, shall furnish the commission ~~division~~ notice
23 of such sale of all or part of his or her interest within 15
24 days thereof. Any holder of said license shall also notify
25 the commission ~~division~~ within 15 days if his or her address
26 no longer conforms to the address appearing on the license and
27 shall, as a part of such notification, furnish the commission
28 ~~division~~ with his or her new address.

29 (6) A person who takes more crawfish per boat or per
30 person than that number set therefor by rule of the Fish and
31 Wildlife Conservation ~~Marine Fisheries~~ Commission for

1 recreational harvesters within any 24-hour period by any
2 method other than with traps or similar devices must also pay
3 a fee of \$100 and obtain a trap number to be displayed on his
4 or her boat.

5 (7)(a) By a special permit granted by the commission
6 ~~Division of Law Enforcement~~, a Florida-licensed seafood dealer
7 may lawfully import, process, and package saltwater crawfish
8 or uncooked tails of the species *Panulirus argus* during the
9 closed season. However, crawfish landed under special permit
10 shall not be sold in the state.

11 (b) The licensed seafood dealer importing any such
12 crawfish under the permit shall, 12 hours prior to the time
13 the seagoing vessel or airplane delivering such imported
14 crawfish enters the state, notify the commission ~~Division of~~
15 ~~Law Enforcement~~ as to the seagoing vessel's name or the
16 airplane's registration number and its captain, location, and
17 point of destination.

18 (c) At the time the crawfish cargo is delivered to the
19 permitholder's place of business, the crawfish cargo shall be
20 weighed and shall be available for inspection by the
21 commission ~~Department of Environmental Protection~~. A signed
22 receipt of such quantity in pounds shall be forwarded to the
23 commission ~~Division of Law Enforcement's local Florida Marine~~
24 ~~Patrol office~~ within 48 hours after shipment weigh-in
25 completion. If requested by the commission ~~department~~, the
26 weigh-in process will be delayed up to 4 hours to allow for a
27 commission ~~department~~ representative to be present during the
28 process.

29 (d) Within 48 hours after shipment weigh-in
30 completion, the permitholder shall submit to the commission
31 ~~Division of Law Enforcement~~, on forms provided by the

1 commission ~~division~~, a sworn report of the quantity in pounds
2 of the saltwater crawfish received, which report shall include
3 the location of said crawfish and a sworn statement that said
4 crawfish were taken at least 50 miles from Florida's
5 shoreline. The landing of crawfish or crawfish tails from
6 which the eggs, swimmerettes, or pleopods have been removed;
7 the falsification of information as to area from which
8 crawfish were obtained; or the failure to file the report
9 called for in this section shall be grounds to revoke the
10 permit.

11 (e) Each permitholder shall keep throughout the period
12 of the closed season copies of the bill of sale or invoices
13 covering each transaction involving crawfish imported under
14 this permit. Such invoices and bills shall be kept available
15 at all times for inspection by the commission ~~division~~.

16 (8)(a) A Florida-licensed seafood dealer may obtain a
17 special permit to import, process, and package uncooked tails
18 of saltwater crawfish upon the payment of the sum of \$100 to
19 the commission ~~Division of Law Enforcement~~.

20 (b) A special permit must be obtained by any airplane
21 or seagoing vessel other than a common carrier used to
22 transport saltwater crawfish or crawfish tails for purchase by
23 licensed seafood dealers for purposes as provided herein upon
24 the payment of \$50.

25 (c) All special permits issued under this subsection
26 are nontransferable.

27 (9) No common carrier or employee of said carrier may
28 carry, knowingly receive for carriage, or permit the carriage
29 of any crawfish of the species *Panulirus argus*, regardless of
30 where taken, during the closed season, except of the species
31 *Panulirus argus* lawfully imported from a foreign country for

1 reshipment outside of the territorial limits of the state
2 under United States Customs bond or in accordance with (7)(a)
3 ~~paragraph (8)(a)~~.

4 (10)(a) In addition to licenses required by s.
5 370.0605, any person who takes and possesses any crawfish for
6 recreational purposes from any waters of the state must have a
7 crawfish permit. The permit remains valid for 12 months after
8 the date of issuance. The cost of each crawfish permit shall
9 be \$2. Each crawfish permit issued pursuant to this section
10 shall be valid only during the times established by law for
11 the taking of crawfish. The Fish and Wildlife Conservation
12 ~~Game and Fresh Water Fish~~ Commission, any tax collector, or
13 any subagent may sell the permit and collect the fees
14 therefor.

15 (b) The intent of paragraph (a) is to expand research
16 and management to increase crawfish populations in the state
17 without detracting from other programs. Moneys generated from
18 crawfish permits shall be used exclusively for programs to
19 benefit crawfish populations.

20 (c) All permit fees collected by the Fish and Wildlife
21 Conservation ~~Game and Fresh Water Fish~~ Commission shall be
22 transferred to the Marine Resources Conservation Trust Fund
23 within 7 days following the last business day of the week in
24 which the fees were received by the Fish and Wildlife
25 Conservation ~~Game and Fresh Water Fish~~ Commission.

26 (11) The commission ~~department~~ may conduct
27 competitions to periodically select a designer of the crawfish
28 stamp. Also, the commission ~~department~~ may enhance revenues
29 from the sale of crawfish stamps by issuing special editions
30 for stamp collectors and other such special purposes.

31

1 ~~(12) The 2-day sport season for harvesters of spiny~~
2 ~~lobster created by the Marine Fisheries Commission pursuant to~~
3 ~~rule 46-24.005, Florida Administrative Code, is named the "Bob~~
4 ~~Hector Sport Fishermen's Crawfish Season."~~

5 Section 85. Subsection (2) of section 370.1405,
6 Florida Statutes, 1998 Supplement, is amended to read:

7 370.1405 Crawfish reports by dealers during closed
8 season required.--

9 (2) Failure to submit a report as described in
10 subsection (1) or reporting a greater or lesser amount of
11 whole crawfish, crawfish tails, or crawfish meat than is
12 actually in the dealer's possession or name is a major
13 violation of this chapter, punishable as provided in s.
14 370.021(1)~~s. 370.021(2)~~, s. 370.07(6)(b), or both. The
15 commission ~~department~~ shall seize the entire supply of
16 unreported or falsely reported whole crawfish, crawfish tails,
17 or crawfish meat, and shall carry the same before the court
18 for disposal. The dealer shall post a cash bond in the amount
19 of the fair value of the entire quantity of unreported or
20 falsely reported crawfish as determined by the judge. After
21 posting the cash bond, the dealer shall have 24 hours to
22 transport said products outside the limits of Florida for sale
23 as provided by s. 370.061. Otherwise, the product shall be
24 declared a nuisance and disposed of by the commission
25 ~~department~~ according to law.

26 Section 86. Section 370.142, Florida Statutes, 1998
27 Supplement, is amended to read:

28 370.142 Spiny lobster trap certificate program.--

29 (1) INTENT.--Due to rapid growth, the spiny lobster
30 fishery is experiencing increased congestion and conflict on
31 the water, excessive mortality of undersized lobsters, a

1 declining yield per trap, and public concern over petroleum
2 and debris pollution from existing traps. In an effort to
3 solve these and related problems, the Legislature intends to
4 develop pursuant to the provisions of this section a spiny
5 lobster trap certificate program, the principal goal of which
6 is to stabilize the fishery by reducing the total number of
7 traps, which should increase the yield per trap and therefore
8 maintain or increase overall catch levels. The Legislature
9 seeks to preserve as much flexibility in the program as
10 possible for the fishery's various constituents and ensure
11 that any reduction in total trap numbers will be proportioned
12 equally on a percentage basis among all users of traps in the
13 fishery.

14 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
15 PENALTIES.--The Fish and Wildlife Conservation Commission
16 ~~Department of Environmental Protection~~ shall establish a trap
17 certificate program for the spiny lobster fishery of this
18 state and shall be responsible for its administration and
19 enforcement as follows:

20 (a) Transferable trap certificates.--Each holder of a
21 saltwater products license who uses traps for taking or
22 attempting to take spiny lobsters shall be required to have a
23 certificate on record for each trap possessed or used
24 therefor, except as otherwise provided in this section.

25 1. The Department of Environmental Protection shall
26 initially allot such certificates to each licenseholder with a
27 current crawfish trap number who uses traps. The number of
28 such certificates allotted to each such licenseholder shall be
29 based on the trap/catch coefficient established pursuant to
30 trip ticket records generated under the provisions of s.
31 370.06(2)(a) over a 3-year base period ending June 30, 1991.

1 The trap/catch coefficient shall be calculated by dividing the
2 sum of the highest reported single license-year landings up to
3 a maximum of 30,000 pounds for each such licenseholder during
4 the base period by 700,000. Each such licenseholder shall then
5 be allotted the number of certificates derived by dividing his
6 or her highest reported single license-year landings up to a
7 maximum of 30,000 pounds during the base period by the
8 trap/catch coefficient. Nevertheless, no licenseholder with a
9 current crawfish trap number shall be allotted fewer than 10
10 certificates. However, certificates may only be issued to
11 individuals; therefore, all licenseholders other than
12 individual licenseholders shall designate the individual or
13 individuals to whom their certificates will be allotted and
14 the number thereof to each, if more than one. After initial
15 issuance, trap certificates are transferable on a market basis
16 and may be transferred from one licenseholder to another for a
17 fair market value agreed upon between the transferor and
18 transferee. Each such transfer shall, within 72 hours thereof,
19 be recorded on a notarized form provided for that purpose by
20 the Fish and Wildlife Conservation Commission ~~department~~ and
21 hand delivered or sent by certified mail, return receipt
22 requested, to the commission ~~department~~ for recordkeeping
23 purposes. In addition, in order to cover the added
24 administrative costs of the program and to recover an
25 equitable natural resource rent for the people of the state, a
26 transfer fee of \$2 per certificate transferred shall be
27 assessed against the purchasing licenseholder and sent by
28 money order or cashier's check with the certificate transfer
29 form. Also, in addition to the transfer fee, a surcharge of \$5
30 per certificate transferred or 25 percent of the actual market
31 value, whichever is greater, given to the transferor shall be

1 assessed the first time a certificate is transferred outside
2 the original transferor's immediate family. No transfer of a
3 certificate shall be effective until the commission ~~department~~
4 receives the notarized transfer form and the transfer fee,
5 including any surcharge, is paid. The commission ~~department~~
6 may establish by rule an amount of equitable rent per trap
7 certificate that shall be recovered as partial compensation to
8 the state for the enhanced access to its natural resources. In
9 determining whether to establish such a rent and, if so, the
10 amount thereof, the commission ~~department~~ shall consider the
11 amount of revenues annually generated by certificate fees,
12 transfer fees, surcharges, trap license fees, and sales taxes,
13 the demonstrated fair market value of transferred
14 certificates, and the continued economic viability of the
15 commercial lobster industry. The proceeds of equitable rent
16 recovered shall be deposited in the Marine Resources
17 Conservation Trust Fund and used by the commission ~~department~~
18 for research, management, and protection of the spiny lobster
19 fishery and habitat.

20 2. No person, firm, corporation, or other business
21 entity may control, directly or indirectly, more than 1.5
22 percent of the total available certificates in any license
23 year.

24 3. The commission ~~department~~ shall maintain records of
25 all certificates and their transfers and shall annually
26 provide each licenseholder with a statement of certificates
27 held.

28 4. The number of trap tags issued annually to each
29 licenseholder shall not exceed the number of certificates held
30 by the licenseholder at the time of issuance, and such tags
31

1 and a statement of certificates held shall be issued
2 simultaneously.

3 5. Beginning July 1, 2003, and applicable to the
4 2003-2004 lobster season and thereafter, it is unlawful for
5 any person to lease lobster trap tags or certificates.

6 (b) Trap tags.--Each trap used to take or attempt to
7 take spiny lobsters in state waters or adjacent federal waters
8 shall, in addition to the crawfish trap number required by s.
9 370.14(2), have affixed thereto an annual trap tag issued by
10 the commission ~~department~~. Each such tag shall be made of
11 durable plastic or similar material and shall, beginning with
12 those tags issued for the 1993-1994 season based on the number
13 of certificates held, have stamped thereon the owner's license
14 number. To facilitate enforcement and recordkeeping, such tags
15 shall be issued each year in a color different from that of
16 each of the previous 3 years. A fee of 50 cents per tag issued
17 other than on the basis of a certificate held shall be
18 assessed through March 31, 1993. Until 1995, an annual fee of
19 50 cents per certificate shall be assessed, and thereafter,
20 until 1998, an annual fee of 75 cents per certificate shall be
21 assessed upon issuance in order to recover administrative
22 costs of the tags and the certificate program. Beginning in
23 1998, the annual certificate fee shall be \$1 per certificate.
24 Replacement tags for lost or damaged tags may be obtained as
25 provided by rule of the commission ~~department~~.

26 (c) Prohibitions; penalties.--

27 1. It is unlawful for a person to possess or use a
28 spiny lobster trap in or on state waters or adjacent federal
29 waters without having affixed thereto the trap tag required by
30 this section. It is unlawful for a person to possess or use
31 any other gear or device designed to attract and enclose or

1 otherwise aid in the taking of spiny lobster by trapping that
2 is not a trap as defined in rule 46-24.006(2), Florida
3 Administrative Code.

4 2. It is unlawful for a person to possess or use spiny
5 lobster trap tags without having the necessary number of
6 certificates on record as required by this section.

7 3. In addition to any other penalties provided in s.
8 370.021, a commercial harvester, as defined by rule
9 46-24.002(1), Florida Administrative Code, who violates the
10 provisions of this section, or the provisions relating to
11 traps of chapter 46-24, Florida Administrative Code, shall be
12 punished as follows:

13 a. If the first violation is for violation of
14 subparagraph 1. or subparagraph 2., the commission ~~department~~
15 shall assess an additional civil penalty of up to \$1,000 and
16 the crawfish trap number issued pursuant to s. 370.14(2) or
17 (7) may be suspended for the remainder of the current license
18 year. For all other first violations, the commission
19 ~~department~~ shall assess an additional civil penalty of up to
20 \$500.

21 b. For a second violation of subparagraph 1. or
22 subparagraph 2. which occurs within 24 months of any previous
23 such violation, the commission ~~department~~ shall assess an
24 additional civil penalty of up to \$2,000 and the crawfish trap
25 number issued pursuant to s. 370.14(2) or (6) ~~(7)~~ may be
26 suspended for the remainder of the current license year.

27 c. For a third or subsequent violation of subparagraph
28 1. or subparagraph 2. which occurs within 36 months of any
29 previous two such violations, the commission ~~department~~ shall
30 assess an additional civil penalty of up to \$5,000 and may
31 suspend the crawfish trap number issued pursuant to s.

1 370.14(2) or (6)~~(7)~~ for a period of up to 24 months or may
2 revoke the crawfish trap number and, if revoking the crawfish
3 trap number, may also proceed against the licenseholder's
4 saltwater products license in accordance with the provisions
5 of s. 370.021(2)(i)~~s. 370.021(2)(e)~~.

6 d. Any person assessed an additional civil penalty
7 pursuant to this section shall within 30 calendar days after
8 notification:

9 (I) Pay the civil penalty to the commission
10 ~~department~~; or

11 (II) Request an administrative hearing pursuant to the
12 provisions of s. 120.60.

13 e. The commission ~~department~~ shall suspend the
14 crawfish trap number issued pursuant to s. 370.14(2) or (6)
15 ~~(7)~~ for any person failing to comply with the provisions of
16 sub-subparagraph d.

17 4.a. It is unlawful for any person to make, alter,
18 forge, counterfeit, or reproduce a spiny lobster trap tag or
19 certificate.

20 b. It is unlawful for any person to knowingly have in
21 his or her possession a forged, counterfeit, or imitation
22 spiny lobster trap tag or certificate.

23 c. It is unlawful for any person to barter, trade,
24 sell, supply, agree to supply, aid in supplying, or give away
25 a spiny lobster trap tag or certificate or to conspire to
26 barter, trade, sell, supply, aid in supplying, or give away a
27 spiny lobster trap tag or certificate unless such action is
28 duly authorized by the commission ~~department~~ as provided in
29 this chapter or in the rules of the commission ~~department~~.

30 5.a. Any person who violates the provisions of
31 subparagraph 4., or any person who engages in the commercial

1 harvest, trapping, or possession of spiny lobster without a
2 crawfish trap number as required by s. 370.14(2) or (6)~~(7)~~ or
3 during any period while such crawfish trap number is under
4 suspension or revocation, commits a felony of the third
5 degree, punishable as provided in s. 775.082, s. 775.083, or
6 s. 775.084.

7 b. In addition to any penalty imposed pursuant to
8 sub-subparagraph a., the commission ~~department~~ shall levy a
9 fine of up to twice the amount of the appropriate surcharge to
10 be paid on the fair market value of the transferred
11 certificates, as provided in subparagraph (a)1., on any person
12 who violates the provisions of sub-subparagraph 4.c.

13 6. Any certificates for which the annual certificate
14 fee is not paid for a period of 3 years shall be considered
15 abandoned and shall revert to the commission ~~department~~.
16 During any period of trap reduction, any certificates
17 reverting to the commission ~~department~~ shall become
18 permanently unavailable and be considered in that amount to be
19 reduced during the next license-year period. Otherwise, any
20 certificates that revert to the commission ~~department~~ are to
21 be reallocated in such manner as provided by the commission
22 ~~department~~.

23 7. The proceeds of all civil penalties collected
24 pursuant to subparagraph 3. and all fines collected pursuant
25 to sub-subparagraph 5.b. shall be deposited into the Marine
26 Resources Conservation Trust Fund.

27 8. All traps shall be removed from the water during
28 any period of suspension or revocation.

29 (d) No vested rights.--The trap certificate program
30 shall not create vested rights in licenseholders whatsoever
31 and may be altered or terminated as necessary to protect the

1 spiny lobster resource, the participants in the fishery, or
2 the public interest.

3 (3) TRAP REDUCTION.--The objective of the overall trap
4 certificate program is to reduce the number of traps used in
5 the spiny lobster fishery to the lowest number that will
6 maintain or increase overall catch levels, promote economic
7 efficiency in the fishery, and conserve natural resources.
8 Therefore, the Marine Fisheries Commission shall set an
9 overall trap reduction goal based on maintaining or maximizing
10 a sustained harvest from the spiny lobster fishery. To reach
11 that goal, the Marine Fisheries Commission shall, by July 1,
12 1992, set an annual trap reduction schedule, not to exceed 10
13 percent per year, applicable to all certificateholders until
14 the overall trap reduction goal is reached. All
15 certificateholders shall have their certificate holdings
16 reduced by the same percentage of certificates each year
17 according to the trap reduction schedule. Until July 1, 1999,
18 the Department of Environmental Protection ~~department~~ shall
19 ~~then~~ issue the number of trap tags authorized by the Marine
20 Fisheries Commission ~~commission~~, as requested, and a revised
21 statement of certificates held. Beginning July 1, 1999, the
22 Fish and Wildlife Conservation Commission shall annually issue
23 the number of trap tags authorized by the commission's
24 schedule, as requested, and a revised statement of
25 certificates held. Certificateholders may maintain or increase
26 their total number of certificates held by purchasing
27 available certificates from within the authorized total. The
28 Fish and Wildlife Conservation Commission shall provide for an
29 annual evaluation of the trap reduction process and shall
30 suspend the annual percentage reductions for any period deemed
31 necessary by the commission in order to assess the impact of

1 the trap reduction schedule on the fishery. The Fish and
2 Wildlife Conservation Commission ~~commission~~ may then, by rule,
3 resume, terminate, or reverse the schedule as it deems
4 necessary to protect the spiny lobster resource and the
5 participants in the fishery.

6 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
7 BOARD.--There is hereby established the Trap Certificate
8 Technical Advisory and Appeals Board. Such board shall
9 consider and advise the commission ~~department~~ on disputes and
10 other problems arising from the implementation of the spiny
11 lobster trap certificate program. The board may also provide
12 information to the commission ~~department~~ on the operation of
13 the trap certificate program.

14 (a)~~1.~~ The board shall consist of the executive
15 director ~~secretary~~ of the commission ~~department~~ or designee
16 and nine other members appointed by the executive director
17 ~~secretary, after determination of the initial certificate~~
18 ~~allotments by the department, according to the following~~
19 ~~criteria, except as otherwise provided in subparagraph 2.:~~

20 1.a. All appointed members shall be
21 certificateholders, but two shall be holders of fewer than 100
22 certificates, two shall be holders of at least 100 but no more
23 than 750 certificates, three shall be holders of more than 750
24 but not more than 2,000 certificates, and two shall be holders
25 of more than 2,000 certificates.

26 2.b. At least one member each shall come from Broward,
27 Dade, and Palm Beach Counties; and five members shall come
28 from the various regions of the Florida Keys.

29 3.c. At least one appointed member shall be a person
30 of Hispanic origin capable of speaking English and Spanish.

31

1 ~~2. The secretary of the department may fill any~~
2 ~~position on the initial board with a member who does not~~
3 ~~fulfill the requirements of subparagraph 1. if there are not~~
4 ~~enough qualified individuals available to meet those~~
5 ~~requirements. However, as soon as enough qualified individuals~~
6 ~~are available to meet those requirements, the secretary must~~
7 ~~replace all nonqualified appointees with qualified appointees.~~

8 (b) The term of each appointed member shall be for 4
9 years, and any vacancy shall be filled for the balance of the
10 unexpired term with a person of the qualifications necessary
11 to maintain the requirements of paragraph (a)~~subparagraph~~
12 ~~(a)1. However, of the initial appointees, three shall serve~~
13 ~~for terms of 4 years, two shall serve for terms of 3 years,~~
14 ~~two shall serve for terms of 2 years, and two shall serve for~~
15 ~~terms of 1 year.~~ There shall be no limitation on successive
16 appointments to the board.

17 (c) The executive director ~~secretary~~ of the commission
18 ~~department~~ or designee shall serve as a member and shall call
19 the organizational meeting of the board. The board shall
20 annually elect a chair and a vice chair. There shall be no
21 limitation on successive terms that may be served by a chair
22 or vice chair. The board shall meet at the call of its chair,
23 at the request of a majority of its membership, at the request
24 of the commission ~~department~~, or at such times as may be
25 prescribed by its rules. A majority of the board shall
26 constitute a quorum, and official action of the board shall
27 require a majority vote of the total membership of the board
28 present at the meeting.

29 (d) The procedural rules adopted by the board shall
30 conform to the requirements of chapter 120.

31

1 (e) Members of the board shall be reimbursed for per
2 diem and travel expenses as provided in s. 112.061.

3 (f) Upon reaching a decision on any dispute or problem
4 brought before it, including any decision involving the
5 allotment of certificates under paragraph (g), the board shall
6 submit such decision to the executive director ~~secretary~~ of
7 the commission ~~department~~ for final approval. The executive
8 director ~~secretary~~ of the commission ~~department~~ may alter or
9 disapprove any decision of the board, with notice thereof
10 given in writing to the board and to each party in the dispute
11 explaining the reasons for the disapproval. The action of the
12 executive director ~~secretary~~ of the commission ~~department~~
13 constitutes final agency action.

14 (g) In addition to those certificates allotted
15 pursuant to the provisions of subparagraph (2)(a)1., up to
16 125,000 certificates may be allotted by the board to settle
17 disputes or other problems arising from implementation of the
18 trap certificate program during the 1992-1993 and 1993-1994
19 license years. Any certificates not allotted by March 31,
20 1994, shall become permanently unavailable and shall be
21 considered as part of the 1994-1995 reduction schedule. All
22 appeals for additional certificates or other disputes must be
23 filed with the board before October 1, 1993.

24 (h) Any trap certificates issued by the Department of
25 Environmental Protection as a result of the appeals process
26 must be added to the existing number of trap certificates for
27 the purposes of determining the total number of certificates
28 from which the subsequent season's trap reduction is
29 calculated.

30 (i) On and after July 1, 1994, the board shall no
31 longer consider and advise the Fish and Wildlife Conservation

1 Commission ~~department~~ on disputes and other problems arising
2 from implementation of the trap certificate program nor allot
3 any certificates with respect thereto.

4 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees
5 and surcharges, annual trap certificate fees, and recreational
6 tag fees collected pursuant to paragraphs (2)(a) and (b) shall
7 be deposited in the Marine Resources Conservation Trust Fund
8 and used for administration of the trap certificate program,
9 research and monitoring of the spiny lobster fishery, and
10 enforcement and public education activities in support of the
11 purposes of this section and shall also be for the use of the
12 Fish and Wildlife Conservation ~~Marine Fisheries~~ Commission in
13 evaluating the impact of the trap reduction schedule on the
14 spiny lobster fishery; however, at least 15 percent of the
15 fees and surcharges collected shall be provided to the
16 commission for such evaluation.

17 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife
18 Conservation Commission ~~Department of Environmental Protection~~
19 may adopt rules to implement the provisions of this section.

20 Section 87. Subsection (1), (2), and (6) of section
21 370.1535, Florida Statutes, are amended to read:

22 370.1535 Regulation of shrimp fishing in Tampa Bay;
23 licensing requirements.--

24 (1) No person shall operate as a dead shrimp producer
25 in any waters of Tampa Bay unless such person has procured
26 from the Fish and Wildlife Conservation Commission ~~Department~~
27 ~~of Environmental Protection~~ a dead shrimp production permit.

28 (2) The Fish and Wildlife Conservation Commission
29 ~~Department of Environmental Protection~~ is authorized to issue
30 a dead shrimp production permit to persons qualified pursuant
31 to the following criteria:

1 (a) The person has submitted an application designed
2 by the commission ~~department~~ for such permit.

3 (b) One permit is required for each vessel used for
4 dead shrimp production in the waters of Tampa Bay. A permit
5 shall only be issued to an individual who is the principal
6 owner of the vessel or of the business entity owning the
7 vessel and utilizing the permit. No more than three permits
8 shall be issued to any individual.

9 (c) Each application for a permit shall be accompanied
10 by a fee of \$250 for each resident of the state and \$1,000 for
11 each nonresident of the state. The proceeds of the fees
12 collected pursuant to this paragraph shall be deposited into
13 the Marine Resources Conservation Trust Fund to be used by the
14 commission ~~department~~ for the purpose of enforcement of marine
15 resource laws.

16 (d) No person shall be issued a permit or be allowed
17 to renew a permit if such person is registered for
18 noncommercial trawling pursuant to s. 370.15(6) or if such
19 person holds a live bait shrimping license issued pursuant to
20 s. 370.15(8).

21 (e) Each applicant shall make application prior to
22 June 30, 1992, and shall hold any other license or
23 registration required to operate a commercial fishing vessel
24 in Tampa Bay on the date of application.

25 (6) Each person harvesting shrimp in Tampa Bay
26 pursuant to the permit required by this section shall comply
27 with all rules of the Fish and Wildlife Conservation ~~Marine~~
28 ~~Fisheries~~ Commission regulating such harvest.

29 Section 88. Subsections (4) and (5) of section 370.17,
30 Florida Statutes, are amended to read:

31 370.17 Sponges; regulation.--

1 (4) POWERS OF THE COMMISSION ~~DEPARTMENT~~.--The
2 commission ~~said department~~ is authorized and empowered to
3 make, promulgate, and put into effect all rules and
4 regulations which the commission ~~department~~ may consider and
5 decide to be necessary to accomplish the purpose of this
6 chapter for the taking and cultivation of sponges, including
7 the power and authority to determine and fix, in its
8 discretion, the seasons and period of time within which public
9 state grounds may be closed to the taking, possessing, buying,
10 selling, or transporting of sponges from the sponge
11 cultivation districts herein provided for and to regulate and
12 prescribe the means and methods to be employed in the
13 harvesting thereof; however, notice of all rules, regulations,
14 and orders, and all revisions and amendments thereto,
15 prescribing closed seasons or prescribing the means and
16 methods of harvesting sponges adopted by the commission
17 ~~department~~ shall be published in a newspaper of general
18 circulation in the conservation district affected within 10
19 days from the adoption thereof, in addition to any notice
20 required by chapter 120.

21 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
22 SERVICE.--The commission ~~department~~ shall cooperate with the
23 United States Fish and Wildlife Service, under existing
24 federal laws, rules and regulations, and is authorized to
25 accept donations, grants and matching funds from said federal
26 government under such conditions as are reasonable and proper,
27 for the purposes of carrying out this chapter, and the
28 commission ~~said department~~ is further authorized to accept any
29 and all donations including funds and loan of vessels.

30 Section 89. Section 370.31, Florida Statutes, is
31 amended to read:

1 370.31 Commercial production of sturgeon.--

2 (1) INTENT.--The Legislature finds and declares that
3 there is a need to encourage the continuation and advancement
4 of work being done on aquaculture sturgeon production in
5 keeping with the state's legislative public policy regarding
6 aquaculture provided in chapter 597. It also finds that it is
7 in the state's economic interest to promote the commercial
8 production and stock enhancement of sturgeon. It is therefore
9 the intent of the Legislature to hereby create a Sturgeon
10 Production Working Group.

11 (2) CREATION.--The Sturgeon Production Working Group
12 is created within the Fish and Wildlife Conservation
13 Commission ~~Department of Environmental Protection~~ and shall be
14 composed of six members as follows:

15 (a) The head of the sturgeon research program or
16 designee from the University of Florida, Institute of Food and
17 Agricultural Sciences. Such member shall be appointed by the
18 University of Florida's Vice President for Agricultural
19 Affairs.

20 (b) One representative from the Department of
21 Environmental Protection to be appointed by the Secretary of
22 Environmental Protection.

23 (c) One representative from the Fish and Wildlife
24 Conservation ~~Game and Fresh Water Fish~~ Commission to be
25 appointed by the executive director of the ~~Game and Fresh~~
26 ~~Water Fish~~ commission.

27 (d) One representative from the Department of
28 Agriculture and Consumer Services to be appointed by the
29 Commissioner of Agriculture.

30 (e) Two representatives from the aquaculture industry
31 to be appointed by the Aquaculture Review Council.

1 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
2 shall meet at least twice a year and elect, by a quorum, a
3 chair, vice chair, and secretary. However, the working group
4 shall call its first meeting within 1 month after October 1,
5 1996.

6 (a) The chair of the working group shall preside at
7 all meetings and shall call a meeting as often as necessary to
8 carry out the provisions of this section. To call a meeting,
9 the chair shall solicit an agreement to meet from at least two
10 other working group members and then notify any remaining
11 members of the meeting.

12 (b) The secretary shall keep a complete record of the
13 proceedings of each meeting, which includes the names of the
14 members present at each meeting and the actions taken. Such
15 records shall be kept on file with the Fish and Wildlife
16 Conservation Commission ~~Department of Environmental Protection~~
17 with copies filed with the Department of Fisheries and
18 Aquatics at the University of Florida. The records shall be
19 public records pursuant to chapter 119.

20 (c) A quorum shall consist of one representative from
21 the Fish and Wildlife Conservation Commission ~~Department of~~
22 ~~Environmental Protection~~, one representative from the
23 Institute of Food and Agricultural Sciences, and at least two
24 other members.

25 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
26 Sturgeon Production Working Group is to establish a state
27 sturgeon aquaculture program to promote the commercial
28 production and stock enhancement of sturgeon in Florida. In
29 carrying out this purpose, the working group shall:

30 (a) Establish a state sturgeon aquaculture program to
31 inform public or private interested parties of how to

1 aquaculturally produce sturgeon for commercial purposes and
2 for stock enhancement. The program shall:

3 1. Determine how sturgeon can be produced commercially
4 for its meat and roe in the state.

5 2. Determine how sturgeon can be used for stock
6 enhancement in areas designated by the Fish and Wildlife
7 Conservation Commission ~~Department of Environmental Protection~~
8 in consultation with the Sturgeon Production Working Group.

9 (b) Seek federal help and cooperation in obtaining the
10 appropriate permits to establish the state sturgeon
11 aquaculture program.

12 (c) Prepare a state sturgeon production and stock
13 enhancement plan to implement the state sturgeon aquaculture
14 program. The plan shall include, but not be limited to, the
15 following:

16 1. Research needed to support the commercial
17 production of sturgeon for meat and roe and stock enhancement
18 in the state.

19 2. Studies needed to determine the economic impact on
20 the state and the best marketing strategies for producing
21 sturgeon for its meat and roe.

22 3. Permits and other requirements currently needed to
23 commercially produce sturgeon and enhance sturgeon stock in
24 the state and a strategy for obtaining such permits or
25 requirements.

26 4. The timetable for implementation and completion of
27 the plan's components.

28 5. The implementation date for the state sturgeon
29 aquaculture program.

30 ~~(d) Prepare a report to be submitted within 1 year~~
31 ~~after October 1, 1996, to the Governor, the President of the~~

1 ~~Senate, the Speaker of the House of Representatives, and the~~
2 ~~chairs of the legislative ways and means, appropriations, and~~
3 ~~agriculture committees. This report shall include, but not be~~
4 ~~limited to:~~

5 1. ~~The status of the state sturgeon aquaculture~~
6 ~~program.~~

7 2. ~~The status of the state sturgeon production and~~
8 ~~stock enhancement plan.~~

9 3. ~~Other Florida public or private agencies, if any,~~
10 ~~doing research on sturgeon production.~~

11 4. ~~Any recommendations necessary to carry out the~~
12 ~~purpose of this section.~~

13 Section 90. Subsections (9), (15), (16), and (17) of
14 section 372.001, Florida Statutes, are amended to read:

15 372.001 Definitions.--In construing these statutes,
16 when applied to saltwater and freshwater fish, shellfish,
17 crustacea, sponges, wild birds, and wild animals, where the
18 context permits, the word, phrase, or term:

19 (9) "Fresh water," except where otherwise provided by
20 law, includes all lakes, rivers, canals, and other waterways
21 of Florida, to such point or points where the fresh and salt
22 waters commingle to such an extent as to become unpalatable
23 and unfit for human consumption, because of the saline
24 content, or to such point or points as may be fixed by the
25 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
26 Commission, by and with the consent of the board of county
27 commissioners of the county or counties to be affected by such
28 order. The Steinhatchee River shall be considered fresh water
29 from its source to mouth.

30 (15) "Fish management area" is a pond, lake, or other
31 water within a county or within several counties designated to

1 improve fishing for public use and established and
2 specifically circumscribed for authorized management by the
3 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
4 Commission and the board of county commissioners of the county
5 in which such waters lie under agreement between the
6 commission and an owner with approval by the board of county
7 commissioners or under agreement with the board of county
8 commissioners for use of public waters in the county in which
9 such waters lie.

10 (16) "Commission" means the Fish and Wildlife
11 Conservation ~~Game and Fresh Water Fish~~ Commission.

12 (17) "Authorization" means a number issued by the Fish
13 and Wildlife Conservation ~~Game and Fresh Water Fish~~
14 Commission, or its authorized agent, which serves in lieu of a
15 license or permit and affords the privilege purchased for a
16 specified period of time.

17 Section 91. Section 372.01, Florida Statutes, is
18 amended to read:

19 372.01 Fish and Wildlife Conservation ~~Game and Fresh~~
20 ~~Water Fish~~ Commission.--

21 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
22 ~~Water Fish~~ Commission shall consist of seven ~~five~~ members who
23 shall be appointed by the Governor, subject to confirmation by
24 the Senate, for staggered terms of 5 years.

25 (2) Members so appointed shall annually select one of
26 their members as chair. Such chair may be removed at any time
27 for sufficient cause, by the affirmative vote of the majority
28 of the members of the commission. In case the said office of
29 chair becomes vacant by removal or otherwise, the same may be
30 filled for the unexpired term at any time by the commission
31 from its members.

1 (3) Commission members shall receive no compensation
2 for their services as such, but shall be reimbursed for travel
3 expenses as provided in s. 112.061.

4 Section 92. Subsections (1) and (2) of section
5 372.0215, Florida Statutes, are amended to read:

6 372.0215 Citizen support organizations; use of state
7 property; audit.--

8 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
9 ~~Water Fish~~ Commission may authorize the establishment of
10 citizen support organizations to provide assistance, funding,
11 and promotional support for the programs of the commission.
12 For purposes of this section, the term "citizen support
13 organization" means an organization which:

14 (a) Is a corporation not for profit incorporated
15 pursuant to the provisions of chapter 617 and approved by the
16 Department of State;

17 (b) Is organized and operated to conduct programs and
18 activities; raise funds; request and receive grants, gifts,
19 and bequests of money; acquire, receive, hold, invest, and
20 administer in its own name securities, funds, or real or
21 personal property; and make expenditures for the benefit of
22 the commission or an individual program unit of the
23 commission; except that such organization may not receive
24 funds from the commission or the Florida Marine Research
25 Institute by grant, gift, or contract unless specifically
26 authorized by the Legislature.

27 (c) The commission has determined acts in a manner
28 that is consistent with the goals of the commission and the
29 best interests of the state.

30 (d) Is approved in writing by the commission to
31 operate for the benefit of the commission. Such approval must

1 be stated in a letter of agreement from the executive director
2 of the commission.

3 (2)(a) The Fish and Wildlife Conservation Commission
4 ~~Game and Fresh Water Fish Commission~~ may permit a citizen
5 support organization to use commission property, facilities,
6 and personnel free of charge. A citizen support organization
7 may use commission property, facilities, and personnel if such
8 use is consistent with the approved purpose of that citizen
9 support organization and if such use does not unreasonably
10 interfere with the general public's use of commission
11 property, facilities, and personnel for established purposes.

12 (b) The commission may prescribe conditions upon the
13 use by a citizen support organization of commission property,
14 facilities, or personnel.

15 (c) The commission may not permit the use of any
16 property, facilities, or personnel of the state by a citizen
17 support organization that does not provide equal membership
18 and employment opportunities to all persons regardless of
19 race, color, national origin, religion, sex, or age.

20 Section 93. Subsections (1), (2), and (4) of section
21 372.0222, Florida Statutes, are amended to read:

22 372.0222 Private publication agreements; advertising;
23 costs of production.--

24 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
25 ~~Water Fish~~ Commission may enter into agreements to secure the
26 private publication of public information brochures,
27 pamphlets, audiotapes, videotapes, and related materials for
28 distribution without charge to the public and, in furtherance
29 thereof, is authorized to:

30 (a) Enter into agreements with private vendors for the
31 publication or production of such public information

1 materials, whereby the costs of publication or production will
2 be borne in whole or in part by the vendor or the vendor shall
3 provide additional compensation in return for the right of the
4 vendor to select, sell, and place advertising which publicizes
5 products or services related to and harmonious with the
6 subject matter of the publication.

7 (b) Retain the right, by agreement, to approve all
8 elements of any advertising placed in such public information
9 materials, including the form and content thereof.

10 (2) The Fish and Wildlife Conservation ~~Game and Fresh~~
11 ~~Water Fish~~ Commission may sell advertising in the Florida
12 Wildlife Magazine to offset the cost of publication and
13 distribution of the magazine.

14 (4) The Fish and Wildlife Conservation ~~Game and Fresh~~
15 ~~Water Fish~~ Commission may enter into agreements with private
16 vendors for vendor advertisement for the purpose of offsetting
17 expenses relating to license issuance, and, in furtherance
18 thereof, is authorized to:

19 (a) Retain the right, by agreement, to approve all
20 elements of such advertising, including the form or content.

21 (b) Require that any advertising of any kind
22 contracted pursuant to this section shall include a statement
23 providing that the advertising does not constitute an
24 endorsement by the state or commission of the products or
25 services to be so advertised.

26 Section 94. Section 372.0225, Florida Statutes, 1998
27 Supplement, is amended to read:

28 372.0225 Freshwater organisms.--

29 (1) The Division of Freshwater Fisheries of the Fish
30 and Wildlife Conservation ~~Game and Fresh Water Fish~~
31 Commission, in order to manage the promotion, marketing, and

1 quality control of all freshwater organisms produced in
2 Florida and utilized commercially so that such organisms shall
3 be used to produce the optimum sustained yield consistent with
4 the protection of the breeding stock, is directed and charged
5 with the responsibility of:

6 (a) Providing for the regulation of the promotion,
7 marketing, and quality control of freshwater organisms
8 produced in Florida and utilized commercially.

9 (b) Regulating the processing of commercial freshwater
10 organisms on the water or on the shore.

11 (c) Providing documentation standards and statistical
12 record requirements with respect to commercial freshwater
13 organism catches.

14 (d) Conducting scientific, economic, and other studies
15 and research on all freshwater organisms produced in the state
16 and used commercially.

17 (2) The responsibility with which the Division of
18 Freshwater Fisheries is charged under subsection (1) shall in
19 no way supersede or duplicate the responsibilities of the
20 Department of Agriculture and Consumer Services under chapter
21 500, the Florida Food Safety Act, and the rules adopted under
22 that chapter.

23 Section 95. Subsections (1) and (3) of section
24 372.023, Florida Statutes, are amended to read:

25 372.023 J. W. Corbett and Cecil M. Webb Wildlife
26 Management Areas.--

27 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
28 ~~Water Fish~~ Commission of this state is neither authorized nor
29 empowered to do the following as to the J. W. Corbett Wildlife
30 Management Area in Palm Beach County or the Cecil M. Webb
31 Wildlife Management Area without the approval of the Board of

1 Trustees of the Internal Improvement Trust Fund that such
2 action is in the best interest of orderly and economical
3 development of said area, viz.:

4 (a) To trade, barter, lease, or exchange lands therein
5 for lands of greater acreage contiguous to said wildlife
6 management areas.

7 (b) To grant easements for construction and
8 maintenance of roads, railroads, canals, ditches, dikes and
9 utilities, including but not limited to telephone, telegraph,
10 oil, gas, electric power, water and sewers.

11 (c) To convey or release all rights in and to the
12 phosphate, minerals, metals and petroleum that is or may be
13 in, on or under any lands traded, bartered, leased or
14 exchanged pursuant to paragraph (a).

15 (3) Moneys received from the sale of lands within
16 either wildlife management area, less reasonable expenses
17 incident to the sale, shall be used by the Fish and Wildlife
18 Conservation Game and Fresh Water Fish Commission to acquire
19 acreage contiguous to the wildlife management area or lands of
20 equal wildlife value. The sale shall be made directly to the
21 state, notwithstanding the procedures of ss. 270.08 and 270.09
22 to the contrary.

23 Section 96. Subsections (2) and (3) of section
24 372.025, Florida Statutes, are amended to read:

25 372.025 Everglades recreational sites; definitions.--

26 (2) DEFINITIONS.--As used in this section:

27 (a) "Commission" means the Fish and Wildlife
28 Conservation Game and Fresh Water Fish Commission.

29 (b) "Flood control district" means the Central and
30 Southern Florida Flood Control District Board.

31

1 (c) "Indian reservations" means lands as designated by
2 chapter 285.

3 (d) "Buffer zone" means an area located between
4 developed and wilderness areas where some restrictions on the
5 type of future development shall be imposed.

6 (e) "Development of recreational sites" means any
7 improvements to existing facilities or sites and also such new
8 selection and improvements as are needed for the various
9 recreational activities as herein provided.

10 (3) RECREATIONAL SITES.--The Fish and Wildlife
11 Conservation Game and Fresh Water Fish Commission is directed
12 to develop, manage, and enforce laws on certain recreational
13 sites in the water conservation areas of the Everglades from
14 funds to be appropriated by the Legislature.

15 Section 97. Section 372.03, Florida Statutes, is
16 amended to read:

17 372.03 Headquarters of commission.--The Fish and
18 Wildlife Conservation Game and Fresh Water Fish Commission is
19 located at the state capital, and, when suitable adequate
20 office space cannot be provided in the State Capitol Building,
21 or other buildings owned by the state, the commission may rent
22 or lease suitable office space in Tallahassee. Said commission
23 may also rent or lease suitable and adequate space in other
24 cities and towns of the state for branch or division offices
25 and headquarters and storerooms for equipment and supplies, as
26 the business of the commission may require or necessitate,
27 payment for said rented or leased premises to be made from the
28 State Game Trust Fund.

29 Section 98. Section 372.051, Florida Statutes, is
30 amended to read:

31

1 372.051 Seal of commission; certificate as
2 evidence.--The Fish and Wildlife Conservation ~~Game and Fresh~~
3 ~~Water Fish~~ Commission shall adopt and use a common seal, and a
4 certificate under the seal of the commission, signed by its
5 chair and attested by its director shall constitute sufficient
6 evidence of the action of the commission; and copies of the
7 minutes of the commission, or any part thereof, or of any
8 record or paper of said commission, or any part thereof, or of
9 any rule, regulation, or order of the commission, or any part
10 thereof, or of any code of rules, regulations or orders of the
11 commission, or any part thereof, certified by the director of
12 the commission under its seal, shall be admissible in evidence
13 in all cases and proceedings in all courts, boards, and
14 commissions of this state without further authentication.

15 Section 99. Section 372.06, Florida Statutes, is
16 amended to read:

17 372.06 Meetings of the commission.--At least four
18 meetings of the Fish and Wildlife Conservation ~~Game and Fresh~~
19 ~~Water Fish~~ Commission shall be held at the state capital no
20 less frequently than once every 3 months, which meetings shall
21 be known as the quarterly meetings of the commission; other
22 meetings may be held at such times and places as may be
23 decided upon or as provided by rules of the commission, such
24 meetings to be called by the executive secretary on not less
25 than 1 week's notice to all members of the commission; or
26 meetings may be held upon the request in writing of three
27 members of the commission, at a time and place to be
28 designated in the request, and notice of such meetings shall
29 be given at least 1 week in advance thereof to all members of
30 the commission by the executive secretary. A majority of
31 ~~Three~~ members shall constitute a quorum at any meeting of the

1 commission. No action shall be binding when taken up by the
2 commission, except at a regular or call meeting and duly
3 recorded in the minutes of said meeting.

4 Section 100. Section 372.07, Florida Statutes, is
5 amended to read:

6 372.07 Police powers of commission and its agents.--

7 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
8 ~~Water Fish~~ Commission, the director and the director's
9 assistants designated by her or him, and each wildlife officer
10 are constituted peace officers with the power to make arrests
11 for violations of the laws of this state when committed in the
12 presence of the officer or when committed on lands under the
13 supervision and management of the commission. The general
14 laws applicable to arrests by peace officers of this state
15 shall also be applicable to said director, assistants, and
16 wildlife officers. Such persons may enter upon any land or
17 waters of the state for performance of their lawful duties and
18 may take with them any necessary equipment, and such entry
19 shall not constitute a trespass.

20 (2) Said officers shall have power and authority to
21 enforce throughout the state all laws relating to game,
22 nongame birds, freshwater fish, and fur-bearing animals and
23 all rules and regulations of the Fish and Wildlife
24 Conservation ~~Game and Fresh Water Fish~~ Commission relating to
25 wild animal life and freshwater aquatic life, and in
26 connection with said laws, rules, and regulations, in the
27 enforcement thereof and in the performance of their duties
28 thereunder, to:

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

30 (b) Execute warrants and search warrants for the
31 violation of said laws;

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

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

5 (e) Arrest upon probable cause without warrant any
6 person found in the act of violating any of the provisions of
7 said laws or, in pursuit immediately following such
8 violations, to examine any person, boat, conveyance, vehicle,
9 game bag, game coat, or other receptacle for wild animal life
10 or freshwater aquatic life, or any camp, tent, cabin, or
11 roster, in the presence of any person stopping at or belonging
12 to such camp, tent, cabin, or roster, when said officer has
13 reason to believe, and has exhibited her or his authority and
14 stated to the suspected person in charge the officer's reason
15 for believing, that any of the aforesaid laws have been
16 violated at such camp;

17 (f) Secure and execute search warrants and in
18 pursuance thereof to enter any building, enclosure, or car and
19 to break open, when found necessary, any apartment, chest,
20 locker, box, trunk, crate, basket, bag, package, or container
21 and examine the contents thereof;

22 (g) Seize and take possession of all wild animal life
23 or freshwater aquatic life taken or in possession or under
24 control of, or shipped or about to be shipped by, any person
25 at any time in any manner contrary to said laws.

26 (3) It is unlawful for any person to resist an arrest
27 authorized by this section or in any manner to interfere,
28 either by abetting, assisting such resistance, or otherwise
29 interfering with said director, assistants, or wildlife
30 officers while engaged in the performance of the duties
31

1 imposed upon them by law or regulation of the Fish and
2 Wildlife Conservation Game and Fresh Water Fish Commission.

3 Section 101. Section 372.071, Florida Statutes, is
4 amended to read:

5 372.071 Powers of arrest by agents of Department of
6 Environmental Protection or Fish and Wildlife Conservation
7 ~~Game and Fresh Water Fish~~ Commission.--Any certified law
8 enforcement officer of the Department of Environmental
9 Protection or the Fish and Wildlife Conservation Game and
10 ~~Fresh Water Fish~~ Commission, upon receiving information,
11 relayed to her or him from any law enforcement officer
12 stationed on the ground, on the water, or in the air, that a
13 driver, operator, or occupant of any vehicle, boat, or airboat
14 has violated any section of chapter 327, chapter 328, chapter
15 370, or this chapter, may arrest the driver, operator, or
16 occupant for violation of said laws when reasonable and proper
17 identification of the vehicle, boat, or airboat and reasonable
18 and probable grounds to believe that the driver, operator, or
19 occupant has committed or is committing any such offense have
20 been communicated to the arresting officer by the other
21 officer stationed on the ground, on the water, or in the air.

22 Section 102. Section 372.072, Florida Statutes, is
23 amended to read:

24 372.072 Endangered and Threatened Species Act.--

25 (1) SHORT TITLE.--This section may be cited as the
26 "Florida Endangered and Threatened Species Act of 1977."

27 (2) DECLARATION OF POLICY.--The Legislature recognizes
28 that the State of Florida harbors a wide diversity of fish and
29 wildlife and that it is the policy of this state to conserve
30 and wisely manage these resources, with particular attention
31 to those species defined by the Fish and Wildlife Conservation

1 ~~Commission Game and Fresh Water Fish Commission, the~~
2 ~~Department of Environmental Protection, or~~ the United States
3 Department of Interior, or successor agencies, as being
4 endangered or threatened. As Florida has more endangered and
5 threatened species than any other continental state, it is the
6 intent of the Legislature to provide for research and
7 management to conserve and protect these species as a natural
8 resource.

9 (3) DEFINITIONS.--As used in this section:

10 (a) "Fish and wildlife" means any member of the animal
11 kingdom, including, but not limited to, any mammal, fish,
12 bird, amphibian, reptile, mollusk, crustacean, arthropod, or
13 other invertebrate.

14 (b) "Endangered species" means any species of fish and
15 wildlife naturally occurring in Florida, whose prospects of
16 survival are in jeopardy due to modification or loss of
17 habitat; overutilization for commercial, sporting, scientific,
18 or educational purposes; disease; predation; inadequacy of
19 regulatory mechanisms; or other natural or manmade factors
20 affecting its continued existence.

21 (c) "Threatened species" means any species of fish and
22 wildlife naturally occurring in Florida which may not be in
23 immediate danger of extinction, but which exists in such small
24 populations as to become endangered if it is subjected to
25 increased stress as a result of further modification of its
26 environment.

27 (4) INTERAGENCY COORDINATION.--

28 ~~(a)1. The Game and Fresh Water Fish Commission shall~~
29 ~~be responsible for research and management of freshwater and~~
30 ~~upland species.~~

31

1 ~~2. The Department of Environmental Protection shall be~~
2 ~~responsible for research and management of marine species.~~

3 (a)(b) Recognizing that citizen awareness is a key
4 element in the success of this plan, the Fish and Wildlife
5 Conservation Game and Fresh Water Fish Commission, the
6 Department of Environmental Protection, and the Office of
7 Environmental Education of the Department of Education are
8 encouraged to work together to develop a public education
9 program with emphasis on, but not limited to, both public and
10 private schools.

11 (b)(c) The Fish and Wildlife Conservation Department
12 ~~of Environmental Protection, the Marine Fisheries Commission,~~
13 ~~or the Game and Fresh Water Fish~~ Commission, in consultation
14 with the Department of Agriculture and Consumer Services, the
15 ~~Department of Commerce, the~~ Department of Community Affairs,
16 or the Department of Transportation, may establish reduced
17 speed zones along roads, streets, and highways to protect
18 endangered species or threatened species.

19 (5) ANNUAL REPORT.--The Executive Director of the Fish
20 and Wildlife Conservation Commission ~~Director of the Game and~~
21 ~~Fresh Water Fish Commission, in consultation with the~~
22 ~~Secretary of Environmental Protection,~~ shall, at least 30 days
23 prior to each annual session of the Legislature, transmit to
24 the Governor and Cabinet, the President of the Senate, the
25 Speaker of the House of Representatives, and the chairs of the
26 appropriate Senate and House committees, a revised and updated
27 plan for management and conservation of endangered and
28 threatened species, including criteria for research and
29 management priorities; a description of the educational
30 program; statewide policies pertaining to protection of
31 endangered and threatened species; additional legislation

1 which may be required; and the recommended level of funding
2 for the following year, along with a progress report and
3 budget request.

4 Section 103. Section 372.0725, Florida Statutes, is
5 amended to read:

6 372.0725 Killing or wounding of any species designated
7 as endangered, threatened, or of special concern; criminal
8 penalties.--It is unlawful for a person to intentionally kill
9 or wound any fish or wildlife of a species designated by the
10 Fish and Wildlife Conservation Game and Fresh Water Fish
11 Commission as endangered, threatened, or of special concern,
12 or to intentionally destroy the eggs or nest of any such fish
13 or wildlife, except as provided for in the rules of the Fish
14 and Wildlife Conservation Game and Fresh Water Fish
15 Commission, the Department of Environmental Protection, or the
16 ~~Marine Fisheries~~ Commission. Any person who violates this
17 provision with regard to an endangered or threatened species
18 is guilty of a felony of the third degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 Section 104. Subsection (1) of section 372.073,
21 Florida Statutes, is amended to read:

22 372.073 Endangered and Threatened Species Reward
23 Program.--

24 (1) There is established within the Fish and Wildlife
25 Conservation Game and Fresh Water Fish Commission the
26 Endangered and Threatened Species Reward Program, to be funded
27 from the Nongame Wildlife Trust Fund. The commission may post
28 rewards to persons responsible for providing information
29 leading to the arrest and conviction of persons illegally
30 killing or wounding or wrongfully possessing any of the
31 endangered and threatened species listed on the official

1 Florida list of such species maintained by the commission or
2 the arrest and conviction of persons who violate s. 372.667 or
3 s. 372.671. Additional funds may be provided by donations from
4 interested individuals and organizations. The reward program
5 is to be administered by the commission. The commission shall
6 establish a schedule of rewards.

7 Section 105. Subsection (1) of section 372.074,
8 Florida Statutes, is amended to read:

9 372.074 Fish and Wildlife Habitat Program.--

10 (1)(a) There is established within the Fish and
11 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the
12 Fish and Wildlife Habitat Program for the purpose of
13 acquiring, assisting other agencies or local governments in
14 acquiring, or managing lands important to the conservation of
15 fish and wildlife.

16 (b) The Fish and Wildlife Conservation ~~Game and Fresh~~
17 ~~Water Fish~~ Commission or its designee shall manage such lands
18 for the primary purpose of maintaining and enhancing their
19 habitat value for fish and wildlife. Other uses may be allowed
20 that are not contrary to this purpose.

21 (c) Where acquisition pursuant to this section will
22 result in state ownership of land, title shall be vested in
23 the Board of Trustees of the Internal Improvement Trust Fund
24 as required in chapter 253. Land acquisition pursuant to this
25 section shall be voluntary, negotiated acquisition and, where
26 title is to be vested in the Board of Trustees of the Internal
27 Improvement Trust Fund, is subject to the acquisition
28 procedures of s. 253.025.

29 (d) Acquisition costs shall include purchase prices
30 and costs and fees associated with title work, surveys, and
31 appraisals required to complete an acquisition.

1 Section 106. Subsection (1), paragraph (c) of
2 subsection (3), and subsection (4) of section 372.105, Florida
3 Statutes, are amended to read:

4 372.105 Lifetime Fish and Wildlife Trust Fund.--

5 (1) There is established within the Fish and Wildlife
6 Conservation ~~Game and Fresh Water Fish~~ Commission the Lifetime
7 Fish and Wildlife Trust Fund to be used for the purpose of
8 supporting fish and wildlife conservation programs of the
9 state in accordance with this section.

10 (3) The fund is declared to constitute a special trust
11 derived from a contractual relationship between the state and
12 the members of the public whose investments contribute to the
13 fund. In recognition of such special trust, the following
14 limitations and restrictions are placed on expenditures from
15 the funds:

16 (c) No expenditures or disbursements from the interest
17 income derived from the sale of lifetime licenses shall be
18 made for any purpose until the respective holders of such
19 licenses attain the age of 16 years. The Fish and Wildlife
20 Conservation ~~Game and Fresh Water Fish~~ Commission as
21 administrator of the fund shall determine actuarially on an
22 annual basis the amounts of interest income within the fund
23 which may be disbursed pursuant to this paragraph. The
24 director shall cause deposits of proceeds from the sale of
25 lifetime licenses to be identifiable by the ages of the
26 license recipients.

27 (4) In the event of a future dissolution or
28 reorganization of the Fish and Wildlife Conservation ~~Game and~~
29 ~~Fresh Water Fish~~ Commission, any state agency which succeeds
30 the commission or assumes its constitutional or statutory
31 responsibilities shall, through its agency head acting ex

1 officio, assume the trusteeship of the fund and shall be bound
2 by all the limitations and restrictions placed by this section
3 on expenditures from the fund. No repeal or modification of
4 this chapter or s. 9, Art. IV of the State Constitution shall
5 alter the fundamental purposes to which the fund may be
6 applied. No dissolution or reorganization of the Fish and
7 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
8 shall invalidate any lifetime license issued in accordance
9 with this section.

10 Section 107. Subsection (1) of section 372.106,
11 Florida Statutes, is amended to read:

12 372.106 Dedicated License Trust Fund.--

13 (1) There is established within the Fish and Wildlife
14 Conservation ~~Game and Fresh Water Fish~~ Commission the
15 Dedicated License Trust Fund. The fund shall be credited with
16 moneys collected pursuant to ss. 370.0605 and 372.57 for
17 5-year licenses and replacement 5-year licenses.

18 Section 108. Section 372.12, Florida Statutes, is
19 amended to read:

20 372.12 Acquisition of state game lands.--The Fish and
21 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
22 with the approval of the Governor, may acquire, in the name of
23 the state, lands and waters suitable for the protection and
24 propagation of game, fish, nongame birds or fur-bearing
25 animals, or for hunting purposes, game farms, by purchase,
26 lease, gift or otherwise to be known as state game lands. The
27 said commission may erect such buildings and fences as may be
28 deemed necessary to properly maintain and protect such lands,
29 or for propagation of game, nongame birds, freshwater fish or
30 fur-bearing animals. The title of land acquired by purchase,
31 lease, gift or otherwise, shall be approved by the Department

1 of Legal Affairs. The deed to such lands shall be deposited
2 as are deeds to other state lands. ~~No such lands shall be~~
3 ~~purchased at a price to exceed \$10 per acre.~~No property
4 acquired under this section shall be exempt from state, county
5 or district taxation.

6 Section 109. Subsection (1) of section 372.121,
7 Florida Statutes, is amended to read:

8 372.121 Control and management of state game lands.--

9 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
10 ~~Water Fish~~ Commission is authorized to make, adopt,
11 promulgate, amend, repeal, and enforce all reasonable rules
12 and regulations necessary for the protection, control,
13 operation, management, or development of lands or waters owned
14 by, leased by, or otherwise assigned to, the commission for
15 fish or wildlife management purposes, including but not being
16 limited to the right of ingress and egress. Before any such
17 rule or regulation is adopted, other than one relating to wild
18 animal life or freshwater aquatic life, the commission shall
19 obtain the consent and agreement, in writing, of the owner, in
20 the case of privately owned lands or waters, or the owner or
21 primary custodian, in the case of public lands or waters.

22 Section 110. Subsections (1), (2), and (4) of section
23 372.16, Florida Statutes, are amended to read:

24 372.16 Private game preserves and farms; penalty.--

25 (1) Any person owning land in this state may, after
26 having secured a license therefor from the Fish and Wildlife
27 Conservation ~~Game and Fresh Water Fish~~ Commission, establish,
28 maintain, and operate within the boundaries thereof, a private
29 preserve and farm, not exceeding an area of 640 acres, for the
30 protection, preservation, propagation, rearing, and production
31 of game birds and animals for private and commercial purposes,

1 provided that no two game preserves shall join each other or
2 be connected.

3 (2) All private game preserves or farms established
4 under the provisions of this section shall be fenced in such
5 manner that domestic game thereon may not escape and wild game
6 on surrounding lands may not enter and shall be subject at any
7 time to inspection by the Fish and Wildlife Conservation ~~Game~~
8 ~~and Fresh Water Fish~~ Commission, or its conservation officers.
9 Such private preserve or farm shall be equipped and operated
10 in such manner as to provide sufficient food and humane
11 treatment for the game kept thereon. Game reared or produced
12 on private game preserves and farms shall be considered
13 domestic game and private property and may be sold or disposed
14 of as such and shall be the subject of larceny. Live game may
15 be purchased, sold, shipped, and transported for propagation
16 and restocking purposes only at any time. Such game may be
17 sold for food purposes only during the open season provided by
18 law for such game. All game killed must be killed on the
19 premises of such private game preserve or farm and must be
20 killed by means other than shooting, except during the open
21 season. All domestic game sold for food purposes must be
22 marked or tagged in a manner prescribed by the Fish and
23 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission;
24 and the owner or operator of such private game preserve or
25 farm shall report to the said commission, on blanks to be
26 furnished by it, each sale or shipment of domestic game, such
27 reports showing the quantity and kind of game shipped or sold
28 and to whom sold. Such report shall be made not later than 5
29 days following such sale or shipment. Game reared or produced
30 as aforesaid may be served as such by hotels, restaurants, or
31 other public eating places during the open season provided by

1 law on such particular species of game, under such regulations
2 as the commission may prescribe.

3 (4) Any person violating the provisions of this
4 section shall for the first offense be guilty of a misdemeanor
5 of the second degree, punishable as provided in s. 775.082 or
6 s. 775.083, and for a second or subsequent offense shall be
7 guilty of a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083. Any person convicted of
9 violating the provisions of this section shall forfeit, to the
10 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
11 Commission, any license or permit issued under the provisions
12 hereof; and no further license or permit shall be issued to
13 such person for a period of 1 year following such conviction.
14 Before any private game preserve or farm is established, the
15 owner or operator shall secure a license from the Fish and
16 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
17 the fee for which shall be \$5 per year.

18 Section 111. Subsection (1) of section 372.26, Florida
19 Statutes, is amended to read:

20 372.26 Imported fish.--

21 (1) No person shall import into the state or place in
22 any of the fresh waters of the state any freshwater fish of
23 any species without having first obtained a permit from the
24 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
25 Commission. The commission is authorized to issue or deny such
26 a permit upon the completion of studies of the species made by
27 it to determine any detrimental effect the species might have
28 on the ecology of the state.

29 Section 112. Subsections (1) and (2) of section
30 372.265, Florida Statutes, are amended to read:

31 372.265 Regulation of foreign animals.--

1 (1) It is unlawful to import for sale or use, or to
2 release within this state, any species of the animal kingdom
3 not indigenous to Florida without having obtained a permit to
4 do so from the Fish and Wildlife Conservation ~~Game and Fresh~~
5 ~~Water Fish~~ Commission.

6 (2) The Fish and Wildlife Conservation ~~Game and Fresh~~
7 ~~Water Fish~~ Commission is authorized to issue or deny such a
8 permit upon the completion of studies of the species made by
9 it to determine any detrimental effect the species might have
10 on the ecology of the state.

11 Section 113. Section 372.27, Florida Statutes, is
12 amended to read:

13 372.27 Silver Springs and Rainbow Springs, etc.,
14 closed to all fishing.--It is unlawful for any person to take
15 any fish within Marion County, from the waters of Rainbow
16 Springs and Rainbow River (formerly known as Blue Springs and
17 Blue Springs River) within a radius of 1 mile from the head of
18 said spring or from the waters of Silver Springs or Silver
19 Springs Run from the head of said spring to its junction with
20 the Oklawaha River; provided, that the Fish and Wildlife
21 Conservation Commission ~~of Game and Fresh Water Fish~~ may
22 remove or cause to be removed any gar, mud fish or other
23 predatory fish when in its judgment their removal is
24 desirable.

25 Section 114. Section 372.31, Florida Statutes, is
26 amended to read:

27 372.31 Disposition of illegal fishing devices.--

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

1 court having jurisdiction of such offense and said court shall
2 order such illegal trap, net or fishing device forfeited to
3 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
4 Commission immediately after trial and conviction of the
5 person in whose possession they were found. When any illegal
6 net, trap or fishing device is found in the fresh waters of
7 the state, and the owner of same shall not be known to the
8 officer finding the same, such officer shall immediately
9 procure from the county court judge an order forfeiting said
10 illegal net, trap or fishing device to the Fish and Wildlife
11 Conservation ~~Game and Fresh Water Fish~~ Commission. The Fish
12 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
13 may destroy such illegal net, trap or fishing device, if in
14 its judgment said net, trap or fishing device is not of value
15 in the work of the department.

16 (2) When any nets, traps, or fishing devices are found
17 being used illegally as provided in this chapter, the same
18 shall be seized and forfeited to the Fish and Wildlife
19 Conservation ~~Game and Fresh Water Fish~~ Commission as provided
20 in this chapter.

21 Section 115. Subsection (7) of section 372.57, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 372.57 Licenses and permits; exemptions; fees.--No
24 person, except as provided herein, shall take game, freshwater
25 fish, or fur-bearing animals within this state without having
26 first obtained a license, permit, or authorization and paid
27 the fees hereinafter set forth, unless such license is issued
28 without fee as provided in s. 372.561. Such license, permit,
29 or authorization shall authorize the person to whom it is
30 issued to take game, freshwater fish, or fur-bearing animals
31 in accordance with law and commission rules. Such license,

1 permit, or authorization is not transferable. Each license or
2 permit must bear on its face in indelible ink the name of the
3 person to whom it is issued and other information requested by
4 the commission. Such license, permit, or authorization issued
5 by the commission or any agent must be in the personal
6 possession of the person to whom issued while taking game,
7 freshwater fish, or fur-bearing animals. The failure of such
8 person to exhibit such license, permit, or authorization to
9 the commission or its wildlife officers, when such person is
10 found taking game, freshwater fish, or fur-bearing animals, is
11 a violation of law. A positive form of identification is
12 required when using an authorization, a lifetime license, a
13 5-year license, or when otherwise required by the license or
14 permit. The lifetime licenses and 5-year licenses provided
15 herein shall be embossed with the name, date of birth, the
16 date of issuance, and other pertinent information as deemed
17 necessary by the commission. A certified copy of the
18 applicant's birth certificate shall accompany all applications
19 for a lifetime license for residents 12 years of age and
20 younger. Each applicant for a license, permit, or
21 authorization shall provide the applicant's social security
22 number on the application form. Disclosure of social security
23 numbers obtained through this requirement shall be limited to
24 the purpose of administration of the Title IV-D child support
25 enforcement program and use by the commission, and as
26 otherwise provided by law.

27 (7) A resident lifetime sportsman's license authorizes
28 the holder to engage in the following noncommercial
29 activities:

30 (a) To take or attempt to take or possess freshwater
31 fish, marine fish, and game, consistent with state and federal

1 regulations and rules of the commission ~~and the Department of~~
2 ~~Environmental Protection~~ in effect at the time of taking.

3 (b) All activities authorized by a management area
4 permit, a muzzle-loading gun permit, a turkey permit, an
5 archery permit, a Florida waterfowl permit, a snook permit,
6 and a crawfish permit.

7 Section 116. Subsection (2) of section 372.5714,
8 Florida Statutes, is amended to read:

9 372.5714 Waterfowl Advisory Council.--

10 (2) The council shall meet at least once a year either
11 in person or by a telephone conference call, shall elect a
12 chair annually to preside over its meetings and perform any
13 other duties directed by the council, and shall maintain
14 minutes of each meeting. All records of council activities
15 shall be kept on file with the Fish and Wildlife Conservation
16 ~~Game and Fresh Water Fish~~ Commission and shall be made
17 available to any interested person. The Fish and Wildlife
18 Conservation ~~Game and Fresh Water Fish~~ Commission shall
19 provide such staff support as is necessary to the council to
20 carry out its duties. Members of the council shall serve
21 without compensation, but shall be reimbursed for per diem and
22 travel expenses as provided in s. 112.061 when carrying out
23 the official business of the council.

24 Section 117. Subsection (3) of section 372.5717,
25 Florida Statutes, is amended to read:

26 372.5717 Hunter safety course; requirements;
27 penalty.--

28 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~
29 ~~Water Fish~~ Commission shall institute and coordinate a
30 statewide hunter safety course which must be offered in every
31 county and consist of not less than 12 hours nor more than 16

1 hours of instruction including, but not limited to,
2 instruction in the competent and safe handling of firearms,
3 conservation, and hunting ethics.

4 Section 118. Section 372.5718, Florida Statutes, is
5 amended to read:

6 372.5718 Hunter safety course for juveniles.--The Fish
7 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
8 shall develop a hunter safety course for juveniles who are at
9 least 5 years of age but less than 16 years of age. The course
10 must include, but is not limited to, instruction in the
11 competent and safe handling of firearms, conservation, and
12 hunting ethics. The course must be appropriate for the ages of
13 the students. The course is voluntary and must be offered in
14 each county in the state at least annually. The course is in
15 addition to, and not in lieu of, the hunter safety course
16 prescribed in s. 372.5717.

17 Section 119. Paragraph (e) of subsection (2) of
18 section 372.574, Florida Statutes, 1998 Supplement, is amended
19 to read:

20 372.574 Appointment of subagents for the sale of
21 hunting, fishing, and trapping licenses and permits.--

22 (2) If a tax collector elects not to appoint
23 subagents, the commission may appoint subagents within that
24 county. Subagents shall serve at the pleasure of the
25 commission. The commission may establish, by rule, procedures
26 for selection of subagents. The following are requirements
27 for subagents so appointed:

28 (e) A subagent may charge and receive as his or her
29 compensation 50 cents for each license or permit sold. This
30 charge is in addition to the sum required by law to be
31 collected for the sale and issuance of each license or permit.

1 In addition, no later than July 1, 1997, a subagent fee for
2 the sale of licenses over the telephone by credit card shall
3 be established by competitive bid procedures which are
4 overseen by the Fish and Wildlife Conservation ~~Game and Fresh~~
5 ~~Water Fish~~ Commission.

6 Section 120. Section 372.651, Florida Statutes, is
7 amended to read:

8 372.651 Haul seine and trawl permits; freshwater lakes
9 in excess of 500 square miles; fees.--

10 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
11 ~~Water Fish~~ Commission is authorized to issue permits for each
12 haul seine or trawl used in freshwater lakes in the state
13 having an area in excess of 500 square miles.

14 (2) The commission may charge an annual fee for the
15 issuance of such permits which shall not exceed:

16 (a) For a resident trawl permit, \$50.

17 (b) For a resident haul seine permit, \$100.

18 (c) For a nonresident or alien trawl or haul seine
19 permit, \$500.

20 Section 121. Subsection (1) of section 372.653,
21 Florida Statutes, is amended to read:

22 372.653 Required tagging of fish; lakes in excess of
23 500 square miles; tag fee; game fish taken in lakes of 500
24 square miles or less.--

25 (1)(a) No game fish taken from, or caught in, a lake
26 in this state the area of which is in excess of 500 square
27 miles shall be sold for consumption in this state unless it is
28 tagged in the manner required by the Fish and Wildlife
29 Conservation ~~Game and Fresh Water Fish~~ Commission. Bass or
30 pickerel taken by any method other than hook and line shall be
31 returned immediately to the water. Trawls and haul seines

1 shall not be operated within 1 mile of rooted aquatic
2 vegetation.

3 (b) In order that such program of tagging be
4 self-sufficient, the Fish and Wildlife Conservation ~~Game and~~
5 ~~Fresh Water Fish~~ Commission is authorized to assess a fee of
6 not more than 5 cents per tag, payable at the time of delivery
7 of the tag.

8 Section 122. Subsections (5) and (6) of section
9 372.66, Florida Statutes, are amended to read:

10 372.66 License required for fur and hide dealers.--

11 (5) All agents' licenses shall be applied for by, and
12 issued to, a resident state dealer or nonresident dealer and
13 shall show name and residence of such agent and shall be in
14 possession of such agent at all times when engaged in buying
15 furs or hides. Application for such licenses shall be made to
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission on blanks furnished by it.

18 (6) All dealers and buyers shall forward to the Fish
19 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
20 each 2 weeks during open season a report showing number and
21 kind of hides bought and name of trapper from whom bought and
22 the trapper's license number, or if trapper is exempt from
23 license under any of the provisions of this chapter, such
24 report shall show the nature of such exemption. No common
25 carrier shall knowingly ship or transport or receive for
26 transportation any hides or furs unless such shipments have
27 marked thereon name of shipper and the number of her or his
28 fur-animal license or fur dealer's license.

29 Section 123. Subsection (1) of section 372.661,
30 Florida Statutes, is amended to read:

31

1 372.661 Private hunting preserve, license;
2 exception.--

3 (1) Any person who operates a private hunting preserve
4 commercially or otherwise shall be required to pay a license
5 fee of \$25 for each such preserve; provided, however, that
6 during the open season established for wild game of any
7 species a private individual may take artificially propagated
8 game of such species up to the bag limit prescribed for the
9 particular species without being required to pay the license
10 fee required by this section; provided further that if any
11 such individual shall charge a fee for taking such game she or
12 he shall be required to pay the license fee required by this
13 section and to comply with the rules and regulations of the
14 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
15 Commission relative to the operation of private hunting
16 preserves.

17 Section 124. Section 372.662, Florida Statutes, is
18 amended to read:

19 372.662 Unlawful sale, possession, or transporting of
20 alligators or alligator skins.--Whenever the sale, possession,
21 or transporting of alligators or alligator skins is prohibited
22 by any law of this state, or by the rules, regulations, or
23 orders of the Fish and Wildlife Conservation ~~Game and Fresh~~
24 ~~Water Fish~~ Commission adopted pursuant to s. 9, Art. IV of the
25 State Constitution, the sale, possession, or transporting of
26 alligators or alligator skins is a misdemeanor of the first
27 degree, punishable as provided in s. 775.082 or s. 775.083.

28 Section 125. Subsection (1) of section 372.663,
29 Florida Statutes, is amended to read:
30
31

1 372.663 Illegal killing, possessing, or capturing of
2 alligators or other crocodilia or eggs; confiscation of
3 equipment.--

4 (1) It is unlawful to intentionally kill, injure,
5 possess, or capture, or attempt to kill, injure, possess, or
6 capture, an alligator or other crocodilian, or the eggs of an
7 alligator or other crocodilian, unless authorized by the rules
8 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~
9 ~~Fish~~ Commission. Any person who violates this section is
10 guilty of a felony of the third degree, punishable as provided
11 in s. 775.082, s. 775.083, or s. 775.084, in addition to such
12 other punishment as may be provided by law. Any equipment,
13 including but not limited to weapons, vehicles, boats, and
14 lines, used by a person in the commission of a violation of
15 any law, rule, regulation, or order relating to alligators or
16 other crocodilia or the eggs of alligators or other crocodilia
17 shall, upon conviction of such person, be confiscated by the
18 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
19 Commission and disposed of according to rules and regulations
20 of the commission. The arresting officer shall promptly make
21 a return of the seizure, describing in detail the property
22 seized and the facts and circumstances under which it was
23 seized, including the names of all persons known to the
24 officer who have an interest in the property.

25 Section 126. Section 372.664, Florida Statutes, is
26 amended to read:

27 372.664 Prima facie evidence of intent to violate laws
28 protecting alligators.--Except as otherwise provided by rule
29 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~
30 ~~Fish~~ Commission for the purpose of the limited collection of
31 alligators in designated areas, the display or use of a light

1 in a place where alligators might be known to inhabit in a
2 manner capable of disclosing the presence of alligators,
3 together with the possession of firearms, spear guns, gigs,
4 and harpoons customarily used for the taking of alligators,
5 during the period between 1 hour after sunset and 1 hour
6 before sunrise shall be prima facie evidence of an intent to
7 violate the provisions of law regarding the protection of
8 alligators.

9 Section 127. Subsection (2) of section 372.6645,
10 Florida Statutes, is amended to read:

11 372.6645 Unlawful to sell alligator products;
12 penalty.--

13 (2) No person shall sell any alligator product
14 manufactured from a species which has been declared to be
15 endangered by the United States Fish and Wildlife Service or
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission.

18 Section 128. Subsections (1) and (2) of section
19 372.667, Florida Statutes, are amended to read:

20 372.667 Feeding or enticement of alligators or
21 crocodiles unlawful; penalty.--

22 (1) No person shall intentionally feed, or entice with
23 feed, any wild American alligator (*Alligator mississippiensis*)
24 or American crocodile (*Crocodylus acutus*). However, the
25 provisions of this section shall not apply to:

26 (a) Those persons feeding alligators or crocodiles
27 maintained in protected captivity for educational, scientific,
28 commercial, or recreational purposes.

29 (b) Fish and Wildlife Conservation ~~Game and Fresh~~
30 ~~Water Fish~~ Commission personnel, persons licensed or otherwise
31 authorized by the commission, or county or municipal animal

1 control personnel when relocating alligators or crocodiles by
2 baiting or enticement.

3 (2) For the purposes of this section, the term
4 "maintained in protected captivity" means held in captivity
5 under a permit issued by the Fish and Wildlife Conservation
6 ~~Game and Fresh Water Fish~~ Commission pursuant to s. 372.921 or
7 s. 372.922.

8 Section 129. Subsection (1) of section 372.6672,
9 Florida Statutes, 1998 Supplement, is amended to read:

10 372.6672 Alligator management and trapping program
11 implementation; commission authority.--

12 (1) In any alligator management and trapping program
13 that the Fish and Wildlife Conservation ~~Game and Fresh Water~~
14 ~~Fish~~ Commission shall establish, the commission shall have the
15 authority to adopt all rules necessary for full and complete
16 implementation of such alligator management and trapping
17 program, and, in order to ensure its lawful, safe, and
18 efficient operation in accordance therewith, may:

19 (a) Regulate the marketing and sale of alligators,
20 their hides, eggs, meat, and byproducts, including the
21 development and maintenance of a state-sanctioned sale.

22 (b) Regulate the handling and processing of
23 alligators, their eggs, hides, meat, and byproducts, for the
24 lawful, safe, and sanitary handling and processing of same.

25 (c) Regulate commercial alligator farming facilities
26 and operations for the captive propagation and rearing of
27 alligators and their eggs.

28 (d) Provide hide-grading services by two or more
29 individuals pursuant to state-sanctioned sales if rules are
30 first promulgated by the commission governing:

31

- 1 1. All grading-related services to be provided
2 pursuant to this section;
- 3 2. Criteria for qualifications of persons to serve as
4 hide-graders for grading services to be provided pursuant to
5 this section; and
- 6 3. The certification process by which hide-graders
7 providing services pursuant to this section will be certified.
- 8 (e) Provide sales-related services by contract
9 pursuant to state-sanctioned sales if rules governing such
10 services are first promulgated by the commission.

11 Section 130. Subsections (1) and (3) of section
12 372.672, Florida Statutes, 1998 Supplement, are amended to
13 read:

14 372.672 Florida Panther Research and Management Trust
15 Fund.--

16 (1) There is established within the Fish and Wildlife
17 Conservation ~~Game and Fresh Water Fish~~ Commission the Florida
18 Panther Research and Management Trust Fund to be used
19 exclusively for the purposes of this section.

20 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~
21 ~~Water Fish~~ Commission is authorized to receive donations for
22 deposit into the Florida Panther Research and Management Trust
23 Fund.

24 Section 131. Section 372.673, Florida Statutes, is
25 amended to read:

26 372.673 Florida Panther Technical Advisory Council.--

27 (1) The Florida Panther Technical Advisory Council is
28 established within the Fish and Wildlife Conservation ~~Game and~~
29 ~~Fresh Water Fish~~ Commission. The council shall be appointed
30 by the Governor and shall consist of seven members with
31

1 technical knowledge and expertise in the research and
2 management of large mammals.

3 (a) Two members shall represent state or federal
4 agencies responsible for management of endangered species; two
5 members, who must have specific experience in the research and
6 management of large felines or large mammals, shall be
7 appointed from universities, colleges, or associated
8 institutions; and three members, with similar expertise, shall
9 be appointed from the public at large.

10 (b) As soon as practicable after July 1, 1983, one
11 member representing a state or federal agency and one member
12 appointed from a university, college, or associated
13 institution shall be appointed for terms ending August 1,
14 1985, and the remaining members shall be appointed for terms
15 ending August 1, 1987. Thereafter, all appointments shall be
16 for 4-year terms. If a vacancy occurs, a member shall be
17 appointed for the remainder of the unexpired term. A member
18 whose term has expired shall continue sitting on the council
19 with full rights until a replacement has been appointed.

20 (c) Council members shall be reimbursed pursuant to s.
21 112.061 but shall receive no additional compensation or
22 honorarium.

23 (2) The purposes of the council are:

24 (a) To serve in an advisory capacity to the Fish and
25 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
26 Commission on technical matters of relevance to the Florida
27 panther recovery program, and to recommend specific actions
28 that should be taken to accomplish the purposes of this act.

29 (b) To review and comment on research and management
30 programs and practices to identify potential harm to the
31 Florida panther population.

1 (c) To provide a forum for technical review and
2 discussion of the status and development of the Florida
3 panther recovery program.

4 Section 132. Subsections (1), (2), and (7) of section
5 372.674, Florida Statutes, 1998 Supplement, are amended to
6 read:

7 372.674 Environmental education.--

8 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
9 ~~Water Fish~~ Commission may establish programs and activities to
10 develop and distribute environmental education materials that
11 will assist the public in understanding and appreciating
12 Florida's environment and problems and issues facing our
13 state's unique and fragile ecological systems. Such programs
14 shall assist school teachers, state administrators, and others
15 in the essential mission to preserve the capability to sustain
16 the functions of our lands, water, wildlife habitats, and
17 other natural resources in the most healthful, enjoyable, and
18 productive manner.

19 (2) There is created within the Fish and Wildlife
20 Conservation ~~Game and Fresh Water Fish~~ Commission the Advisory
21 Council on Environmental Education. The council is to have up
22 to 10 members appointed by the commission and is to be chaired
23 by the commission's executive director or his or her designee.
24 At a minimum, the council must include a representative of the
25 Department of Education and a representative of the Department
26 of Environmental Protection.

27 (7) The Fish and Wildlife Conservation ~~Game and Fresh~~
28 ~~Water Fish~~ Commission shall review the recommended list of
29 projects to be funded from the Florida Panther Research and
30 Management Trust Fund and the Save the Manatee Trust Fund by
31 August of each year and make a final determination of projects

1 to receive grants from available appropriations by the
2 Legislature. The commission shall act upon the recommended
3 list within 45 days after receipt of the list.

4 Section 133. Section 372.70, Florida Statutes, is
5 amended to read:

6 372.70 Prosecutions.--The prosecuting officers of the
7 several courts of criminal jurisdiction of this state shall
8 investigate and prosecute all violations of the laws relating
9 to game, freshwater fish, nongame birds and fur-bearing
10 animals which may be brought to their attention by the Fish
11 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
12 or its conservation officers, or which may otherwise come to
13 their knowledge.

14 Section 134. Subsection (1) of section 372.701,
15 Florida Statutes, is amended to read:

16 372.701 Arrest by officers of the Fish and Wildlife
17 Conservation ~~Game and Fresh Water Fish~~ Commission;
18 recognizance; cash bond; citation.--

19 (1) In all cases of arrest by officers of the Fish and
20 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and
21 the Department of Environmental Protection, the person
22 arrested shall be delivered forthwith by said officer to the
23 sheriff of the county, or shall obtain from such person
24 arrested a recognizance or, if deemed necessary, a cash bond
25 or other sufficient security conditioned for her or his
26 appearance before the proper tribunal of such county to answer
27 the charge for which the person has been arrested.

28 Section 135. Section 372.7015, Florida Statutes, is
29 amended to read:

30 372.7015 Illegal killing, taking, possessing, or
31 selling wildlife or game; fines; disposition of fines.--In

1 addition to any other penalty provided by law, any person who
2 violates the criminal provisions of this chapter and rules
3 adopted pursuant to this chapter by illegally killing, taking,
4 possessing, or selling game or fur-bearing animals as defined
5 in s. 372.001(3) or (4) in or out of season while violating
6 chapter 810 shall pay a fine of \$250 for each such violation,
7 plus court costs and any restitution ordered by the court. All
8 fines collected under this section shall be deposited into the
9 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
10 Commission's State Game Trust Fund.

11 Section 136. Subsection (1) of section 372.7016,
12 Florida Statutes, is amended to read:

13 372.7016 Voluntary Authorized Hunter Identification
14 Program.--

15 (1) There is created the "Voluntary Authorized Hunter
16 Identification Program" to assist landowners and law
17 enforcement officials in better controlling trespass and
18 illegal or unauthorized hunting. Landowners wishing to
19 participate in the program shall:

20 (a) Annually notify the sheriff's office in the county
21 in which the land is situated and the respective area
22 supervisor of the Fish and Wildlife Conservation ~~Game and~~
23 ~~Fresh Water Fish~~ Commission by letter of their desire to
24 participate in the program, and provide a description of their
25 property which they wish to have in the program by township,
26 range, section, partial section, or other geographical
27 description.

28 (b) Provide a means of identifying authorized hunters
29 as provided in subsection (2).

30 Section 137. Section 372.72, Florida Statutes, is
31 amended to read:

1 372.72 Disposition of fines, penalties, and
2 forfeitures.--

3 (2) All moneys collected from fines, penalties, or
4 forfeitures of bail of persons convicted of violations of
5 rules, regulations, or orders of the Fish and Wildlife
6 Conservation ~~Game and Fresh Water Fish~~ Commission concerning
7 endangered or threatened species or of violation of s.
8 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be
9 deposited in the Nongame Wildlife Trust Fund.

10 Section 138. Section 372.73, Florida Statutes, is
11 amended to read:

12 372.73 Confiscation and disposition of illegally taken
13 game.--All game and freshwater fish seized under the authority
14 of this chapter shall, upon conviction of the offender or
15 sooner if the court so orders, be forfeited and given to some
16 hospital or charitable institution and receipt therefor sent
17 to the Fish and Wildlife Conservation ~~Game and Fresh Water~~
18 ~~Fish~~ Commission. All furs or hides or fur-bearing animals
19 seized under the authority of this chapter shall, upon
20 conviction of the offender, be forfeited and sent to the
21 commission, which shall sell the same and deposit the proceeds
22 of such sale to the credit of the State Game Trust Fund or
23 into the commission's Federal Law Enforcement Trust Fund as
24 provided in s. 372.107, as applicable. If any such hides or
25 furs are seized and the offender is unknown, the court shall
26 order such hides or furs sent to the Fish and Wildlife
27 Conservation ~~Game and Fresh Water Fish~~ Commission, which shall
28 sell such hides and furs and deposit the proceeds of such sale
29 to the credit of the State Game Trust Fund or into the
30 commission's Federal Law Enforcement Trust Fund as provided in
31 s. 372.107, as applicable.

1 Section 139. Section 372.74, Florida Statutes, is
2 amended to read:

3 372.74 Cooperative agreements with U. S. Forest
4 Service; penalty.--The Fish and Wildlife Conservation ~~Game and~~
5 ~~Fresh Water Fish~~ Commission is authorized and empowered:

6 (1) To enter into cooperative agreements with the
7 United States Forest Service for the development of game,
8 bird, fish, reptile or fur-bearing animal management and
9 demonstration projects on and in the Osceola National Forest
10 in Columbia and Baker Counties, and in the Ocala National
11 Forest in Marion, Lake, and Putnam Counties and in the
12 Apalachicola National Forest in Liberty County. Provided,
13 however, that no such cooperative agreements shall become
14 effective in any county concerned until confirmed by the board
15 of county commissioners of such county expressed through
16 appropriate resolution.

17 (2) In cooperation with the United States Forest
18 Service, to make, adopt, promulgate, amend and repeal rules
19 and regulations, consistent with law, for the further or
20 better control of hunting, fishing, and control of wildlife in
21 the above National Forests or parts thereof; to shorten
22 seasons and reduce bag limits, or shorten or close seasons on
23 any species of game, bird, fish, reptile, or fur-bearing
24 animal within the limits prescribed by the Florida law, in the
25 above enumerated National Forests or parts thereof, when it
26 shall find after investigation that such action is necessary
27 to assure the maintenance of an adequate supply of wildlife.

28 (3) To fix a charge not to exceed \$5, for persons 18
29 years of age and over, and not to exceed \$2 for persons under
30 the age of 18 years, over and above the license fee for
31 hunting now required by law. This additional fee is to apply

1 only on areas covered by above cooperative agreements. The
2 proceeds from this additional license fee shall be used in the
3 development, propagation of wildlife and protection of the
4 areas covered by the cooperative agreements as the commission
5 and the United States Forest Service may deem proper. Nothing
6 in this section shall be construed as authorizing the
7 commission to change any penalty prescribed by law or to
8 change the amount of general license fees or the general
9 authority conferred by licenses prescribed by law.

10 (4) In addition to the requirements of chapter 120,
11 notice of the making, adoption, and promulgation of the above
12 rules and regulations shall be given by posting said notices,
13 or copies of the rules and regulations, in the offices of the
14 county judges and in the post offices within the area to be
15 affected and within 10 miles thereof. In addition to the
16 posting of said notices, as aforesaid, copies of said notices
17 or of said rules and regulations shall also be published in
18 newspapers published at the county seats of Baker, Columbia,
19 Marion, Lake, Putnam, and Liberty Counties, or so many thereof
20 as have newspapers, once not more than 35 nor less than 28
21 days and once not more than 21 nor less than 14 days prior to
22 the opening of the state hunting season in said areas. Any
23 person violating any rules or regulations promulgated by the
24 commission to cover these areas under cooperative agreements
25 between the Fish and Wildlife Conservation Commission ~~State~~
26 ~~Commission of Game and Fresh Water Fish~~ and the United States
27 Forest Service, none of which shall be in conflict with the
28 laws of Florida, shall be guilty of a misdemeanor of the
29 second degree, punishable as provided in s. 775.082 or s.
30 775.083.

31

1 Section 140. Section 372.76, Florida Statutes, is
2 amended to read:

3 372.76 Search and seizure authorized and limited.--The
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
5 Commission and its conservation officers shall have authority
6 when they have reasonable and probable cause to believe that
7 the provisions of this chapter have been violated, to board
8 any vessel, boat, or vehicle or to enter any fishhouse or
9 warehouse or other building, exclusive of residence, in which
10 game, hides, fur-bearing animals, fish, or fish nets are kept
11 and to search for and seize any such game, hides, fur-bearing
12 animals, fish, or fish nets had or held therein in violation
13 of law. Provided, however, that no search without warrant
14 shall be made under any of the provisions of this chapter,
15 unless the officer making such search has such information
16 from a reliable source as would lead a prudent and cautious
17 person to believe that some provision of this chapter is being
18 violated.

19 Section 141. Subsection (1) of section 372.761,
20 Florida Statutes, is amended to read:

21 372.761 Issuance of warrant for search of private
22 dwelling.--

23 (1) A search warrant may be issued on application by a
24 commissioned officer of the Fish and Wildlife Conservation
25 ~~Game and Fresh Water Fish~~ Commission to search any private
26 dwelling occupied as such when it is being used for the
27 unlawful sale or purchase of wildlife or freshwater fish being
28 unlawfully kept therein. The term "private dwelling" shall be
29 construed to include the room or rooms used and occupied, not
30 transiently but solely as a residence, in an apartment house,
31 hotel, boardinghouse, or lodginghouse. No warrant for the

1 search of any private dwelling shall be issued except upon
2 probable cause supported by sworn affidavit of some creditable
3 witness that she or he has reason to believe that the said
4 conditions exist, which affidavit shall set forth the facts on
5 which such reason for belief is based.

6 Section 142. Subsections (1) and (2) of section
7 372.77, Florida Statutes, are amended to read:

8 372.77 Assent to provisions of Act of Congress of
9 September 2, 1937.--

10 (1) The state hereby assents to the provisions of the
11 Act of Congress entitled "An Act to provide that the United
12 States shall aid the States in Wildlife Restoration Projects,
13 and for other purposes," approved September 2, 1937 (Pub. L.
14 No. 415, 75th Congress), and the Fish and Wildlife
15 Conservation ~~Game and Fresh Water Fish~~ Commission is hereby
16 authorized, empowered, and directed to perform such acts as
17 may be necessary to the conduct and establishment of
18 cooperative wildlife restoration projects, as defined in said
19 Act of Congress, in compliance with said act and rules and
20 regulations promulgated by the Secretary of Agriculture
21 thereunder.

22 (2) From and after the passage of this section it
23 shall be unlawful to divert any funds accruing to the state
24 from license fees paid by hunters for any purpose other than
25 the administration of the Fish and Wildlife Conservation ~~Game~~
26 ~~and Fresh Water Fish~~ Commission of the state.

27 Section 143. Section 372.7701, Florida Statutes, is
28 amended to read:

29 372.7701 Assent to federal acts.--

30 (1) The state hereby assents to the provisions of the
31 Federal Aid in Fish Restoration Act of August 9, 1950, as

1 amended. The Fish and Wildlife Conservation ~~Department of~~
2 ~~Environmental Protection and the Game and Fresh Water Fish~~
3 Commission shall ~~work cooperatively and~~ perform such
4 activities as are necessary to conduct wildlife and sportfish
5 restoration projects, as defined in such Act of Congress and
6 in compliance with the act and rules adopted thereunder by the
7 United States Department of the Interior. Furthermore, the
8 commission ~~Department of Environmental Protection~~ shall
9 develop and implement programs to manage, protect, restore and
10 conserve marine mammals and the marine fishery, and ~~the Game~~
11 ~~and Fresh Water Fish Commission~~ shall develop and implement
12 similar programs for wild animal life and freshwater aquatic
13 life.

14 (2) Revenues from fees paid by hunters and sport
15 fishers may not be diverted to purposes other than the
16 administration of fish and wildlife programs by the Fish and
17 Wildlife Conservation ~~Department of Environmental Protection~~
18 ~~and the Game and Fresh Water Fish~~ Commission. Administration
19 of the state fish and wildlife programs includes only those
20 functions of fish and wildlife management as are the
21 responsibility of and under the authority of the Fish and
22 Wildlife Conservation ~~Department of Environmental Protection~~
23 ~~and the Game and Fresh Water Fish~~ Commission.

24 (3) This section shall be construed in harmony with s.
25 372.77.

26 Section 144. Subsection (2) of section 372.771,
27 Florida Statutes, is amended to read:

28 372.771 Federal conservation of fish and wildlife;
29 limited jurisdiction.--

30 (2) The United States may exercise concurrent
31 jurisdiction over lands so acquired and carry out the intent

1 and purpose of the authority except that the existing laws of
2 Florida relating to the Department of Environmental Protection
3 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~
4 ~~Fish~~ Commission shall prevail relating to any area under their
5 supervision.

6 Section 145. Subsection (1) of section 372.85, Florida
7 Statutes, is amended to read:

8 372.85 Contaminating fresh waters.--

9 (1) It shall be unlawful for any person or persons,
10 firm or corporation to cause any dyestuff, coal tar, oil,
11 sawdust, poison or deleterious substances to be thrown, run or
12 drained into any of the fresh running waters of this state in
13 quantities sufficient to injure, stupefy, or kill fish which
14 may inhabit the same at or below the point where any such
15 substances are discharged, or caused to flow or be thrown into
16 such waters; provided, that it shall not be a violation of
17 this section for any person, firm or corporation engaged in
18 any mining industry to cause any water handled or used in any
19 branch of such industry to be discharged on the surface of
20 land where such industry or branch thereof is being carried on
21 under such precautionary measures as shall be approved by the
22 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
23 Commission.

24 Section 146. Section 372.86, Florida Statutes, is
25 amended to read:

26 372.86 Possessing, exhibiting poisonous or venomous
27 reptile; license required.--No person, firm, or corporation
28 shall keep, possess or exhibit any poisonous or venomous
29 reptile without first having obtained a special permit or
30 license therefor from the Fish and Wildlife Conservation

31

1 ~~Florida Game and Fresh Water Fish~~ Commission as herein
2 provided.

3 Section 147. Section 372.87, Florida Statutes, is
4 amended to read:

5 372.87 License fee; renewal, revocation.--The Fish and
6 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
7 Commission is hereby authorized and empowered to issue a
8 license or permit for the keeping, possessing or exhibiting of
9 poisonous or venomous reptiles, upon payment of an annual fee
10 of \$5 and upon assurance that all of the provisions of ss.
11 372.86-372.91 and such other reasonable rules and regulations
12 as said commission may prescribe will be fully complied with
13 in all respects. Such permit may be revoked by the Fish and
14 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
15 Commission upon violation of any of the provisions of ss.
16 372.86-372.91 or upon violation of any of the rules and
17 regulations prescribed by said commission relating to the
18 keeping, possessing and exhibiting of any poisonous and
19 venomous reptiles. Such permits or licenses shall be for an
20 annual period to be prescribed by the said commission and
21 shall be renewable from year to year upon the payment of said
22 \$5 fee and shall be subject to the same conditions,
23 limitations and restrictions as herein set forth.

24 Section 148. Section 372.88, Florida Statutes, is
25 amended to read:

26 372.88 Bond required, amount.--No person, party, firm,
27 or corporation shall exhibit to the public either with or
28 without charge, or admission fee any poisonous or venomous
29 reptile without having first posted a good and sufficient bond
30 in writing in the penal sum of \$1,000 payable to the Governor
31 of the state, and the Governor's successors in office,

1 conditioned that such exhibitor will indemnify and save
2 harmless all persons from injury or damage from such poisonous
3 or venomous reptiles so exhibited and shall fully comply with
4 all laws of the state and all rules and regulations of the
5 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~
6 ~~Fish~~ Commission governing the keeping, possessing, or
7 exhibiting of poisonous or venomous reptiles; provided,
8 however, that the aggregate liability of the surety for all
9 such injuries or damages shall, in no event, exceed the penal
10 sum of said bond. The surety for said bond must be a surety
11 company authorized to do business under the laws of the state
12 or in lieu of such a surety, cash in the sum of \$1,000 may be
13 posted with the said commission to ensure compliance with the
14 conditions of said bond.

15 Section 149. Section 372.89, Florida Statutes, is
16 amended to read:

17 372.89 Safe housing required.--All persons, firms, or
18 corporations licensed under this law to keep, possess or
19 exhibit poisonous or venomous reptiles shall provide safe,
20 secure and proper housing for said reptiles in cases, cages,
21 pits or enclosures. It shall be unlawful for any person, firm
22 or corporation, whether licensed hereunder or not, to keep,
23 possess or exhibit any poisonous or venomous reptiles in any
24 manner not approved as safe, secure and proper by the Fish and
25 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
26 Commission.

27 Section 150. Section 372.901, Florida Statutes, is
28 amended to read:

29 372.901 Inspection.--Poisonous or venomous reptiles,
30 held in captivity, shall be subject to inspection by an
31 inspecting officer from the Fish and Wildlife Conservation

1 ~~Florida Game and Fresh Water Fish~~ Commission. The inspecting
2 officer shall determine whether the said reptiles are
3 securely, properly and safely penned. In the event that the
4 reptiles are not safely penned, the inspecting officer shall
5 report the situation in writing to the person or firm owning
6 the said reptiles. Failure of the owner or exhibitor to
7 correct the situation within 30 days after such written notice
8 shall be grounds for revocation of the license or permit of
9 said owner or exhibitor.

10 Section 151. Section 372.911, Florida Statutes, is
11 amended to read:

12 372.911 Rewards.--The Fish and Wildlife Conservation
13 ~~Game and Fresh Water Fish~~ Commission is authorized to offer
14 rewards in amounts of up to \$500 to any person furnishing
15 information leading to the arrest and conviction of any person
16 who has inflicted or attempted to inflict bodily injury upon
17 any wildlife officer engaged in the enforcement of the
18 provisions of this chapter or the rules and regulations of the
19 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
20 Commission.

21 Section 152. Subsection (3) of section 372.912,
22 Florida Statutes, is amended to read:

23 372.912 Organized poisonous reptile hunts.--

24 (3) All organized poisonous reptile hunts in the state
25 shall be registered with the Fish and Wildlife Conservation
26 ~~Game and Fresh Water Fish~~ Commission and be subject to
27 reasonable rules and regulations promulgated by said
28 commission.

29 Section 153. Section 372.92, Florida Statutes, is
30 amended to read:

31

1 372.92 Rules and regulations.--The Fish and Wildlife
2 Conservation Florida Game and Fresh Water Fish Commission may
3 prescribe such other rules and regulations as it may deem
4 necessary to prevent the escape of poisonous and venomous
5 reptiles, either in connection of construction of such cages
6 or otherwise to carry out the intent of ss. 372.86-372.91.

7 Section 154. Subsections (1), (2), (3), and (4) of
8 section 372.921, Florida Statutes, 1998 Supplement, are
9 amended to read:

10 372.921 Exhibition of wildlife.--

11 (1) In order to provide humane treatment and sanitary
12 surroundings for wild animals kept in captivity, no person,
13 firm, corporation, or association shall have, or be in
14 possession of, in captivity for the purpose of public display
15 with or without charge or for public sale any wildlife,
16 specifically birds, mammals, and reptiles, whether indigenous
17 to Florida or not, without having first secured a permit from
18 the Fish and Wildlife Conservation Game and Fresh Water Fish
19 Commission authorizing such person, firm, or corporation to
20 have in its possession in captivity the species and number of
21 wildlife specified within such permit; however, this section
22 does not apply to any wildlife not protected by law and the
23 regulations of the Fish and Wildlife Conservation Game and
24 Fresh Water Fish Commission.

25 (2) The fees to be paid for the issuance of permits
26 required by subsection (1) shall be as follows:

27 (a) For not more than 10 individual specimens in the
28 aggregate of all species, the sum of \$5 per annum.

29 (b) For over 10 individual specimens in the aggregate
30 of all species, the sum of \$25 per annum.

31

1 The fees prescribed by this section shall be submitted to the
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
3 Commission with the application for permit required by
4 subsection (1) and shall be deposited in the State Game Fund.

5 (3) An applicant for a permit shall be required to
6 include in her or his application a statement showing the
7 place, number, and species of wildlife to be held in captivity
8 by the applicant and shall be required upon request by the
9 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
10 Commission to show when, where, and in what manner she or he
11 came into possession of any wildlife acquired subsequent to
12 the effective date of this act. The source of acquisition of
13 such wildlife shall not be divulged by the commission except
14 in connection with a violation of this section or a regulation
15 of the commission in which information as to source of
16 wildlife is required as evidence in the prosecution of such
17 violation.

18 (4) Permits issued pursuant to this section and places
19 where wildlife is kept or held in captivity shall be subject
20 to inspection by officers of the Fish and Wildlife
21 Conservation ~~Game and Fresh Water Fish~~ Commission at all
22 times. The commission shall have the power to release or
23 confiscate any specimens of any wildlife, specifically birds,
24 mammals, or reptiles, whether indigenous to the state or not,
25 when it is found that conditions under which they are being
26 confined are unsanitary, or unsafe to the public in any
27 manner, or that the species of wildlife are being maltreated,
28 mistreated, or neglected or kept in any manner contrary to the
29 provisions of chapter 828, any such permit to the contrary
30 notwithstanding. Before any such wildlife is confiscated or
31 released under the authority of this section, the owner

1 thereof shall have been advised in writing of the existence of
2 such unsatisfactory conditions; the owner shall have been
3 given 30 days in which to correct such conditions; the owner
4 shall have failed to correct such conditions; the owner shall
5 have had an opportunity for a proceeding pursuant to chapter
6 120; and the commission shall have ordered such confiscation
7 or release after careful consideration of all evidence in the
8 particular case in question. The final order of the
9 commission shall constitute final agency action.

10 Section 155. Subsection (1) of section 372.922,
11 Florida Statutes, 1998 Supplement, is amended to read:

12 372.922 Personal possession of wildlife.--

13 (1) It is unlawful for any person or persons to
14 possess any wildlife as defined in this act, whether
15 indigenous to Florida or not, until she or he has obtained a
16 permit as provided by this section from the Fish and Wildlife
17 Conservation Game and Fresh Water Fish Commission.

18 Section 156. Section 372.97, Florida Statutes, is
19 amended to read:

20 372.97 Jim Woodruff Dam; reciprocity agreements.--The
21 Fish and Wildlife Conservation Game and Fresh Water Fish
22 Commission of the state is hereby authorized to enter into an
23 agreement of the reciprocity with the game and fish
24 commissioners or the appropriate officials or departments of
25 the State of Georgia and the State of Alabama relative to the
26 taking of game and freshwater fish from the waters of the lake
27 created by the Jim Woodruff Dam by permitting reciprocal
28 license privileges.

29 Section 157. Section 372.971, Florida Statutes, is
30 amended to read:

31

1 372.971 St. Mary's River; reciprocity agreements.--The
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
3 Commission of the state is hereby authorized to enter into an
4 agreement of reciprocity with the game and fish commissioner
5 or the appropriate officials or departments of the State of
6 Georgia relative to the taking of game and freshwater fish
7 from the waters of the St. Mary's River by permitting
8 reciprocal agreement license privileges.

9 Section 158. Section 372.98, Florida Statutes, is
10 amended to read:

11 372.98 Possession of nutria; license; inspection;
12 penalty for violation.--

13 (1) No person shall release, permit to be released, or
14 be responsible for the release of, within the state, any
15 animal of the species myocastor coypu and known commonly in
16 Florida and referred to herein as nutria.

17 (2) No person shall have in her or his possession for
18 sale or otherwise any nutria until such person has obtained a
19 license as provided herein. The fee for such license shall be
20 \$25 per year. Application for such license shall be made with
21 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
22 Commission on forms providing therefor.

23 (3) All persons licensed under this law to keep,
24 possess or exhibit nutria shall provide safe, secure and
25 proper housing for said nutria which will adequately safeguard
26 against the escape of any nutria. Requirements for the
27 construction of such pens or housing shall be as prescribed by
28 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
29 Commission.

30 (4) All premises upon which nutria are kept shall be
31 subject to inspection by authorized representatives of the

1 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
2 Commission. Such officers shall determine whether the said
3 nutria are securely, properly and safely housed. In the event
4 the said nutria are not securely, properly and safely housed,
5 the inspecting officer shall so advise in writing the person
6 owning said nutria. Failure of the owner to provide within 30
7 days after such written notice secure, proper, and safe
8 housing as prescribed by the Fish and Wildlife Conservation
9 ~~Game and Fresh Water Fish~~ Commission shall be grounds for
10 revocation of the license herein provided and confiscation and
11 disposal of the said nutria as a public nuisance.

12 (5) Any person violating any provision of this section
13 or any rule and regulation of the Fish and Wildlife
14 Conservation ~~Game and Fresh Water Fish~~ Commission pursuant
15 hereto shall be guilty of a misdemeanor of the second degree,
16 punishable as provided in s. 775.082 or s. 775.083.

17 Section 159. Section 372.981, Florida Statutes, is
18 amended to read:

19 372.981 Regulation of importation of caiman.--The Fish
20 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
21 shall promulgate regulations to control the importation of
22 caiman.

23 Section 160. Subsections (1), (3), and (4) of section
24 372.99, Florida Statutes, are amended to read:

25 372.99 Illegal taking and possession of deer and wild
26 turkey; evidence; penalty.--

27 (1) Whoever takes or kills any deer or wild turkey, or
28 possesses a freshly killed deer or wild turkey, during the
29 closed season prescribed by law or by the rules and
30 regulations of the Fish and Wildlife Conservation ~~Game and~~
31 ~~Fresh Water Fish~~ Commission, or whoever takes or attempts to

1 take any deer or wild turkey by the use of gun and light in or
2 out of closed season, is guilty of a misdemeanor of the first
3 degree, punishable as provided in s. 775.082 or s. 775.083,
4 and shall forfeit any license or permit issued to her or him
5 under the provisions of this chapter. No license shall be
6 issued to such person for a period of 3 years following any
7 such violation on the first offense. Any person guilty of a
8 second or subsequent violation shall be permanently ineligible
9 for issuance of a license or permit thereafter.

10 (3) Whoever takes or kills any doe deer; fawn or baby
11 deer; or deer, whether male or female, which does not have one
12 or more antlers at least 5 inches in length, except as
13 provided by law or the rules of the Fish and Wildlife
14 Conservation Game and Fresh Water Fish Commission, during the
15 open season prescribed by the rules of the commission, is
16 guilty of a misdemeanor of the first degree, punishable as
17 provided in s. 775.082 or s. 775.083, and may be required to
18 forfeit any license or permit issued to such person for a
19 period of 3 years following any such violation on the first
20 offense. Any person guilty of a second or subsequent
21 violation shall be permanently ineligible for issuance of a
22 license or permit thereafter.

23 (4) Any person who cultivates agricultural crops may
24 apply to the Fish and Wildlife Conservation Game and Fresh
25 Water Fish Commission for a permit to take or kill deer on
26 land which that person is currently cultivating. When said
27 person can show, to the satisfaction of the Fish and Wildlife
28 Conservation Game and Fresh Water Fish Commission, that such
29 taking or killing of deer is justified because of damage to
30 the person's crops caused by deer, the Fish and Wildlife
31 Conservation Game and Fresh Water Fish Commission may issue a

1 limited permit to the applicant to take or kill deer without
2 being in violation of subsection (1) or subsection (3).

3 Section 161. Subsections (1) and (3) of section
4 372.9901, Florida Statutes, 1998 Supplement, are amended to
5 read:

6 372.9901 Seizure of illegal devices; disposition;
7 appraisal; forfeiture.--

8 (1) Any vehicle, vessel, animal, gun, light, or other
9 hunting device used in the commission of an offense prohibited
10 by s. 372.99, shall be seized by the arresting officer, who
11 shall promptly make return of the seizure and deliver the
12 property to the Director of the Fish and Wildlife Conservation
13 ~~Game and Fresh Water Fish~~ Commission. The return shall
14 describe the property seized and recite in detail the facts
15 and circumstances under which it was seized, together with the
16 reason that the property was subject to seizure. The return
17 shall also contain the names of all persons known to the
18 officer to be interested in the property.

19 (3) Upon conviction of the violator, the property, if
20 owned by the person convicted, shall be forfeited to the state
21 under the procedure set forth in ss. 372.312 through 372.318,
22 where not inconsistent with this section. All amounts received
23 from the sale or other disposition of the property shall be
24 paid into the State Game Trust Fund or into the commission's
25 Federal Law Enforcement Trust Fund as provided in s. 372.107,
26 as applicable. If the property is not sold or converted, it
27 shall be delivered to the director of the Fish and Wildlife
28 Conservation ~~Game and Fresh Water Fish~~ Commission.

29 Section 162. Subsection (1) of section 372.9903,
30 Florida Statutes, is amended to read:

31

1 372.9903 Illegal possession or transportation of
2 freshwater game fish in commercial quantities; penalty.--

3 (1) Whoever possesses, moves, or transports any black
4 bass, bream, speckled perch, or other freshwater game fish in
5 commercial quantities in violation of law or the rules of the
6 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
7 Commission shall be guilty of a misdemeanor of the first
8 degree, punishable as provided in s. 775.082 or s. 775.083.

9 Section 163. Subsections (1) and (3) of section
10 372.9904, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 372.9904 Seizure of illegal devices; disposition;
13 appraisal; forfeiture.--

14 (1) Any vehicle, vessel, or other transportation
15 device used in the commission of the offense prohibited by s.
16 372.9903, except a vehicle, vessel, or other transportation
17 device duly registered as a common carrier and operated in
18 lawful transaction of business as such carrier, shall be
19 seized by the arresting officer, who shall promptly make
20 return of the seizure and deliver the property to the director
21 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~
22 ~~Fish~~ Commission. The return shall describe the property
23 seized and recite in detail the facts and circumstances under
24 which it was seized, together with the reason that the
25 property was subject to seizure. The return shall also
26 contain the names of all persons known to the officer to be
27 interested in the property.

28 (3) Upon conviction of the violator, the property, if
29 owned by the person convicted, shall be forfeited to the state
30 under the procedure set forth in ss. 372.312-372.318, when not
31 inconsistent with this section. All amounts received from the

1 sale or other disposition of the property shall be paid into
2 the State Game Trust Fund or into the commission's Federal Law
3 Enforcement Trust Fund as provided in s. 372.107, as
4 applicable. If the property is not sold or converted, it
5 shall be delivered to the director of the Fish and Wildlife
6 Conservation Game and Fresh Water Fish Commission.

7 Section 164. Section 372.9906, Florida Statutes, is
8 amended to read:

9 372.9906 Wildlife Law Enforcement Program; creation;
10 purposes.--There is established within the Fish and Wildlife
11 Conservation Game and Fresh Water Fish Commission the Wildlife
12 Law Enforcement Program. The commission may establish and
13 operate law enforcement programs that relate to the
14 conservation, enhancement, and regulation of wildlife and
15 freshwater aquatic resources of the state and to conduct
16 programs to educate the public about the enforcement of laws
17 and regulations relating to the wildlife and freshwater
18 aquatic resources of the state. Moneys that accrue to the
19 program by law and moneys donated to the program must be
20 deposited into the State Game Trust Fund.

21 Section 165. Subsection (2) of section 372.991,
22 Florida Statutes, is amended to read:

23 372.991 Nongame Wildlife Trust Fund.--

24 (2)(a) There is established within the Fish and
25 Wildlife Conservation Game and Fresh Water Fish Commission the
26 Nongame Wildlife Trust Fund. The fund shall be credited with
27 moneys collected pursuant to ss. 319.32(3) and 320.02(8).
28 Additional funds may be provided from legislative
29 appropriations and by donations from interested individuals
30 and organizations. The commission shall designate an
31 identifiable unit to administer the trust fund.

1 (b) Proceeds from the trust fund shall be used for the
2 following purposes:

3 1. Documentation of population trends of nongame
4 wildlife and assessment of wildlife habitat, in coordination
5 with the database of Florida natural areas inventory.

6 2. Establishment of effective conservation,
7 management, and regulatory programs for nongame wildlife of
8 the state.

9 3. Public education programs.

10 Section 166. Subsection (1) of section 372.992,
11 Florida Statutes, is amended to read:

12 372.992 Nongame Wildlife Advisory Council.--

13 (1) There is created the Nongame Wildlife Advisory
14 Council, which shall consist of the following 11 members
15 appointed by the Governor: one representative each from the
16 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission, the Department of Environmental Protection, and
18 the United States Fish and Wildlife Services; the director of
19 the Florida Museum of Natural History or her or his designee;
20 one representative from a professional wildlife organization;
21 one representative from a private wildlife institution; one
22 representative from a Florida university or college who has
23 expertise in nongame biology; one representative of business
24 interests from a private consulting firm who has expertise in
25 nongame biology; one representative of a statewide
26 organization of landowner interests; and two members from
27 conservation organizations. All appointments shall be for
28 4-year terms. Members shall be eligible for reappointment.

29 Section 167. Subsection (2) of section 372.995,
30 Florida Statutes, is amended to read:

31 372.995 Release of balloons.--

1 (2) It is unlawful for any person, firm, or
2 corporation to intentionally release, organize the release, or
3 intentionally cause to be released within a 24-hour period 10
4 or more balloons inflated with a gas that is lighter than air
5 except for:

6 (a) Balloons released by a person on behalf of a
7 governmental agency or pursuant to a governmental contract for
8 scientific or meteorological purposes;

9 (b) Hot air balloons that are recovered after
10 launching;

11 (c) Balloons released indoors; or

12 (d) Balloons that are either biodegradable or
13 photodegradable, as determined by rule of the Fish and
14 Wildlife Conservation ~~Marine Fisheries~~ Commission, and which
15 are closed by a hand-tied knot in the stem of the balloon
16 without string, ribbon, or other attachments. In the event
17 that any balloons are released pursuant to the exemption
18 established in this paragraph, the party responsible for the
19 release shall make available to any law enforcement officer
20 evidence of the biodegradability or photodegradability of said
21 balloons in the form of a certificate executed by the
22 manufacturer. Failure to provide said evidence shall be prima
23 facie evidence of a violation of this act.

24 Section 168. Subsections (1), (2), and (5) of section
25 373.453, Florida Statutes, are amended to read:

26 373.453 Surface water improvement and management plans
27 and programs.--

28 (1)(a) Each water management district, in cooperation
29 with the department, the Department of Agriculture and
30 Consumer Services, the Department of Community Affairs, the
31 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

1 Commission, and local governments shall prepare and maintain a
2 list which shall prioritize water bodies of regional or
3 statewide significance within each water management district.
4 The list shall be reviewed and updated every 3 years. The list
5 shall be based on criteria adopted by rule of the department
6 and shall assign priorities to the water bodies based on their
7 need for protection and restoration.

8 (b) Criteria developed by the department shall
9 include, but need not be limited to, consideration of
10 violations of water quality standards occurring in the water
11 body, the amounts of nutrients entering the water body and the
12 water body's trophic state, the existence of or need for a
13 continuous aquatic weed control program in the water body, the
14 biological condition of the water body, reduced fish and
15 wildlife values, and threats to agricultural and urban water
16 supplies and public recreational opportunities.

17 (c) In developing their respective priority lists,
18 water management districts shall give consideration to the
19 following priority areas:

20 1. The South Florida Water Management District shall
21 give priority to the restoration needs of Lake Okeechobee,
22 Biscayne Bay, and the Indian River Lagoon system and their
23 tributaries.

24 2. The Southwest Florida Water Management District
25 shall give priority to the restoration needs of Tampa Bay and
26 its tributaries.

27 3. The St. Johns River Water Management District shall
28 give priority to the restoration needs of Lake Apopka, the
29 Lower St. Johns River, and the Indian River Lagoon system and
30 their tributaries.

31

1 (2) Once the priority lists are approved by the
2 department, the water management districts, in cooperation
3 with the department, the Fish and Wildlife Conservation Game
4 ~~and Fresh Water Fish~~ Commission, the Department of Community
5 Affairs, the Department of Agriculture and Consumer Services,
6 and local governments, shall develop surface water improvement
7 and management plans for the water bodies based on the
8 priority lists. The department shall establish a uniform
9 format for such plans and a schedule for reviewing and
10 updating the plans. These plans shall include, but not be
11 limited to:

12 (a) A description of the water body system, its
13 historical and current uses, its hydrology, and a history of
14 the conditions which have led to the need for restoration or
15 protection;

16 (b) An identification of all governmental units that
17 have jurisdiction over the water body and its drainage basin
18 within the approved surface water improvement and management
19 plan area, including local, regional, state, and federal
20 units;

21 (c) A description of land uses within the drainage
22 basin within the approved surface water improvement and
23 management plan area and those of important tributaries, point
24 and nonpoint sources of pollution, and permitted discharge
25 activities;

26 (d) A list of the owners of point and nonpoint sources
27 of water pollution that are discharged into each water body
28 and tributary thereto and that adversely affect the public
29 interest, including separate lists of those sources that are:

- 30 1. Operating without a permit;
- 31 2. Operating with a temporary operating permit; and

1 3. Presently violating effluent limits or water
2 quality standards.

3
4 The plan shall also include recommendations and schedules for
5 bringing all sources into compliance with state standards when
6 not contrary to the public interest. This paragraph does not
7 authorize any existing or future violation of any applicable
8 statute, regulation, or permit requirement, and does not
9 diminish the authority of the department or the water
10 management district;

11 (e) A description of strategies and potential
12 strategies for restoring or protecting the water body to Class
13 III or better;

14 (f) A listing of studies that are being or have been
15 prepared for the water body;

16 (g) A description of the research and feasibility
17 studies which will be performed to determine the particular
18 strategy or strategies to restore or protect the water body;

19 (h) A description of the measures needed to manage and
20 maintain the water body once it has been restored and to
21 prevent future degradation;

22 (i) A schedule for restoration and protection of the
23 water body; and

24 (j) An estimate of the funding needed to carry out the
25 restoration or protection strategies.

26 (5) The governing board of each water management
27 district is encouraged to appoint advisory committees as
28 necessary to assist in formulating and evaluating strategies
29 for water body protection and restoration activities and to
30 increase public awareness and intergovernmental cooperation.
31 Such committees should include representatives of the Fish and

1 Wildlife Conservation Game and Fresh Water Fish Commission,
2 the Department of Agriculture and Consumer Services,
3 appropriate local governments, federal agencies, existing
4 advisory councils for the subject water body, and
5 representatives of the public who use the water body.

6 Section 169. Subsections (1) and (3) of section
7 373.455, Florida Statutes, are amended to read:

8 373.455 Review of surface water improvement and
9 management plans.--

10 (1) At least 60 days prior to consideration by the
11 governing board pursuant to s. 373.456(1) of its surface water
12 improvement and management plan, a water management district
13 shall transmit its proposed plan to the department, the
14 Department of Agriculture and Consumer Services, the Fish and
15 Wildlife Conservation Game and Fresh Water Fish Commission,
16 the Department of Community Affairs, and local governments.

17 (3) The Fish and Wildlife Conservation Game and Fresh
18 Water Fish Commission shall review each proposed surface water
19 improvement and management plan to determine the effects of
20 the plan on wild animal life and fresh water aquatic life and
21 their habitats. If the commission determines that the plan
22 has adverse effects on these resources and that such adverse
23 effects exceed the beneficial effects on these resources, the
24 commission shall recommend modifications of or additions to
25 the plan to the district governing board at the time it
26 considers the plan pursuant to s. 373.456(1), or any
27 modifications or additions which would result in additional
28 beneficial effects on wild animal life or fresh water aquatic
29 life or their habitats.

30 Section 170. Subsection (2) of section 373.4595,
31 Florida Statutes, is amended to read:

1 373.4595 Lake Okeechobee improvement and management.--

2 (2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY
3 COUNCIL.--

4 (a) The Legislature finds that efforts to reduce
5 nutrient levels in Lake Okeechobee have resulted in diversions
6 of nutrient-laden waters to other environmentally sensitive
7 areas, which diversions have resulted in adverse environmental
8 effects. The Legislature also finds that both the agriculture
9 industry and the environmental community are committed to
10 protecting Lake Okeechobee and these environmentally sensitive
11 areas from further harm and that this crisis must be addressed
12 immediately. Therefore:

13 1. The South Florida Water Management District shall
14 not divert waters to the Indian River estuary, the
15 Caloosahatchee River or its estuary, or the Everglades
16 National Park, in such a way that the state water quality
17 standards are violated, that the nutrients in such diverted
18 waters adversely affect indigenous vegetation communities or
19 wildlife, or that fresh waters diverted to the Caloosahatchee
20 or Indian River estuaries adversely affect the estuarine
21 vegetation or wildlife, unless the receiving waters will
22 biologically benefit by the diversion. However, diversion is
23 permitted when an emergency is declared by the water
24 management district, if the Secretary of Environmental
25 Protection concurs.

26 2. The South Florida Water Management district may
27 divert waters to other areas, including Lake Hicpochee, unless
28 otherwise provided by law. However, the district shall monitor
29 the effects of such diversions to determine the extent of
30 adverse or positive environmental effects on indigenous
31 vegetation and wildlife. The results of the monitoring shall

1 be reported to the Lake Okeechobee Technical Advisory Council.
2 If the monitoring of such diversions reveals continuing
3 adverse environmental effects, the district shall make
4 recommendations to the Legislature by July 1, 1988, on how to
5 cease the diversions.

6 (b)1. There is hereby created a Lake Okeechobee
7 Technical Advisory Council. Council members shall be experts
8 in the fields of botany, wildlife biology, aquatic biology,
9 water quality chemistry, or hydrology and shall consist of:
10 a. Three members appointed by the Governor;
11 b. Three members appointed by the Speaker of the House
12 of Representatives;
13 c. Three members appointed by the President of the
14 Senate;
15 d. One member from the Institute of Food and
16 Agricultural Sciences, University of Florida, appointed by the
17 President of the University of Florida; and
18 e. One member from the College of Natural Sciences,
19 University of South Florida, appointed by the President of the
20 University of South Florida.

21
22 Members shall be appointed not later than July 15, 1987.

23 2. The purpose of the council shall be to investigate
24 the adverse effects of past diversions of water and potential
25 effects of future diversions on indigenous wildlife and
26 vegetation and to report to the Legislature, no later than
27 March 1, 1988, with findings and recommendations proposing
28 permanent solutions to eliminate such adverse effects.

29 3. The South Florida Water Management District shall
30 provide staff and assistance to the council. The Department of
31 Environmental Protection, the Fish and Wildlife Conservation

1 ~~Game and Fresh Water Fish~~ Commission, and the district shall
2 cooperate with the council.

3 4. The council shall meet not less than once every 2
4 months at the call of the chair, or at the call of four other
5 members of the council. The council shall elect from its
6 members a chair and vice chair and such other officers as the
7 council deems necessary. The council may establish other
8 procedures for the conduct of its business.

9 5. The members of the council are not entitled to
10 compensation but are eligible for per diem and travel expenses
11 pursuant to s. 112.061.

12 Section 171. Paragraph (b) of subsection (1) of
13 section 373.465, Florida Statutes, 1998 Supplement, is amended
14 to read:

15 373.465 Lake Panasoffkee Restoration Council.--There
16 is created within the Southwest Florida Water Management
17 District the Lake Panasoffkee Restoration Council.

18 (1)

19 (b) The council advisory group to the council shall
20 consist of: one representative each from the Southwest Florida
21 Water Management District, the Florida Department of
22 Environmental Protection, the Florida Department of
23 Transportation, the Fish and Wildlife Conservation Florida
24 ~~Game and Fresh Water Fish~~ Commission, the Withlacoochee River
25 Basin Board, and the United States Army Corps of Engineers, to
26 be appointed by their respective agencies, all of whom must
27 have training in biology or another scientific discipline.

28 Section 172. Subsections (1) and (2) of section
29 373.466, Florida Statutes, 1998 Supplement, are amended to
30 read:

31 373.466 Lake Panasoffkee restoration program.--

1 (1) The Southwest Florida Water Management District,
2 in conjunction with the Department of Environmental
3 Protection, the Fish and Wildlife Conservation ~~Florida Game~~
4 ~~and Fresh Water Fish~~ Commission, the Sumter County Commission,
5 and the Lake Panasoffkee Restoration Council, shall review
6 existing restoration proposals to determine which ones are the
7 most environmentally sound and economically feasible methods
8 of improving the fisheries and natural systems of Lake
9 Panasoffkee.

10 (2) The Southwest Florida Water Management District,
11 in consultation and by agreement with the Department of
12 Environmental Protection, the Fish and Wildlife Conservation
13 ~~Game and Fresh Water Fish~~ Commission, and pertinent local
14 governments, shall develop tasks to be undertaken by those
15 entities necessary to initiate the Lake Panasoffkee
16 restoration program recommended by the Lake Panasoffkee
17 Restoration Council. These agencies shall:

18 (a) Evaluate different methodologies for removing the
19 extensive tussocks and build-up of organic matter along the
20 shoreline and of the aquatic vegetation in the lake; and

21 (b) Conduct any additional studies as recommended by
22 the Lake Panasoffkee Restoration Council.

23 Section 173. Subsection (1) of section 373.591,
24 Florida Statutes, 1998 Supplement, is amended to read:

25 373.591 Management review teams.--

26 (1) To determine whether conservation, preservation,
27 and recreation lands titled in the name of the water
28 management districts are being managed for the purposes for
29 which they were acquired and in accordance with land
30 management objectives, the water management districts shall
31 establish land management review teams to conduct periodic

1 management reviews. The land management review teams shall be
2 composed of the following members:

3 (a) One individual from the county or local community
4 in which the parcel is located.

5 (b) One employee of the water management district.

6 (c) A private land manager mutually agreeable to the
7 governmental agency representatives.

8 (d) A member of the local soil and water conservation
9 district board of supervisors.

10 (e) One individual from the Fish and Wildlife
11 Conservation Game and Fresh Water Fish Commission.

12 (f) One individual from the Department of
13 Environmental Protection.

14 (g) One individual representing a conservation
15 organization.

16 (h) One individual from the Department of Agriculture
17 and Consumer Services' Division of Forestry.

18 Section 174. Subsection (1) of section 375.021,
19 Florida Statutes, is amended to read:

20 375.021 Comprehensive multipurpose outdoor recreation
21 plan.--

22 (1) The department is given the responsibility,
23 authority, and power to develop and execute a comprehensive
24 multipurpose outdoor recreation plan for this state with the
25 cooperation of the Department of Agriculture and Consumer
26 Services, the Department of Transportation, the Fish and
27 Wildlife Conservation Game and Fresh Water Fish Commission,
28 the Department of Commerce, and the water management
29 districts.

30 Section 175. Section 375.311, Florida Statutes, is
31 amended to read:

1 375.311 Legislative intent.--To protect and manage
2 Florida's wildlife environment on lands conveyed for
3 recreational purposes by private owners and public custodians,
4 the Legislature hereby intends that the Fish and Wildlife
5 Conservation ~~Game and Fresh Water Fish~~ Commission shall
6 regulate motor vehicle access and traffic control on Florida's
7 public lands.

8 Section 176. Subsection (3) of section 375.312,
9 Florida Statutes, is amended to read:

10 375.312 Definitions.--As used in this act, unless the
11 context requires otherwise:

12 (3) "Commission" means the Fish and Wildlife
13 Conservation ~~Florida Game and Fresh Water Fish~~ Commission.

14 Section 177. Subsections (6) and (8) of section
15 376.121, Florida Statutes, are amended to read:

16 376.121 Liability for damage to natural
17 resources.--The Legislature finds that extensive damage to the
18 state's natural resources is the likely result of a pollutant
19 discharge and that it is essential that the state adequately
20 assess and recover the cost of such damage from responsible
21 parties. It is the state's goal to recover the costs of
22 restoration from the responsible parties and to restore
23 damaged natural resources to their pre-discharge condition. In
24 many instances, however, restoration is not technically
25 feasible. In such instances, the state has the responsibility
26 to its citizens to recover the cost of all damage to natural
27 resources. To ensure that the public does not bear a
28 substantial loss as a result of the destruction of natural
29 resources, the procedures set out in this section shall be
30 used to assess the cost of damage to such resources. Natural
31 resources include coastal waters, wetlands, estuaries, tidal

1 flats, beaches, lands adjoining the seacoasts of the state,
2 and all living things except human beings. The Legislature
3 recognizes the difficulty historically encountered in
4 calculating the value of damaged natural resources. The value
5 of certain qualities of the state's natural resources is not
6 readily quantifiable, yet the resources and their qualities
7 have an intrinsic value to the residents of the state, and any
8 damage to natural resources and their qualities should not be
9 dismissed as nonrecoverable merely because of the difficulty
10 in quantifying their value. In order to avoid unnecessary
11 speculation and expenditure of limited resources to determine
12 these values, the Legislature hereby establishes a schedule
13 for compensation for damage to the state's natural resources
14 and the quality of said resources.

15 (6) It is understood that a pollutant will, by its
16 very nature, result in damage to the flora and fauna of the
17 waters of the state and the adjoining land. Therefore,
18 compensation for such resources, which is difficult to
19 calculate, is included in the compensation schedule. Not
20 included, however, in this base figure is compensation for the
21 death of endangered or threatened species directly
22 attributable to the pollutant discharged. Compensation for the
23 death of any animal designated by rule as endangered by the
24 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~
25 ~~Fish~~ Commission is \$10,000. Compensation for the death of any
26 animal designated by rule as threatened by the Fish and
27 Wildlife Conservation ~~Florida Game and Fresh Water~~ ~~Fish~~
28 Commission is \$5,000. These amounts are not intended to
29 reflect the actual value of said endangered or threatened
30 species, but are included for the purposes of this section.

31

1 (8) When assessing the amount of damages to natural
2 resources, the department shall be assisted, if requested by
3 the department, by representatives of other state agencies and
4 local governments that would enhance the department's damage
5 assessment. The Fish and Wildlife Conservation ~~Game and Fresh~~
6 ~~Water Fish~~ Commission shall assist the department in the
7 assessment of damages to wildlife impacted by a pollutant
8 discharge and shall assist the department in recovering the
9 costs of such damages.

10 Section 178. Subsection (1) of section 378.011,
11 Florida Statutes, is amended to read:

12 378.011 Land Use Advisory Committee.--

13 (1) There is hereby created a Land Use Advisory
14 Committee which shall be composed of the following:

15 (a) One member from the Bureau of Geology of the
16 ~~Division of Resource Management of the~~ Department of
17 Environmental Protection, who shall serve as chair, to be
18 appointed by the executive director of said department;

19 (b) One member from the Executive Office of the
20 Governor, to be appointed by the Governor;

21 (c) One member from the Tampa Bay Regional Planning
22 Council, one member from the Central Florida Regional Planning
23 Council, and one member from the North Central Florida
24 Regional Planning Council, to be appointed by the respective
25 directors of said regional planning councils;

26 (d) One member to represent the Board of County
27 Commissioners of Polk County, one member to represent the
28 Board of County Commissioners of Hillsborough County, and one
29 member to represent the Board of County Commissioners of
30 Hamilton County, to be appointed by the chairs of said boards;

31

1 (e) One member from the Fish and Wildlife Conservation
2 ~~Game and Fresh Water Fish~~ Commission, to be appointed by the
3 Executive Director of said commission; and

4 (f) Two members of the public, to be appointed by the
5 Governor.

6 Section 179. Subsection (5) of section 378.036,
7 Florida Statutes, is amended to read:

8 378.036 Land acquisitions financed by Nonmandatory
9 Land Reclamation Trust Fund moneys.--

10 (5) By July 1, 1986, the department, in cooperation
11 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~
12 ~~Fish~~ Commission, shall develop a list identifying those
13 nonmandatory lands which have been or may be naturally
14 reclaimed and which the state may seek to acquire through
15 purchase or donation for hunting, fishing, or other outdoor
16 recreational purposes or for wildlife habitat restoration.
17 The list shall separately indicate which of the nonmandatory
18 lands are eligible lands.

19 Section 180. Subsection (2) of section 378.409,
20 Florida Statutes, is amended to read:

21 378.409 Civil liability.--

22 (2) In assessing damages for animal, plant, or aquatic
23 life, the value shall be determined in accordance with the
24 tables of values established by the Fish and Wildlife
25 Conservation ~~Game and Fresh Water Fish~~ Commission and the
26 department.

27 Section 181. Subsections (3) and (6) of section
28 380.061, Florida Statutes, 1998 Supplement, are amended to
29 read:

30 380.061 The Florida Quality Developments program.--

31

1 (3)(a) To be eligible for designation under this
2 program, the developer shall comply with each of the following
3 requirements which is applicable to the site of a qualified
4 development:

5 1. Have donated or entered into a binding commitment
6 to donate the fee or a lesser interest sufficient to protect,
7 in perpetuity, the natural attributes of the types of land
8 listed below. In lieu of the above requirement, the developer
9 may enter into a binding commitment which runs with the land
10 to set aside such areas on the property, in perpetuity, as
11 open space to be retained in a natural condition or as
12 otherwise permitted under this subparagraph. Under the
13 requirements of this subparagraph, the developer may reserve
14 the right to use such areas for the purpose of passive
15 recreation that is consistent with the purposes for which the
16 land was preserved.

17 a. Those wetlands and water bodies throughout the
18 state as would be delineated if the provisions of s.
19 373.4145(1)(b) were applied. The developer may use such areas
20 for the purpose of site access, provided other routes of
21 access are unavailable or impracticable; may use such areas
22 for the purpose of stormwater or domestic sewage management
23 and other necessary utilities to the extent that such uses are
24 permitted pursuant to chapter 403; or may redesign or alter
25 wetlands and water bodies within the jurisdiction of the
26 Department of Environmental Protection which have been
27 artificially created, if the redesign or alteration is done so
28 as to produce a more naturally functioning system.

29 b. Active beach or primary and, where appropriate,
30 secondary dunes, to maintain the integrity of the dune system
31 and adequate public accessways to the beach. However, the

1 developer may retain the right to construct and maintain
2 elevated walkways over the dunes to provide access to the
3 beach.

4 c. Known archaeological sites determined to be of
5 significance by the Division of Historical Resources of the
6 Department of State.

7 d. Areas known to be important to animal species
8 designated as endangered or threatened animal species by the
9 United States Fish and Wildlife Service or by the Fish and
10 Wildlife Conservation Florida Game and Fresh Water Fish
11 Commission, for reproduction, feeding, or nesting; for
12 traveling between such areas used for reproduction, feeding,
13 or nesting; or for escape from predation.

14 e. Areas known to contain plant species designated as
15 endangered plant species by the Department of Agriculture and
16 Consumer Services.

17 2. Produce, or dispose of, no substances designated as
18 hazardous or toxic substances by the United States
19 Environmental Protection Agency or by the Department of
20 Environmental Protection or the Department of Agriculture and
21 Consumer Services. This subparagraph is not intended to apply
22 to the production of these substances in nonsignificant
23 amounts as would occur through household use or incidental use
24 by businesses.

25 3. Participate in a downtown reuse or redevelopment
26 program to improve and rehabilitate a declining downtown area.

27 4. Incorporate no dredge and fill activities in, and
28 no stormwater discharge into, waters designated as Class II,
29 aquatic preserves, or Outstanding Florida Waters, except as
30 activities in those waters are permitted pursuant to s.
31 403.813(2) and the developer demonstrates that those

1 activities meet the standards under Class II waters,
2 Outstanding Florida Waters, or aquatic preserves, as
3 applicable.

4 5. Include open space, recreation areas, Xeriscape as
5 defined in s. 373.185, and energy conservation and minimize
6 impermeable surfaces as appropriate to the location and type
7 of project.

8 6. Provide for construction and maintenance of all
9 onsite infrastructure necessary to support the project and
10 enter into a binding commitment with local government to
11 provide an appropriate fair-share contribution toward the
12 offsite impacts which the development will impose on publicly
13 funded facilities and services, except offsite transportation,
14 and condition or phase the commencement of development to
15 ensure that public facilities and services, except offsite
16 transportation, will be available concurrent with the impacts
17 of the development. For the purposes of offsite transportation
18 impacts, the developer shall comply, at a minimum, with the
19 standards of the state land planning agency's
20 development-of-regional-impact transportation rule, the
21 approved strategic regional policy plan, any applicable
22 regional planning council transportation rule, and the
23 approved local government comprehensive plan and land
24 development regulations adopted pursuant to part II of chapter
25 163.

26 7. Design and construct the development in a manner
27 that is consistent with the adopted state plan, the applicable
28 strategic regional policy plan, and the applicable adopted
29 local government comprehensive plan.

30 (b) In addition to the foregoing requirements, the
31 developer shall plan and design his or her development in a

1 manner which includes the needs of the people in this state as
2 identified in the state comprehensive plan and the quality of
3 life of the people who will live and work in or near the
4 development. The developer is encouraged to plan and design
5 his or her development in an innovative manner. These planning
6 and design features may include, but are not limited to, such
7 things as affordable housing, care for the elderly, urban
8 renewal or redevelopment, mass transit, the protection and
9 preservation of wetlands outside the jurisdiction of the
10 Department of Environmental Protection or of uplands as
11 wildlife habitat, provision for the recycling of solid waste,
12 provision for onsite child care, enhancement of emergency
13 management capabilities, the preservation of areas known to be
14 primary habitat for significant populations of species of
15 special concern designated by the Fish and Wildlife
16 Conservation Florida Game and Fresh Water Fish Commission, or
17 community economic development. These additional amenities
18 will be considered in determining whether the development
19 qualifies for designation under this program.

20 (6)(a) In the event that the development is not
21 designated under subsection (5), the developer may appeal that
22 determination to the Quality Developments Review Board. The
23 board shall consist of the secretary of the state land
24 planning agency, the Secretary of Environmental Protection and
25 a member designated by the secretary, the Secretary of
26 Transportation, the executive director of the Fish and
27 Wildlife Conservation Florida Game and Fresh Water Fish
28 Commission, the executive director of the appropriate water
29 management district created pursuant to chapter 373, and the
30 chief executive officer of the appropriate local government.
31 When there is a significant historical or archaeological site

1 within the boundaries of a development which is appealed to
2 the board, the director of the Division of Historical
3 Resources of the Department of State shall also sit on the
4 board. The staff of the state land planning agency shall serve
5 as staff to the board.

6 (b) The board shall meet once each quarter of the
7 year. However, a meeting may be waived if no appeals are
8 pending.

9 (c) On appeal, the sole issue shall be whether the
10 development meets the statutory criteria for designation under
11 this program. An affirmative vote of at least five members of
12 the board, including the affirmative vote of the chief
13 executive officer of the appropriate local government, shall
14 be necessary to designate the development by the board.

15 (d) The state land planning agency shall adopt
16 procedural rules for consideration of appeals under this
17 subsection.

18 Section 182. Section 388.45, Florida Statutes, is
19 amended to read:

20 388.45 Threat to public health; emergency
21 declarations.--The State Health Officer has the authority to
22 declare that a threat to public health exists when the
23 Department of Health discovers in the human or surrogate
24 population the occurrence of an infectious disease that can be
25 transmitted from arthropods to humans. The State Health
26 Officer must immediately notify the Commissioner of
27 Agriculture of the declaration of this threat to public
28 health. The Commissioner of Agriculture is authorized to issue
29 an emergency declaration based on the State Health Officer's
30 declaration of a threat to the public health or based on other
31 threats to animal health. Each declaration must contain the

1 geographical boundaries and the duration of the declaration.
2 The State Health Officer shall order such human medical
3 preventive treatment and the Commissioner of Agriculture shall
4 order such ameliorative arthropod control measures as are
5 necessary to prevent the spread of disease, notwithstanding
6 contrary provisions of this chapter or the rules adopted under
7 this chapter. Within 24 hours after a declaration of a threat
8 to the public health, the State Health Officer must also
9 notify the agency heads of the Department of Environmental
10 Protection and the Fish and Wildlife Conservation Game and
11 ~~Fresh Water Fish~~ Commission of the declaration. Within 24
12 hours after an emergency declaration based on the public
13 health declaration or based on other threats to animal health,
14 the Commissioner of Agriculture must notify the agency heads
15 of the Department of Environmental Protection and the Fish and
16 Wildlife Conservation Game and Fresh Water Fish Commission of
17 the declaration. Within 24 hours after an emergency
18 declaration based on other threats to animal health, the
19 Commissioner of Agriculture must also notify the agency head
20 of the Department of Health of the declaration.

21 Section 183. Subsection (2) of section 388.46, Florida
22 Statutes, is amended to read:

23 388.46 Florida Coordinating Council on Mosquito
24 Control; establishment; membership; organization;
25 responsibilities.--

26 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--

27 (a) Membership.--The Florida Coordinating Council on
28 Mosquito Control shall be comprised of the following
29 representatives or their authorized designees:

30 1. The Secretary of Environmental Protection and the
31 Secretary of Health;

1 2. The executive director of the Fish and Wildlife
2 Conservation Game and Fresh Water Fish Commission;

3 3. The state epidemiologist;

4 4. The Commissioner of Agriculture; and

5 5. Representatives from:

6 a. The University of Florida, Institute of Food and
7 Agricultural Sciences, Florida Medical Entomological Research
8 Laboratory;

9 b. Florida Agricultural and Mechanical University;

10 c. The United States Environmental Protection Agency;

11 d. The United States Department of Agriculture,
12 Insects Affecting Man Laboratory;

13 e. The United States Fish and Wildlife Service;

14 f. Two mosquito control directors to be nominated by
15 the Florida Mosquito Control Association, two representatives
16 of Florida environmental groups, and two private citizens who
17 are property owners whose lands are regularly subject to
18 mosquito control operations, to be appointed to 4-year terms
19 by the Commissioner of Agriculture; and

20 g. The Board of Trustees of the Internal Improvement
21 Trust Fund.

22 (b) Organization.--The council shall be chaired by the
23 Commissioner of Agriculture or the commissioner's authorized
24 designee. A majority of the membership of the council shall
25 constitute a quorum for the conduct of business. The chair
26 shall be responsible for recording and distributing to the
27 members a summary of the proceedings of all council meetings.
28 The council shall meet at least three times each year, or as
29 needed. The council may designate subcommittees from time to
30 time to assist in carrying out its responsibilities, provided
31 that the Subcommittee on Managed Marshes shall be the first

1 subcommittee appointed by the council. The subcommittee shall
2 continue to provide technical assistance and guidance on
3 mosquito impoundment management plans and develop and review
4 research proposals for mosquito source reduction techniques.

5 (c) Responsibilities.--The council shall:

6 1. Develop and implement guidelines to assist the
7 department in resolving disputes arising over the control of
8 arthropods on publicly owned lands.

9 2. Identify and recommend to Florida Agricultural and
10 Mechanical University research priorities for arthropod
11 control practices and technologies.

12 3. Develop and recommend to the department a request
13 for proposal process for arthropod control research.

14 4. Identify potential funding sources for research or
15 implementation projects and evaluate and prioritize proposals
16 upon request by the funding source.

17 5. Prepare and present reports, as needed, on
18 arthropod control activities in the state to the Pesticide
19 Review Council, the Florida Coastal Management Program
20 Interagency Management Committee, and other governmental
21 organizations, as appropriate.

22 Section 184. Subsection (5) of section 403.0752,
23 Florida Statutes, is amended to read:

24 403.0752 Ecosystem management agreements.--

25 (5) The Secretary of Community Affairs, the Secretary
26 of Transportation, the Commissioner of Agriculture, the
27 Executive Director of the Fish and Wildlife Conservation Game
28 ~~and Fresh Water Fish~~ Commission, and the executive directors
29 of the water management districts are authorized to
30 participate in the development of ecosystem management
31 agreements with regulated entities and other governmental

1 agencies as necessary to effectuate the provisions of this
2 section. Local governments are encouraged to participate in
3 ecosystem management agreements.

4 Section 185. Subsection (4) of section 403.0885,
5 Florida Statutes, 1998 Supplement, is amended to read:

6 403.0885 Establishment of federally approved state
7 National Pollutant Discharge Elimination System (NPDES)
8 Program.--

9 (4) The department shall respond, in writing, to any
10 written comments on a pending application for a state NPDES
11 permit which the department receives from the executive
12 director, or his or her designee, of the Fish and Wildlife
13 Conservation ~~Game and Fresh Water Fish~~ Commission on matters
14 within the commenting agency's jurisdiction. The department's
15 response shall not constitute agency action for purposes of
16 ss. 120.569 and 120.57 or other provisions of chapter 120.

17 Section 186. Subsection (2) of section 403.413,
18 Florida Statutes, is amended to read:

19 403.413 Florida Litter Law.--

20 (2) DEFINITIONS.--As used in this section:

21 (a) "Litter" means any garbage; rubbish; trash;
22 refuse; can; bottle; box; container; paper; tobacco product;
23 tire; appliance; mechanical equipment or part; building or
24 construction material; tool; machinery; wood; motor vehicle or
25 motor vehicle part; vessel; aircraft; farm machinery or
26 equipment; sludge from a waste treatment facility, water
27 supply treatment plant, or air pollution control facility; or
28 substance in any form resulting from domestic, industrial,
29 commercial, mining, agricultural, or governmental operations.

30
31

1 (b) "Person" means any individual, firm, sole
2 proprietorship, partnership, corporation, or unincorporated
3 association.

4 (c) "Law enforcement officer" means any officer of the
5 Florida Highway Patrol, a county sheriff's department, a
6 municipal law enforcement department, a law enforcement
7 department of any other political subdivision, the department,
8 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~
9 ~~Fish~~ Commission. In addition, and solely for the purposes of
10 this section, "law enforcement officer" means any employee of
11 a county or municipal park or recreation department designated
12 by the department head as a litter enforcement officer.

13 (d) "Aircraft" means a motor vehicle or other vehicle
14 that is used or designed to fly but does not include a
15 parachute or any other device used primarily as safety
16 equipment.

17 (e) "Commercial purpose" means for the purpose of
18 economic gain.

19 (f) "Commercial vehicle" means a vehicle that is owned
20 or used by a business, corporation, association, partnership,
21 or sole proprietorship or any other entity conducting business
22 for a commercial purpose.

23 (g) "Dump" means to dump, throw, discard, place,
24 deposit, or dispose of.

25 (h) "Motor vehicle" means an automobile, motorcycle,
26 truck, trailer, semitrailer, truck tractor, or semitrailer
27 combination or any other vehicle that is powered by a motor.

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

30 Section 187. Subsection (2) of section 403.507,
31 Florida Statutes, is amended to read:

1 403.507 Preliminary statements of issues, reports, and
2 studies.--

3 (2)(a) The following agencies shall prepare reports as
4 provided below and shall submit them to the department and the
5 applicant within 150 days after distribution of the complete
6 application:

7 1. The Department of Community Affairs shall prepare a
8 report containing recommendations which address the impact
9 upon the public of the proposed electrical power plant, based
10 on the degree to which the electrical power plant is
11 consistent with the applicable portions of the state
12 comprehensive plan and other such matters within its
13 jurisdiction. The Department of Community Affairs may also
14 comment on the consistency of the proposed electrical power
15 plant with applicable strategic regional policy plans or local
16 comprehensive plans and land development regulations.

17 2. The Public Service Commission shall prepare a
18 report as to the present and future need for the electrical
19 generating capacity to be supplied by the proposed electrical
20 power plant. The report shall include the commission's
21 determination pursuant to s. 403.519 and may include the
22 commission's comments with respect to any other matters within
23 its jurisdiction.

24 3. The water management district shall prepare a
25 report as to matters within its jurisdiction.

26 4. Each local government in whose jurisdiction the
27 proposed electrical power plant is to be located shall prepare
28 a report as to the consistency of the proposed electrical
29 power plant with all applicable local ordinances, regulations,
30 standards, or criteria that apply to the proposed electrical
31 power plant, including adopted local comprehensive plans, land

1 development regulations, and any applicable local
2 environmental regulations adopted pursuant to s. 403.182 or by
3 other means.

4 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
5 ~~Water Fish~~ Commission shall prepare a report as to matters
6 within its jurisdiction.

7 6. The regional planning council shall prepare a
8 report containing recommendations that address the impact upon
9 the public of the proposed electrical power plant, based on
10 the degree to which the electrical power plant is consistent
11 with the applicable provisions of the strategic regional
12 policy plan adopted pursuant to chapter 186 and other matters
13 within its jurisdiction.

14 7. Any other agency, if requested by the department,
15 shall also perform studies or prepare reports as to matters
16 within that agency's jurisdiction which may potentially be
17 affected by the proposed electrical power plant.

18 (b) As needed to verify or supplement the studies made
19 by the applicant in support of the application, it shall be
20 the duty of the department to conduct, or contract for,
21 studies of the proposed electrical power plant and site,
22 including, but not limited to, the following, which shall be
23 completed no later than 210 days after the complete
24 application is filed with the department:

- 25 1. Cooling system requirements.
- 26 2. Construction and operational safeguards.
- 27 3. Proximity to transportation systems.
- 28 4. Soil and foundation conditions.
- 29 5. Impact on suitable present and projected water
30 supplies for this and other competing uses.
- 31 6. Impact on surrounding land uses.

- 1 7. Accessibility to transmission corridors.
2 8. Environmental impacts.
3 9. Requirements applicable under any federally
4 delegated or approved permit program.

5 (c) Each report described in paragraphs (a) and (b)
6 shall contain all information on variances, exemptions,
7 exceptions, or other relief which may be required by s.
8 403.511(2) and any proposed conditions of certification on
9 matters within the jurisdiction of such agency. For each
10 condition proposed by an agency in its report, the agency
11 shall list the specific statute, rule, or ordinance which
12 authorizes the proposed condition.

13 (d) The agencies shall initiate the activities
14 required by this section no later than 30 days after the
15 complete application is distributed. The agencies shall keep
16 the applicant and the department informed as to the progress
17 of the studies and any issues raised thereby.

18 Section 188. Paragraph (a) of subsection (4) of
19 section 403.508, Florida Statutes, is amended to read:

20 403.508 Land use and certification proceedings,
21 parties, participants.--

22 (4)(a) Parties to the proceeding shall include:

- 23 1. The applicant.
24 2. The Public Service Commission.
25 3. The Department of Community Affairs.
26 4. The Fish and Wildlife Conservation Commission ~~Game~~
27 ~~and Fresh Water Fish Commission~~.
28 5. The water management district.
29 6. The department.
30 7. The regional planning council.
31 8. The local government.

1 Section 189. Paragraph (b) of subsection (1) of
2 section 403.518, Florida Statutes, is amended to read:

3 403.518 Fees; disposition.--

4 (1) The department shall charge the applicant the
5 following fees, as appropriate, which shall be paid into the
6 Florida Permit Fee Trust Fund:

7 (b) An application fee, which shall not exceed
8 \$200,000. The fee shall be fixed by rule on a sliding scale
9 related to the size, type, ultimate site capacity, increase in
10 generating capacity proposed by the application, or the number
11 and size of local governments in whose jurisdiction the
12 electrical power plant is located.

13 1. Sixty percent of the fee shall go to the department
14 to cover any costs associated with reviewing and acting upon
15 the application, to cover any field services associated with
16 monitoring construction and operation of the facility, and to
17 cover the costs of the public notices published by the
18 department.

19 2. Twenty percent of the fee or \$25,000, whichever is
20 greater, shall be transferred to the Administrative Trust Fund
21 of the Division of Administrative Hearings of the Department
22 of Management Services.

23 3. Upon written request with proper itemized
24 accounting within 90 days after final agency action by the
25 board or withdrawal of the application, the department shall
26 reimburse the Department of Community Affairs, the Fish and
27 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
28 and any water management district created pursuant to chapter
29 373, regional planning council, and local government in the
30 jurisdiction of which the proposed electrical power plant is
31 to be located, and any other agency from which the department

1 requests special studies pursuant to s. 403.507(2)(a)7. Such
2 reimbursement shall be authorized for the preparation of any
3 studies required of the agencies by this act, and for agency
4 travel and per diem to attend any hearing held pursuant to
5 this act, and for local governments to participate in the
6 proceedings. In the event the amount available for allocation
7 is insufficient to provide for complete reimbursement to the
8 agencies, reimbursement shall be on a prorated basis.

9 4. If any sums are remaining, the department shall
10 retain them for its use in the same manner as is otherwise
11 authorized by this act; provided, however, that if the
12 certification application is withdrawn, the remaining sums
13 shall be refunded to the applicant within 90 days after
14 withdrawal.

15 Section 190. Paragraph (a) of subsection (2) of
16 section 403.526, Florida Statutes, is amended to read:

17 403.526 Preliminary statements of issues, reports, and
18 studies.--

19 (2)(a) The affected agencies shall prepare reports as
20 provided below and shall submit them to the department and the
21 applicant within 90 days after distribution of the complete
22 application:

23 1. The department shall prepare a report as to the
24 impact of each proposed transmission line or corridor as it
25 relates to matters within its jurisdiction.

26 2. Each water management district in the jurisdiction
27 of which a proposed transmission line or corridor is to be
28 located shall prepare a report as to the impact on water
29 resources and other matters within its jurisdiction.

30 3. The Department of Community Affairs shall prepare a
31 report containing recommendations which address the impact

1 upon the public of the proposed transmission line or corridor,
2 based on the degree to which the proposed transmission line or
3 corridor is consistent with the applicable portions of the
4 state comprehensive plan and other matters within its
5 jurisdiction. The Department of Community Affairs may also
6 comment on the consistency of the proposed transmission line
7 or corridor with applicable strategic regional policy plans or
8 local comprehensive plans and land development regulations.

9 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
10 ~~Water Fish~~ Commission shall prepare a report as to the impact
11 of each proposed transmission line or corridor on fish and
12 wildlife resources and other matters within its jurisdiction.

13 5. Each local government shall prepare a report as to
14 the impact of each proposed transmission line or corridor on
15 matters within its jurisdiction, including the consistency of
16 the proposed transmission line or corridor with all applicable
17 local ordinances, regulations, standards, or criteria that
18 apply to the proposed transmission line or corridor, including
19 local comprehensive plans, zoning regulations, land
20 development regulations, and any applicable local
21 environmental regulations adopted pursuant to s. 403.182 or by
22 other means. No change by the responsible local government or
23 local agency in local comprehensive plans, zoning ordinances,
24 or other regulations made after the date required for the
25 filing of the local government's report required by this
26 section shall be applicable to the certification of the
27 proposed transmission line or corridor unless the
28 certification is denied or the application is withdrawn.

29 6. Each regional planning council shall present a
30 report containing recommendations that address the impact upon
31 the public of the proposed transmission line or corridor based

1 on the degree to which the transmission line or corridor is
2 consistent with the applicable provisions of the strategic
3 regional policy plan adopted pursuant to chapter 186 and other
4 impacts of each proposed transmission line or corridor on
5 matters within its jurisdiction.

6 Section 191. Paragraph (a) of subsection (4) of
7 section 403.527, Florida Statutes, is amended to read:

8 403.527 Notice, proceedings, parties, participants.--

9 (4)(a) Parties to the proceeding shall be:

- 10 1. The applicant.
- 11 2. The department.
- 12 3. The commission.
- 13 4. The Department of Community Affairs.
- 14 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
15 ~~Water Fish~~ Commission.
- 16 6. Each water management district in the jurisdiction
17 of which the proposed transmission line or corridor is to be
18 located.
- 19 7. The local government.
- 20 8. The regional planning council.

21 Section 192. Paragraph (c) of subsection (1) of
22 section 403.5365, Florida Statutes, is amended to read:

23 403.5365 Fees; disposition.--The department shall
24 charge the applicant the following fees, as appropriate, which
25 shall be paid into the Florida Permit Fee Trust Fund:

- 26 (1) An application fee of \$100,000, plus \$750 per mile
27 for each mile of corridor in which the transmission line
28 right-of-way is proposed to be located within an existing
29 electrical transmission line right-of-way or within any
30 existing right-of-way for any road, highway, railroad, or
31 other aboveground linear facility, or \$1,000 per mile for each

1 mile of transmission line corridor proposed to be located
2 outside such existing right-of-way.

3 (c) Upon written request with proper itemized
4 accounting within 90 days after final agency action by the
5 board or withdrawal of the application, the department shall
6 reimburse the expenses and costs of the Department of
7 Community Affairs, the Fish and Wildlife Conservation ~~Game and~~
8 ~~Fresh Water Fish~~ Commission, the water management district,
9 regional planning council, and local government in the
10 jurisdiction of which the transmission line is to be located.
11 Such reimbursement shall be authorized for the preparation of
12 any studies required of the agencies by this act, and for
13 agency travel and per diem to attend any hearing held pursuant
14 to this act, and for the local government to participate in
15 the proceedings. In the event the amount available for
16 allocation is insufficient to provide for complete
17 reimbursement to the agencies, reimbursement shall be on a
18 prorated basis.

19 Section 193. Subsection (3) of section 403.7841,
20 Florida Statutes, is amended to read:

21 403.7841 Application for certification.--

22 (3) Within 7 days after filing the application with
23 the department, the applicant shall provide two copies of the
24 application as filed to each of the following: the Department
25 of Community Affairs, the water management district which has
26 jurisdiction over the area wherein the proposed project is to
27 be located, the Department of Transportation, the Fish and
28 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
29 the Department of Health and Rehabilitative Services, the
30 Department of Agriculture and Consumer Services, and the local
31 governmental entities which have jurisdiction.

1 Section 194. Subsection (1) of section 403.786,
2 Florida Statutes, is amended to read:

3 403.786 Report and studies.--

4 (1) The Department of Community Affairs, the water
5 management district which has jurisdiction over the area
6 wherein the proposed project is to be located, the Department
7 of Transportation, the Fish and Wildlife Conservation ~~Game and~~
8 ~~Fresh Water Fish~~ Commission, the Department of Health and
9 Rehabilitative Services, the Department of Agriculture and
10 Consumer Services, and each local government which has
11 jurisdiction shall each submit a report of matters within
12 their jurisdiction to the department within 90 days after
13 their receipt of the application. Any other agency may submit
14 comments relating to matters within its jurisdiction to the
15 department within 90 days after the filing of the application
16 with the Division of Administrative Hearings.

17 Section 195. Paragraph (a) of subsection (4) of
18 section 403.787, Florida Statutes, is amended to read:

19 403.787 Notice, proceedings, parties, participants.--

20 (4)(a) Parties to the proceeding shall be:

- 21 1. The applicant.
- 22 2. The department.
- 23 3. The Department of Community Affairs.
- 24 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
25 ~~Water Fish~~ Commission.
- 26 5. Each water management district in the jurisdiction
27 of which the proposed project is to be located.
- 28 6. Any affected local government.

29 Section 196. Subsection (6) of section 403.9325,
30 Florida Statutes, is amended to read:

31

1 403.9325 Definitions.--For the purposes of ss.
2 403.9321-403.9333, the term:
3 (6) "Public lands set aside for conservation or
4 preservation" means:
5 (a) Conservation and recreation lands under chapter
6 259;
7 (b) State and national parks;
8 (c) State and national reserves and preserves, except
9 as provided in s. 403.9326(3);
10 (d) State and national wilderness areas;
11 (e) National wildlife refuges (only those lands under
12 Federal Government ownership);
13 (f) Lands acquired through the Water Management Lands
14 Trust Fund, Save Our Rivers Program;
15 (g) Lands acquired under the Save Our Coast program;
16 (h) Lands acquired under the environmentally
17 endangered lands bond program;
18 (i) Public lands designated as conservation or
19 preservation under a local government comprehensive plan;
20 (j) Lands purchased by a water management district,
21 the Fish and Wildlife Conservation ~~Florida Game and Fresh~~
22 ~~Water Fish~~ Commission, or any other state agency for
23 conservation or preservation purposes;
24 (k) Public lands encumbered by a conservation easement
25 that does not provide for the trimming of mangroves; and
26 (l) Public lands designated as critical wildlife areas
27 by the Fish and Wildlife Conservation ~~Florida Game and Fresh~~
28 ~~Water Fish~~ Commission.
29 Section 197. Paragraph (a) of subsection (2) of
30 section 403.941, Florida Statutes, is amended to read:
31

1 403.941 Preliminary statements of issues, reports, and
2 studies.--

3 (2)(a) The affected agencies shall prepare reports as
4 provided in this paragraph and shall submit them to the
5 department and the applicant within 60 days after the
6 application is determined sufficient:

7 1. The department shall prepare a report as to the
8 impact of each proposed natural gas transmission pipeline or
9 corridor as it relates to matters within its jurisdiction.

10 2. Each water management district in the jurisdiction
11 of which a proposed natural gas transmission pipeline or
12 corridor is to be located shall prepare a report as to the
13 impact on water resources and other matters within its
14 jurisdiction.

15 3. The Department of Community Affairs shall prepare a
16 report containing recommendations which address the impact
17 upon the public of the proposed natural gas transmission
18 pipeline or corridor, based on the degree to which the
19 proposed natural gas transmission pipeline or corridor is
20 consistent with the applicable portions of the state
21 comprehensive plan and other matters within its jurisdiction.
22 The Department of Community Affairs may also comment on the
23 consistency of the proposed natural gas transmission pipeline
24 or corridor with applicable strategic regional policy plans or
25 local comprehensive plans and land development regulations.

26 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
27 ~~Water Fish~~ Commission shall prepare a report as to the impact
28 of each proposed natural gas transmission pipeline or corridor
29 on fish and wildlife resources and other matters within its
30 jurisdiction.

31

1 5. Each local government in which the natural gas
2 transmission pipeline or natural gas transmission pipeline
3 corridor will be located shall prepare a report as to the
4 impact of each proposed natural gas transmission pipeline or
5 corridor on matters within its jurisdiction, including the
6 consistency of the proposed natural gas transmission pipeline
7 or corridor with all applicable local ordinances, regulations,
8 standards, or criteria that apply to the proposed natural gas
9 transmission pipeline or corridor, including local
10 comprehensive plans, zoning regulations, land development
11 regulations, and any applicable local environmental
12 regulations adopted pursuant to s. 403.182 or by other means.
13 No change by the responsible local government or local agency
14 in local comprehensive plans, zoning ordinances, or other
15 regulations made after the date required for the filing of the
16 local government's report required by this section shall be
17 applicable to the certification of the proposed natural gas
18 transmission pipeline or corridor unless the certification is
19 denied or the application is withdrawn.

20 6. Each regional planning council in which the natural
21 gas transmission pipeline or natural gas transmission pipeline
22 corridor will be located shall present a report containing
23 recommendations that address the impact upon the public of the
24 proposed natural gas transmission pipeline or corridor, based
25 on the degree to which the natural gas transmission pipeline
26 or corridor is consistent with the applicable provisions of
27 the strategic regional policy plan adopted pursuant to chapter
28 186 and other impacts of each proposed natural gas
29 transmission pipeline or corridor on matters within its
30 jurisdiction.

31

1 7. The Department of Transportation shall prepare a
2 report on the effect of the natural gas transmission pipeline
3 or natural gas transmission pipeline corridor on matters
4 within its jurisdiction, including roadway crossings by the
5 pipeline. The report shall contain at a minimum:

6 a. A report by the applicant to the department stating
7 that all requirements of the department's utilities
8 accommodation guide have been or will be met in regard to the
9 proposed pipeline or pipeline corridor; and

10 b. A statement by the department as to the adequacy of
11 the report to the department by the applicant.

12 8. The Department of State, Division of Historical
13 Resources, shall prepare a report on the impact of the natural
14 gas transmission pipeline or natural gas transmission pipeline
15 corridor on matters within its jurisdiction.

16 9. The commission shall prepare a report addressing
17 matters within its jurisdiction. The commission's report shall
18 include its determination of need issued pursuant to s.
19 403.9422.

20 Section 198. Paragraph (a) of subsection (4) of
21 section 403.9411, Florida Statutes, is amended to read:

22 403.9411 Notice; proceedings; parties and
23 participants.--

24 (4)(a) Parties to the proceeding shall be:

25 1. The applicant.

26 2. The department.

27 3. The commission.

28 4. The Department of Community Affairs.

29 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
30 ~~Water Fish~~ Commission.

31

1 6. Each water management district in the jurisdiction
2 of which the proposed natural gas transmission pipeline or
3 corridor is to be located.

4 7. The local government.

5 8. The regional planning council.

6 9. The Department of Transportation.

7 10. The Department of State, Division of Historical
8 Resources.

9 Section 199. Subsection (2) of section 403.961,
10 Florida Statutes, is amended to read:

11 403.961 Statements of issues and reports; written
12 analyses.--

13 (2) Each of the following agencies shall prepare a
14 report as to matters within its jurisdiction expected to be
15 affected by the proposed project, which report shall be
16 submitted to the applicant, the Department of Commerce, the
17 Department of Environmental Protection, the affected local
18 governments, and all other affected agencies, no later than 65
19 days after the date the application is determined to be
20 sufficient:

21 (a) The Department of Transportation.

22 (b) The Department of Community Affairs.

23 (c) The Fish and Wildlife Conservation ~~Game and Fresh~~
24 ~~Water Fish~~ Commission.

25 (d) Each water management district having jurisdiction
26 over any proposed site or installation.

27 (e) Each regional planning council having jurisdiction
28 over any proposed site or installation.

29 (f) Any other agency, if requested by the Department
30 of Commerce, shall also prepare reports as to matters within
31

1 that agency's jurisdiction expected to be affected by the
2 proposed project.

3 Section 200. Paragraph (b) of subsection (1) of
4 section 403.962, Florida Statutes, is amended to read:

5 403.962 Certification hearing; cancellation;
6 parties.--

7 (1) The assigned administrative law judge shall
8 conduct a certification hearing in the county of the proposed
9 site no later than 150 days after the application for project
10 certification is deemed to be sufficient or an applicant has
11 requested that its application be processed on the basis of
12 information already submitted. All proceedings are governed
13 by chapter 120 except as modified by this act. The hearing
14 shall only be conducted in the event that a hearing is
15 requested by the applicant, an affected agency, a person
16 having a substantial interest which is affected by the
17 proposed certification, a qualified organization, or an
18 affected person who files a petition pursuant to s.
19 403.9615(4). In determining whether a hearing shall be
20 conducted, the following procedures shall apply:

21 (b) The following agencies shall be entitled to
22 request the conduct of a certification hearing under this
23 section:

- 24 1. The Department of Environmental Protection.
- 25 2. The Fish and Wildlife Conservation ~~Game and Fresh~~
26 ~~Water Fish~~ Commission.
- 27 3. The Department of Community Affairs.
- 28 4. The Department of Transportation.
- 29 5. Any water management district having jurisdiction
30 over a site or installation associated with the proposed
31 project.

1 6. Any local government having jurisdiction over a
2 site or installation associated with the proposed project.

3 Section 201. Paragraph (c) of subsection (2) of
4 section 403.972, Florida Statutes, is amended to read:

5 403.972 Fees; disposition.--The Department of Commerce
6 shall charge the following fees, as appropriate, which shall
7 be paid into the Department of Commerce Economic Development
8 Trust Fund:

9 (2) An application fee, which shall not exceed
10 \$150,000. The fee shall be fixed by rule on a sliding scale
11 related to the proposed project size and the number and size
12 of local governments in whose jurisdiction the project is
13 located.

14 (c) Upon written request with proper itemized
15 accounting within 90 days after final agency action or
16 withdrawal of the application, the Department of Commerce
17 shall reimburse the Department of Environmental Protection,
18 the Department of Community Affairs, the Fish and Wildlife
19 Conservation ~~Game and Fresh Water Fish~~ Commission, and any
20 water management district created pursuant to chapter 373,
21 regional planning council, and affected local governments in
22 the jurisdiction of which the proposed project is to be
23 located, and any other agency from which the Department of
24 Commerce requests special reports pursuant to s. 403.961(2)(f)
25 or with which the Department of Commerce contracts for field
26 services associated with the monitoring, construction, and
27 operation of the facility. Such reimbursement shall be
28 authorized for the preparation of any reports or studies or
29 the conduct of any compliance monitoring required of the
30 agencies by this act, and for agency travel and per diem to
31 attend any hearing held pursuant to this act, and for local

1 governments to participate in the proceedings. In the event
2 the amount available for allocation is insufficient to provide
3 for complete reimbursement to the agencies, reimbursement
4 shall be on a prorated basis.

5 Section 202. Subsection (4) of section 403.973,
6 Florida Statutes, is amended to read:

7 403.973 Expedited permitting; comprehensive plan
8 amendments.--

9 (4) The regional teams shall be established through
10 the execution of memoranda of agreement between the office and
11 the respective heads of the Departments of Environmental
12 Protection, Community Affairs, Transportation, Agriculture and
13 Consumer Services, the Fish and Wildlife Conservation ~~Game and~~
14 ~~Fresh Water Fish~~ Commission, appropriate regional planning
15 councils, appropriate water management districts, and
16 voluntarily participating municipalities and counties. The
17 memoranda of agreement should also accommodate participation
18 in this expedited process by other local governments and
19 federal agencies as circumstances warrant.

20 Section 203. Paragraph (b) of subsection (1) of
21 section 487.0615, Florida Statutes, is amended to read:

22 487.0615 Pesticide Review Council.--

23 (1)

24 (b) The council shall consist of 11 scientific members
25 as follows: a scientific representative from the Department of
26 Agriculture and Consumer Services, a scientific representative
27 from the Department of Environmental Protection, a scientific
28 representative from the Department of Health and
29 Rehabilitative Services, and a scientific representative from
30 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
31 Commission, each to be appointed by the respective agency; the

1 dean of research of the Institute of Food and Agricultural
2 Sciences of the University of Florida; and six members to be
3 appointed by the Governor. The six members to be appointed by
4 the Governor must be a pesticide industry representative, a
5 representative of an environmental group, a hydrologist, a
6 toxicologist, a scientific representative from one of the five
7 water management districts rotated among the five districts,
8 and a grower representative from a list of three persons
9 nominated by the statewide grower associations. Each member
10 shall be appointed for a term of 4 years and shall serve until
11 a successor is appointed. A vacancy shall be filled for the
12 remainder of the unexpired term.

13 Section 204. Subsection (4) of section 581.186,
14 Florida Statutes, is amended to read:

15 581.186 Endangered Plant Advisory Council;
16 organization; meetings; powers and duties.--

17 (4) COOPERATION.--The Division of Plant Industry, the
18 Department of Environmental Protection, the Department of
19 Transportation, and the Fish and Wildlife Conservation ~~Game~~
20 ~~and Fresh Water Fish~~ Commission shall cooperate with the
21 council whenever necessary to aid it in carrying out its
22 duties under this section.

23 Section 205. Subsection (3) of section 585.21, Florida
24 Statutes, is amended to read:

25 585.21 Sale of biological products.--

26 (3) Any biological product for animals which is used
27 or proposed to be used in a field test in this state must be
28 approved for such use by the department. Before issuing
29 approval, the department shall consult with the Fish and
30 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission if
31

1 wildlife are involved and the Department of Health and
2 Rehabilitative Services if the disease may affect humans.

3 Section 206. Paragraph (c) of subsection (1) of
4 section 597.003, Florida Statutes, is amended to read:

5 597.003 Powers and duties of Department of Agriculture
6 and Consumer Services.--

7 (1) The department is hereby designated as the lead
8 agency in encouraging the development of aquaculture in the
9 state and shall have and exercise the following functions,
10 powers, and duties with regard to aquaculture:

11 (c) Develop memorandums of agreement, as needed, with
12 the Department of Environmental Protection, the Fish and
13 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
14 Commission, the Florida Sea Grant Program, and other groups as
15 provided in the state aquaculture plan.

16 Section 207. Subsections (4) and (5) of section
17 597.004, Florida Statutes, 1998 Supplement, are amended to
18 read:

19 597.004 Aquaculture certificate of registration.--

20 (4) IDENTIFICATION OF AQUACULTURE
21 PRODUCTS.--Aquaculture products shall be identified while
22 possessed, processed, transported, or sold as provided in this
23 subsection, except those subject to the requirements of
24 chapter 372 and the rules of the Fish and Wildlife
25 Conservation Commission ~~Game and Fresh Water Fish Commission~~
26 as they relate to alligators only.

27 (a) Aquaculture products shall be identified by an
28 aquaculture certificate of registration number from harvest to
29 point of sale. Any person who possesses aquaculture products
30 must show, by appropriate receipt, bill of sale, bill of
31 lading, or other such manifest where the product originated.

1 (b) Marine aquaculture products shall be transported
2 in containers that separate such product from wild stocks, and
3 shall be identified by tags or labels that are securely
4 attached and clearly displayed.

5 (c) Each aquaculture registrant who sells food
6 products labeled as "aquaculture or farm raised" must have
7 such products containerized and clearly labeled in accordance
8 with s. 500.11. Label information must include the name,
9 address, and aquaculture certification number. This
10 requirement is designed to segregate the identity of wild and
11 aquaculture products.

12 (5) SALE OF AQUACULTURE PRODUCTS.--

13 (a) Aquaculture products, except shellfish, snook,
14 spotted sea trout, red drum, and freshwater aquatic species
15 identified in chapter 372 and rules of the Fish and Wildlife
16 Conservation Commission ~~Game and Fresh Water Fish Commission~~,
17 may be sold without restriction so long as product origin can
18 be identified.

19 (b) Aquaculture shellfish must be sold and handled in
20 accordance with shellfish handling regulations of the
21 commission ~~Department of Environmental Protection~~ established
22 to protect public health.

23 Section 208. Subsection (1) of section 597.006,
24 Florida Statutes, is amended to read:

25 597.006 Aquaculture Interagency Coordinating
26 Council.--

27 (1) CREATION.--The Legislature finds and declares that
28 there is a need for interagency coordination with regard to
29 aquaculture by the following agencies: the Department of
30 Agriculture and Consumer Services, the Department of Commerce,
31 the Department of Community Affairs, the Department of

1 Environmental Protection, the Department of Labor and
2 Employment Security, the Fish and Wildlife Conservation ~~Marine~~
3 ~~Fisheries Commission, the Game and Fresh Water Fish~~
4 Commission, the statewide consortium of universities under the
5 Florida Institute of Oceanography, Florida Agricultural and
6 Mechanical University, the Institute of Food and Agricultural
7 Sciences at the University of Florida, the Florida Sea Grant
8 Program, and each water management district. It is therefore
9 the intent of the Legislature to hereby create an Aquaculture
10 Interagency Coordinating Council to act as an advisory body as
11 defined in s. 20.03(9).

12 Section 209. Paragraph (a) of subsection (1) of
13 section 784.07, Florida Statutes, 1998 Supplement, is amended
14 to read:

15 784.07 Assault or battery of law enforcement officers,
16 firefighters, emergency medical care providers, public transit
17 employees or agents, or other specified officers;
18 reclassification of offenses; minimum sentences.--

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

20 (a) "Law enforcement officer" includes a law
21 enforcement officer, a correctional officer, a correctional
22 probation officer, a part-time law enforcement officer, a
23 part-time correctional officer, an auxiliary law enforcement
24 officer, and an auxiliary correctional officer, as those terms
25 are respectively defined in s. 943.10, and any county
26 probation officer; employee or agent of the Department of
27 Corrections who supervises or provides services to inmates;
28 officer of the Parole Commission; and law enforcement
29 personnel of the Fish and Wildlife Conservation ~~Game and Fresh~~
30 ~~Water Fish~~ Commission, the Department of Environmental
31 Protection, or the Department of Law Enforcement.

1 Section 210. Subsection (2) of section 790.06, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 790.06 License to carry concealed weapon or firearm.--

4 (2) The Department of State shall issue a license if
5 the applicant:

6 (a) Is a resident of the United States or is a
7 consular security official of a foreign government that
8 maintains diplomatic relations and treaties of commerce,
9 friendship, and navigation with the United States and is
10 certified as such by the foreign government and by the
11 appropriate embassy in this country;

12 (b) Is 21 years of age or older;

13 (c) Does not suffer from a physical infirmity which
14 prevents the safe handling of a weapon or firearm;

15 (d) Is not ineligible to possess a firearm pursuant to
16 s. 790.23 by virtue of having been convicted of a felony;

17 (e) Has not been committed for the abuse of a
18 controlled substance or been found guilty of a crime under the
19 provisions of chapter 893 or similar laws of any other state
20 relating to controlled substances within a 3-year period
21 immediately preceding the date on which the application is
22 submitted;

23 (f) Does not chronically and habitually use alcoholic
24 beverages or other substances to the extent that his or her
25 normal faculties are impaired. It shall be presumed that an
26 applicant chronically and habitually uses alcoholic beverages
27 or other substances to the extent that his or her normal
28 faculties are impaired if the applicant has been committed
29 under chapter 397 or under the provisions of former chapter
30 396 or has been convicted under s. 790.151 or has been deemed
31 a habitual offender under s. 856.011(3), or has had two or

1 more convictions under s. 316.193 or similar laws of any other
2 state, within the 3-year period immediately preceding the date
3 on which the application is submitted;

4 (g) Desires a legal means to carry a concealed weapon
5 or firearm for lawful self-defense;

6 (h) Demonstrates competence with a firearm by any one
7 of the following:

8 1. Completion of any hunter education or hunter safety
9 course approved by the Fish and Wildlife Conservation ~~Game and~~
10 ~~Fresh Water Fish~~ Commission or a similar agency of another
11 state;

12 2. Completion of any National Rifle Association
13 firearms safety or training course;

14 3. Completion of any firearms safety or training
15 course or class available to the general public offered by a
16 law enforcement, junior college, college, or private or public
17 institution or organization or firearms training school,
18 utilizing instructors certified by the National Rifle
19 Association, Criminal Justice Standards and Training
20 Commission, or the Department of State;

21 4. Completion of any law enforcement firearms safety
22 or training course or class offered for security guards,
23 investigators, special deputies, or any division or
24 subdivision of law enforcement or security enforcement;

25 5. Presents evidence of equivalent experience with a
26 firearm through participation in organized shooting
27 competition or military service;

28 6. Is licensed or has been licensed to carry a firearm
29 in this state or a county or municipality of this state,
30 unless such license has been revoked for cause; or

31

1 7. Completion of any firearms training or safety
2 course or class conducted by a state-certified or National
3 Rifle Association certified firearms instructor;

4
5 A photocopy of a certificate of completion of any of the
6 courses or classes; or an affidavit from the instructor,
7 school, club, organization, or group that conducted or taught
8 said course or class attesting to the completion of the course
9 or class by the applicant; or a copy of any document which
10 shows completion of the course or class or evidences
11 participation in firearms competition shall constitute
12 evidence of qualification under this paragraph; any person who
13 conducts a course pursuant to subparagraph 2., subparagraph
14 3., or subparagraph 7., or who, as an instructor, attests to
15 the completion of such courses, must maintain records
16 certifying that he or she observed the student safely handle
17 and discharge the firearm;

18 (i) Has not been adjudicated an incapacitated person
19 under s. 744.331, or similar laws of any other state, unless 5
20 years have elapsed since the applicant's restoration to
21 capacity by court order;

22 (j) Has not been committed to a mental institution
23 under chapter 394, or similar laws of any other state, unless
24 the applicant produces a certificate from a licensed
25 psychiatrist that he or she has not suffered from disability
26 for at least 5 years prior to the date of submission of the
27 application;

28 (k) Has not had adjudication of guilt withheld or
29 imposition of sentence suspended on any felony or misdemeanor
30 crime of domestic violence unless 3 years have elapsed since
31

1 probation or any other conditions set by the court have been
2 fulfilled, or the record has been sealed or expunged; and

3 (1) Has not been issued an injunction that is
4 currently in force and effect and that restrains the applicant
5 from committing acts of domestic violence or acts of repeat
6 violence.

7 Section 211. Subsection (1) of section 790.15, Florida
8 Statutes, is amended to read:

9 790.15 Discharging firearm in public.--

10 (1) Except as provided in subsection (2) or subsection
11 (3), any person who knowingly discharges a firearm in any
12 public place or on the right-of-way of any paved public road,
13 highway, or street or whosoever knowingly discharges any
14 firearm over the right-of-way of any paved public road,
15 highway, or street or over any occupied premises is guilty of
16 a misdemeanor of the first degree, punishable as provided in
17 s. 775.082 or s. 775.083. This section does not apply to a
18 person lawfully defending life or property or performing
19 official duties requiring the discharge of a firearm or to a
20 person discharging a firearm on public roads or properties
21 expressly approved for hunting by the Fish and Wildlife
22 Conservation ~~Game and Fresh Water Fish~~ Commission or Division
23 of Forestry.

24 Section 212. Paragraph (b) of subsection (6) of
25 section 828.122, Florida Statutes, is amended to read:

26 828.122 Fighting or baiting animals; offenses;
27 penalties.--

28 (6) The provisions of subsection (3) and paragraph
29 (4)(b) shall not apply to:

30 (b) Any person using animals to pursue or take
31 wildlife or to participate in any hunting regulated or subject

1 to being regulated by the rules and regulations of the Fish
2 and Wildlife Conservation ~~Game and Fresh Water Fish~~
3 Commission.

4 Section 213. Subsection (1) of section 832.06, Florida
5 Statutes, is amended to read:

6 832.06 Prosecution for worthless checks given tax
7 collector for licenses or taxes; refunds.--

8 (1) Whenever any person, firm, or corporation violates
9 the provisions of s. 832.05 by drawing, making, uttering,
10 issuing, or delivering to any county tax collector any check,
11 draft, or other written order on any bank or depository for
12 the payment of money or its equivalent for any tag, title,
13 lien, tax (except ad valorem taxes), penalty, or fee relative
14 to a boat, airplane, or motor vehicle; any occupational
15 license, beverage license, or sales or use tax; or any hunting
16 or fishing license, the county tax collector, after the
17 exercise of due diligence to locate the person, firm, or
18 corporation which drew, made, uttered, issued, or delivered
19 the check, draft, or other written order for the payment of
20 money, or to collect the same by the exercise of due diligence
21 and prudence, shall swear out a complaint in the proper court
22 against the person, firm, or corporation for the issuance of
23 the worthless check or draft. If the state attorney cannot
24 sign the information due to lack of proof, as determined by
25 the state attorney in good faith, for a prima facie case in
26 court, he or she shall issue a certificate so stating to the
27 tax collector. If payment of the dishonored check, draft, or
28 other written order, together with court costs expended, is
29 not received in full by the county tax collector within 30
30 days after service of the warrant, 30 days after conviction,
31 or 60 days after the collector swears out the complaint or

1 receives the certificate of the state attorney, whichever is
2 first, the county tax collector shall make a written report to
3 this effect to the Department of Highway Safety and Motor
4 Vehicles relative to airplanes and motor vehicles, to the Fish
5 and Wildlife Conservation Commission ~~Department of~~
6 ~~Environmental Protection~~ relative to boats, to the Department
7 of Revenue relative to occupational licenses and the sales and
8 use tax, to the Division of Alcoholic Beverages and Tobacco of
9 the Department of Business and Professional Regulation
10 relative to beverage licenses, or to the Fish and Wildlife
11 Conservation ~~Game and Fresh Water Fish~~ Commission relative to
12 hunting and fishing licenses, containing a statement of the
13 amount remaining unpaid on the worthless check or draft. If
14 the information is not signed, the certificate of the state
15 attorney is issued, and the written report of the amount
16 remaining unpaid is made, the county tax collector may request
17 the sum be forthwith refunded by the appropriate governmental
18 entity, agency, or department. If a warrant has been issued
19 and served, he or she shall certify to that effect, together
20 with the court costs and amount remaining unpaid on the check.
21 The county tax collector may request that the sum of money
22 certified by him or her be forthwith refunded by the
23 Department of Highway Safety and Motor Vehicles, ~~the~~
24 ~~Department of Environmental Protection,~~ the Department of
25 Revenue, the Division of Alcoholic Beverages and Tobacco of
26 the Department of Business and Professional Regulation, or the
27 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
28 Commission to the county tax collector. Within 30 days after
29 receipt of the request, the Department of Highway Safety and
30 Motor Vehicles, ~~the Department of Environmental Protection,~~
31 the Department of Revenue, the Division of Alcoholic Beverages

1 and Tobacco of the Department of Business and Professional
2 Regulation, or the Fish and Wildlife Conservation ~~Game and~~
3 ~~Fresh Water Fish~~ Commission, upon being satisfied as to the
4 correctness of the certificate of the tax collector, or the
5 report, shall refund to the county tax collector the sums of
6 money so certified or reported. If any officer of any court
7 issuing the warrant is unable to serve it within 60 days after
8 the issuance and delivery of it to the officer for service,
9 the officer shall make a written return to the county tax
10 collector to this effect. Thereafter, the county tax collector
11 may certify that the warrant has been issued and that service
12 has not been had upon the defendant and further certify the
13 amount of the worthless check or draft and the amount of court
14 costs expended by the county tax collector, and the county tax
15 collector may file the certificate with the Department of
16 Highway Safety and Motor Vehicles relative to motor vehicles
17 and airplanes, with the Fish and Wildlife Conservation
18 Commission ~~Department of Environmental Protection~~ relative to
19 boats, with the Department of Revenue relative to occupational
20 licenses and the sales and use tax, with the Division of
21 Alcoholic Beverages and Tobacco of the Department of Business
22 and Professional Regulation relative to beverage licenses, or
23 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~
24 ~~Fish~~ Commission relative to hunting and fishing licenses,
25 together with a request that the sums of money so certified be
26 forthwith refunded by the Department of Highway Safety and
27 Motor Vehicles, ~~the Department of Environmental Protection,~~
28 the Department of Revenue, the Division of Alcoholic Beverages
29 and Tobacco of the Department of Business and Professional
30 Regulation, or the Fish and Wildlife Conservation ~~Game and~~
31 ~~Fresh Water Fish~~ Commission to the county tax collector, and

1 within 30 days after receipt of the request, the Department of
2 Highway Safety and Motor Vehicles, ~~the Department of~~
3 ~~Environmental Protection,~~ the Department of Revenue, the
4 Division of Alcoholic Beverages and Tobacco of the Department
5 of Business and Professional Regulation, or the Fish and
6 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
7 upon being satisfied as to the correctness of the certificate,
8 shall refund the sums of money so certified to the county tax
9 collector.

10 Section 214. Section 843.08, Florida Statutes, is
11 amended to read:

12 843.08 Falsely personating officer, etc.--A person who
13 falsely assumes or pretends to be a sheriff, officer of the
14 Florida Highway Patrol, officer of the Fish and Wildlife
15 Conservation ~~Game and Fresh Water Fish~~ Commission, officer of
16 the Department of Environmental Protection, officer of the
17 Department of Transportation, officer of the Department of
18 Corrections, correctional probation officer, deputy sheriff,
19 state attorney or assistant state attorney, statewide
20 prosecutor or assistant statewide prosecutor, state attorney
21 investigator, coroner, police officer, lottery special agent
22 or lottery investigator, beverage enforcement agent, or
23 watchman, or any member of the Parole Commission and any
24 administrative aide or supervisor employed by the commission,
25 or any personnel or representative of the Department of Law
26 Enforcement, and takes upon himself or herself to act as such,
27 or to require any other person to aid or assist him or her in
28 a matter pertaining to the duty of any such officer, commits a
29 felony of the third degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084; however, a person who
31 falsely personates any such officer during the course of the

1 commission of a felony commits a felony of the second degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084; except that if the commission of the felony results
4 in the death or personal injury of another human being, the
5 person commits a felony of the first degree, punishable as
6 provided in s. 775.082, s. 775.083, or s. 775.084.

7 Section 215. Section 870.04, Florida Statutes, is
8 amended to read:

9 870.04 Specified officers to disperse riotous
10 assembly.--If any number of persons, whether armed or not, are
11 unlawfully, riotously or tumultuously assembled in any county,
12 city or municipality, the sheriff or the sheriff's deputies,
13 or the mayor, or any commissioner, council member, alderman or
14 police officer of the said city or municipality, or any
15 officer or member of the Florida Highway Patrol, or any
16 officer or agent of the Fish and Wildlife Conservation Game
17 ~~and Fresh Water Fish~~ Commission, Department of Environmental
18 Protection, or beverage enforcement agent, any personnel or
19 representatives of the Department of Law Enforcement or its
20 successor, or any other peace officer, shall go among the
21 persons so assembled, or as near to them as may be with
22 safety, and shall in the name of the state command all the
23 persons so assembled immediately and peaceably to disperse;
24 and if such persons do not thereupon immediately and peaceably
25 disperse, said officers shall command the assistance of all
26 such persons in seizing, arresting and securing such persons
27 in custody; and if any person present being so commanded to
28 aid and assist in seizing and securing such rioter or persons
29 so unlawfully assembled, or in suppressing such riot or
30 unlawful assembly, refuses or neglects to obey such command,
31 or, when required by such officers to depart from the place,

1 refuses and neglects to do so, the person shall be deemed one
2 of the rioters or persons unlawfully assembled, and may be
3 prosecuted and punished accordingly.

4 Section 216. Section 943.1728, Florida Statutes, is
5 amended to read:

6 943.1728 Basic skills training relating to the
7 protection of archaeological sites.--The commission shall
8 establish standards for instruction of law enforcement
9 officers in the subject of skills relating to the protection
10 of archaeological sites and artifacts. In developing such
11 standards and skills, the commission shall consult with
12 representatives of the following agencies: the Division of
13 Historical Resources of the Department of State, the Fish and
14 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
15 and the Department of Environmental Protection. The commission
16 shall develop the standards for training in any of the
17 following: basic recruit courses, advanced and specialized
18 courses, or other appropriate training courses as determined
19 by the commission.

20 Section 217. Sections 370.0205, 370.025, 370.026,
21 370.027, 372.021, 372.061, 373.1965, 373.197, and 403.261,
22 Florida Statutes, are repealed.

23 Section 218. Section 403.0611, Florida Statutes, is
24 created to read:

25 403.0611 Citizen support organizations; use of
26 property; audit; public records; partnerships.--

27 (1) DEFINITIONS.--For the purposes of this section,
28 the term "citizen support organization" means an organization
29 that is:

30
31

1 (a) A Florida corporation not for profit incorporated
2 under the provisions of chapter 617 and approved by the
3 Department of State;

4 (b) Organized and operated to conduct programs and
5 activities; raise funds; request and receive grants, gifts,
6 and bequests of money; acquire, receive, hold, invest, and
7 administer, in its own name, securities, funds, objects of
8 value, or other property, real or personal; and make
9 expenditures to or for the direct or indirect benefit of the
10 Department of Environmental Protection or individual units of
11 the department. The citizen support organization may not
12 receive funds from the department by grant, gift, or contract
13 unless specifically authorized by the Legislature;

14 (c) Determined by the appropriate division of the
15 Department of Environmental Protection to be consistent with
16 the goals of the department and in the best interests of the
17 state; and

18 (c) Approved in writing by the department to operate
19 for the direct or indirect benefit of the individual units of
20 the department. Such approval shall be given in a letter of
21 agreement from the department.

22 (2) USE OF PROPERTY.--

23 (a) The department may permit, without charge,
24 appropriate use of fixed property and facilities of the
25 department by a citizen support organization subject to the
26 provisions of this section. Such use shall be directly in
27 keeping with the approved purposes of the citizen support
28 organization and may not be made at times or places that would
29 unreasonably interfere with normal department operations.

30
31

1 (b) The department may prescribe by rule any condition
2 with which a citizen support organization shall comply in
3 order to use fixed property or facilities of the department.

4 (c) The department shall not permit the use of any
5 fixed property or facilities by a citizen support organization
6 that does not provide equal membership and employment
7 opportunities to all persons regardless of race, color,
8 religion, sex, age, or national origin.

9 (3) ANNUAL AUDIT.--Any citizen support organization
10 that has annual expenditures of \$100,000 or more shall cause
11 an annual postaudit of its financial accounts to be conducted
12 by an independent certified public accountant in accordance
13 with the rules to be adopted by the department. The annual
14 audit report shall be submitted to the Auditor General and the
15 department for review. The Auditor General and the department
16 are each authorized to require and obtain from the citizen
17 support organization, or from its independent auditor, such
18 data as may be needed relative to the operation of the
19 organization.

20 (4) PUBLIC RECORDS.--All records of the citizen
21 support organization constitute public records for the
22 purposes of chapter 119.

23 (5) PARTNERSHIPS.--

24 (a) The Legislature recognizes that many of the lands
25 managed by the department need a variety of facilities to
26 enhance the use and potential of such lands and that many of
27 the department's programs are of interest to, and could
28 benefit from the support of, local citizen groups. Such
29 facilities and programs include, but are not limited to,
30 improved access, camping areas, picnicking shelters,
31 management offices and facilities, environmental education

1 facilities and programs, and cleanup and restoration projects.
2 The need for such facilities and programs has exceeded the
3 ability of the state to provide funding in a timely manner
4 with available moneys. The Legislature finds it to be in the
5 public interest to provide incentives for partnerships with
6 private entities whose intent is the production of additional
7 revenues to help enhance the use and potential of state
8 property and environmental programs and projects funded by the
9 department.

10 (b) The Legislature may annually appropriate funds, to
11 be used as matching funds in conjunction with private
12 donations, for capital improvement facilities development on
13 state lands or the enhancement of department-sponsored
14 environmental programs or projects of local interest to
15 citizen support organizations formed under this section.
16 Citizen support organizations organized and operating for the
17 benefit of the department may acquire private donations
18 pursuant to this section, and matching state funds for
19 approved projects or programs may be provided in accordance
20 with this subsection. The department is authorized to properly
21 recognize and honor a private donor by placing a plaque or
22 other appropriate designation noting the contribution to
23 project or program facilities or by naming project or program
24 facilities after the person or organization that provided
25 matching funds.

26 Section 219. Section 403.0613, Florida Statutes, is
27 created to read:

28 403.0613 Publication by department.--The Department of
29 Environmental Protection through the Division of
30 Administration and Technical Services is given authority, from
31 time to time in its discretion, to cause the statutory laws

1 under its jurisdiction, together with any rules and
2 regulations adopted by it, to be published in pamphlet form
3 for free distribution in this state. The department is
4 authorized to make charges for technical and educational
5 publications and photocopied material of use for educational
6 or reference purposes. Such charges shall be made at the
7 discretion of the department. Such charges may be sufficient
8 to cover the cost of preparation, printing, publishing, and
9 distribution. All moneys received for publications shall be
10 deposited into the fund from which the cost of the publication
11 was paid. The department is further authorized to enter into
12 agreements with persons, firms, corporations, governmental
13 agencies, and other institutions whereby publications may be
14 exchanged reciprocally in lieu of payments for such
15 publications.

16 Section 220. Section 403.0614, Florida Statutes, is
17 created to read:

18 403.0614 Administration of department grant
19 programs.--

20 (1) The Department of Environmental Protection is
21 authorized to establish grant programs that are consistent
22 with statutory authority and legislative appropriations. The
23 department is further authorized to receive funds from any
24 legal source for purposes of matching state dollars or for
25 passing through the agency as grants to other entities whether
26 or not matching funds or in-kind matches are required.

27 (2) For any grant program established by the
28 department, the department shall adopt rules, pursuant to the
29 requirements of chapter 120, which shall include, without
30 limitation, rules specifying the method or methods of payment;
31 the supporting documents required before payment will be made;

1 when matching funds or in-kind matches are allowed; what
2 moneys, services, or other sources and amounts of matching
3 funds or in-kind matches will be eligible for use for matching
4 the grant by the department; who is eligible to participate in
5 the program; and other provisions that the department finds
6 necessary to achieve program objectives and an accounting for
7 state funds in accordance with law and generally accepted
8 accounting principles.

9 (3) The department is authorized to preaudit or
10 postaudit account books and other documentation of a grant
11 recipient to assure that grant funds were used in accordance
12 with the terms of the grant and state rules and statutes. When
13 such audit reveals that moneys have not been spent in
14 accordance with grant requirements, the department may
15 withhold moneys or recover moneys previously paid. A grant
16 recipient will be allowed a maximum of 60 days to submit any
17 additional pertinent documentation to offset the amount
18 identified as being due the department.

19 Section 221. Section 161.031, Florida Statutes, is
20 amended to read:

21 161.031 Personnel and facilities.--The Department of
22 Environmental Protection may call to its assistance
23 temporarily, any engineer or other employee in any state
24 agency or department or in the University of Florida or other
25 educational institution financed wholly or in part by the
26 state, for the purpose of devising the most effective and
27 economical method of averting and preventing erosion,
28 hurricane, and storm damages. These employees shall not
29 receive additional compensation, except for actual necessary
30 expenses incurred while working under the direction of the
31 department ~~Division of Marine Resources.~~

1 Section 222. Section 161.36, Florida Statutes, is
2 amended to read:

3 161.36 General powers of authority.--In order to most
4 effectively carry out the purposes of this part, the board of
5 county commissioners, as the county beach and shore
6 preservation authority and as the governing body of each beach
7 and shore preservation district established thereby, shall be
8 possessed of broad powers to do all manner of things necessary
9 or desirable in pursuance of this end; provided, however,
10 nothing herein shall diminish or impair the regulatory
11 authority of the Department of Environmental Protection under
12 ~~or Division of Marine Resources under s. 370.02(2), or part I~~
13 of this chapter, or the Board of Trustees of the Internal
14 Improvement Trust Fund under chapter 253. Such powers shall
15 specifically include, but not be limited to, the following:

- 16 (1) To make contracts and enter into agreements;
17 (2) To sue and be sued;
18 (3) To acquire and hold lands and property by any
19 lawful means;
20 (4) To exercise the power of eminent domain;
21 (5) To enter upon private property for purposes of
22 making surveys, soundings, drillings and examinations, and
23 such entry shall not be deemed a trespass;
24 (6) To construct, acquire, operate and maintain works
25 and facilities;
26 (7) To make rules and regulations; and
27 (8) To do any and all other things specified or
28 implied in this part.

29 Section 223. Subsection (2) of section 252.937,
30 Florida Statutes, 1998 Supplement, is amended to read:

31 252.937 Department powers and duties.--

1 (2) To ensure that this program is self-supporting,
2 the department shall provide administrative support, including
3 staff, facilities, materials, and services to implement this
4 part for specified stationary sources subject to s. 252.939
5 and shall provide necessary funding to local emergency
6 planning committees and county emergency management agencies
7 for work performed to implement this part. Each state agency
8 with regulatory, inspection, or technical assistance programs
9 for specified stationary sources subject to this part shall
10 enter into a memorandum of understanding with the department
11 which specifically outlines how each agency's staff,
12 facilities, materials, and services will be utilized to
13 support implementation. At a minimum, these agencies and
14 programs include: the Department of Environmental
15 Protection's Division of Air Resources Management and Division
16 of Water Resource Management ~~Facilities~~, and the Department of
17 Labor and Employment Security's Division of Safety. It is the
18 Legislature's intent to implement this part as efficiently and
19 economically as possible, using existing expertise and
20 resources, if available and appropriate.

21 Section 224. Subsections (2), (3), and (4) of section
22 309.01, Florida Statutes, are amended to read:

23 309.01 Deposit of material in tidewater regulated.--

24 (2) This section shall not prohibit Escambia County
25 from placing in Pensacola Bay, on the Escambia County side,
26 beside the old Pensacola Bay Bridge, certain materials, as
27 recommended by the ~~Division of Marine Resources of the~~
28 Department of Environmental Protection, in coordination with
29 the Fish and Wildlife Conservation Commission, to increase the
30 number of fish available for persons fishing from the old
31 Pensacola Bay Bridge.

1 (3) This section shall not prohibit Manatee County
2 from placing in the Manatee County portions of Sarasota Bay
3 and Tampa Bay and in the Manatee River, certain materials, as
4 recommended by the ~~Division of Marine Resources of the~~
5 Department of Environmental Protection, in coordination with
6 the Fish and Wildlife Conservation Commission, to increase the
7 number of fish available for persons fishing in the above
8 areas.

9 (4) This section shall not prohibit Pinellas County
10 from placing in Tampa Bay certain materials as recommended by
11 the ~~Division of Marine Resources of the~~ Department of
12 Environmental Protection, in coordination with the Fish and
13 Wildlife Conservation Commission, to increase the number of
14 fish available for persons fishing in the bay.

15 Section 225. Section 370.023, Florida Statutes, is
16 amended to read:

17 370.023 Administration of commission ~~department~~ grant
18 programs.--

19 (1) The Fish and Wildlife Conservation Commission
20 ~~Department of Environmental Protection~~ is authorized to
21 establish grant programs that ~~which~~ are consistent with
22 statutory authority and legislative appropriations. The
23 commission ~~department~~ is further authorized to receive funds
24 from any legal source for purposes of matching state dollars
25 or for passing through the agency as grants to other entities
26 whether or not matching funds or in-kind matches are required.

27 (2) For any grant program established by the
28 commission ~~department~~, the commission ~~department~~ shall adopt
29 rules, pursuant to the requirements of chapter 120, for each
30 grant program which shall include, but are not limited to: the
31 method or methods of payment; the supporting documents

1 required before payment will be made; when matching funds or
2 in-kind matches are allowed; what moneys, services, or other
3 sources and amounts of matching funds or in-kind matches will
4 be eligible for use for matching the grant by the commission
5 ~~department~~; who is eligible to participate in the program; and
6 other provisions that ~~which~~ the commission ~~department~~ finds
7 necessary to achieve program objectives and an accounting for
8 state funds in accordance with law and generally accepted
9 accounting principles.

10 (3) The commission ~~department~~ is authorized to
11 preaudit or postaudit account books and other documentation of
12 a grant recipient to assure that grant funds have been ~~were~~
13 used in accordance with the terms of the grant and state rules
14 and statutes. When such audit reveals that moneys have ~~were~~
15 not been spent in accordance with grant requirements, the
16 commission ~~department~~ may withhold moneys or recover moneys
17 previously paid. A grant recipient will be allowed a maximum
18 of 60 days to submit any additional pertinent documentation to
19 offset the amount identified as being due the commission
20 ~~department~~.

21 Section 226. Subsections (2), (3), and (4) of section
22 370.03, Florida Statutes, are amended to read:

23 370.03 Water bottoms.--

24 (2) CONTROL.--~~The Division of Marine Resources of the~~
25 Department of Environmental Protection has exclusive power and
26 control over all water bottoms, not held under some grant or
27 alienation heretofore made, including such as may revert to
28 the state by cancellation or otherwise, and may lease the same
29 to any person irrespective of residence or citizenship, upon
30 such terms, conditions and restrictions as said division may
31 elect to impose, without limitation as to area to any one

1 person, for the purpose of granting exclusive right to plant
2 oysters or clams thereon and for the purpose of fishing,
3 taking, catching, bedding and raising oysters, clams and other
4 shellfish. No such lessee shall re-lease, sublease, sell or
5 transfer any such water bottom or property; provided, that
6 nothing herein contained shall be construed as giving said
7 department ~~division~~ authority to lease sponge beds.

8 (3) FEES FOR BOTTOM LEASES, ETC.--The department
9 ~~division~~ shall charge and receive a fee of \$2 for each lease
10 granted, and in all other cases, not specifically provided by
11 this chapter, the same fees as are allowed clerks of the
12 circuit court for like services. All fees shall be paid by
13 the party served.

14 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All
15 grants prior to June 1, 1913, made in pursuance of heretofore
16 existing laws, where the person receiving such grant, the
17 person's heirs or assigns, have bona fide complied with the
18 requirements of said law, are hereby confirmed; provided, that
19 if any material or natural oyster or clam reefs or beds on
20 such granted premises are 100 square yards in area and
21 contained natural oysters and clams (coon oysters not
22 included) in sufficient quantity to have been resorted to by
23 the general public for the purpose of gathering oysters or
24 clams to sell for a livelihood, at the time they were planted
25 by such grantee, his or her heirs or assigns, such reefs or
26 beds are declared to be the property of the state; and when
27 such beds or reefs exist within the territory heretofore
28 granted as above set forth, or that may hereafter be leased,
29 such grantee or lessee shall mark the boundaries of such
30 oyster and clam reefs or beds as may be designated by the
31 department ~~division~~ as natural oyster or clam reefs or beds,

1 clearly defining the boundaries of the same, and shall post
2 notice or other device, as shall be required by the department
3 ~~division~~, giving notice to the public that such oyster or clam
4 beds or reefs are the property of the state, which said notice
5 shall be maintained from September 1 to June 1 of each and
6 every year, on each oyster bed or reef and on each clam bed
7 for such period of each year as the board may direct, at the
8 expense of the grantee or lessee. The department ~~division~~
9 shall investigate all grants heretofore made, and where, in
10 its opinion, the lessee or grantee has not bona fide complied
11 with the law under which he or she received his or her grant
12 or lease, and ~~it shall report the same to the department which~~
13 is authorized and required to institute legal proceedings to
14 vacate the same, in order to use such lands for the benefit of
15 the public, subject to the same dispositions as other bottoms.

16 Section 227. Section 370.0607, Florida Statutes, is
17 amended to read:

18 370.0607 Marine information system.--The Fish and
19 Wildlife Conservation Commission ~~Department of Environmental~~
20 ~~Protection~~ shall establish by rule a marine information system
21 in conjunction with the licensing program to gather marine
22 fisheries data.

23 Section 228. Section 370.0609, Florida Statutes, is
24 amended to read:

25 370.0609 Expenditure of funds.--Any moneys available
26 pursuant to s. 370.0608(1)(c)1.c. shall be expended by the
27 Fish and Wildlife Conservation Commission ~~Department of~~
28 ~~Environmental Protection~~ within Florida through grants and
29 contracts for research with research institutions including
30 but not limited to: Florida Sea Grant; Florida Marine
31 Resources Council; Harbour Branch Oceanographic Institute;

1 Technological Research and Development Authority; Florida
2 Marine Research Institute of the Fish and Wildlife
3 Conservation Commission ~~Department of Environmental~~
4 ~~Protection~~; Indian River Region Research Institute; Mote
5 Marine Laboratory; Marine Resources Development Foundation;
6 Florida Institute of Oceanography; and Rosentiel School of
7 Marine and Atmospheric Science.

8 Section 229. Section 370.061, Florida Statutes, 1998
9 Supplement, is amended to read:

10 370.061 Confiscation of property and products.--

11 (1) CONFISCATION; PROCEDURE.--In all cases of arrest
12 and conviction for the illegal taking, or attempted taking,
13 sale, possession, or transportation of saltwater fish or other
14 saltwater products, such saltwater products and seines, nets,
15 boats, motors, other fishing devices or equipment, and
16 vehicles or other means of transportation used in connection
17 with such illegal taking or attempted taking are hereby
18 declared to be nuisances and may be seized and carried before
19 the court having jurisdiction of such offense, and said court
20 may order such nuisances forfeited to the Fish and Wildlife
21 Conservation Commission ~~Division of Marine Resources of the~~
22 ~~department~~ immediately after trial and conviction of the
23 person or persons in whose possession they were found, except
24 that, if a motor vehicle is seized under the provisions of
25 this act and is subject to any existing liens recorded under
26 the provisions of s. 319.27, all further proceedings shall be
27 governed by the expressed intent of the Legislature not to
28 divest any innocent person, firm, or corporation holding such
29 a recorded lien of any of its reversionary rights in such
30 motor vehicle or of any of its rights as prescribed in s.
31 319.27, and that, upon any default by the violator purchaser,

1 the said lienholder may foreclose its lien and take possession
2 of the motor vehicle involved. When any illegal or illegally
3 used seine, net, trap, or other fishing device or equipment or
4 illegally taken, possessed, or transported saltwater products
5 are found and taken into custody, and the owner thereof shall
6 not be known to the officer finding the same, such officer
7 shall immediately procure from the county court judge of the
8 county wherein they were found an order forfeiting said
9 saltwater products, seines, nets, traps, boats, motors, or
10 other fishing devices to the commission ~~division~~. All things
11 forfeited under the provisions of this law may be destroyed,
12 used by the commission ~~division~~, disposed of by gift to
13 charitable or state institutions, or sold and the proceeds
14 derived from said sale deposited in the Marine Resources
15 Conservation Trust Fund to be used for law enforcement
16 purposes or into the commission's ~~department's~~ Federal Law
17 Enforcement Trust Fund as provided in s. 372.107 ~~s. 20.2553~~,
18 as applicable. However, forfeited boats, motors, and legal
19 fishing devices only, may be purchased from the commission
20 ~~division~~ for \$1 by the person or persons holding title thereto
21 at the time of the illegal act causing the forfeiture, if such
22 person shall prove that he or she in no way participated in,
23 gave consent to, or had knowledge of such act.

24 (2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;
25 PROCEDURE.--When an arrest is made pursuant to the provisions
26 of this chapter and illegal, perishable products or perishable
27 products illegally taken or landed are apprehended, the
28 defendant may post bond or cash deposit in an amount
29 determined by the judge to be the fair value of such products,
30 and said defendant shall have 24 hours to transport said
31 products outside the limits of Florida for sale or other

1 disposition. Should no bond or cash deposit be given within
2 the time fixed by the judge, the judge shall order the sale of
3 such products at the highest price obtainable, and, when
4 feasible, at least three bids shall be requested. In either
5 event, the amounts received by the judge shall be remitted to
6 the commission ~~division~~ to be deposited into a special escrow
7 account in the State Treasury and held in trust pending the
8 outcome of the trial of the accused. If a bond is posted by
9 the defendant, it shall also be remitted to the commission
10 ~~division~~ to be held in escrow pending the outcome of the trial
11 of the accused. In the event of acquittal, the bond or cash
12 deposit shall be returned to the defendant, or the proceeds of
13 the sale shall be paid over to the defendant. In the event of
14 conviction, the proceeds of the sale, or proceeds of the bond
15 or cash deposit, shall be deposited by said commission
16 ~~division~~ into the Marine Resources Conservation Trust Fund to
17 be used for law enforcement purposes or into the commission's
18 ~~department's~~ Federal Law Enforcement Trust Fund as provided in
19 s. 372.107 ~~s. 20.2553~~, as applicable. Such deposit into the
20 Marine Resources Conservation Trust Fund or the commission's
21 ~~department's~~ Federal Law Enforcement Trust Fund shall
22 constitute confiscation.

23 (3) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
24 FUNDING.--

25 (a) Any municipal or county law enforcement agency
26 that ~~which~~ enforces, or assists the commission ~~department~~ in
27 enforcing, the provisions of this chapter resulting ~~which~~
28 ~~results~~ in a forfeiture of property as provided in this
29 section, shall be entitled to receive all or a share of any
30 such property based upon their participation in such
31 enforcement.

1 (b) Any property delivered to any municipal or county
2 law enforcement agency as provided in paragraph (a) may be
3 retained or sold by the law enforcement agency and the
4 property or any proceeds shall, if the agency operates a
5 marine enforcement unit, be utilized to enforce the provisions
6 of this chapter and chapters 327 and 328. In the event the law
7 enforcement agency does not operate a marine enforcement unit,
8 any such property or proceeds shall be disposed of pursuant to
9 the Florida Contraband Forfeiture Act.

10 (c) Any funds received by a municipal or county law
11 enforcement agency pursuant to this subsection shall be
12 supplemental funds and may not be used as replacement funds by
13 the municipality or county.

14 Section 230. Section 370.07, Florida Statutes, 1998
15 Supplement, is amended to read:

16 370.07 Wholesale and retail saltwater products
17 dealers; regulation.--

18 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license
19 or privilege taxes are hereby levied and imposed upon dealers
20 in the state in saltwater products. It is unlawful for any
21 person, firm, or corporation to deal in any such products
22 without first paying for and procuring the license required by
23 this section. Application for all licenses shall be made to
24 the Fish and Wildlife Conservation Commission ~~Department of~~
25 ~~Environmental Protection~~ on blanks to be furnished by it. All
26 licenses shall be issued by the commission ~~department~~ upon
27 payment to it of the license tax. The licenses are defined as:

28 (a)1. "Wholesale county dealer" is any person, firm,
29 or corporation which sells saltwater products to any person,
30 firm, or corporation except to the consumer and who may buy
31 saltwater products in the county designated on the wholesale

1 license from any person licensed pursuant to s. 370.06(2) or
2 from any licensed wholesale dealer.

3 2. "Wholesale state dealer" is a person, firm, or
4 corporation which sells saltwater products to any person,
5 firm, or corporation except to the consumer and who may buy
6 saltwater products in any county of the state from any person
7 licensed pursuant to s. 370.06(2) or from any licensed
8 wholesale dealer.

9 3. "Wholesale dealer" is either a county or a state
10 dealer.

11 (b) A "retail dealer" is any person, firm, or
12 corporation which sells saltwater products directly to the
13 consumer, but no license is required of a dealer in
14 merchandise who deals in or sells saltwater products consumed
15 on the premises or prepared for immediate consumption and sold
16 to be taken out of any restaurant licensed by the Division of
17 Hotels and Restaurants of the Department of Business and
18 Professional Regulation.

19
20 Any person, firm, or corporation which is both a wholesale
21 dealer and a retail dealer shall obtain both a wholesale
22 dealer's license and a retail dealer's license. If a wholesale
23 dealer has more than one place of business, the annual license
24 tax shall be effective for all places of business, provided
25 that the wholesale dealer supplies to the commission
26 ~~department~~ a complete list of additional places of business
27 upon application for the annual license tax.

28 (2) LICENSES; AMOUNT, TRUST FUND.--

29 (a) A resident wholesale county seafood dealer is
30 required to pay an annual license tax of \$300.

31

- 1 (b) A resident wholesale state dealer is required to
2 pay an annual license tax of \$450.
- 3 (c) A nonresident wholesale county dealer is required
4 to pay an annual license tax of \$500.
- 5 (d) A nonresident wholesale state dealer is required
6 to pay an annual license tax of \$1,000.
- 7 (e) An alien wholesale county dealer is required to
8 pay an annual license tax of \$1,000.
- 9 (f) An alien wholesale state dealer is required to pay
10 an annual license tax of \$1,500.
- 11 (g) A resident retail dealer is required to pay an
12 annual license tax of \$25; however, if such a dealer has more
13 than one place of business, the dealer shall designate one
14 place of business as a central place of business, shall pay an
15 annual license tax of \$25 for such place of business, and
16 shall pay an annual license tax of \$10 for each other place of
17 business.
- 18 (h) A nonresident retail dealer is required to pay an
19 annual license tax of \$200; however, if such a dealer has more
20 than one place of business, the dealer shall designate one
21 place of business as a central place of business, shall pay an
22 annual license tax of \$200 for such place of business, and
23 shall pay an annual license tax of \$25 for each other place of
24 business.
- 25 (i) An alien retail dealer is required to pay an
26 annual license tax of \$250; however, if such a dealer has more
27 than one place of business, the dealer shall designate one
28 place of business as a central place of business, shall pay an
29 annual license tax of \$250 for such place of business, and
30 shall pay an annual license tax of \$50 for each other place of
31 business.

1 (j) License or privilege taxes, together with any
2 other funds derived from the Federal Government or from any
3 other source, shall be deposited in a Florida Saltwater
4 Products Promotion Trust Fund to be administered by the
5 Department of Agriculture and Consumer Services for the sole
6 purpose of promoting all fish and saltwater products produced
7 in this state.

8 (3) APALACHICOLA BAY OYSTER SURCHARGE.--

9 (a) For purposes of this section, "bag" means an
10 amount of oysters with shells weighing approximately 60
11 pounds.

12 (b) Effective October 1, 1989, there shall be assessed
13 a surcharge of 50 cents on each bag of oysters to be paid by
14 the wholesale dealer first receiving, using, or selling the
15 oysters after harvesting from the waters of Apalachicola Bay.

16 (c)1. Each wholesale dealer shall certify, on such
17 forms as may be prescribed by the Department of Revenue, to
18 any subsequent purchasing wholesale dealer or other purchaser
19 that the surcharge imposed by this subsection has been paid or
20 will be paid by such wholesale dealer first receiving the
21 oysters.

22 2. In the case where the harvester is also the
23 wholesale dealer, such wholesale dealer shall maintain
24 documentation, on forms as may be prescribed by the Department
25 of Revenue, adequate to establish that the surcharge has been
26 paid or will be paid by such wholesale dealer.

27 3. In such case where the wholesale dealer is also the
28 retail dealer under paragraph (1)(b), such wholesale dealer
29 shall maintain documentation, on forms as may be prescribed by
30 the Department of Revenue, adequate to establish that the
31

1 surcharge has been paid or will be paid by such wholesale
2 dealer.

3 (d) Except for the collection allowance pursuant to s.
4 212.12 and estimated tax filing requirements pursuant to s.
5 212.11, the same duties and privileges imposed by chapter 212
6 upon dealers of tangible personal property respecting the
7 remission of the surcharge, the making of returns, penalties
8 and interest, the keeping of books, records and accounts, and
9 the compliance with the rules of the Department of Revenue in
10 the administration of chapter 212 shall apply and be binding
11 upon all wholesale dealers who are subject to the surcharge
12 imposed by this subsection.

13 (e) The Department of Revenue shall keep records
14 showing the amount of the surcharge collected.

15 (f) The Department of Revenue shall collect the
16 surcharge for transfer into the Marine Resources Conservation
17 Trust Fund of the Fish and Wildlife Conservation Commission
18 ~~Department of Environmental Protection~~.

19 (g) The Department of Revenue is empowered to
20 promulgate rules, establish audit procedures for the audit of
21 wholesale dealers, assess for delinquency, and prescribe and
22 publish such forms as may be necessary to effectuate the
23 provisions of this subsection.

24 (h) Annually, the Fish and Wildlife Conservation
25 Commission ~~Department of Environmental Protection~~ shall
26 furnish the Department of Revenue with a current list of
27 wholesale dealers in the state.

28 (i) Collections received by the Department of Revenue
29 from the surcharge shall be transferred quarterly to the Fish
30 and Wildlife Conservation Commission ~~Department of~~

31

1 ~~Environmental Protection~~ Marine Resources Conservation Trust
2 Fund, less the costs of administration.

3 (j) The executive director of the Department of
4 Revenue is hereby authorized to adopt emergency rules pursuant
5 to s. 120.54(4) for purposes of implementing this subsection.
6 Notwithstanding any other provisions of law, such emergency
7 rules shall remain effective for 6 months from the date of
8 adoption. Other rules of the Department of Revenue related to
9 and in furtherance of the orderly implementation of this
10 subsection shall not be subject to a s. 120.56(2) rule
11 challenge or a s. 120.54(3)(c)2. drawout proceeding but, once
12 adopted, shall be subject to a s. 120.56(3) invalidity
13 challenge. Such rules shall be adopted by the Governor and
14 Cabinet and shall become effective upon filing with the
15 Department of State, notwithstanding the provisions of s.
16 120.54(3)(e)6.

17 (k) The Fish and Wildlife Conservation Commission
18 ~~Department of Environmental Protection~~ shall use or distribute
19 funds generated by this surcharge, less reasonable costs of
20 collection and administration, to fund the following oyster
21 management and restoration programs in Apalachicola Bay:

- 22 1. The relaying and transplanting of live oysters.
- 23 2. Shell planting to construct or rehabilitate oyster
24 bars.
- 25 3. Education programs for licensed oyster harvesters
26 on oyster biology, aquaculture, boating and water safety,
27 sanitation, resource conservation, small business management,
28 and other relevant subjects.
- 29 4. Research directed toward the enhancement of oyster
30 production in the bay and the water management needs of the
31 bay.

1 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

2 (a) A person transporting in this state saltwater
3 products that were produced in this state, regardless of
4 destination, shall have in his or her possession invoices,
5 bills of lading, or other similar instruments showing the
6 number of packages, boxes, or containers and the number of
7 pounds of each species and the name, physical address, and the
8 Florida wholesale dealer number of the dealer of origin.

9 (b) A person transporting in this state saltwater
10 products that were produced outside this state to be delivered
11 to a destination in this state shall have in his or her
12 possession invoices, bills of lading, or other similar
13 instruments showing the number of packages, boxes, or
14 containers and the number of pounds of each species, the name
15 and physical address of the dealer of origin, and the name,
16 physical address, and Florida wholesale dealer number of the
17 Florida dealer to whom the shipment is to be delivered.

18 (c) A person transporting in this state saltwater
19 products that were produced outside this state which are to be
20 delivered to a destination outside this state shall have in
21 his or her possession invoices, bills of lading, or other
22 similar instruments showing the number of packages, boxes, or
23 containers and the number of pounds of each species, the name
24 and physical address of the dealer of origin, and the name and
25 physical address of the dealer to whom the shipment is to be
26 delivered.

27 (d) If the saltwater products in transit came from
28 more than one dealer, distributor, or producer, each lot from
29 each dealer shall be covered by invoices, bills of lading, and
30 other similar instruments showing the number of boxes or
31 containers and the number of pounds of each species. Each

1 invoice, bill of lading, and other similar instrument shall
2 display the wholesale dealer license number and the name and
3 physical address of the dealer, distributor, or producer of
4 the lot covered by the instrument.

5 (e) It is unlawful to sell, deliver, ship, or
6 transport, or to possess for the purpose of selling,
7 delivering, shipping, or transporting, any saltwater products
8 without all invoices of such products having thereon the
9 wholesale dealer license number in such form as may be
10 prescribed under the provisions of this subsection and the
11 rules and regulations of the commission ~~department~~. Any
12 saltwater products found in the possession of any person who
13 is in violation of this provision may be seized by the
14 commission ~~department~~ and disposed of in the manner provided
15 by law.

16 (f) Nothing contained in this subsection may be
17 construed to apply to the sale and delivery to a consumer of
18 saltwater products in an ordinary retail transaction by a
19 licensed retail dealer who has purchased such products from a
20 licensed wholesale dealer or to the sale and delivery of the
21 catch or products of a saltwater products licensee to a
22 Florida-licensed wholesale dealer.

23 (g) Wholesale dealers' licenses shall be issued only
24 to applicants who furnish to the commission ~~department~~
25 satisfactory evidence of law-abiding reputation and who pledge
26 themselves to faithfully observe all of the laws and
27 regulations of this state relating to the conservation of,
28 dealing in, taking, selling, transporting, or possession of
29 saltwater products and to cooperate in the enforcement of all
30 such laws to every reasonable extent. This pledge may be
31 included in the application for license.

1 (h) Any person who violates the provisions of this
2 subsection is guilty of a misdemeanor of the first degree,
3 punishable as provided in s. 775.082 or s. 775.083.

4 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

5 (a) A license issued to a wholesale or retail dealer
6 is good only to the person to whom issued and named therein
7 and is not transferable. The commission ~~department~~ may
8 revoke, suspend, or deny the renewal of the license of any
9 licensee:

10 1. Upon the conviction of the licensee of any
11 violation of the laws or regulations designed for the
12 conservation of saltwater products;

13 2. Upon conviction of the licensee of knowingly
14 dealing in, buying, selling, transporting, possessing, or
15 taking any saltwater product, at any time and from any waters,
16 in violation of the laws of this state; or

17 3. Upon satisfactory evidence of any violation of the
18 laws or any regulations of this state designed for the
19 conservation of saltwater products or of any of the laws of
20 this state relating to dealing in, buying, selling,
21 transporting, possession, or taking of saltwater products.

22 (b) Upon revocation of such license, no other or
23 further license may be issued to the dealer within 3 years
24 from the date of revocation except upon special order of the
25 commission ~~department~~. After revocation, it is unlawful for
26 such dealer to exercise any of the privileges of a licensed
27 wholesale or retail dealer.

28 (c) In addition to, or in lieu of, the penalty imposed
29 pursuant to this subsection, the commission ~~department~~ may
30 impose penalties pursuant to s. 370.021.

31 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

1 (a) Wholesale dealers shall be required by the
2 commission ~~department~~ to make and preserve a record of the
3 names and addresses of persons from whom or to whom saltwater
4 products are purchased or sold, the quantity so purchased or
5 sold from or to each vendor or purchaser, and the date of each
6 such transaction. Retail dealers shall be required to make and
7 preserve a record from whom all saltwater products are
8 purchased. Such record shall be open to inspection at all
9 times by the commission ~~department~~. A report covering the
10 sale of saltwater products shall be made monthly or as often
11 as required by rule to the commission ~~department~~ by each
12 wholesale dealer. All reports required under this subsection
13 are confidential and shall be exempt from the provisions of s.
14 119.07(1) except that, pursuant to authority related to
15 interstate fishery compacts as provided by ss. 370.19(3) and
16 370.20(3), reports may be shared with another state if that
17 state is a member of an interstate fisheries compact, and if
18 that state has signed a Memorandum of Agreement or a similar
19 instrument agreeing to preserve confidentiality as established
20 by Florida law.

21 (b) The commission ~~department~~ may revoke, suspend, or
22 deny the renewal of the license of any dealer for failure to
23 make and keep required records, for failure to make required
24 reports, for failure or refusal to permit the examination of
25 required records, or for falsifying any such record. In
26 addition to, or in lieu of, the penalties imposed pursuant to
27 this paragraph and s. 370.021, the commission ~~department~~ may
28 impose against any person, firm, or corporation who is
29 determined to have violated any provision of this paragraph or
30 any provisions of any commission ~~department~~ rules promulgated
31 pursuant to s. 370.0607, the following additional penalties:

1 1. For the first violation, a civil penalty of up to
2 \$1,000;

3 2. For a second violation committed within 24 months
4 of any previous violation, a civil penalty of up to \$2,500;
5 and

6 3. For a third or subsequent violation committed
7 within 36 months of any previous two violations, a civil
8 penalty of up to \$5,000.

9
10 The proceeds of all civil penalties collected pursuant to this
11 subsection shall be deposited into the Marine Resources
12 Conservation Trust Fund and shall be used for administration,
13 auditing, and law enforcement purposes.

14 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY
15 LOCATION.--Wholesale dealers purchasing saltwater products
16 pursuant to s. 370.06(2)(a) at any site other than a site
17 located in a county where the dealer has a permanent address
18 must notify the Fish and Wildlife Conservation Commission
19 ~~Division of Law Enforcement~~ of the location of the temporary
20 site of business for each day business is to be conducted at
21 such site.

22 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
23 unlawful for any licensed retail dealer or any restaurant
24 licensed by the Division of Hotels and Restaurants of the
25 Department of Business and Professional Regulation to buy
26 saltwater products from any person other than a licensed
27 wholesale or retail dealer.

28 Section 231. Section 370.071, Florida Statutes, is
29 amended to read:

30 370.071 Shellfish processors; regulation.--

31

1 (1) The Fish and Wildlife Conservation Commission
2 ~~department~~ is authorized to adopt by rule regulations,
3 specifications, and codes relating to sanitary practices for
4 catching, cultivating, handling, processing, packaging,
5 preserving, canning, smoking, and storing of oysters, clams,
6 mussels, and crabs. The commission ~~department~~ is also
7 authorized to license aquaculture facilities used to culture
8 oysters, clams, mussels, and crabs when such activities relate
9 to quality control, sanitary, and public health practices
10 pursuant to this section and s. 370.06(4). The commission
11 ~~department~~ is also authorized to license or certify facilities
12 used for processing oysters, clams, mussels, and crabs, to
13 suspend or revoke such licenses or certificates upon
14 satisfactory evidence of any violation of rules adopted
15 pursuant to this section, and to seize and destroy any
16 adulterated or misbranded shellfish products as defined by
17 rule.

18 (2) A shellfish processing plant certification license
19 is required to operate any facility in which oysters, clams,
20 mussels, or crabs are processed, including but not limited to:
21 an oyster, clam, or mussel cannery; a shell stock dealership;
22 an oyster, clam, or mussel shucking plant; an oyster, clam, or
23 mussel repacking plant; an oyster, clam, or mussel controlled
24 purification plant; or a crab or soft-shell crab processing or
25 shedding plant.

26 (3) The commission ~~department~~ may suspend or revoke
27 any shellfish processing plant certification license upon
28 satisfactory evidence that the licensee has violated any
29 regulation, specification, or code adopted under this section
30 and may seize and destroy any shellfish product which is
31

1 defined by rule to be an adulterated or misbranded shellfish
2 product.

3 Section 232. Subsection (7) of section 370.08, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 370.08 Fishers and equipment; regulation.--

6 (7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

7 (a) It is unlawful for any person to place poisons,
8 drugs, or other chemicals in the marine waters of this state
9 unless that person has first obtained a special activity
10 license for such use pursuant to s. 370.06 from the Fish and
11 Wildlife Conservation Commission Division of Marine Resources
12 ~~of the Department of Environmental Protection.~~

13 (b) Upon application on forms furnished by the
14 commission division, the commission division may issue a
15 license to use poisons, drugs, or other chemicals in the
16 marine waters of this state for the purpose of capturing live
17 marine species. The application and license shall specify the
18 area in which collecting will be done, the drugs, chemicals,
19 or poisons to be used, and the maximum amounts and
20 concentrations at each sampling.

21 Section 233. Subsection (3) of section 370.0821,
22 Florida Statutes, 1998 Supplement, is amended to read:

23 370.0821 St. Johns County; use of nets.--

24 (3) No person, firm, or corporation shall use, or
25 cause to be used, any manner of seine net, other than a
26 recreational net as hereafter defined, in the salt waters of
27 St. Johns County, or within 1 mile seaward of the Atlantic
28 Ocean beaches and coast thereof, without a permit issued by
29 the Fish and Wildlife Conservation Commission Division of
30 Marine Resources of the Department of Environmental
31 Protection. Applications for such permits shall be made on

1 forms to be supplied by the commission ~~division~~, which shall
2 require the applicant to furnish such information as may be
3 deemed pertinent to the best interests of saltwater
4 conservation. The fee for such permits shall be \$250 per year.
5 Each permit shall entitle the holder thereof to use no more
6 than one seine net at any one time, subject to the provisions
7 of subsections (1), (2), and (3). The commission ~~division~~ may
8 refuse to grant any permit when it is apparent that the best
9 interests of saltwater conservation will be served by such
10 denial. All permits granted shall be in the holder's
11 possession whenever the holder is engaged in using a seine
12 net. Each permit is subject to immediate revocation upon
13 conviction of a violation of any provision of this section or
14 when it is apparent that the best interests of saltwater
15 conservation will be served by such revocation.

16 Section 234. Subsection (2) of section 370.10, Florida
17 Statutes, 1998 Supplement, is amended to read:

18 370.10 Crustacea, marine animals, fish; regulations;
19 general provisions.--

20 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
21 SCIENTIFIC, EDUCATION, AND EXHIBITION
22 PURPOSES.--Notwithstanding any other provisions of general or
23 special law to the contrary, the Fish and Wildlife
24 Conservation Commission ~~department~~ may authorize, upon such
25 terms, conditions, and restrictions as it may prescribe by
26 rule, any properly accredited person to harvest or possess
27 indigenous or nonindigenous saltwater species for
28 experimental, scientific, education, and exhibition purposes.
29 Such authorizations may allow collection of specimens without
30 regard to, and not limited to, size, seasonal closure,
31 collection method, reproductive state, or bag limit.

1 Authorizations issued under the provisions of this section may
2 be suspended or revoked by the commission ~~department~~ if it
3 finds that the person has violated this section, commission
4 ~~department~~ rules or orders, or terms or conditions of the
5 authorization or has submitted false or inaccurate information
6 in his or her application.

7 Section 235. Section 370.103, Florida Statutes, is
8 amended to read:

9 370.103 Agreements with Federal Government for the
10 preservation of saltwater fisheries; authority of commission
11 ~~department~~.--The Fish and Wildlife Conservation Commission
12 ~~Department of Environmental Protection~~ is authorized and
13 empowered to enter into cooperative agreements with the
14 Federal Government or agencies thereof for the purpose of
15 preserving saltwater fisheries within and without state waters
16 and for the purpose of protecting against overfishing, waste,
17 depletion, or any abuse whatsoever. Such authority includes
18 the authority to enter into cooperative agreements whereby
19 officers of the Fish and Wildlife Conservation Commission are
20 ~~the Division of Law Enforcement of the department is~~ empowered
21 to enforce federal statutes and rules pertaining to fisheries
22 management. When differences between state and federal laws
23 occur, state laws shall take precedence.

24 Section 236. Section 370.135, Florida Statutes, 1998
25 Supplement, is amended to read:

26 370.135 Blue crab; regulation.--

27 (1) No person, firm, or corporation shall transport on
28 the water, fish with or cause to be fished with, set, or place
29 any trap designed for taking blue crabs unless such person,
30 firm, or corporation is the holder of a valid saltwater
31 products license issued pursuant to s. 370.06 and the trap has

1 a current state number permanently attached to the buoy. The
2 trap number shall be affixed in legible figures at least 1
3 inch high on each buoy used. The saltwater products license
4 must be on board the boat, and both the license and the crabs
5 shall be subject to inspection at all times. Only one trap
6 number may be issued for each boat by the commission
7 ~~department~~ upon receipt of an application on forms prescribed
8 by it. This subsection shall not apply to an individual
9 fishing with no more than five traps. It is a felony of the
10 third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084, for any person willfully to molest any
12 traps, lines, or buoys, as defined herein, belonging to
13 another without permission of the licenseholder.

14 (2) No person shall harvest blue crabs with more than
15 five traps, harvest blue crabs in commercial quantities, or
16 sell blue crabs unless such person holds a valid saltwater
17 products license with a restricted species endorsement and a
18 blue crab endorsement (trap number) issued pursuant to this
19 subsection.

20 (a) Effective June 1, 1998, and until July 1, 2002, no
21 blue crab endorsement (trap number), except those endorsements
22 that are active during the 1997-1998 fiscal year, shall be
23 renewed or replaced.

24 (b) In 1998, persons holding an endorsement that was
25 active in the 1997-1998 fiscal year, or an immediate family
26 member of that person, must request approval of the
27 endorsement prior to December 31, 1998.

28 (c) In subsequent years and until July 1, 2002, a trap
29 number holder, or members of his or her immediate family, must
30 request renewal of the endorsement prior to September 30 of
31 each year.

1 (d) If a person holding an active blue crab
2 endorsement, or a member of that person's immediate family,
3 does not request renewal of the endorsement before the
4 applicable dates as specified in this subsection, the
5 commission ~~department~~ shall deactivate that endorsement.

6 (e) In the event of the death or disability of a
7 person holding an active blue crab endorsement, the
8 endorsement may be transferred by the person to a member of
9 his or her immediate family or may be renewed by any person so
10 designated by the executor of the person's estate.

11 (f) Persons who hold saltwater products licenses with
12 blue crab endorsements issued to their boat registration
13 numbers and who subsequently replace their existing vessels
14 with new vessels shall be permitted to transfer the existing
15 licenses to the new boat registration numbers.

16 Section 237. Section 370.143, Florida Statutes, is
17 amended to read:

18 370.143 Retrieval of lobster and stone crab traps
19 during closed season; commission ~~department~~ authority; fees.--

20 (1) The Fish and Wildlife Conservation Commission
21 ~~Department of Environmental Protection~~ is authorized to
22 implement a trap retrieval program for retrieval of lobster
23 and stone crab traps remaining in the water during the closed
24 season for each species. The commission ~~department~~ is
25 authorized to contract with outside agents for the program
26 operation.

27 (2) A retrieval fee of \$10 per trap retrieved shall be
28 assessed trap owners. Traps recovered under this program
29 shall become the property of the commission ~~department~~ or its
30 contract agent and shall be either destroyed or resold to the
31 original owner. Revenue from retrieval fees shall be

1 deposited in the Marine Resources Conservation Trust Fund and
2 used for operation of the trap retrieval program.

3 (3) Payment of the assessed retrieval fee shall be
4 required prior to renewal of the trap owner's trap number as a
5 condition of number renewal. Retrieval fees assessed under
6 this program shall stand in lieu of other penalties imposed
7 for such trap violations.

8 (4) In the event of a major natural disaster, such as
9 hurricane or major storm causing massive trap losses, the
10 commission ~~department~~ shall waive the trap retrieval fee.

11 Section 238. Subsections (1), (3), (4), and (6) of
12 section 370.15, Florida Statutes, 1998 Supplement, are amended
13 to read:

14 370.15 Shrimp; regulation.--

15 (1) GENERAL AUTHORITY; CONSERVATION.--The commission
16 ~~department~~ has authority to adopt rules pursuant to ss.
17 120.536(1) and 120.54 to implement the provisions of this
18 section. The commission ~~department~~ shall encourage the
19 production of the maximum sustained yield consistent with the
20 preservation and protection of breeding stock, taking into
21 consideration the recommendations of the various marine
22 laboratories, as well as those of interested and experienced
23 groups of private citizens. Rules shall control the method,
24 manner, and equipment used in the taking of shrimp or prawn,
25 as well as limiting and defining the areas where taken.

26 (3) SHRIMP TRAPS.--

27 (a) It is unlawful for any person, firm, or
28 corporation to take or attempt to take shrimp by the use of
29 any trap which:

30 1. Exceeds the following dimensions: 36 inches long
31 (from rear of the heart to the leading edge of the trap), by

1 24 inches wide (between the leading edges of the trap, or
2 heart opening), by 12 inches high; or

3 2. Has external or unattached wings, weirs, or other
4 devices intended to funnel shrimp to the trap heart.

5 (b) This subsection shall not be construed to restrict
6 the allowable shape or configuration of any shrimp trap so
7 long as the trap, together with all of its parts, conforms to
8 the specifications of paragraph (a).

9 (c) Any shrimp trap which conforms to the
10 specifications of paragraph (a) shall not be considered a
11 pound net.

12 (d) The user of any trap shall affix his or her name
13 and address securely to each trap. Any such trap not having
14 proper identification is subject to confiscation by the
15 commission ~~department~~. No person, firm, or corporation shall
16 have more than four traps in use at any time. The commission
17 ~~department~~ shall have the authority to inspect such traps when
18 being used in or on the waters of the state.

19 (e) The presence of unattended shrimp traps on or
20 attached to beaches, causeways, seawalls, bridges, or any
21 other structures open for use by the public is hereby declared
22 to be a nuisance. Any such trap which is not attended by the
23 person whose name is affixed to the trap is subject to
24 confiscation by the commission ~~department~~.

25 (4) SHRIMP TRAWLING.--All persons, firms, and
26 corporations desiring to trawl for shrimp within areas in
27 which trawling is permitted shall have a noncommercial trawl
28 or net registration or purchase a saltwater products license
29 issued to a valid boat registration or in the name of an
30 individual pursuant to s. 370.06. The saltwater products
31 license shall remain on board at all times and is subject to

1 immediate revocation upon conviction for violation of this
2 section or when it becomes apparent that the best interests of
3 saltwater conservation will be served by such action. A
4 noncommercial trawl or net registration must be issued to each
5 net used to take shrimp for noncommercial purposes. Such net
6 or trawl shall have a corkline measurement of 16 feet or less.
7 Possession of shrimp under a noncommercial registration is
8 limited to 25 pounds while on the water. Due to the varied
9 habitats and types of bottoms and hydrographic conditions
10 embraced by the open fishing area, the commission ~~division~~
11 shall have the authority to specify and regulate the types of
12 gear that may be used in the different sections of the open
13 areas.

14 (6) LIVE BAIT SHRIMPING; LICENSES.--Live bait shrimp
15 may be caught at any time but only under license issued by the
16 commission ~~department~~. Licensees must fish with gear and
17 under those conditions specified by the commission ~~department~~.
18 Application for such licenses shall be on forms supplied by
19 the commission ~~department~~. A live bait shrimping license
20 shall be revocable when the holder does not comply with the
21 laws and regulations applicable to saltwater conservation.
22 All vessels fishing for live bait shrimp must be equipped with
23 live bait shrimp tanks, and no more than 5 pounds of dead
24 shrimp will be allowed on board such vessel per day.

25 Section 239. Subsection (2) of section 370.151,
26 Florida Statutes, 1998 Supplement, is amended to read:

27 370.151 Tortugas shrimp beds; penalties.--

28 (2)(a) The Fish and Wildlife Conservation Commission
29 ~~Division of Law Enforcement~~ is authorized to take title in the
30 name of the state to any vessel or vessels suitable for use in
31 carrying out the inspection and patrol of the Tortugas Bed

1 which may be offered as a gift to the state by any person,
2 firm, corporation, or association in the shrimp industry for
3 the purpose of carrying out the provisions of this section.
4 In the event such title is taken to such vessel or vessels,
5 the commission ~~division~~ is authorized to operate and keep said
6 vessel or vessels in proper repair.

7 (b) The commission ~~division~~ is further authorized to
8 accept the temporary loan of any vessel or vessels, suitable
9 for use in carrying out the provisions of this section, for
10 periods not exceeding 1 year. However, the state shall not
11 assume any liability to the owner or owners of said vessels
12 for any damage done by said vessels to other vessels, persons,
13 or property. In the operation of said loaned vessels, upkeep
14 and repair shall consist only of minor repairs and routine
15 maintenance. The owner or owners shall carry full marine
16 insurance coverage on said loaned vessel or vessels for the
17 duration of the period during which said vessels are operated
18 by the state.

19 Section 240. Section 370.153, Florida Statutes, 1998
20 Supplement, is amended to read:

21 370.153 Regulation of shrimp fishing; Clay, Duval,
22 Nassau, Putnam, Flagler, and St. Johns Counties.--

23 (1) DEFINITIONS.--When used in this section, unless
24 the context clearly requires otherwise:

25 (a) "Inland waters" means all creeks, rivers, bayous,
26 bays, inlets, and canals.

27 (b) "Sample" means one or more shrimp taken from an
28 accurately defined part of the area defined.

29 (c) "Series" means 10 or more samples taken within a
30 period of not more than 1 week, each sample being taken at a
31 different station within the pattern.

1 (d) "Pattern" means 10 or more stations.

2 (e) "Station" means a single location on the water of
3 the areas defined.

4 (f) "Licensed live bait shrimp producer" means any
5 individual licensed by the Fish and Wildlife Conservation
6 Commission ~~Department of Environmental Protection~~ to employ
7 the use of any trawl for the taking of live bait shrimp within
8 the inland waters of Nassau, Duval, St. Johns, Putnam,
9 Flagler, or Clay Counties.

10 (g) "Licensed dead shrimp producer" means any
11 individual licensed by the Fish and Wildlife Conservation
12 Commission ~~Department of Environmental Protection~~ to employ
13 the use of any trawl for the taking of shrimp within the
14 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
15 Clay Counties.

16 (2) SHRIMPING PROHIBITED.--It is unlawful to employ
17 the use of any trawl or other net, except a common cast net,
18 designed for or capable of taking shrimp, within the inland
19 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
20 Counties, except as hereinafter provided.

21 (3) LIVE BAIT SHRIMP PRODUCTION.--

22 (a) A live bait shrimp production license shall be
23 issued by the Fish and Wildlife Conservation Commission
24 ~~Department of Environmental Protection~~ upon the receipt of an
25 application by a person intending to use a boat, not to exceed
26 35 feet in length in Duval, St. Johns, Putnam, Flagler, and
27 Clay Counties and not to exceed 45 feet in length in Nassau
28 County, for live shrimp production within the inland waters of
29 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties
30 and the payment of a fee of \$250. The annual fee of \$250 shall
31 be collected by the commission ~~department~~ for the issuance of

1 the license during a 60-day period beginning June 1 of each
2 year. The design of the application and permit shall be
3 determined by the commission ~~department~~. The proceeds of the
4 fee imposed by this paragraph shall be used by the Fish and
5 Wildlife Conservation Commission ~~Department of Environmental~~
6 ~~Protection~~ for the purposes of enforcement of marine resource
7 laws.

8 (b) The Executive Director of the Fish and Wildlife
9 Conservation Commission ~~Secretary of Environmental Protection~~,
10 or his or her designated representative, may by order close
11 certain areas to live bait shrimp production when sampling
12 procedures justify the closing based upon sound conservation
13 practices. The revocation of any order to close has the effect
14 of opening the area.

15 (c) Every live bait shrimp producer shall produce
16 evidence satisfactory to the commission ~~department~~ that he or
17 she has the necessary equipment to maintain the shrimp alive
18 while aboard the shrimp fishing vessel. All vessels fishing
19 for live bait shrimp must be equipped with live bait shrimp
20 tanks of a type and capacity satisfactory to the commission
21 ~~department~~, and no more than 5 pounds of dead shrimp will be
22 allowed on board such vessel per day.

23 (d)1. Each licensed live bait shrimp producer who
24 stores his or her catch for sale or sells his or her catch
25 shall either:

26 a. Maintain onshore facilities which have been
27 annually checked and approved by the local commission ~~Marine~~
28 ~~Patrol~~ office to assure the facilities' ability to maintain
29 the catch alive when the live bait shrimp producer produces
30 for his or her own facility; or

31

1 b. Sell his or her catch only to persons who have
2 onshore facilities that ~~which~~ have been annually checked and
3 approved by the local commission ~~Marine Patrol~~ office to
4 assure the facilities' ability to maintain the catch alive,
5 when the producer sells his or her catch to an onshore
6 facility. The producer shall provide the commission ~~Department~~
7 ~~of Environmental Protection~~ with the wholesale number of the
8 facility to which the shrimp have been sold and shall submit
9 this number on a form designed and approved by the commission
10 ~~department~~.

11 2. All persons who maintain onshore facilities as
12 described in this paragraph, whether the facilities are
13 maintained by the licensed live bait shrimp producer or by
14 another party who purchases shrimp from live bait shrimp
15 producers, shall keep records of their transactions in
16 conformance with the provisions of s. 370.07(6).

17 (e) All commercial trawling in Clay, Duval, and St.
18 Johns Counties shall be restricted to the inland waters of the
19 St. Johns River proper in the area north of the Acosta Bridge
20 in Jacksonville and at least 100 yards from the nearest
21 shoreline.

22 (f) A live shrimp producer must also be a licensed
23 wholesale dealer. Such person shall not sell live bait shrimp
24 unless he or she produces a live bait shrimp production
25 license at the time of sale.

26 (g) The commission ~~department~~ shall rename the Live
27 Bait Shrimp Production License as the Commercial Live Shrimp
28 Production License.

29 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as
30 a commercial dead shrimp producer provided that:

31

1 (a) A dead shrimp production permit is procured from
2 the Fish and Wildlife Conservation Commission ~~Department of~~
3 ~~Environmental Protection~~ upon the receipt by the commission
4 ~~department~~ of a properly filled out and approved application
5 by a person intending to use a boat, not to exceed 35 feet in
6 length in Duval, St. Johns, Putnam, and Clay Counties, and not
7 to exceed 45 feet in length in Nassau County, for dead shrimp
8 production within the inland waters of Nassau County and the
9 inland waters of the St. Johns River of Duval, Putnam, St.
10 Johns, Flagler, or Clay Counties, which permit shall cost \$250
11 and shall be required for each vessel used for dead shrimp
12 production. The design of the application and permit shall be
13 determined by the Fish and Wildlife Conservation Commission
14 ~~Department of Environmental Protection~~. The proceeds of the
15 fees imposed by this paragraph shall be deposited into the
16 account of the Marine Resources Conservation Trust Fund to be
17 used by the commission ~~department~~ for the purpose of
18 enforcement of marine resource laws.

19 (b) All commercial trawling in the St. Johns River
20 proper shall be restricted to the area north of the Acosta
21 Bridge in Jacksonville and at least 100 yards from the nearest
22 shoreline.

23 (c) All commercial shrimping activities shall be
24 allowed during daylight hours from Tuesday through Friday each
25 week.

26 (d) No person holding a dead shrimp production permit
27 issued pursuant to this subsection shall simultaneously hold a
28 permit for noncommercial trawling under the provisions of
29 subsection (5). The number of permits issued by the
30 commission ~~department~~ for commercial trawling or dead shrimp
31 production in any one year shall be the number issued in the

1 base year, 1976. All permits shall be inheritable or
2 transferable to an immediate family member and annually
3 renewable by the holder thereof. Such inheritance or transfer
4 shall be valid upon being registered with the commission
5 ~~department~~. All permits not renewed shall expire and shall not
6 be renewed under any circumstances.

7 (e) It is illegal for any person to sell dead shrimp
8 caught in the inland waters of Nassau, Duval, Clay, Putnam,
9 and St. Johns Counties, unless the seller is in possession of
10 a dead shrimp production license issued pursuant to this
11 subsection.

12 (f) It is illegal for any person to purchase shrimp
13 for consumption or bait from any seller (with respect to
14 shrimp caught in the inland waters of Nassau, Duval, Clay,
15 Putnam, and St. Johns Counties (St. Johns River)) who does not
16 produce his or her dead shrimp production license prior to the
17 sale of the shrimp.

18 (g) In addition to any other penalties provided for in
19 this section, any person who violates the provisions of this
20 subsection shall have his or her license revoked by the
21 commission ~~department~~.

22 (h) The commission ~~department~~ shall rename the Dead
23 Shrimp Production License as the Commercial Food Shrimp
24 Production License.

25 (5) NONCOMMERCIAL TRAWLING.--Any person may harvest
26 shrimp in the St. Johns River for his or her own use as food
27 and may trawl for such shrimp under the following conditions:

28 (a) Each person who desires to trawl for shrimp for
29 use as food shall obtain a noncommercial trawling permit from
30 the local ~~Marine Patrol~~ office of the Fish and Wildlife
31 Conservation Commission ~~Department of Environmental Protection~~

1 upon filling out an application on a form prescribed by the
2 commission ~~department~~ and upon paying a fee for the permit,
3 which shall cost \$50.

4 (b) All trawling shall be restricted to the confines
5 of the St. Johns River proper in the area north of the Acosta
6 Bridge in Jacksonville and at least 100 yards from the nearest
7 shoreline.

8 (c) No shrimp caught by a person licensed under the
9 provisions of this subsection may be sold or offered for sale.

10 (6) SAMPLING PROCEDURE.--

11 (a) The Executive Director of the Fish and Wildlife
12 Conservation Commission ~~Secretary of Environmental Protection~~
13 shall have samples taken at established stations within
14 patterns at frequent intervals.

15 (b) No area may be closed to live bait shrimp
16 production unless a series of samples has been taken and it
17 has been determined that the shrimp are undersized or that
18 continued shrimping in this area would have an adverse effect
19 on conservation. Standards for size may be established by
20 rule of the commission ~~department~~.

21 (c) No area may be opened to dead shrimp production
22 unless a series of samples has been taken and it has been
23 determined that the shrimp are of legal size. Legal-sized
24 shrimp shall be defined as not more than 47 shrimp with heads
25 on, or 70 shrimp with heads off, per pound.

26 (7) LICENSE POSSESSION.--The operator of a boat
27 employing the use of any trawl for shrimp production must be
28 in possession of a current shrimp production license issued to
29 him or her pursuant to the provisions of this section.

30 (8) USE OF TRAWL; LIMITATION.--

31

1 (a) The use of a trawl by either a live bait shrimp
2 producer or dead shrimp producer shall be limited to the
3 daylight hours, and the taking of dead shrimp shall not take
4 place on Saturdays, Sundays, or legal state holidays.

5 (b) The use of a trawl by either a live bait shrimp
6 producer or dead shrimp producer within 100 yards of any
7 shoreline is prohibited. The Fish and Wildlife Conservation
8 Commission ~~Department of Environmental Protection~~, by rule or
9 order, may define the area or areas where this subsection
10 shall apply.

11 (c)1. It is unlawful to employ the use of any trawl
12 designed for, or capable of, taking shrimp within 1/4 mile
13 of any natural or manmade inlet in Duval County or St. Johns
14 County.

15 2. It is unlawful for anyone to trawl in the Trout
16 River west of the bridge on U.S. 17 in Duval County.

17 ~~(9) ST. JOHNS RIVER; RULEMAKING PROHIBITED.--The~~
18 ~~Department of Environmental Protection may not adopt any rule~~
19 ~~which regulates shrimping in the St. Johns River.~~

20 (9)(10) CREDITS.--Fees paid pursuant to paragraphs
21 (3)(a) and (4)(a) of this section shall be credited against
22 the saltwater products license fee.

23 Section 241. Subsection (2) of section 370.1603,
24 Florida Statutes, is amended to read:

25 370.1603 Oysters produced in and outside state;
26 labeling; tracing; rules.--

27 (1) No wholesale or retail dealer, as defined in s.
28 370.07(1), shall sell any oysters produced outside this state
29 unless they are labeled as such, or unless it is otherwise
30 reasonably made known to the purchaser that the oysters were
31 not produced in this state.

1 (2) The Fish and Wildlife Conservation Commission
2 ~~Department of Environmental Protection~~ shall promulgate rules
3 whereby oysters produced in Florida waters can be traced to
4 the location from which they were harvested. A wholesale or
5 retail dealer may not sell any oysters produced in this state
6 unless they are labeled so that they may be traced to the
7 point of harvesting.

8 Section 242. Subsections (2) and (3) of section
9 370.172, Florida Statutes, are amended to read:

10 370.172 Spearfishing; definition; limitations;
11 penalty.--

12 (2)(a) Spearfishing is prohibited within the
13 boundaries of the John Pennekamp Coral Reef State Park, the
14 waters of Collier County, and the area in Monroe County known
15 as Upper Keys, which includes all salt waters under the
16 jurisdiction of the Fish and Wildlife Conservation Commission
17 ~~Department of Environmental Protection~~ beginning at the county
18 line between Dade and Monroe Counties and running south,
19 including all of the keys down to and including Long Key.

20 (b) For the purposes of this subsection, the
21 possession in the water of a spear, gig, or lance by a person
22 swimming at or below the surface of the water in a prohibited
23 area is prima facie evidence of a violation of the provisions
24 of this subsection regarding spearfishing.

25 (3) The Fish and Wildlife Conservation Commission
26 ~~Department of Environmental Protection~~ shall have the power to
27 establish restricted areas when it is determined that safety
28 hazards exist or when needs are determined by biological
29 findings. Restricted areas shall be established only after an
30 investigation has been conducted and upon application by the
31 governing body of the county or municipality in which the

1 restricted areas are to be located and one publication in a
2 local newspaper of general circulation in said county or
3 municipality in addition to any other notice required by law.
4 Prior to promulgation of regulations, the local governing body
5 of the area affected shall agree to post and maintain notices
6 in the area affected.

7 Section 243. Section 370.18, Florida Statutes, is
8 amended to read:

9 370.18 Compacts and agreements; generally.--The Fish
10 and Wildlife Conservation Commission ~~Department of~~
11 ~~Environmental Protection~~ may enter into agreements of
12 reciprocity with the fish commissioners or other departments
13 or other proper officials of other states, whereby the
14 citizens of the state may be permitted to take or catch shrimp
15 or prawn from the waters under the jurisdiction of such other
16 states, upon similar agreements to allow such nonresidents or
17 aliens to fish for or catch seafood products within the
18 jurisdiction of the state regardless of residence.

19 Section 244. Subsection (2) of section 370.19, Florida
20 Statutes, is amended to read:

21 370.19 Atlantic States Marine Fisheries Compact;
22 implementing legislation.--

23 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In
24 pursuance of Article III of said compact there shall be three
25 members (hereinafter called commissioners) of the Atlantic
26 State Marine Fisheries Commission (hereinafter called
27 commission) from this state. The first commissioner from this
28 state shall be the Executive Director of the Fish and Wildlife
29 Conservation Commission ~~Secretary of Environmental Protection,~~
30 ex officio, and the term of any such ex officio commissioner
31 shall terminate at the time he or she ceases to hold said

1 office of Executive Director of the Fish and Wildlife
2 Conservation Commission ~~Secretary of Environmental Protection,~~
3 and his or her successor as commissioner shall be his or her
4 successor as executive director ~~secretary~~. The second
5 commissioner from this state shall be a legislator and member
6 of the house committee on commerce and reciprocal trade (of
7 the State of Florida, ex officio, designated by said house
8 committee on commerce and reciprocal trade), and the term of
9 any such ex officio commissioner shall terminate at the time
10 he or she ceases to hold said legislative office as
11 commissioner on interstate cooperation, and his or her
12 successor as commissioner shall be named in like manner. The
13 Governor (subject to confirmation by the Senate), shall
14 appoint a citizen as a third commissioner who shall have a
15 knowledge of, and interest in, the marine fisheries problem.
16 The term of said commissioner shall be 3 years and the
17 commissioner shall hold office until a successor shall be
18 appointed and qualified. Vacancies occurring in the office of
19 such commissioner from any reason or cause shall be filled by
20 appointment by the Governor (subject to confirmation by the
21 Senate), for the unexpired term. The Executive Director of the
22 Fish and Wildlife Conservation Commission ~~Secretary of~~
23 ~~Environmental Protection~~ as ex officio commissioner may
24 delegate, from time to time, to any deputy or other
25 subordinate in his or her department or office, the power to
26 be present and participate, including voting, as his or her
27 representative or substitute at any meeting of or hearing by
28 or other proceeding of the commission. The terms of each of
29 the initial three members shall begin at the date of the
30 appointment of the appointive commissioner, provided the said
31 compact shall then have gone into effect in accordance with

1 Article II of the compact; otherwise, they shall begin upon
2 the date upon which said compact shall become effective in
3 accordance with said Article II. Any commissioner may be
4 removed from office by the Governor upon charges and after a
5 hearing.

6 Section 245. Subsection (2) of section 370.20, Florida
7 Statutes, is amended to read:

8 370.20 Gulf States Marine Fisheries Compact;
9 implementing legislation.--

10 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In
11 pursuance of article III of said compact, there shall be three
12 members (hereinafter called commissioners) of the Gulf States
13 Marine Fisheries Commission (hereafter called commission) from
14 the State of Florida. The first commissioner from the State of
15 Florida shall be the Executive Director of the Fish and
16 Wildlife Conservation Commission ~~Secretary of Environmental~~
17 ~~Protection~~, ex officio, and the term of any such ex officio
18 commissioner shall terminate at the time he or she ceases to
19 hold said office of Executive Director of the Fish and
20 Wildlife Conservation Commission ~~Secretary of Environmental~~
21 ~~Protection~~, and his or her successor as commissioner shall be
22 his or her successor as executive director ~~secretary~~. The
23 second commissioner from the State of Florida shall be a
24 legislator and a member of the house committee on commerce and
25 reciprocal trade (of the State of Florida ex officio,
26 designated by said house committee on commerce and reciprocal
27 trade), and the term of any such ex officio commissioner shall
28 terminate at the time he or she ceases to hold said
29 legislative office as commissioner on interstate cooperation,
30 and his or her successor as commissioner shall be named in
31 like manner. The Governor (subject to confirmation by the

1 Senate) shall appoint a citizen as a third commissioner who
2 shall have a knowledge of and interest in the marine fisheries
3 problem. The term of said commissioner shall be 3 years and
4 the commissioner shall hold office until a successor shall be
5 appointed and qualified. Vacancies occurring in the office of
6 such commissioner from any reason or cause shall be filled by
7 appointment by the Governor (subject to confirmation by the
8 Senate) for the unexpired term. The Executive Director of the
9 Fish and Wildlife Conservation Commission ~~Secretary of~~
10 ~~Environmental Protection~~, as ex officio commissioner, may
11 delegate, from time to time, to any deputy or other
12 subordinate in his or her department or office, the power to
13 be present and participate, including voting, as his or her
14 representative or substitute at any meeting of or hearing by
15 or other proceeding of the commission. The terms of each of
16 the initial three members shall begin at the date of the
17 appointment of the appointive commissioner, provided the said
18 compact shall then have gone into effect in accordance with
19 article II of the compact; otherwise they shall begin upon the
20 date upon which said compact shall become effective in
21 accordance with said article II.

22 Any commissioner may be removed from office by the
23 Governor upon charges and after a hearing.

24 Section 246. Subsections (3), (5), and (7) of section
25 370.21, Florida Statutes, are amended to read:

26 370.21 Florida Territorial Waters Act; alien-owned
27 commercial fishing vessels; prohibited acts; enforcement.--

28 (3) No license shall be issued by the Fish and
29 Wildlife Conservation Commission ~~Division of Marine Resources~~
30 ~~of the Department of Environmental Protection~~ under s. 370.06,
31 to any vessel owned in whole or in part by any alien power,

1 which subscribes to the doctrine of international communism,
2 or any subject or national thereof, who subscribes to the
3 doctrine of international communism, or any individual who
4 subscribes to the doctrine of international communism, or who
5 shall have signed a treaty of trade, friendship and alliance
6 or a nonaggression pact with any communist power. The
7 commission ~~division~~ shall grant or withhold said licenses
8 where other alien vessels are involved on the basis of
9 reciprocity and retorsion, unless the nation concerned shall
10 be designated as a friendly ally or neutral by a formal
11 suggestion transmitted to the Governor of Florida by the
12 Secretary of State of the United States. Upon the receipt of
13 such suggestion licenses shall be granted under s. 370.06,
14 without regard to reciprocity and retorsion, to vessels of
15 such nations.

16 (5) It is the duty of all harbormasters of the state
17 to prevent the use of any port facility in a manner which they
18 reasonably suspect may assist in the violation of this act.
19 Harbormasters shall endeavor by all reasonable means, which
20 may include the inspection of nautical logs, to ascertain from
21 masters of newly arrived vessels of all types other than
22 warships of the United States, the presence of alien
23 commercial fishing vessels within the territorial waters of
24 the state, and shall transmit such information promptly to the
25 Fish and Wildlife Conservation Commission ~~Department of~~
26 ~~Environmental Protection~~ and such law enforcement agencies of
27 the state as the situation may indicate. Harbormasters shall
28 request assistance from the United States Coast Guard in
29 appropriate cases to prevent unauthorized departure from any
30 port facility.

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1 (7) All law enforcement agencies of the state,
2 including but not limited to sheriffs and officers of the Fish
3 and Wildlife Conservation Commission ~~agents of the Department~~
4 ~~of Environmental Protection~~ are empowered and directed to
5 arrest the masters and crews of vessels who are reasonably
6 believed to be in violation of this law, and to seize and
7 detain such vessels, their equipment and catch. Such arresting
8 officers shall take the offending crews or property before the
9 court having jurisdiction of such offenses. All such agencies
10 are directed to request assistance from the United States
11 Coast Guard in the enforcement of this act when having
12 knowledge of vessels operating in violation or probable
13 violation of this act within their jurisdictions when such
14 agencies are without means to effectuate arrest and restraint
15 of vessels and their crews.

16 Section 247. Subsection (1) of section 372.107,
17 Florida Statutes, 1998 Supplement, is amended to read:

18 372.107 Federal Law Enforcement Trust Fund.--

19 (1) The Federal Law Enforcement Trust Fund is created
20 within the Fish and Wildlife Conservation ~~Game and Fresh Water~~
21 ~~Fish~~ Commission. The commission may deposit into the trust
22 fund receipts and revenues received as a result of federal
23 criminal, administrative, or civil forfeiture proceedings and
24 receipts and revenues received from federal asset-sharing
25 programs. The trust fund is exempt from the service charges
26 imposed by s. 215.20.

27 Section 248. Section 376.15, Florida Statutes, is
28 amended to read:

29 376.15 Derelict vessels; removal from public waters.--

30 (1) It is unlawful for any person, firm, or
31 corporation to store or leave any vessel in a wrecked, junked,

1 or substantially dismantled condition or abandoned upon any
2 public waters or at any port in this state without the consent
3 of the agency having jurisdiction thereof or docked at any
4 private property without the consent of the owner of the
5 private property.

6 (2)(a) The Fish and Wildlife Conservation Commission
7 ~~department~~ is hereby designated as the agency of the state
8 authorized and empowered to remove any derelict vessel as
9 described in subsection (1) from public waters.

10 (b) The commission ~~department~~ may establish a program
11 to provide grants to coastal local governments for the removal
12 of derelict vessels from the public waters of the state. The
13 program shall be funded from the Florida Coastal Protection
14 Trust Fund. Notwithstanding the provisions in s. 216.181(10),
15 funds available for grants may only be authorized by
16 appropriations acts of the Legislature.

17 (c) The commission ~~department~~ shall adopt by rule
18 procedures for submitting a grant application and criteria for
19 allocating available funds. Such criteria shall include, but
20 not be limited to, the following:

21 1. The number of derelict vessels within the
22 jurisdiction of the applicant.

23 2. The threat posed by such vessels to public health
24 or safety, the environment, navigation, or the aesthetic
25 condition of the general vicinity.

26 3. The degree of commitment of the local government to
27 maintain waters free of abandoned and derelict vessels and to
28 seek legal action against those who abandon vessels in the
29 waters of the state.

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1 (d) This section shall constitute the authority of the
2 commission ~~department~~ for such removal, but is not intended to
3 be in contravention of any applicable federal act.

4 (e) The Department of Legal Affairs shall represent
5 the Fish and Wildlife Conservation Commission ~~Department of~~
6 ~~Environmental Protection~~ in such actions.

7 Section 249. Subsection (2) of section 823.11, Florida
8 Statutes, is amended to read:

9 823.11 Abandoned and derelict vessels; removal;
10 penalty.--

11 (2) The Fish and Wildlife Conservation Commission
12 ~~Department of Environmental Protection, Division of Marine~~
13 ~~Resources~~, is hereby designated as the agency of the state
14 authorized and empowered to remove or cause to be removed any
15 abandoned or derelict vessel from public waters in any
16 instance when the same obstructs or threatens to obstruct
17 navigation or in any way constitutes a danger to the
18 environment. All costs incurred by the commission ~~department~~
19 in the removal of any abandoned or derelict vessel as set out
20 above shall be recoverable against the owner thereof. Pursuant
21 to an agreement with the governing body of a county or
22 municipality, and upon a finding by the commission ~~division~~
23 that the county or municipality is competent to undertake said
24 responsibilities, the commission ~~division~~ may delegate to the
25 county or municipality its authority to remove or cause to be
26 removed an abandoned or derelict vessel from public waters
27 within the county or municipality.

28 Section 250. The Executive Office of the Governor is
29 authorized to transfer funds appropriated by the 1999-2000
30 Fiscal Year General Appropriations Act when necessary because
31 of the reorganization made by this act. The Executive Office

1 of the Governor shall consult with the appropriations
2 committees of the Senate and House of Representatives as
3 required by chapter 216, Florida Statutes, before making such
4 transfers.

5 Section 251. This act shall take effect July 1, 1999.

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