

By Senator Lawson

6-1480-06

See HB

1                               A bill to be entitled  
2                               An act relating to the Fish and Wildlife  
3                               Conservation Commission; amending ss. 20.331  
4                               and 370.025, F.S.; revising provisions relating  
5                               to the powers of the Fish and Wildlife  
6                               Conservation Commission; providing for the  
7                               commission to exercise constitutional  
8                               rulemaking authority over marine species listed  
9                               as endangered or threatened; reenacting s.  
10                              370.093(6), F.S., relating to illegal use of  
11                              nets, for purposes of incorporating the  
12                              amendment to s. 370.025, F.S., in a reference  
13                              thereto; providing an effective date.

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

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17                      Section 1. Paragraph (c) of subsection (8) of section  
18 20.331, Florida Statutes, is amended to read:

19                      20.331 Fish and Wildlife Conservation Commission.--

20                      (8) ADEQUATE DUE PROCESS PROCEDURES.--

21                      (c) The commission shall follow the provisions of  
22 chapter 120 when adopting rules in the performance of its  
23 statutory duties or responsibilities. For purposes of this  
24 subsection, the commission's statutory duties or  
25 responsibilities include, but are not limited to:

26                      ~~1. Research and management responsibilities for marine~~  
27 ~~species listed as endangered or threatened, including manatees~~  
28 ~~and marine turtles;~~

29                      1.2. Establishment and enforcement of boating safety  
30 regulations.+

31                      2.3. Land acquisition.+

- 1           ~~3.4.~~ Enforcement and collection of fees for all  
2 commercial and recreational hunting or fishing licenses or  
3 permits.~~†~~
- 4           ~~4.5.~~ Aquatic plant removal using fish as a biological  
5 control agent.~~†~~
- 6           ~~5.6.~~ Enforcement of penalties for violations of  
7 commission rules and state laws, including, but not limited  
8 to, the seizure and forfeiture of vessels and other equipment  
9 used to commit those violations.~~†~~
- 10          ~~6.7.~~ Establishment of free fishing days.~~†~~
- 11          ~~7.8.~~ Regulation of off-road vehicles on state lands.~~†~~
- 12          ~~8.9.~~ Establishment and coordination of a statewide  
13 hunter safety course.~~†~~
- 14          ~~9.10.~~ Establishment of programs and activities to  
15 develop and distribute public education materials.~~†~~
- 16          ~~10.11.~~ Police powers of sworn law enforcement  
17 officers.~~†~~
- 18          ~~11.12.~~ Establishment of citizen support organizations  
19 to provide assistance, funding, and promotional support for  
20 programs of the commission.~~†~~
- 21          ~~12.13.~~ Creation of the voluntary authorized hunter  
22 identification program.~~†~~ ~~and~~
- 23          ~~13.14.~~ Regulation of required clothing of persons  
24 hunting deer.

25           Section 2. Subsection (4) of section 370.025, Florida  
26 Statutes, is amended to read:

27           370.025 Marine fisheries; policy and standards.--

28           (4) Pursuant to s. 9, Art. IV of the State  
29 Constitution, the commission has full constitutional  
30 rulemaking authority over marine life, and listed species as  
31 defined in s. 372.072(3), except for:

1           ~~(a) Endangered or threatened marine species for which~~  
2 ~~rulemaking shall be done pursuant to chapter 120; and~~

3           (a)(b) The authority to regulate fishing gear in  
4 residential, manmade saltwater canals which is retained by the  
5 Legislature and specifically not delegated to the commission.

6           (b)(c) Marine aquaculture products produced by an  
7 individual certified under s. 597.004. This exception does not  
8 apply to snook, prohibited and restricted marine species  
9 identified by rule of the commission, and rulemaking authority  
10 granted pursuant to s. 370.027.

11           Section 3. For the purpose of incorporating the  
12 amendment made by this act to section 370.025, Florida  
13 Statutes, in a reference thereto, subsection (6) of section  
14 370.093, Florida Statutes, is reenacted to read:

15           370.093 Illegal use of nets.--

16           (6) The Fish and Wildlife Conservation Commission is  
17 granted authority to adopt rules pursuant to s. 370.025  
18 implementing this section and the prohibitions and  
19 restrictions of s. 16, Art. X of the State Constitution.

20           Section 4. This act shall take effect July 1, 2006.

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