

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Fish and Wildlife Conservation  
7 Commission; amending s. 20.331, F.S.; reorganizing the  
8 commission; granting rights and privileges to the  
9 commission; providing responsibilities and duties of the  
10 executive director; revising the administrative structure  
11 of the commission; providing that the principal unit for  
12 program services within the commission shall be a division  
13 headed by a director; providing that the principal subunit  
14 within a division shall be a section headed by a leader;  
15 providing that the principal subunit within a section  
16 shall be a subsection headed by an administrator;  
17 establishing divisions and a section within the  
18 commission; providing that the principal unit for research  
19 services within the commission is the Fish and Wildlife  
20 Research Institute; providing that the principal unit for  
21 administrative and support services shall be the Office of  
22 Executive Direction and Administrative Support Services  
23 headed by the executive director of the commission;

24 | establishing additional offices within the Office of  
25 | Executive Direction and Administrative Support Services;  
26 | providing that the head of an office shall be a director;  
27 | providing position classifications within the state  
28 | employee system; providing for reallocation of certain  
29 | duties and functions; providing that additional divisions  
30 | of the commission may only be created by general law;  
31 | providing that divisions, offices, and the section created  
32 | by this act may only be abolished by general law;  
33 | authorizing the Department of Management Services and the  
34 | Executive Office of the Governor to establish and approve  
35 | new sections, subsections, and offices as initiated by the  
36 | commission; assigning powers, duties, responsibilities,  
37 | and functions to the divisions and the Boating and  
38 | Waterways Section; providing for adequate due process  
39 | procedures; establishing statutory duties of the  
40 | commission; authorizing the commission to provide comments  
41 | to permitting agencies; authorizing the commission to  
42 | acquire lands in the name of the state for certain  
43 | purposes; providing for employee bonds at the request of  
44 | the commission; amending s. 20.2551, F.S.; deleting  
45 | provisions relating to grants from the Florida Marine  
46 | Research Institute to citizen support organizations within  
47 | the Department of Environmental Protection; amending s.  
48 | 370.021, F.S.; deleting a provision relating to employee  
49 | bond requirements; amending ss. 370.0603, 370.06091,  
50 | 370.06093, 372.0215, 372.5701, 372.5702, and 403.0882,  
51 | F.S.; conforming language to changes made by the act;

52 | amending s. 370.06092, F.S.; deleting obsolete provisions;  
 53 | conforming language to changes made by the act; amending  
 54 | s. 370.16, F.S.; deleting provisions relating to  
 55 | noncultured shellfish harvesting, the use of water patrols  
 56 | to collect tax on specified shellfish, and shellfish  
 57 | harvesting recordkeeping; amending s. 370.172, F.S.;  
 58 | deleting a prohibition with regard to certain special and  
 59 | general laws relating to spearfishing; amending s.  
 60 | 372.0222, F.S.; requiring the commission to publish the  
 61 | Florida Wildlife Magazine; providing for sale of  
 62 | advertising and subscription fees; creating the Florida  
 63 | Wildlife Magazine Advisory Council; requiring the council  
 64 | to make recommendations to the commission regarding  
 65 | magazine development, publication, and sale; providing for  
 66 | qualifications of members, appointment of members, terms  
 67 | of office, administrative support, and reimbursement for  
 68 | travel expenses; amending s. 372.0225, F.S.; revising  
 69 | requirements for the regulation of the promotion,  
 70 | marketing, and quality control of freshwater organisms;  
 71 | amending s. 5, ch. 99-245, Laws of Florida; deleting a  
 72 | provision relating to the Florida Marine Research  
 73 | Institute; repealing s. 370.083, F.S., relating to special  
 74 | acts affecting sale or purchase of speckled sea trout or  
 75 | weakfish; repealing s. 370.162, F.S., relating to the  
 76 | purchase of sponges; repealing s. 372.051, F.S., relating  
 77 | to the seal of the commission; repealing s. 372.9906,  
 78 | F.S., relating to the Wildlife Law Enforcement Program;  
 79 | providing full-time equivalent positions and an

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80 appropriation to the commission from the State Game Trust  
81 Fund to fund operation and publication of the Florida  
82 Wildlife Magazine and travel and per diem expenses for the  
83 Florida Wildlife Magazine Advisory Council; providing an  
84 effective date.

85

86 Be It Enacted by the Legislature of the State of Florida:

87

88 Section 1. Section 20.331, Florida Statutes, is amended to  
89 read:

90 (Substantial rewording of section. See  
91 s. 20.331, F.S., for present text.)

92 20.331 Fish and Wildlife Conservation Commission.--

93 (1) RIGHTS AND PRIVILEGES.--The Legislature, recognizing  
94 the Fish and Wildlife Conservation Commission as being  
95 specifically authorized by the State Constitution under s. 9,  
96 Art. IV, grants rights and privileges to the commission as  
97 contemplated by s. 6, Art. IV of the State Constitution. These  
98 rights and privileges are equal to those of departments  
99 established under this chapter while preserving the commission's  
100 constitutional designation and title.

101 (2) HEAD OF THE COMMISSION.--The head of the Fish and  
102 Wildlife Conservation Commission is the commission, with  
103 commissioners appointed by the Governor as provided for in s. 9,  
104 Art. IV of the State Constitution.

105 (3) EXECUTIVE DIRECTOR.--

106 (a) To aid the commission in the implementation of its  
107 constitutional and statutory responsibilities, the Legislature

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108 authorizes the commission to appoint and fix the salary of a  
 109 person who is not a member of the commission to serve as the  
 110 executive director, and to remove such person at its pleasure.  
 111 The executive director shall supervise, direct, coordinate, and  
 112 administer all activities necessary to fulfill the commission's  
 113 constitutional and statutory responsibilities. The executive  
 114 director shall be reimbursed for per diem and travel expenses  
 115 incurred in the discharge of official duties as provided in s.  
 116 112.061. The executive director shall maintain headquarters in  
 117 and reside in Tallahassee.

118 (b) Each executive director must be confirmed by the  
 119 Senate during the regular legislative session immediately  
 120 following his or her appointment by the commission.

121 (4) PROGRAM AND RESEARCH SERVICES.--Within the Fish and  
 122 Wildlife Conservation Commission, the principal unit for program  
 123 services is a "division" headed by a "director." The principal  
 124 subunit of the division is a "section" headed by a "leader." The  
 125 principal subunit of the section is a "subsection" headed by an  
 126 "administrator."

127 (a) The following divisions and section are created within  
 128 the commission:

- 129 1. Division of Freshwater Fisheries Management.
- 130 2. Division of Habitat and Species Conservation.
- 131 3. Division of Hunting and Game Management.
- 132 4. Division of Law Enforcement. There is created within  
 133 the division the Boating and Waterways Section with duties and  
 134 responsibilities as provided in paragraph (7)(f).
- 135 5. Division of Marine Fisheries Management.

136        (b) The principal unit for research services within the  
 137 commission is the Fish and Wildlife Research Institute, which  
 138 shall be headed by a director.

139        (5) ADMINISTRATIVE AND SUPPORT SERVICES.--The principal  
 140 unit for administrative and support services is the Office of  
 141 Executive Direction and Administrative Support Services, headed  
 142 by the executive director of the commission. Each office within  
 143 this principal unit shall be headed by a "director." The  
 144 following administrative and support offices are created within  
 145 the Office of Executive Direction and Administrative Support  
 146 Services:

147            (a) Finance and Budget.

148            (b) Human Resources.

149            (c) Information Technology.

150            (d) Inspector General.

151            (e) Legal.

152            (f) Regional Operations. Within the Regional Operations  
 153 Office, the executive director may establish a regional office  
 154 for each of the administrative regions established by the  
 155 commission. Each regional office shall be headed by a  
 156 "director."

157        (6) GENERAL PROVISIONS.--

158            (a) Section leader positions are classified at a level  
 159 equal to bureau chiefs, and subsection administrator positions  
 160 are classified at a level equal to section administrators, as  
 161 established in s. 20.04. At the discretion of the executive  
 162 director, director positions shall be classified at a level

163 equal to division directors, bureau chiefs, or section  
 164 administrators, as established in s. 20.04.

165 (b) Unless specifically authorized by law, the commission  
 166 may not reallocate duties and functions assigned by law to a  
 167 specific unit of the commission. Functions assigned generally to  
 168 the commission without specific designation to a unit of the  
 169 commission may be allocated at the discretion of the commission.

170 (c) Divisions, sections, and offices created by this act  
 171 may be abolished only by general law. Additional divisions in  
 172 the commission may be established only by general law. New  
 173 sections, subsections, and offices of the commission may be  
 174 initiated by the commission and established as recommended by  
 175 the Department of Management Services and approved by the  
 176 Executive Office of the Governor, or may be established by  
 177 general law.

178 (7) ASSIGNMENT OF DUTIES AND RESPONSIBILITIES.--The  
 179 commission, and the Legislature as provided in s. 9, Art. IV of  
 180 the State Constitution, shall assign to the:

181 (a) Fish and Wildlife Research Institute such powers,  
 182 duties, responsibilities, and functions as are necessary to  
 183 accomplish its mission, which is to:

184 1. Serve as the primary source of research and technical  
 185 information and expertise on the status of marine life,  
 186 freshwater aquatic life, and wild animal life resources in this  
 187 state.

188 2. Monitor the status and health of marine life,  
 189 freshwater aquatic life, and wild animal life species and their  
 190 habitats.

191       3. Develop restoration and management techniques for  
 192 habitats and enhancement of plant and animal populations.

193       4. Respond to and provide critical technical support for  
 194 catastrophes, including oil spills, ship groundings, major  
 195 species die-offs, hazardous spills, and natural disasters.

196       5. Identify and monitor harmful algal blooms, including  
 197 red tides, evaluate their impacts, and provide technical support  
 198 concerning state and local public health concerns.

199       6. Provide state and local governments with technical  
 200 information and research results concerning fish and wild animal  
 201 life.

202       (b) Division of Freshwater Fisheries Management such  
 203 powers, duties, responsibilities, and functions as are necessary  
 204 to facilitate the responsible and sustained use of freshwater  
 205 aquatic life resources. The division shall provide expertise on  
 206 freshwater fish populations or other aspects of freshwater  
 207 fisheries needed for recreational and commercial use management  
 208 decisions and assess impacts of decisions made by others to  
 209 ensure quality fisheries and fishing in lakes, fish management  
 210 areas, rivers, and streams in this state.

211       (c) Division of Habitat and Species Conservation such  
 212 powers, duties, responsibilities, and functions as are necessary  
 213 to protect and conserve the state's diverse and unique fish and  
 214 wild animal life. Powers, duties, responsibilities, and  
 215 functions of the division must be focused at the ecosystem or  
 216 landscape level and must include the management of public lands,  
 217 habitat restoration on public lands, development and  
 218 implementation of nongame species management plans, development



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219 and implementation of imperiled species recovery plans,  
220 provision of scientific support and assistance on habitat-  
221 related issues to public and private landowners, aquatic habitat  
222 restoration, habitat management assistance, land acquisition,  
223 and exotic species coordination focused on measures that prevent  
224 and control the introduction of exotic species. The division  
225 shall utilize scientific data to develop resource management  
226 plans that maintain stable or increasing populations of fish and  
227 wild animal life.

228 (d) Division of Hunting and Game Management such powers,  
229 duties, responsibilities, and functions as are necessary to  
230 facilitate the responsible and sustained use of wild animal life  
231 resources. The division must develop scientifically based  
232 recommendations that support effective regulation and sound  
233 management of game wild animal life resources. The division must  
234 also coordinate the development and management of public hunting  
235 opportunities and provide hunter safety training and  
236 certification.

237 (e) Division of Law Enforcement such powers, duties,  
238 responsibilities, and functions as are necessary to ensure  
239 enforcement of laws and rules governing the management,  
240 protection, conservation, improvement, and expansion of wild  
241 animal life, freshwater aquatic life, and marine life resources.  
242 In performance of their duties as sworn law enforcement officers  
243 for the State of Florida, the division's officers also shall  
244 enforce all laws relating to boating, provide public safety  
245 services for citizens on lands and waters of the state,  
246 particularly in remote areas, provide search-and-rescue and

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247 disaster response services when necessary, assist in the  
 248 enforcement of all general laws, and coordinate with local,  
 249 state, and federal entities on law enforcement issues.

250 (f) Boating and Waterways Section such powers, duties,  
 251 responsibilities, and functions as are necessary to manage and  
 252 promote the use of state waterways for safe and enjoyable  
 253 boating. Duties and responsibilities of the section include  
 254 overseeing and coordinating waterway markers on state waters,  
 255 providing boating education and boating safety programs,  
 256 improving boating access, coordinating the removal of derelict  
 257 vessels from state waters, implementing economic development  
 258 initiatives to promote boating in the state, and coordinating  
 259 the submission of state comments on marine events.

260 (g) Division of Marine Fisheries Management such powers,  
 261 duties, responsibilities, and functions as are necessary to  
 262 facilitate the responsible and sustained use of marine life  
 263 resources. The division shall develop recommendations for  
 264 managing and enhancing commercial and recreational saltwater  
 265 fisheries resources, implement marine fisheries management  
 266 programs, and assist in the development and monitoring of  
 267 artificial reefs in state waters.

268 (8) ADEQUATE DUE PROCESS PROCEDURES.--

269 (a) The commission shall implement a system of adequate  
 270 due process procedures to be accorded to any party, as defined  
 271 in s. 120.52, whose substantial interests will be affected by  
 272 any action of the commission in the performance of its  
 273 constitutional duties or responsibilities.

274        (b) The Legislature encourages the commission to  
 275 incorporate into its process the provisions of s. 120.54(3)(c)  
 276 when adopting rules in the performance of its constitutional  
 277 duties or responsibilities.

278        (c) The commission shall follow the provisions of chapter  
 279 120 when adopting rules in the performance of its statutory  
 280 duties or responsibilities. For purposes of this subsection, the  
 281 commission's statutory duties or responsibilities include, but  
 282 are not limited to:

283            1. Research and management responsibilities for marine  
 284 species listed as endangered or threatened, including manatees  
 285 and marine turtles.

286            2. Establishment and enforcement of boating safety  
 287 regulations.

288            3. Land acquisition.

289            4. Enforcement and collection of fees for all commercial  
 290 and recreational hunting or fishing licenses or permits.

291            5. Aquatic plant removal using fish as a biological  
 292 control agent.

293            6. Enforcement of penalties for violations of commission  
 294 rules and state laws, including, but not limited to, the seizure  
 295 and forfeiture of vessels and other equipment used to commit  
 296 those violations.

297            7. Establishment of free fishing days.

298            8. Regulation of off-road vehicles on state lands.

299            9. Establishment and coordination of a statewide hunter  
 300 safety course.

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301        10. Establishment of programs and activities to develop  
302 and distribute public education materials.

303        11. Police powers of sworn law enforcement officers.

304        12. Establishment of citizen support organizations to  
305 provide assistance, funding, and promotional support for  
306 programs of the commission.

307        13. Creation of the voluntary authorized hunter  
308 identification program.

309        14. Regulation of required clothing of persons hunting  
310 deer.

311        (9) PERMIT COMMENTING AUTHORITY.--Comments submitted by  
312 the commission to a permitting agency regarding applications for  
313 permits, licenses, or authorizations affecting the commission's  
314 jurisdiction must be based on credible, factual scientific data  
315 and must be received by the permitting agency within the time  
316 specified by applicable statutes or rules, or within 30 days,  
317 whichever is sooner. Comments provided by the commission are not  
318 binding on any permitting agency. Comments by the commission  
319 shall be considered for consistency with the Florida Coastal  
320 Management Program and ss. 373.428 and 380.23. If the commission  
321 comments are used by a permitting agency as a condition of  
322 denial, approval, or modification of a proposed permit, license,  
323 or authorization, any party to an administrative proceeding  
324 involving such proposed action may require the commission to  
325 join as a party in determining the validity of the condition. In  
326 any action in which the commission is joined as a party, the  
327 commission shall bear only the actual cost of defending the

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328 validity of the credible, factual scientific data used as a  
 329 basis for comments.

330 (10) LAND ACQUISITION AUTHORITY.--The commission shall  
 331 acquire, in the name of the state, lands and waters suitable for  
 332 the protection, improvement, and restoration of the state's wild  
 333 animal life, freshwater aquatic life, and marine life resources.  
 334 Lands may be acquired by purchase, lease, gift, or otherwise,  
 335 using state, federal, or other sources of funding. Lands  
 336 acquired under this section shall be managed for recreational  
 337 and other multiple-use activities that do not impede the  
 338 commission's ability to perform its constitutional and statutory  
 339 duties and responsibilities.

340 (11) EMPLOYEE BONDS.--The commission may require any  
 341 commission employee to give a bond for the faithful performance  
 342 of duties. The commission may determine the amount of the bond  
 343 and must approve the bond. In determining the amount of the  
 344 bond, the commission may consider the amount of money or  
 345 property likely to be in the custody of the officer or employee  
 346 at any one time. The premium for the bond must be paid out of  
 347 the funds of the commission, and the bond must be payable to the  
 348 Governor and the Governor's successor in office.

349 Section 2. Paragraph (b) of subsection (1) of section  
 350 20.2551, Florida Statutes, is amended to read:

351 20.2551 Citizen support organizations; use of property;  
 352 audit; public records; partnerships.--

353 (1) DEFINITIONS.--For the purposes of this section, a  
 354 "citizen support organization" means an organization which is:

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355 (b) Organized and operated to conduct programs and  
 356 activities; raise funds; request and receive grants, gifts, and  
 357 bequests of money; acquire, receive, hold, invest, and  
 358 administer, in its own name, securities, funds, objects of  
 359 value, or other property, real or personal; and make  
 360 expenditures to or for the direct or indirect benefit of the  
 361 Department of Environmental Protection or individual units of  
 362 the department. The citizen support organization may not receive  
 363 funds from the department ~~or the Florida Marine Research~~  
 364 ~~Institute~~ by grant, gift, or contract unless specifically  
 365 authorized by the Legislature;

366 Section 3. Subsections (12) and (13) of section 370.021,  
 367 Florida Statutes, are renumbered as subsections (11) and (12),  
 368 respectively, and present subsection (11) of said section is  
 369 amended to read:

370 370.021 Administration; rules, publications, records;  
 371 penalties; injunctions.--

372 ~~(11) BOND OF EMPLOYEES.—The commission may require, as it~~  
 373 ~~determines, that bond be given by any employee of the commission~~  
 374 ~~or divisions thereof, payable to the Governor of the state and~~  
 375 ~~the Governor's successor in office, for the use and benefit of~~  
 376 ~~those whom it may concern, in such penal sums with good and~~  
 377 ~~sufficient surety or sureties approved by the commission~~  
 378 ~~conditioned for the faithful performance of the duties of such~~  
 379 ~~employee.~~

380 Section 4. Paragraph (e) of subsection (4) of section  
 381 370.0603, Florida Statutes, is amended to read:

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382 370.0603 Marine Resources Conservation Trust Fund;  
383 purposes.--

384 (4) Funds transferred to the Marine Resources Conservation  
385 Trust Fund from the Fuel Tax Collection Trust Fund pursuant to  
386 s. 206.606 shall be used for the following purposes:

387 (e) For other activities of the ~~Office of~~ Boating and  
388 Waterways Section such as coordinating the submission of state  
389 comments on boating-related events.

390  
391 Funds not used in one fiscal year must be carried over for use  
392 in subsequent years.

393 Section 5. Section 370.06091, Florida Statutes, is amended  
394 to read:

395 370.06091 Memorandum of agreement relating to Fish and  
396 Wildlife ~~Florida Marine~~ Research Institute.--A memorandum of  
397 agreement will be developed between the Department of  
398 Environmental Protection and the Fish and Wildlife Conservation  
399 Commission which will detail the responsibilities of the Fish  
400 and Wildlife ~~Florida Marine~~ Research Institute to the  
401 department, to include, at a minimum, the following services:

402 (1) Environmental monitoring and assessment.  
403 (2) Restoration research and development of restoration  
404 technology.

405 (3) Technical support and response for oil spills, ship  
406 groundings, major marine species die offs, hazardous spills, and  
407 natural disasters.

408 Section 6. Section 370.06092, Florida Statutes, is amended  
409 to read:

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410 370.06092 Harmful-Algal-Bloom Task Force.--

411 (1) There is established a Harmful-Algal-Bloom Task Force  
 412 for the purpose of determining research, monitoring, control,  
 413 and mitigation strategies for red tide and other harmful algal  
 414 blooms in Florida waters. The Fish and Wildlife ~~Florida Marine~~  
 415 Research Institute shall appoint to the task force scientists,  
 416 engineers, economists, members of citizen groups, and members of  
 417 government. The task force shall determine research and  
 418 monitoring priorities and control and mitigation strategies and  
 419 make recommendations to the Fish and Wildlife ~~Florida Marine~~  
 420 Research Institute ~~by October 1, 1999~~, for using funds as  
 421 provided in this act.

422 (2) The Harmful-Algal-Bloom Task Force shall:

423 (a) Review the status and adequacy of information for  
 424 monitoring physical, chemical, biological, economic, and public  
 425 health factors affecting harmful algal blooms in Florida;

426 (b) Develop research and monitoring priorities for harmful  
 427 algal blooms in Florida, including detection, prediction,  
 428 mitigation, and control;

429 (c) Develop recommendations that can be implemented by  
 430 state and local governments to develop a response plan and to  
 431 predict, mitigate, and control the effects of harmful algal  
 432 blooms; and

433 (d) Make recommendations to the Fish and Wildlife ~~Florida~~  
 434 ~~Marine~~ Research Institute ~~by October 1, 1999~~, for research,  
 435 detection, monitoring, prediction, mitigation, and control of  
 436 harmful algal blooms in Florida.



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437 ~~(3) After the completion of the tasks specified in~~  
 438 ~~subsection (2), the Harmful Algal Bloom Task Force may be~~  
 439 ~~continued at the pleasure of the Florida Marine Research~~  
 440 ~~Institute.~~

441 Section 7. Section 370.06093, Florida Statutes, is amended  
 442 to read:

443 370.06093 Harmful-algal-bloom program; implementation;  
 444 goals; funding.--

445 (1)(a) The Fish and Wildlife ~~Florida Marine~~ Research  
 446 Institute shall implement a program designed to increase the  
 447 knowledge of factors that control harmful algal blooms,  
 448 including red tide, and to gain knowledge to be used for the  
 449 early detection of factors precipitating harmful algal blooms  
 450 for accurate prediction of the extent and seriousness of harmful  
 451 algal blooms and for undertaking successful efforts to control  
 452 and mitigate the effects of harmful algal blooms.

453 (b) The Legislature intends that this program enhance and  
 454 address areas that are not adequately covered in the cooperative  
 455 federal-state program known as Ecology and Oceanography of  
 456 Harmful Algal Blooms (ECO HAB-Florida), which includes the  
 457 University of South Florida, the Mote Marine Laboratory, and the  
 458 Fish and Wildlife ~~Florida Marine~~ Research Institute.

459 (c) The goal of this program is to enable resource  
 460 managers to assess the potential for public health damage and  
 461 economic damage from a given bloom and to undertake control and  
 462 mitigation efforts through the development and application of an  
 463 integrated detection and prediction network for monitoring and

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464 responding to the development and movement of harmful algal  
465 blooms in Florida marine and estuarine waters.

466 (2) A financial disbursement program is created within the  
467 Fish and Wildlife ~~Florida Marine~~ Research Institute to implement  
468 the provisions of this act. Under the program, the institute  
469 shall provide funding and technical assistance to government  
470 agencies, research universities, coastal local governments, and  
471 organizations with scientific and technical expertise for the  
472 purposes of harmful-algal-bloom research, economic impact study,  
473 monitoring, detection, control, and mitigation. The program may  
474 be funded from state, federal, and private contributions.

475 Section 8. Subsections (3) and (4) of section 370.16,  
476 Florida Statutes, are renumbered as subsections (2) and (3),  
477 respectively, subsections (6) through (8) are renumbered as  
478 subsections (4) through (6), respectively, and present  
479 subsections (2) and (5) of said section are amended to read:

480 370.16 Noncultured shellfish harvesting.--

481 ~~(2) SHELLFISH HARVESTING SEASONS; SPECIAL PROVISIONS~~  
482 ~~RELATING TO APALACHICOLA BAY.--~~

483 ~~(a) The Fish and Wildlife Conservation Commission shall by~~  
484 ~~rule set the noncultured shellfish harvesting seasons in~~  
485 ~~Apalachicola Bay.~~

486 ~~(b) If the commission changes the harvesting seasons by~~  
487 ~~rule as set forth in this subsection, for 3 years after the new~~  
488 ~~rule takes effect, the commission, in cooperation with the~~  
489 ~~Department of Agriculture and Consumer Services, shall monitor~~  
490 ~~the impacts of the new harvesting schedule on the bay and on~~  
491 ~~local shellfish harvesters to determine whether the new~~

492 ~~harvesting schedule should be discontinued, retained, or~~  
 493 ~~modified. In monitoring the new schedule and in preparing its~~  
 494 ~~report, the following information shall be considered:~~

495 ~~1. Whether the bay benefits ecologically from the new~~  
 496 ~~harvesting schedule.~~

497 ~~2. Whether the new harvesting schedule enhances the~~  
 498 ~~enforcement of shellfish harvesting laws in the bay.~~

499 ~~3. Whether the new harvesting schedule enhances natural~~  
 500 ~~shellfish production, oyster relay and planting programs, and~~  
 501 ~~shell planting programs in the bay.~~

502 ~~4. Whether the new harvesting schedule has more than a~~  
 503 ~~short-term adverse economic impact, if any, on local shellfish~~  
 504 ~~harvesters.~~

505 ~~(5) WATER PATROL FOR COLLECTION OF TAX.--~~

506 ~~(a) The Fish and Wildlife Conservation Commission may~~  
 507 ~~establish and maintain necessary patrols of the salt waters of~~  
 508 ~~Florida, with authority to use such force as may be necessary to~~  
 509 ~~capture any vessel or person violating the provisions of the~~  
 510 ~~laws relating to oysters and clams, and may establish ports of~~  
 511 ~~entry at convenient locations where the severance or privilege~~  
 512 ~~tax levied on oysters and clams may be collected or paid and may~~  
 513 ~~make such rules and regulations as it may deem necessary for the~~  
 514 ~~enforcement of such tax.~~

515 ~~(b) Each person in any way dealing in shellfish harvesting~~  
 516 ~~from public reefs or beds shall keep a record, on blanks or~~  
 517 ~~forms prescribed by the commission, of all oysters, clams, and~~  
 518 ~~shellfish taken, purchased, used, or handled by him or her, with~~  
 519 ~~the name of the person from whom purchased, if purchased,~~

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520 ~~together with the quantity and the date taken or purchased, and~~  
 521 ~~shall exhibit this account at all times when requested so to do~~  
 522 ~~by the commission or any conservation agent; and he or she~~  
 523 ~~shall, on the first day of each month, make a return under oath~~  
 524 ~~to the commission as to the number of oysters, clams, and~~  
 525 ~~shellfish purchased, caught, or handled during the preceding~~  
 526 ~~month. The commission may require detailed returns whenever it~~  
 527 ~~deems them necessary.~~

528 Section 9. Subsection (4) of section 370.172, Florida  
 529 Statutes, is amended to read:

530 370.172 Spearfishing; definition; limitations; penalty.--

531 ~~(4) Pursuant to s. 11(a)(21), Art. III of the State~~  
 532 ~~Constitution, the Legislature hereby prohibits special laws or~~  
 533 ~~general laws of local application in conflict with this act, but~~  
 534 ~~only such parts thereof as are in conflict with this act,~~  
 535 ~~affecting spearfishing in salt waters and saltwater tributaries.~~

536 Section 10. Paragraph (b) of subsection (1) of section  
 537 372.0215, Florida Statutes, is amended to read:

538 372.0215 Citizen support organizations; use of state  
 539 property; audit.--

540 (1) The Fish and Wildlife Conservation Commission may  
 541 authorize the establishment of citizen support organizations to  
 542 provide assistance, funding, and promotional support for the  
 543 programs of the commission. For purposes of this section, the  
 544 term "citizen support organization" means an organization which:

545 (b) Is organized and operated to conduct programs and  
 546 activities; raise funds; request and receive grants, gifts, and  
 547 bequests of money; acquire, receive, hold, invest, and

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548 administer in its own name securities, funds, or real or  
 549 personal property; and make expenditures for the benefit of the  
 550 commission or an individual program unit of the commission;  
 551 except that such organization may not receive funds from the  
 552 commission or the Fish and Wildlife ~~Florida Marine~~ Research  
 553 Institute by grant, gift, or contract unless specifically  
 554 authorized by the Legislature.

555 Section 11. Subsection (2) of section 372.0222, Florida  
 556 Statutes, is amended to read:

557 372.0222 Private publication agreements; advertising; costs  
 558 of production.--

559 (2)(a) Beginning January 1, 2005, the commission, with the  
 560 advice and assistance of the Florida Wildlife Magazine Advisory  
 561 Council, shall publish the Florida Wildlife Magazine. The  
 562 magazine shall be published at least on a quarterly basis in  
 563 hard-copy format and shall be available to the public by  
 564 subscription and retail distribution. The primary focus of the  
 565 magazine shall be to promote the heritage of hunting and fishing  
 566 in Florida. The magazine shall also disseminate information  
 567 regarding other outdoor recreational opportunities available to  
 568 Floridians and visitors.

569 (b) In order to offset the cost of publication and  
 570 distribution of the magazine, the commission, with the advice  
 571 and assistance of the Florida Wildlife Magazine Advisory  
 572 Council, is authorized to sell advertising for placement in the  
 573 magazine. The commission shall have the right to approve all  
 574 elements of any advertising placed in the magazine, including  
 575 the form and content thereof. The magazine shall include a

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576 statement providing that the inclusion of advertising in the  
577 magazine does not constitute an endorsement by the state or the  
578 commission of the products or services so advertised. The  
579 commission may charge an annual magazine subscription fee of up  
580 to \$25, a 2-year magazine subscription fee of up to \$45, and a  
581 3-year magazine subscription fee of up to \$60. The commission  
582 may charge a retail per-copy fee of up to \$7. The provisions of  
583 chapter 287 do not apply to the sale of advertising for  
584 placement in the magazine. All revenues generated by the  
585 magazine shall be credited to the State Game Trust Fund.

586 (c) The Florida Wildlife Magazine Advisory Council is  
587 created within the commission to advise and make recommendations  
588 to the commission regarding development, publication, and sale  
589 of the Florida Wildlife Magazine. In order to accomplish this  
590 purpose, the council shall provide recommendations to the  
591 commission regarding:

592 1. The content of articles included in each edition of the  
593 magazine.

594 2. Advertising proposed for each edition of the magazine.

595 3. Strategies to improve distribution and circulation of  
596 the magazine.

597 4. Cost-reduction measures regarding publication of the  
598 magazine.

599 (d) The council shall consist of seven members appointed  
600 by the commission, and initial appointments shall be made no  
601 later than August 1, 2004. When making initial appointments to  
602 the council and filling vacancies, the commission shall appoint  
603 members to represent the following interests: hunting; saltwater

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604 fishing; freshwater fishing; recreational boating; recreational  
 605 use of off-road vehicles; hiking, bicycling, bird watching, or  
 606 similar passive activities; general business interests; and  
 607 magazine publishing.

608 (e) Two of the initial appointees shall serve 2-year  
 609 terms, two of the initial appointees shall serve 3-year terms,  
 610 and three of the initial appointees shall serve 4-year terms.  
 611 Subsequent to the expiration of the initial terms, council  
 612 appointees shall serve 4-year terms. Council members may be  
 613 reappointed and shall serve at the pleasure of the commission.

614 (f) The members of the council shall elect a chair  
 615 annually.

616 (g) The council shall meet at least quarterly at the call  
 617 of its chair, at the request of a majority of its membership, or  
 618 at the request of the commission. A majority of the council  
 619 shall constitute a quorum for the transaction of business.

620 (h) The commission shall provide the council with  
 621 clerical, expert, technical, or other services. All expenses of  
 622 the council shall be paid from appropriations made by the  
 623 Legislature to the commission. All vouchers shall be approved by  
 624 the executive director before submission to the Chief Financial  
 625 Officer for payment.

626 (i) Members of the council shall serve without  
 627 compensation but shall receive per diem and reimbursement for  
 628 travel expenses as provided in s. 112.061.

629 (j) Advisory council members may be reappointed. Advisory  
 630 council members shall serve at the pleasure of the commission.

631 ~~The Fish and Wildlife Conservation Commission may sell~~

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632 ~~advertising in the Florida Wildlife Magazine to offset the cost~~  
633 ~~of publication and distribution of the magazine.~~

634 Section 12. Section 372.0225, Florida Statutes, is amended  
635 to read:

636 372.0225 Freshwater organisms.--

637 (1) The ~~Division of Freshwater Fisheries~~ of the Fish and  
638 Wildlife Conservation Commission, in order to manage the  
639 promotion, marketing, and quality control of all freshwater  
640 organisms produced in Florida and utilized commercially so that  
641 such organisms shall be used to produce the optimum sustained  
642 yield consistent with the protection of the breeding stock, is  
643 directed and charged with the responsibility of:

644 (a) Providing for the regulation of the promotion,  
645 marketing, and quality control of freshwater organisms produced  
646 in Florida and utilized commercially.

647 (b) Regulating the processing of commercial freshwater  
648 organisms on the water or on the shore.

649 (c) Providing documentation standards and statistical  
650 record requirements with respect to commercial freshwater  
651 organism catches.

652 (d) Conducting scientific, economic, and other studies and  
653 research on all freshwater organisms produced in the state and  
654 used commercially.

655 (2) The responsibility with which the commission ~~Division~~  
656 ~~of Freshwater Fisheries~~ is charged under subsection (1) shall in  
657 no way supersede or duplicate the responsibilities of the  
658 Department of Agriculture and Consumer Services under chapter



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659 500, the Florida Food Safety Act; chapter 597, the Florida  
660 Aquaculture Policy Act; and the rules adopted thereunder.

661 Section 13. Subsection (3) of section 372.5701, Florida  
662 Statutes, is amended to read:

663 372.5701 Deposit of license fees; allocation of federal  
664 funds.--

665 (3) Funds available from the Wallop-Breaux Aquatic  
666 Resources Trust Fund shall be distributed by the commission  
667 between ~~the Division of~~ freshwater fisheries management and  
668 research and ~~the Division of~~ marine fisheries management and  
669 research in proportion to the numbers of resident fresh and  
670 saltwater anglers as determined by the most current data on  
671 license sales. Unless otherwise provided by federal law, the  
672 commission, at a minimum, shall provide the following:

673 (a) Not less than 5 percent or more than 10 percent of the  
674 funds allocated to the commission shall be expended for an  
675 aquatic resources education program; and

676 (b) Not less than 10 percent of the funds allocated to the  
677 commission shall be expended for acquisition, development,  
678 renovation, or improvement of boating facilities.

679 Section 14. Section 372.5702, Florida Statutes, is amended  
680 to read:

681 372.5702 Expenditure of funds.--Any moneys available  
682 pursuant to s. 372.5701(1)(c) may be expended by the commission  
683 within Florida through grants and contracts for research with  
684 research institutions including but not limited to: Florida Sea  
685 Grant; Florida Marine Resources Council; Harbour Branch  
686 Oceanographic Institute; Technological Research and Development

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687 Authority; Fish and Wildlife ~~Florida Marine~~ Research Institute  
 688 of the Fish and Wildlife Conservation Commission; Mote Marine  
 689 Laboratory; Marine Resources Development Foundation; Florida  
 690 Institute of Oceanography; Rosentiel School of Marine and  
 691 Atmospheric Science; and Smithsonian Marine Station at Ft.  
 692 Pierce.

693 Section 15. Subsection (3) of section 403.0882, Florida  
 694 Statutes, is amended to read:

695 403.0882 Discharge of demineralization concentrate.--

696 (3) The department shall initiate rulemaking no later than  
 697 October 1, 2001, to address facilities that discharge  
 698 demineralization concentrate. The department shall convene a  
 699 technical advisory committee to assist in the development of the  
 700 rules, which committee shall include one representative each  
 701 from the demineralization industry, local government, water and  
 702 wastewater utilities, the engineering profession, business, and  
 703 environmental organizations. The technical advisory committee  
 704 shall also include one member representing the five water  
 705 management districts and one representative from the Fish and  
 706 Wildlife ~~Florida Marine~~ Research Institute. In convening the  
 707 technical advisory committee, consideration must be given to  
 708 geographical balance. The rules must address, at a minimum:

709 (a) Permit application forms for concentrate disposal;

710 (b) Specific options and requirements for demineralization  
 711 concentrate disposal, including a standardized list of effluent  
 712 and monitoring parameters, which may be adjusted or expanded by  
 713 the department as necessary to protect water quality;

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714 (c) Specific requirements and accepted methods for  
715 evaluating mixing of effluent in receiving waters; and

716 (d) Specific toxicity provisions.

717 Section 16. Subsection (3) of section 5 of chapter 99-245,  
718 Laws of Florida, is amended to read:

719 Section 5.

720 ~~(3) The Florida Marine Research Institute at the~~  
721 ~~Department of Environmental Protection is established as a~~  
722 ~~separate budget entity within the commission, and is assigned to~~  
723 ~~the Office of the Executive Director for administrative~~  
724 ~~purposes.~~

725 Section 17. Sections 370.083, 370.162, 372.051, and  
726 372.9906, Florida Statutes, are repealed.

727 Section 18. Beginning in fiscal year 2004-2005, 4.5 full-  
728 time equivalent positions are authorized and the sum of \$390,000  
729 is appropriated from the State Game Trust Fund to the Fish and  
730 Wildlife Conservation Commission to fund operating and  
731 publication costs of the Florida Wildlife Magazine and travel  
732 and per diem expenses as provided in s. 112.061, Florida  
733 Statutes, for the Florida Wildlife Magazine Advisory Council.

734 Section 19. This act shall take effect July 1, 2004.