

## CHAPTER 99-245

### Committee Substitute for Committee Substitute for Senate Bill No. 864

An act relating to the Fish and Wildlife Conservation Commission; creating s. 20.331, F.S.; creating the Fish and Wildlife Conservation Commission; establishing administrative units within the new commission; establishing sources of funding; transferring the Game and Fresh Water Fish Commission, the Marine Fisheries Commission, and various bureaus of the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for administrative transfer of certain offices; providing legislative intent; providing for an operating agreement and an annual work plan regarding responsibilities shared by the department and the commission; providing for submission of the work plan to the Governor and the Legislature; providing for a memorandum of agreement between the commission and the department regarding responsibilities of the Florida Marine Research Institute to the department; amending s. 20.255, F.S.; revising language with respect to the administrative makeup of the Department of Environmental Protection to conform to the act; providing for the appropriation of certain revenues and federal funds to the commission; providing for limitation on expenditures by the commission; providing for the appointment of a working group by the Executive Office of the Governor; amending s. 20.14, F.S.; adding a Division of Aquaculture of the Department of Agriculture and Consumer Services; amending s. 206.606, F.S.; adjusting distribution of fuel tax proceeds in conformance to the act to the commission; amending s. 320.08058, F.S.; conforming terminology to the act; amending s. 327.02, F.S.; providing definitions and repealing s. 327.02(6), F.S.; to remove reference to the Department of Environmental Protection; amending s. 327.25, F.S.; providing for classification and registration of vessels; adjusting location of antique license vessel decal; amending s. 327.26, F.S.; providing for stickers or emblems for the Save the Manatee Trust Fund; amending s. 327.28, F.S.; providing for the appropriation and distribution of vessel registration funds; amending s. 327.30, F.S.; providing requirements regarding collisions, accidents, and casualties; amending s. 327.35215, F.S.; providing penalties; amending s. 327.395, F.S.; providing for boating safety identification cards; amending s. 327.41, F.S.; providing for uniform watering regulatory markers; amending s. 327.43, F.S.; providing for navigation channel requirements; amending s. 327.46, F.S.; providing for the establishment of restricted areas on the waters of the state; repealing s. 258.398, F.S.; amending s. 327.48, F.S.; providing requirements for regattas, races, marine parades, tournaments, or exhibitions; amending s. 327.70, F.S.; providing for the enforcement of chapters 327 and 328, F.S.; amending s. 327.71, F.S.; providing an exemption; amending s. 327.731, F.S.; providing for mandatory education for violators; amending s. 327.74, F.S.; providing for uniform boating citations; amending s. 327.803, F.S.; providing for a

Boating Advisory Council; amending s. 327.804, F.S.; providing for statistics on boating accidents and violations; amending s. 327.90, F.S.; providing for electronic or telephonic transactions; amending s. 328.01, F.S.; providing for application for certificate of title; amending s. 339.281, F.S.; providing for marine accident reports; amending s. 370.025, F.S.; providing marine policy and standards, and rulemaking authority for the Fish and Wildlife Conservation Commission; repealing s. 370.027(1), (2), and (3), F.S.; deleting provisions relating to rulemaking authority with respect to marine life; amending s. 370.06, F.S.; transferring responsibilities for issuing certain licenses related to marine life to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; amending s. 370.0608, F.S.; providing for the deposit of license fees; allocating of federal funds; amending s. 370.063, F.S.; correcting references; deleting obsolete dates; adjusting use of fees; amending s. 370.071, F.S.; transferring responsibilities for the regulation of shellfish processors to the Department of Agriculture and Consumer Services; amending s. 370.12, F.S.; providing rulemaking guidance related to endangered marine mammals; correcting obsolete references; amending s. 370.26, F.S.; transferring certain activities related to aquaculture to the Fish and Wildlife Conservation Commission; amending s. 372.072, F.S.; relating to the Endangered and Threatened Species Act; correcting obsolete references; amending s. 372.0725, F.S.; providing penalties for the killing or wounding of any species designated as endangered, threatened, or of special concern; amending s. 372.073, F.S.; transferring responsibility for the Endangered and Threatened Species Reward Program to the Fish and Wildlife Conservation Commission; amending s. 370.093, F.S.; correcting cross references; amending s. 376.11, F.S., authorizing additional users of the Coastal Protection Trust Fund; providing for the transfer of employee benefits for employees of designated state agencies; authorizing the Department of Environmental Protection to restructure and reorganize; providing for a report to the Legislature on the restructure and reorganization; repealing s. 20.325, F.S.; abolishing the Game and Fresh Water Fish Commission; repealing s. 370.026, F.S.; abolishing the Marine Fisheries Commission; instructing Division of Statutory Revision to draft reviser's bill for year 2000 Regular Session; amending s. 370.0603, F.S.; establishing the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission; amending s. 370.16; transferring certain activities related to oysters and shellfish to the Fish and Wildlife Conservation Commission; amending s. 932.7055, F.S.; providing for funds to be deposited into the Forfeited Property Trust Fund; amending ss. 20.055, 23.21, 120.52, 120.81, 163.3244, 186.003, 186.005, 229.8058, 240.155, 252.365, 253.05, 253.45, 253.75, 253.7829, 255.502, 258.157, 258.397, 258.501, 259.035, 259.036, 282.1095, 282.404, 285.09, 285.10, 288.021, 288.975, 316.640, 320.08058, 341.352, 369.20, 369.22, 369.25, 370.01, 370.021, 370.028, 370.06, 370.0605, 370.0615, 370.062, 370.0805, 370.081, 370.092, 370.1107, 370.1111, 370.13, 370.14, 370.1405, 370.142, 370.1535, 370.17, 370.31,

372.001, 372.01, 372.0215, 372.0222, 372.0225, 372.023, 372.025, 372.03, 372.051, 372.06, 372.07, 372.071, 372.074, 372.105, 372.106, 372.12, 372.121, 372.16, 372.26, 372.265, 372.27, 372.31, 372.57, 372.5714, 372.5717, 372.5718, 372.574, 372.651, 372.653, 372.66, 372.661, 372.662, 372.663, 372.664, 372.6645, 372.667, 372.6672, 372.672, 372.673, 372.674, 372.70, 372.701, 372.7015, 372.7016, 372.72, 372.73, 372.74, 372.76, 372.761, 372.77, 372.7701, 372.771, 372.85, 372.86, 372.87, 372.88, 372.89, 372.901, 372.911, 372.912, 372.92, 372.921, 372.922, 372.97, 372.971, 372.98, 372.981, 372.92, 372.99, 372.9901, 372.9903, 372.9904, 372.9906, 372.991, 372.992, 372.995, 373.453, 373.455, 373.4595, 373.465, 373.466, 373.591, 375.021, 375.311, 375.312, 376.121, 378.011, 378.036, 378.409, 380.061, 388.45, 388.46, 403.0752, 403.0885, 403.413, 403.507, 403.508, 403.518, 403.526, 403.527, 403.5365, 403.7841, 403.786, 403.787, 403.9325, 403.941, 403.9411, 403.961, 403.962, 403.972, 403.973, 487.0615, 581.186, 585.21, 597.003, 597.006, 784.07, 790.06, 790.15, 828.122, 832.06, 843.08, 870.04, 943.1728, 252.937, 309.01, 370.023, 370.03, 370.0607, 370.0609, 370.061, 370.07, 370.071, 370.08, 370.0821, 370.10, 370.103, 370.135, 370.143, 370.15, 370.151, 370.153, 370.1603, 370.172, 370.18, 370.19, 370.20, 370.21, 372.107, 376.15, 823.11, F.S.; conforming provisions to the State Constitution and this act; providing an effective date.

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

Section 1. Section 20.331, Florida Statutes, is created to read:

20.331 Fish and Wildlife Conservation Commission.—

(1) The Legislature, recognizing the Fish and Wildlife Conservation Commission as being specifically authorized by the State Constitution under s. 9, Art. IV, grants rights and privileges to the commission, as contemplated by s. 6, Art. IV of the State Constitution, equal to those of departments established under this chapter, while preserving its constitutional designation and title as a commission.

(2) The head of the Fish and Wildlife Conservation Commission is the commission appointed by the Governor as provided for in s. 9, Art. IV of the State Constitution.

(3) The following administrative units are established within the commission:

(a) Division of Administrative Services.

(b) Division of Law Enforcement.

(c) Division of Freshwater Fisheries.

(d) Division of Marine Fisheries.

(e) Division of Wildlife.

(f) Florida Marine Research Institute.

The bureaus and offices of the Game and Fresh Water Fish Commission existing on February 1, 1999, are established within the Fish and Wildlife Conservation Commission.

(4)(a) To aid the commission in the implementation of its constitutional and statutory duties, the Legislature authorizes the commission to appoint, fix the salary of, and at its pleasure, remove a person, not a member of the commission, as the executive director. The executive director shall be reimbursed for travel per diem and travel expenses, as provided in s. 112.061, incurred in the discharge of official duties. The executive director shall maintain headquarters and reside in Tallahassee.

(b) Each new executive director must be confirmed by the Senate during the legislative session immediately following his or her hiring by the commission.

(5) In further exercise of its duties, the Fish and Wildlife Conservation Commission:

(a) Shall assign to the Division of Freshwater Fisheries and the Division of Marine Fisheries such powers, duties, responsibilities, and functions as are necessary to ensure compliance with the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's freshwater aquatic life and marine life resources.

(b) Shall assign to the Division of Wildlife such powers, duties, responsibilities, and functions as are necessary to ensure compliance with the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's wildlife resources.

(c) Shall assign to the Division of Law Enforcement such powers, duties, responsibilities, and functions as are necessary to ensure enforcement of the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's wildlife resources, freshwater aquatic life resources, and marine life resources. In performance of their duties as sworn law enforcement officers for the State of Florida, the division's officers also shall assist in the enforcement of all general environmental laws remaining under the responsibility of the Department of Environmental Protection.

(d) Shall assign to the Florida Marine Research Institute such powers, duties, responsibilities, and functions as are necessary to accomplish its mission. It shall be the mission of the Florida Marine Research Institute to:

1. Serve as the primary source of research and technical information and expertise on the status of Florida's saltwater resources;

2. Monitor the status and health of saltwater habitat, marine life, and wildlife;

3. Develop and implement restoration techniques for marine habitat and enhancement of saltwater plant and animal populations;

4. Respond and provide critical technical support for marine catastrophes including oil spills, ship groundings, major marine species die-offs, hazardous spills, and natural disaster;

5. Identify and monitor marine toxic red tides and their impacts, and provide technical support for state and local public health concerns; and

6. Provide state and local governments with estuarine, marine, coastal technical information and research results.

(6)(a) Shall implement a system of adequate due process procedures to be accorded to any party, as defined in s. 120.52, whose substantial interests will be affected by any action of the Fish and Wildlife Conservation Commission in the performance of its constitutional duties or responsibilities.

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

(c) The provisions of chapter 120 shall be accorded to any party whose substantial interests will be affected by any action of the commission in the performance of its statutory duties or responsibilities. For purposes of this subsection, statutory duties or responsibilities include, but are not limited to, the following:

1. Research and management responsibilities for marine species listed as endangered, threatened, or of special concern, including, but not limited to, manatees and marine turtles;

2. Establishment and enforcement of boating safety regulations;

3. Land acquisition and management;

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

5. Aquatic plant removal and management using fish as a biological control agent;

6. Enforcement of penalties for violations of commission rules, including, but not limited to, the seizure and forfeiture of vessels and other equipment used to commit those violations;

7. Establishment of free fishing days;

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

9. Establishment and coordination of a statewide hunter safety course;

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

11. Police powers of wildlife and marine officers;

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

13. Creation of the Voluntary Authorized Hunter Identification Program; and

14. Regulation of required clothing of persons hunting deer.

(d) The commission is directed to provide a report on the development and implementation of its adequate due process provisions to the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive committees of the House of Representatives and the Senate no later than December 1, 1999.

(7) Comments submitted by the commission to a permitting agency for applications for permits, licenses, or authorizations impacting the commission's jurisdiction must be based on credible, factual scientific data, and must be received by the permitting agency within the time specified by applicable statutes or rules, or within 30 days, whichever is shorter. Comments provided by the commission are not binding on any permitting agency. Comments by the commission shall be considered for consistency with the Florida Coastal Management Program and sections 373.428, and 380.23. Should a permitting agency use the commission's comments as a condition of denial, approval, or modification of a proposed permit, license, or authorization, any party to an administrative proceeding involving such proposed action may require the commission to join as a party in determining the validity of the condition. In any action where the commission is joined as a party, the commission shall only bear the actual cost of defending the validity of the credible, factual scientific data used as a basis for its comments.

(8) Shall acquire, in the name of the state, lands and waters suitable for the protection, improvement, and restoration of marine life, wildlife resources, and freshwater aquatic life resources by purchase, lease, gift or otherwise, using state, federal, or other sources of funding. Lands acquired under this section shall be managed for recreation and other multiple-use activities that do not impede the commission's ability to perform its constitutional and statutory responsibilities and duties.

(9) May require any employee of the commission to give a bond for the faithful performance of duties. The commission may determine the amount of the bond and must approve the bond. In determining the amount of the bond, the commission may consider the amount of money or property likely to be in custody of the officer or employee at any one time. The premiums for the bond must be paid out of the funds of the commission.

Section 2. The Game and Fresh Water Fish Commission is transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes.

Section 3. The Marine Fisheries Commission is transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes.

Section 4. (1) The Bureau of Environmental Law Enforcement, the Bureau of Administrative Support, the Bureau of Operational Support, and the Office of Enforcement Planning and Policy Coordination within the Division of Law Enforcement at the Department of Environmental Protection, together with the positions assigned to these specified bureaus and offices as of February 1, 1999, are transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes, except for:

(a) Any administrative and technical positions and equipment within the Bureau of Administrative Support and the Bureau of Operational Support providing support services to the Bureau of Emergency Response, the Florida Park Patrol, and the Office of Environmental Investigations within the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999;

(b) Any sworn positions classified as Investigator I or Investigator II positions within the different program components of the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999.

(c) Any sworn positions assigned to the Office of the Director of the Division of Law Enforcement as of February 1, 1999; and

(d) All sworn positions assigned to the Florida Park Patrol within the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999.

(2) The sworn positions assigned to the Uniform Patrol, Inspections, Aviation and Boating Safety program components of the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999, are assigned to the Division of Law Enforcement at the Fish and Wildlife Conservation Commission.

(3) No duties or responsibilities relating to boating safety shall remain in the Department of Environmental Protection.

Section 5. (1) The Division of Marine Resources at the Department of Environmental Protection, together with the positions assigned to the division as of February 1, 1999, are transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes, except for:

(a) The Bureau of Coastal and Aquatic Managed Areas which is assigned to the Division of State Lands at the Department of Environmental Protection; and

(b) Positions assigned to the Office of the Division Director as of February 1, 1999, and not performing angler outreach and education duties.

(2) The Office of Fisheries Management and Assistance Services, and positions assigned to angler outreach and education duties within the Division of Marine Resources at the Department of Environmental Protection are assigned to the Division of Marine Fisheries at the commission.

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

(4) The Bureau of Protected Species Management at the Department of Environmental Protection is assigned as a bureau to the Office of Environmental Services within the commission.

Section 6. Within the Department of Environmental Protection, the Office of Environmental Investigations, the Florida Park Patrol, and the Bureau of Emergency Response are assigned to the Division of Law Enforcement.

Section 7. The Bureau of Marine Resource Regulation and Development at the Department of Environmental Protection, and the positions assigned to the bureau effective February 1, 1999, are transferred to the Division of Aquaculture within the Department of Agriculture and Consumer Services by a type one transfer, as defined in s. 20.06(1), Florida Statutes. Water quality data collected by the Division of Aquaculture with the Department of Agriculture and Consumer Services are to be shared with the Division of Water Resource Management within the Department of Environmental Protection.

Section 8. Subsections (2) and (6) of section 20.255, Florida Statutes, 1998 Supplement, are amended, and new subsections (7), (8), and (9) are added, and current subsection (7) is renumbered subsection (10) in said section, to read:

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

(2)(a) There shall be two deputy secretaries and an executive coordinator for ecosystem management who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign either deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

1. Office of General Counsel,
2. Office of Inspector General,
3. Office of Communication, the latter including public information, legislative liaison, cabinet liaison and special projects,
4. Office of Water Policy,
5. Office of Intergovernmental Programs,
6. Office of Ecosystem Planning and Coordination,



7. Office of Environmental Education, and an

8. Office of Greenways and Trails, ~~and an Office of the Youth Corps.~~

(b) The executive coordinator for ecosystem management shall coordinate policy within the department to assure the implementation of the ecosystem management provisions of chapter 93-213, Laws of Florida. The executive coordinator for ecosystem management shall supervise only the Office of Water Policy, the Office of Intergovernmental Programs, the Office of Ecosystem Planning and Coordination, and the Office of Environmental Education. The executive coordinator for ecosystem management may also be delegated authority by the secretary to act on behalf of the secretary; this authority may include the responsibility to oversee the inland navigation districts.

(c) The other special offices not supervised by the executive coordinator for ecosystem management shall report to the secretary; however, the secretary may assign them, for daily coordination purposes, to report through a senior manager other than the secretary.

(d) There shall be six administrative districts involved in regulatory matters of waste management, water facilities, wetlands, and air resources, which shall be headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary. Divisions of the department may have one assistant or two deputy division directors, as required to facilitate effective operation.

The managers of all divisions and offices specifically named in this section and the directors of the six administrative districts are exempt from part II of chapter 110 and are included in the Senior Management Service in accordance with s. 110.205(2)(i). No other deputy secretaries or senior management positions at or above the division level, except those established in chapter 110, may be created without specific legislative authority.

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

(a) Division of Administrative and Technical Services.

(b) Division of Air Resource Management.

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

(d) Division of Law Enforcement.

(e) Division of Resource Assessment and Management ~~Marine Resources~~.

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

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

~~(g)(h)~~ (h) Division of State Lands, the director of which is to be appointed by the secretary of the department, subject to confirmation by the Governor

and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

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

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

(7) Law enforcement officers of the Department of Environmental Protection who meet the provisions of s. 943.13 are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state, and the rules of the department and the Board of Trustees of the Internal Improvement Trust Fund. The general laws applicable to investigations, searches, and arrests by peace officers of this state apply to such law enforcement officers.

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

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

(b) Photograph, microphotograph, or reproduce such records and documents on film, as authorized and directed by the approved retention schedules, whereby each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. The impression of the seal of the Department of Environmental Protection on a certificate made by the department and signed by the Secretary of Environmental Protection entitles the certificate to be received in all courts and in all proceedings in this state and is prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records as set forth in the certificate or in a schedule attached to the certificate.

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

~~(10)~~(7) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission

shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. The commission shall include one, but not more than two, members from each water management district who have resided in the district for at least 1 year, and the remainder shall be selected from the state at large. Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. The members serving on the commission on July 1, 1995, shall continue to serve on the commission for the remainder of their current terms. All appointments thereafter shall continue to be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department.

Section 9. Subsection (2) of section 20.14, Florida Statutes, is amended to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

- (a) Administration.
- (b) Agricultural Environmental Services.
- (c) Animal Industry.
- (d) Aquaculture.
- (e)(d) Consumer Services.
- (f)(e) Dairy Industry.
- (g)(f) Food Safety.
- (h)(g) Forestry.
- (i)(h) Fruit and Vegetables.
- (j)(i) Marketing and Development.
- (k)(j) Plant Industry.
- (l)(k) Standards.

Section 10. Except where otherwise specified in law, all revenues derived from the sale of permits and licenses pursuant to chapter 370, Florida

Statutes, and all federal funds received by the State of Florida as a match to the aforementioned state revenues, and revenues received pursuant to s. 327.25 and s. 380.0558 (4) and (5), Florida Statutes, are to be appropriated by the Legislature to the Fish and Wildlife Conservation Commission, to be used for the purposes specified in law, except for the following:

(1) Revenues derived from the sale of the resident or nonresident clam licenses authorized by Chapter 94-419, Laws of Florida, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services,

(2) Revenues derived from the imposition of the Apalachicola Bay Oyster Harvesting License authorized in s. 370.06(5) and lease fees authorized in s. 370.16(4), Florida Statutes, 1998 Supplement, and revenues received pursuant to ss. 253.69(4) and 253.71(2), Florida Statutes, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services,

(3) Revenues derived from the imposition of the Apalachicola Bay Oyster Surcharge authorized in section 370.07(3), Florida Statutes, 1998 Supplement, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services, and

(4) That portion of vessel registration fees used for quality control purposes pursuant to the provisions of section 327.28, (1)(d) Florida Statutes, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services.

Section 11. Except where otherwise specified in law, all revenues derived from the sale of permits and licenses pursuant to chapter 372, Florida Statutes, and all federal funds received by the State of Florida as a match to the aforementioned state revenues, are to be appropriated by the Legislature to the Fish and Wildlife Conservation Commission, to be used for the purposes specified in law.

Section 12. In fiscal year 2000-2001, the total amount of funds expended by the Fish and Wildlife Conservation Commission for all recurring budget categories combined may not exceed 95 percent of the total recurring budget appropriated for fiscal year 1999-2000 to the Fish and Wildlife Conservation Commission.

Section 13. (1) The Secretary of the Department of Environmental Protection and the Executive Director of the Fish and Wildlife Conservation Commission shall each appoint three staff members to a transition advisory working group to review and determine the following:

(a) The appropriate number of administrative, attorney, auditing and operational support positions and the related sources of funding to be transferred from the Department of Environmental Protection's Office of the General Counsel, Division of Administrative and Technical Services, former Office of the Director of the Division of Marine Resources, and Division of Law Enforcement to the Fish and Wildlife Conservation Commission.

1. No more than 60 positions may be transferred to provide legal services, administrative services, and operational support services, including communications equipment involving the National Crime Information System (NCIS) and the Florida Crime Information System (FCIS) which were previously provided to the programs transferred by sections four and five of this act.

(b) The development of a recommended plan addressing the transfer of, or where appropriate, the shared use of building, regional offices, and other facilities used or owned by the Department of Environmental Protection or the Game and Fresh Water Fish Commission to conduct activities for which the commission is responsible as of July 1, 1999.

1. To assist in the development of the portion of the recommended plan addressing the transfer or shared use of facilities used currently by the Bureau of Marine Resource Regulation and Development at the Department of Environmental Protection, the Secretary of the Department of Agriculture and Consumer Services is authorized to appoint three staff members to transition advisory working group.

(2) For fiscal year 1999-2000, the Governor shall appoint one senior staff person from the Office of Planning and Budgeting to:

(a) Convene and chair the meetings of the transition advisory group, and

(b)1. To assist the transition advisory working group with any operating budget adjustments as necessary, including any adjustments in administrative and technical staff remaining with the Department of Environmental Protection, including in the Division of Law Enforcement, to implement the requirements of this act. Adjustments made to the operating budgets of the Department of Environmental Protection or the commission in the implementation of this act must be made in consultation with the appropriate substantive and fiscal committee staffs of the House of Representatives and the Florida Senate.

(2) The revisions to the FY 1999-00 approved operating budget which are necessary to reflect the organizational changes directed by this legislation shall be implemented pursuant to section 216.292(11), Florida Statutes, and are subject to the notification and review process outlined in section 216.177, Florida Statutes. Subsequent adjustments between agencies that are determined necessary by the Department of Environmental Protection or Fish and Wildlife Conservation Commission, and approved by the Executive Office of the Governor, may also be authorized and are subject to the notification and review process outlined in section 216.177, Florida Statutes. The appropriate substantive committees of the House and Senate shall also be notified of the proposed revisions authorized by this section to ensure consistency with legislative policy and intent.

Section 14. The executive director of the Fish and Wildlife Conservation Commission and the secretary of the Department of Environmental Protection shall develop and adopt an operating agreement and an annual work plan to accomplish responsibilities shared between the agencies.

(1) The operating agreement shall be completed by no later than January 31, 2000, and shall detail commission law enforcement responsibilities for emergency response. Until the operating plan has been completed and adopted, the department may call upon the commission for emergency response and the commission is directed to respond to said requests.

(2) The work plan shall be submitted by August 1, 1999, to the Governor, the Speaker of the House of Representatives, and the President of the Senate and may include recommendations for facilitating department law enforcement and emergency response needs, the research priorities of the Florida Marine Research Institute, and the needs of other appropriate department programs.

(3) A memorandum of agreement will be developed between the Department of Environmental Protection and the Fish and Wildlife Conservation Commission which will detail the responsibilities of the Florida Marine Research Institute to the department, to include, at a minimum, the following services:

(a) Environmental monitoring and assessment.

(b) Restoration research and development of restoration technology.

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

Section 15. Subsection (1) of section 206.606, Florida Statutes, 1998 Supplement, as amended by chapter 98-114, Laws of Florida, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

~~(a) \$6.30 \$7.55 million shall be transferred to the Department of Environmental Protection in each fiscal year and. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. \$1.25 million of the amount transferred shall be deposited annually in the Marine Resources Conservation Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund to and must be used for aquatic plant management, including nonchemical control of~~

aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least \$1 million of such funds to the eradication of melaleuca.

(b) ~~\$2.5~~ \$1.25 million shall be transferred to the State Game Trust Fund in the Fish and Wildlife Conservation Game and Fresh Water Fish Commission in each fiscal year ~~and used for recreational boating activities, and fresh water fisheries management and research.~~ The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. The commission shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, sufficient financial resources are unavailable.

1. A minimum of \$1.25 million shall be used to fund local projects to provide recreational channel marking, public launching facilities, aquatic plant control, and other local boating related activities. In funding the projects, the commission shall give priority consideration as follows:

a. Unmet needs in counties with populations of 100,000 or less.

b. Unmet needs in coastal counties with a high level of boating related activities from individuals residing in other counties.

2. The remaining \$1.25 million may be used for recreational boating activities, and freshwater fisheries management and research.

3. The commission is authorized to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement a Florida Boating Improvement Program similar to the program administered by the Department of Environmental Protection and established in Rule 62-D.5031 - 62-D.5036, of the Florida Administrative Code to determine projects eligible for funding under this subsection.

~~On February 1 of each year, the commission shall file an annual report with the President of the Senate and the Speaker of the House of Representatives outlining the status of its Florida Boating Improvement Program, including the projects funded, and a list of counties whose needs are unmet due to insufficient financial resources from vessel registration fees, and must be used for recreational boating activities of a type consistent with projects eligible for funding under the Florida Boating Improvement Program administered by the Department of Environmental Protection, and freshwater fisheries management and research.~~

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

Section 16. Paragraph (b) of subsection (1) of section 320.08058, Florida Statutes, 1998 Supplement, as amended by section 7 of chapter 98-414, Laws of Florida, is amended to read:

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

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

Section 17. Subsection (19) of section 320.08058, Florida Statutes, 1998 Supplement, is amended to read:

320.08058 Specialty license plates.—

(19) SEA TURTLE LICENSE PLATES.—

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

(b) The annual use fees shall be deposited in the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission ~~Florida Department of Environmental Protection~~. The first \$500,000 in annual revenue shall be used by the Florida Marine Turtle Protection Program to conduct sea turtle protection, research, and recovery programs. The remaining annual use proceeds shall be used by the commission ~~Department of Environmental Protection~~ for sea turtle conservation activities, except that up to 30 percent of the remaining annual use fee proceeds shall be annually ~~disbursed~~ dispersed through the marine turtle grants program as provided in s. 370.12(1)(h).

Section 18. Present subsection (5) of section 327.02, Florida Statutes, 1998 Supplement, is redesignated as subsection (6), present subsection (6) is repealed, subsection (7) is amended, and new subsection (5) is added to that section to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(5) “Commission” means the Fish and Wildlife Conservation Commission.

(7) “Division” means the Division of Law Enforcement of the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~.

Section 19. Paragraphs (b) and (c) of subsection (2) and subsection (17) of section 327.25, Florida Statutes, are amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(2) ANTIQUE VESSEL REGISTRATION FEE.—



(b) The registration number for an antique vessel shall be permanently attached to each side of the forward half of the vessel ~~affixed on the forward half of the hull or on the port side of the windshield~~ according to ss. 327.11 and 327.14.

(c) The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be displayed as provided in ss. 327.11 and 327.14 ~~placed within 3 inches of the registration number.~~

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

Section 20. Section 327.26, Florida Statutes, is amended to read:

327.26 Stickers or emblems for the Save the Manatee Trust Fund.—The commission department shall prepare stickers or emblems signifying support for the Save the Manatee Trust Fund which shall be given to persons who contribute to the Save the Manatee Trust Fund as provided in s. 327.25. The commission department may accept stickers or emblems donated by any governmental or nongovernmental entity for the purposes of this section.

Section 21. Subsection (2) of section 327.28, Florida Statutes, is amended to read:

327.28 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

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

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

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

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

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

Section 22. Subsection (2) of section 327.30, Florida Statutes, is amended to read:

327.30 Collisions, accidents, and casualties.—

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

Section 23. Subsection (5) of section 327.35215, Florida Statutes, 1998 Supplement, is amended to read:

327.35215 Penalty for failure to submit to test.—

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

(a) If the arresting officer was employed or appointed by a state law enforcement agency except as a wildlife enforcement officer or a freshwater fisheries enforcement officer of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the moneys shall be deposited into the Marine Resources Conservation Trust Fund.

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

(c) If the arresting officer was employed or appointed by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission as a wildlife enforcement officer or a freshwater fisheries enforcement officer, the money shall be deposited into the State Game Trust Fund.

Section 24. Section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety identification cards.—

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

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

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

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

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

(3) The commission department may appoint liveries, marinas, or other persons as its agents to administer the course, course equivalency examination, or temporary certificate examination and issue identification cards under guidelines established by the commission department. An agent must charge the \$2 examination fee, which must be forwarded to the commission department with proof of passage of the examination and may charge and keep a \$1 service fee.

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

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

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

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

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

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

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

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

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

(8) The commission department shall institute and coordinate a state-wide program of boating safety instruction and certification to ensure that boating courses and examinations are available in each county of the state.

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

(10) The commission is authorized to adopt rules pursuant to chapter 120 to implement the provisions of this section.

Section 25. Section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

(1) ~~The Fish and Wildlife Conservation Commission~~ Department of Environmental Protection shall adopt rules and regulations pursuant to chapter 120 establishing a uniform system of regulatory markers for the Florida Intracoastal Waterway, compatible with the system of regulatory markers prescribed by the United States Coast Guard, and shall give due regard to the System of Uniform Waterway Markers approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard.

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

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

(4) No person or municipality, county, or other governmental entity shall place any regulatory markers in, on, or over the Florida Intracoastal Waterway without a permit from the Division of Marine Resources.

(5) Aquaculture leaseholds shall be marked as required by this section, and the commission ~~department~~ may approve alternative marking requirements as a condition of the lease pursuant to s. 253.68. The provisions of this section notwithstanding, no permit shall be required for the placement of markers required by such a lease.

(6) The commission is authorized to adopt rules pursuant to chapter 120 to implement the provisions of this section.

Section 26. Section 327.43, Florida Statutes, is amended to read:

327.43 Silver Glen Run and Silver Glen Springs; navigation channel; anchorage buoys; violations.—

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

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

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

(4) Any violation of this act shall constitute a violation of the boating laws of this state and shall be punishable by issuance of a uniform boating citation as provided in s. 327.74. Any person who refuses to post a bond or accept and sign a uniform boating citation, as provided in s. 327.73(3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Restricted areas.—

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

Section 28. Section 258.398, Florida Statutes, is repealed.

Section 29. Section 327.48, Florida Statutes, is amended to read:

327.48 Regattas, races, marine parades, tournaments, or exhibitions.— Any person directing the holding of a regatta, tournament, or marine parade or exhibition shall secure a permit from the Coast Guard when such event is held in navigable waters of the United States. A person directing any such affair in any county shall notify the sheriff of the county or, the Fish and Wildlife Conservation Commission Game and Fresh Water Fish Commission, or the department at least 15 days prior to any event in order that appropriate arrangements for safety and navigation may be assured. Any person or organization sponsoring a regatta or boat race, marine parade, tournament, or exhibition shall be responsible for providing adequate protection to the participants, spectators, and other users of the water.

Section 30. Subsections (1) and (3) of section 327.70, Florida Statutes, are amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(1) This chapter and chapter 328 shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation department and its officers, ~~the Game and Fresh Water Fish Commission and its officers, the~~ sheriffs of the various counties and their deputies, and any other authorized

law enforcement officer, all of whom may order the removal of vessels deemed to be an interference or a hazard to public safety, enforce the provisions of this chapter and chapter 328, or cause any inspections to be made of all vessels in accordance with this chapter and chapter 328.

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

Section 31. Section 327.71, Florida Statutes, is amended to read:

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

Section 32. Subsections (1) and (3) of section 327.731, Florida Statutes, 1998 Supplement, are amended to read:

327.731 Mandatory education for violators.—

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

(a) Enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the commission ~~department~~ by rule; however, the commission ~~department~~ may provide by rule pursuant to chapter 120 for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available;

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

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

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

(3) The commission ~~department~~ shall print on the reverse side of the defendant's copy of the boating citation a notice of the provisions of this section. Upon conviction, the clerk of the court shall notify the defendant that it is unlawful for him or her to operate any vessel until he or she has complied with this section, but failure of the clerk of the court to provide

such a notice shall not be a defense to a charge of unlawful operation of a vessel under subsection (2).

Section 33. Subsections (1), (2), (4), (6), and (10) of section 327.74, Florida Statutes, are amended to read:

327.74 Uniform boating citations.—

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

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

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

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

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

Section 34. Section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

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

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

(b) One representative each from the Department of Environmental Protection Game and Fresh Water Fish Commission, the United States Coast

Guard Auxiliary, the United States Power Squadron, and the inland navigation districts.

(c) One representative of manatee protection interests, one representative of the marine industries, two representatives of water-related environmental groups, one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of sport boat racing, and two representatives of the boating public, each of whom shall be nominated by the executive director of the Fish and Wildlife Conservation Commission ~~Secretary of Environmental Protection~~ and appointed by the Governor to serve staggered 2-year terms.

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

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

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

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

- (a) Boating safety education.
- (b) Boating-related facilities, including marinas and boat testing facilities.
- (c) Boat usage.

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

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

Section 35. Section 327.804, Florida Statutes, is amended to read:

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

Section 36. Section 327.90, Florida Statutes, is amended to read:

327.90 Transactions by electronic or telephonic means.—~~The commission~~ department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 37. Paragraph (c) of subsection (2) of section 328.01, Florida Statutes, is amended to read:



328.01 Application for certificate of title.—

(2)

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

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

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

Section 38. Subsection (1) of section 339.281, Florida Statutes, is amended to read:

339.281 Damage to transportation facility by vessel; marine accident report; investigative authorities; penalties.—

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

Section 39. Section 370.025, Florida Statutes, 1998 Supplement, is amended to read:

370.025 Marine fisheries; policy and standards.—

(1) The Legislature hereby declares the policy of the state to be management and preservation of its renewable marine fishery resources, based upon the best available information, emphasizing protection and enhancement of the marine and estuarine environment in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

(2) The commission is instructed to make recommendations annually to the Governor and the Legislature regarding marine fisheries research priorities and funding. All administrative and enforcement responsibilities which are unaffected by the specific provisions of this act are the responsibility of the commission.

~~(3)(2)~~ All rules relating to saltwater fisheries adopted by the commission department pursuant to this chapter or adopted by the Marine Fisheries Commission and approved by the Governor and Cabinet as the Board of Trustees of the Internal Improvement Trust Fund shall be consistent with the following standards:

(a) The paramount concern of conservation and management measures shall be the continuing health and abundance of the marine fisheries resources of this state.

(b) Conservation and management measures shall be based upon the best information available, including biological, sociological, economic, and other information deemed relevant by the commission.

(c) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance on a continuing basis.

(d) When possible and practicable, stocks of fish shall be managed as a biological unit.

(e) Conservation and management measures shall assure proper quality control of marine resources that enter commerce.

(f) State marine fishery management plans shall be developed to implement management of important marine fishery resources.

(g) Conservation and management decisions shall be fair and equitable to all the people of this state and carried out in such a manner that no individual, corporation, or entity acquires an excessive share of such privileges.

(h) Federal fishery management plans and fishery management plans of other states or interstate commissions should be considered when developing state marine fishery management plans. Inconsistencies should be avoided unless it is determined that it is in the best interest of the fisheries or residents of this state to be inconsistent.

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

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

(b) The authority to regulate fishing gear in residential, manmade salt-water canals which is retained by the Legislature and specifically not delegated to the commission.

(c) Marine aquaculture products produced by an individual certified under s. 597.004. This exception does not apply to snook, prohibited and restricted marine species identified by rule of the commission, and rulemaking authority granted pursuant to s. 370.027(4).

Section 40. Subsections (1), (2), and (3) of section 370.027, Florida Statutes, 1998 Supplement, are repealed.

Section 41. Subsections (4) and (5) of section 370.06, Florida Statutes, 1998 Supplement, are amended to read:

370.06 Licenses.—

(4) SPECIAL ACTIVITY LICENSES.—

(a) A special activity license is required for any person to use gear or equipment not authorized in this chapter or rule of the Fish and Wildlife Conservation Marine Fisheries Commission for harvesting saltwater species. In accordance with this chapter, s. 16, Art. X of the State Constitution, and rules of the Marine Fisheries commission, the commission department may issue special activity licenses for the use of nonconforming gear or equipment, including, but not limited to, trawls, seines and entangling nets, traps, and hook and line gear, to be used in harvesting saltwater species for scientific and governmental purposes, and, where allowable, for innovative fisheries. The commission department may prescribe by rule application requirements and terms, conditions, and restrictions to be incorporated into each special activity license. This subsection does not apply to gear or equipment used by certified marine aquaculturists as provided for in s. 597.004 to harvest marine aquaculture products.

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

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

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

(e) The commission department is authorized to issue special activity licenses in accordance with s. ss. 370.071, 370.101, and this section; aquacul-

ture permit consolidation procedures in s. 370.26(2)(3)(a); and rules of the ~~Marine Fisheries~~ commission to permit the capture and possession of salt-water species protected by law and used as stock for artificial cultivation and propagation.

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

(5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

1. "Person" means an individual.
2. "Resident" means any person who has:

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

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

(b) No person shall harvest oysters from the Apalachicola Bay without a valid Apalachicola Bay oyster harvesting license issued by the Department of Agriculture and Consumer Services. This requirement shall not apply to anyone harvesting noncommercial quantities of oysters in accordance with chapter 46-27, Florida Administrative Code, or to any person less than 18 years old.

(c) Any person wishing to obtain an Apalachicola Bay oyster harvesting license shall submit an annual fee for the license during a 45-day period from May 17 to June 30 of each year preceding the license year for which the license is valid. Failure to pay the annual fee within the required time period shall result in a \$500 late fee being imposed before issuance of the license.

(d) The Department of Agriculture and Consumer Services shall collect an annual fee of \$100 from residents and \$500 from nonresidents for the issuance of an Apalachicola Bay oyster harvesting license. The license year shall begin on July 1 of each year and end on June 30 of the following year. The license shall be valid only for the licensee. Only bona fide residents of Florida may obtain a resident license pursuant to this subsection.

(e) Each person who applies for an Apalachicola Bay oyster harvesting license shall, before receiving the license, attend an educational seminar of not more than 16 hours length, developed and conducted jointly by the Apalachicola National Estuarine Research Reserve, the ~~department's~~ Division of Law Enforcement of the Fish and Wildlife Conservation Commission, and the Department of Agriculture and Consumer Services' ~~department's~~

Apalachicola District Shellfish Environmental Assessment Laboratory. The seminar shall address, among other things, oyster biology, conservation of the Apalachicola Bay, sanitary care of oysters, small business management, and water safety. The seminar shall be offered five times per year, and each person attending shall receive a certificate of participation to present when obtaining an Apalachicola Bay oyster harvesting license.

(f) Each person, while harvesting oysters in Apalachicola Bay, shall have in possession a valid Apalachicola Bay oyster harvesting license, or proof of having applied for a license within the required time period, and shall produce such license or proof of application upon request of any law enforcement officer.

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

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

(i) The proceeds from Apalachicola Bay oyster harvesting license fees shall be deposited in the General Inspection Marine Resources Conservation Trust Fund and, less reasonable administrative costs, shall be used or distributed by the Department of Agriculture and Consumer Services for the following purposes in Apalachicola Bay:

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

(j) Any person who violates any of the provisions of paragraphs (b) and (d)-(g) commits a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. Nothing in this subsection shall limit the application of existing penalties.

(k) Any oyster harvesting license issued pursuant to this subsection must be in compliance with the rules of the Fish and Wildlife Conservation Commission regulating gear or equipment, harvest seasons, size and bag limits, and the taking of saltwater species.

Section 42. Section 370.0608, Florida Statutes, 1998 Supplement, is amended to read:

370.0608 Deposit of license fees; allocation of federal funds.—

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

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

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

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

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

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

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

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

2. The Legislature shall annually appropriate to the commission ~~Department of Environmental Protection~~ from the General Revenue Fund for the activities and programs specified in subparagraph 1. at least the same amount of money as was appropriated to the Department of Environmental Protection from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the commission department for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the commission department for such activities and programs from the General Revenue Fund. The proceeds from recreational saltwater fishing license fees paid by fishers shall only be appropriated to the commission ~~Department of Environmental Protection~~.

(2) ~~The Department of Environmental Protection and the Game and Fresh Water Fish Commission shall develop and maintain a memorandum of understanding to provide for the equitable allocation of federal aid available to Florida pursuant to the Sport Fish Restoration Administration Funds. Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed by the commission between the~~ Division of Fresh-water Fisheries and the Division of Marine Fisheries department and the commission in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, ~~the department and the commission,~~ at a minimum, shall provide the following:

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

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

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

Section 43. Section 370.063, Florida Statutes, is amended to read:

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

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

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

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

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

(5) The Fish and Wildlife Conservation Commission Department of Environmental Protection shall issue special recreational crawfish licenses ~~beginning in 1994 for the 1994-1995 license year.~~ The fee for each such license is \$100 per year. Each license issued in any 1994 for the 1994-1995 license year must be renewed by June 30 of each subsequent year by the initial

individual holder thereof. Noncompliance with the reporting requirement in subsection (4) or with the special recreational bag limit established under subsection (6) constitutes grounds for which the commission department may refuse to renew the license for a subsequent license year. The number of such licenses outstanding in any one license year may not exceed the number issued for the 1994-1995 license year. A license is not transferable by any method. Licenses that are not renewed expire and may be reissued by the commission in the subsequent department ~~beginning in the 1995-1996~~ license year to new applicants otherwise qualified under this section.

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

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

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

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

(c) ~~Forty-five~~ Twenty percent to be used by the ~~Marine Fisheries Commission~~ for enforcement the purposes of this section.

~~(8) The Department of Environmental Protection may adopt rules to carry out the purpose and intent of the special recreational lobster license program.~~

Section 44. Section 370.071, Florida Statutes, is amended to read:

370.071 Shellfish processors; regulation.—

(1) The Department of Agriculture and Consumer Services, hereinafter referred to as department, is authorized to adopt by rule regulations, specifications, and codes relating to sanitary practices for catching, cultivating, handling, processing, packaging, preserving, canning, smoking, and storing of oysters, clams, mussels, and crabs. The department is also authorized to license aquaculture facilities used to culture oysters, clams, mussels, and crabs when such activities relate to quality control, sanitary, and public health practices pursuant to this section and s. 370.06(4). The department is also authorized to license or certify facilities used for processing oysters, clams, mussels, and crabs, to suspend or revoke such licenses or certificates upon satisfactory evidence of any violation of rules adopted pursuant to this section, and to seize and destroy any adulterated or misbranded shellfish products as defined by rule.



(2) A shellfish processing plant certification license is required to operate any facility in which oysters, clams, mussels, or crabs are processed, including but not limited to: an oyster, clam, or mussel cannery; a shell stock dealership; an oyster, clam, or mussel shucking plant; an oyster, clam, or mussel repacking plant; an oyster, clam, or mussel controlled purification plant; or a crab or soft-shell crab processing or shedding plant.

(3) The department may suspend or revoke any shellfish processing plant certification license upon satisfactory evidence that the licensee has violated any regulation, specification, or code adopted under this section and may seize and destroy any shellfish product which is defined by rule to be an adulterated or misbranded shellfish product.

Section 45. Section 370.12, Florida Statutes, 1998 Supplement, is amended to read:

370.12 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

(a) This subsection may be cited as the “Marine Turtle Protection Act.”

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

1. Atlantic loggerhead turtle (*Caretta caretta caretta*).
2. Atlantic green turtle (*Chelonis mydas mydas*).
3. Leatherback turtle (*Dermochelys coriacea*).
4. Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*).
5. Atlantic ridley turtle (*Lepidochelys kemp*).

(c)1. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person may take, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest, or harass any marine turtle or its nest or eggs at any time. For purposes of this subsection, “take” means an act which actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

2. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person, firm, or corporation may take, kill, disturb, mutilate, molest, harass, or destroy any marine turtle.

3. No person, firm, or corporation may possess any marine turtle, their nests, eggs, hatchlings, or parts thereof unless it is in possession of a special

permit or loan agreement from the commission department enabling the holder to possess a marine turtle or parts thereof for scientific, educational, or exhibitional purposes, or for conservation activities such as relocating nests, eggs, or animals away from construction sites. Notwithstanding any other provisions of general or special law to the contrary, the commission department may issue such authorization to any properly accredited person for the purpose of marine turtle conservation upon such terms, conditions, and restrictions as it may prescribe by rule adopted pursuant to chapter 120. The commission department shall have the authority to adopt rules pursuant to chapter 120 to permit the possession of marine turtles pursuant to this paragraph. For the purposes of this subsection, a “properly accredited person” is defined as:

a. Students of colleges or universities whose studies with saltwater animals are under the direction of their teacher or professor;

b. Scientific or technical faculty of public or private colleges or universities;

c. Scientific or technical employees of private research institutions and consulting firms;

d. Scientific or technical employees of city, county, state, or federal research or regulatory agencies;

e. Members in good standing or recognized and properly chartered conservation organizations, the Audubon Society, or the Sierra Club;

f. Persons affiliated with aquarium facilities or museums, or contracted as an agent therefor, which are open to the public with or without an admission fee; or

g. Persons without specific affiliations listed above, but who are recognized by the commission department for their contributions to marine conservation such as scientific or technical publications, or through a history of cooperation with the commission department in conservation programs such as turtle nesting surveys, or through advanced educational programs such as high school marine science centers.

(d) Any application for a Department of Environmental Protection permit or other type of approval for an activity that affects marine turtles or their nests or habitat shall be subject to conditions and requirements for marine turtle protection as part of the permitting or approval process.

(e) The Department of Environmental Protection may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting marine turtles and hatchlings and their habitat pursuant to the provisions of s. 161.053(5). When the department is considering a permit for a beach restoration, beach renourishment, or inlet sand transfer project and the applicant has had an active marine turtle nest relocation program or the applicant has agreed to and has the ability to administer a program, the department must not restrict the timing of the project. Where appropriate, the department, in accordance with the applicable rules of the

Fish and Wildlife Conservation Commission, shall require as a condition of the permit that the applicant relocate and monitor all turtle nests that would be affected by the beach restoration, beach renourishment, or sand transfer activities. Such relocation and monitoring activities shall be conducted in a manner that ensures successful hatching. This limitation on the department's authority applies only on the Atlantic coast of Florida.

(f) The department shall recommend denial of a permit application if the activity would result in a "take" as defined in this subsection, unless, as provided for in the federal Endangered Species Act and its implementing regulations, such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

(g) The department shall give special consideration to beach preservation and beach nourishment projects that restore habitat of endangered marine turtle species. Nest relocation shall be considered for all such projects in urbanized areas. When an applicant for a beach restoration, beach renourishment, or inlet sand transfer project has had an active marine turtle nest relocation program or the applicant has agreed to have and has the ability to administer a program, the department in issuing a permit for a project must not restrict the timing of the project. Where appropriate, the department, in accordance with the applicable rules of the Fish and Wildlife Conservation Commission, shall require as a condition of the permit that the applicant relocate and monitor all turtle nests that would be affected by the beach restoration, beach renourishment, or sand transfer activities. Such relocation and monitoring activities shall be conducted in a manner that ensures successful hatching. This limitation on the department's authority applies only on the Atlantic coast of Florida.

(h) The Fish and Wildlife Conservation Commission ~~department~~ shall provide grants to coastal local governments, educational institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and education activities within the state. The commission ~~department~~ shall adopt by rule pursuant to chapter 120 procedures for submitting grant applications and criteria for allocating available funds. The criteria must include the scope of the proposed activity, the relevance of the proposed activity to the recovery plans for marine turtles, the demand and public support for the proposed activity, the duration of the proposed activity, the availability of alternative funding, and the estimated cost of the activity. The executive director ~~secretary~~ of the commission ~~department~~ shall appoint a committee of at least five members, including at least two nongovernmental representatives, to consider and choose grant recipients from proposals submitted by eligible entities. Committee members shall not receive any compensation from the commission ~~department~~.

(2) PROTECTION OF MANATEES OR SEA COWS.—

(a) This subsection shall be known and may be cited as the "Florida Manatee Sanctuary Act."

(b) The State of Florida is hereby declared to be a refuge and sanctuary for the manatee, the "Florida state marine mammal."

(c) Whenever the Fish and Wildlife Conservation Commission ~~department~~ is satisfied that the interest of science will be subserved, and that the application for a permit to possess a manatee or sea cow (*Trichechus manatus*) is for a scientific or propagational purpose and should be granted, and after concurrence by the United States Department of the Interior, the commission ~~Division of Marine Resources~~ may grant to any person making such application a special permit to possess a manatee or sea cow, which permit shall specify the exact number which shall be maintained in captivity.

(d) Except as may be authorized by the terms of a valid state permit issued pursuant to paragraph (c) or by the terms of a valid federal permit, it is unlawful for any person at any time, by any means, or in any manner intentionally or negligently to annoy, molest, harass, or disturb or attempt to molest, harass, or disturb any manatee; injure or harm or attempt to injure or harm any manatee; capture or collect or attempt to capture or collect any manatee; pursue, hunt, wound, or kill or attempt to pursue, hunt, wound, or kill any manatee; or possess, literally or constructively, any manatee or any part of any manatee.

(e) Any gun, net, trap, spear, harpoon, boat of any kind, aircraft, automobile of any kind, other motorized vehicle, chemical, explosive, electrical equipment, scuba or other subaquatic gear, or other instrument, device, or apparatus of any kind or description used in violation of any provision of paragraph (d) may be forfeited upon conviction. The foregoing provisions relating to seizure and forfeiture of vehicles, vessels, equipment, or supplies do not apply when such vehicles, vessels, equipment, or supplies are owned by, or titled in the name of, innocent parties; and such provisions shall not vitiate any valid lien, retain title contract, or chattel mortgage on such vehicles, vessels, equipment, or supplies if such lien, retain title contract, or chattel mortgage is property of public record at the time of the seizure.

(f) In order to protect manatees or sea cows from harmful collisions with motorboats or from harassment, the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ shall adopt rules under chapter 120 regarding the expansion of existing, or construction of new, marine facilities and mooring or docking slips, by the addition or construction of five or more powerboat slips, and regulating the operation and speed of motorboat traffic, only where manatee sightings are frequent and it can be generally assumed, based on available scientific information, that they inhabit these areas on a regular or continuous basis:

1. In Lee County: the entire Orange River, including the Tice Florida Power and Light Corporation discharge canal and adjoining waters of the Caloosahatchee River within 1 mile of the confluence of the Orange and Caloosahatchee Rivers.

2. In Brevard County: those portions of the Indian River within three-fourths of a mile of the Orlando Utilities Commission Delespine power plant effluent and the Florida Power and Light Frontenac power plant effluents.

3. In Indian River County: the discharge canals of the Vero Beach Municipal Power Plant and connecting waters within 1¼ miles thereof.

4. In St. Lucie County: the discharge of the Henry D. King Municipal Electric Station and connecting waters within 1 mile thereof.

5. In Palm Beach County: the discharges of the Florida Power and Light Riviera Beach power plant and connecting waters within 1½ miles thereof.

6. In Broward County: the discharge canal of the Florida Power and Light Port Everglades power plant and connecting waters within 1½ miles thereof and the discharge canal of the Florida Power and Light Fort Lauderdale power plant and connecting waters within 2 miles thereof. For purposes of ensuring the physical safety of boaters in a sometimes turbulent area, the area from the easternmost edge of the authorized navigation project of the intracoastal waterway east through the Port Everglades Inlet is excluded from this regulatory zone.

7. In Citrus County: headwaters of the Crystal River, commonly referred to as King's Bay, and the Homosassa River.

8. In Volusia County: Blue Springs Run and connecting waters of the St. Johns River within 1 mile of the confluence of Blue Springs and the St. Johns River; and Thompson Creek, Strickland Creek, Dodson Creek, and the Tomoka River.

9. In Hillsborough County: that portion of the Alafia River from the main shipping channel in Tampa Bay to U.S. Highway 41.

10. In Sarasota County: the Venice Inlet and connecting waters within 1 mile thereof, including Lyons Bay, Donna Bay, Roberts Bay, and Hatchett Creek, excluding the waters of the intracoastal waterway and the right-of-way bordering the centerline of the intracoastal waterway.

11. In Collier County: within the Port of Islands, within section 9, township 52 south, range 28 east, and certain unsurveyed lands, all east-west canals and the north-south canals to the southerly extent of the intersecting east-west canals which lie southerly of the centerline of U.S. Highway 41.

12. In Manatee County: that portion of the Manatee River east of the west line of section 17, range 19 east, township 34 south; the Braden River south of the north line and east of the west line of section 29, range 18 east, township 34 south; Terra Ceia Bay and River, east of the west line of sections 26 and 35 of range 17 east, township 33 south, and east of the west line of section 2, range 17 east, township 34 south; and Bishop Harbor east of the west line of section 13, range 17 east, township 33 south.

13. In Dade County: those portions of Black Creek lying south and east of the water control dam, including all boat basins and connecting canals within 1 mile of the dam.

(g) The Fish and Wildlife Conservation Commission Department of Environmental Protection shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within that portion of the Indian River

between the St. Lucie Inlet in Martin County and the Jupiter Inlet in Palm Beach County. In addition, the commission department shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within the Loxahatchee River in Palm Beach and Martin Counties, including the north and southwest forks thereof. A limited lane or corridor providing for reasonable motorboat speeds may be identified and designated within this area.

(h) The commission department shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within the Withlacoochee River and its tributaries in Citrus and Levy Counties. The specific areas to be regulated include the Withlacoochee River and the U.S. 19 bridge westward to a line between U.S. Coast Guard markers number 33 and number 34 at the mouth of the river, including all side channels and coves along that portion of the river; Bennets' Creek from its beginning to its confluence with the Withlacoochee River; Bird's Creek from its beginning to its confluence with the Withlacoochee River; and the two dredged canal systems on the north side of the Withlacoochee River southwest of Yankeetown. A limited lane or corridor providing for reasonable motorboat speeds may be identified and designated within this area.

(i) If any new power plant is constructed or other source of warm water discharge is discovered within the state which attracts a concentration of manatees or sea cows, the Fish and Wildlife Conservation Commission Department of Environmental Protection is directed to adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic within the area of such discharge. Such rules shall designate a zone which is sufficient in size, and which shall remain in effect for a sufficient period of time, to protect the manatees or sea cows.

(j) It is the intent of the Legislature through adoption of this paragraph to allow the Fish and Wildlife Conservation Commission Department of Environmental Protection to post and regulate boat speeds only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis. It is not the intent of the Legislature to permit the commission department to post and regulate boat speeds generally in the above-described inlets, bays, rivers, creeks, thereby unduly interfering with the rights of fishers, boaters, and water skiers using the areas for recreational and commercial purposes. Limited lanes or corridors providing for reasonable motorboat speeds may be identified and designated within these areas.

(k) The commission department shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic all year around within Turkey Creek and its tributaries and within Manatee Cove in Brevard County. The specific areas to be regulated consist of:

1. A body of water which starts at Melbourne-Tillman Drainage District structure MS-1, section 35, township 28 south, range 37 east, running east

to include all natural waters and tributaries of Turkey Creek, section 26, township 28 south, range 37 east, to the confluence of Turkey Creek and the Indian River, section 24, township 28 south, range 37 east, including all lagoon waters of the Indian River bordered on the west by Palm Bay Point, the north by Castaway Point, the east by the four immediate spoil islands, and the south by Cape Malabar, thence northward along the shoreline of the Indian River to Palm Bay Point.

2. A triangle-shaped body of water forming a cove (commonly referred to as Manatee Cove) on the east side of the Banana River, with northern boundaries beginning and running parallel to the east-west cement bulkhead located 870 feet south of SR 520 Relief Bridge in Cocoa Beach and with western boundaries running in line with the City of Cocoa Beach channel markers 121 and 127 and all waters east of these boundaries in section 34, township 24 south, range 37 east; the center coordinates of this cove are 28°20'14" north, 80°35'17" west.

~~(l) The Legislature recognizes that, while the manatee or sea cow is designated a marine mammal by federal law, many of the warm water wintering areas are in freshwater springs and rivers which are under the primary state law enforcement jurisdiction of the Florida Game and Fresh Water Fish Commission. The law enforcement provisions of this section shall be carried out jointly by the department and the commission, with the department serving as the lead agency. The specific areas of jurisdictional responsibility are to be established between the department and the commission by interagency agreement.~~

(l)(m) The commission department shall promulgate regulations pursuant to chapter 120 relating to the operation and speed of motor boat traffic in port waters with due regard to the safety requirements of such traffic and the navigational hazards related to the movement of commercial vessels.

(m)(n) The commission department may designate by rule adopted pursuant to chapter 120 other portions of state waters where manatees are frequently sighted and it can be assumed that manatees inhabit such waters periodically or continuously. Upon designation of such waters, the commission department shall adopt rules pursuant to chapter 120 to regulate motorboat speed and operation which are necessary to protect manatees from harmful collisions with motorboats and from harassment. The commission department may adopt rules pursuant to chapter 120 to protect manatee habitat, such as seagrass beds, within such waters from destruction by boats or other human activity. Such rules shall not protect noxious aquatic plants subject to control under s. 369.20.

(n)(o) The commission department may designate, by rule adopted pursuant to chapter 120, limited areas as a safe haven for manatees to rest, feed, reproduce, give birth, or nurse undisturbed by human activity. Access by motor boat to private residences, boat houses, and boat docks through these areas by residents, and their authorized guests, who must cross one of these areas to have water access to their property is permitted when the motorboat is operated at idle speed, no wake.

~~(o)~~<sup>(p)</sup> Except in the marked navigation channel of the Florida Intracoastal Waterway as defined in s. 327.02 and the area within 100 feet of such channel, a local government may regulate, by ordinance, motorboat speed and operation on waters within its jurisdiction where manatees are frequently sighted and can be generally assumed to inhabit periodically or continuously. However, such an ordinance may not take effect until it has been reviewed and approved by the commission department. If the commission department and a local government disagree on the provisions of an ordinance, a local manatee protection committee must be formed to review the technical data of the commission department and the United States Fish and Wildlife Service, and to resolve conflicts regarding the ordinance. The manatee protection committee must be comprised of:

1. A representative of the commission department;
2. A representative of the county;
3. A representative of the United States Fish and Wildlife Service;
4. A representative of a local marine-related business;
5. A representative of the Save the Manatee Club;
6. A local fisher;
7. An affected property owner; and
8. A representative of the Florida Marine Patrol.

If local and state regulations are established for the same area, the more restrictive regulation shall prevail.

~~(p)~~<sup>(q)</sup> The commission department shall evaluate the need for use of fenders to prevent crushing of manatees between vessels (100' or larger) and bulkheads or wharves in counties where manatees have been crushed by such vessels. For areas in counties where evidence indicates that manatees have been crushed between vessels and bulkheads or wharves, the commission department shall:

1. Adopt rules pursuant to chapter 120 requiring use of fenders for construction of future bulkheads or wharves; and
2. Implement a plan and time schedule to require retrofitting of existing bulkheads or wharves consistent with port bulkhead or wharf repair or replacement schedules.

The fenders shall provide sufficient standoff from the bulkhead or wharf under maximum operational compression to ensure that manatees cannot be crushed between the vessel and the bulkhead or wharf.

~~(q)~~<sup>(r)</sup> Any violation of a restricted area established by this subsection, or established by rule pursuant to chapter 120 or ordinance pursuant to this subsection, shall be considered a violation of the boating laws of this state



and shall be charged on a uniform boating citation as provided in s. 327.74, except as otherwise provided in paragraph (s). Any person who refuses to post a bond or accept and sign a uniform boating citation shall, as provided in s. 327.73(3), be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(r)(s) Except as otherwise provided in this paragraph, any person violating the provisions of this subsection or any rule or ordinance adopted pursuant to this subsection shall be guilty of a misdemeanor, punishable as provided in s. 370.021(2)(a) or (b).

1. Any person operating a vessel in excess of a posted speed limit shall be guilty of a civil infraction, punishable as provided in s. 327.73, except as provided in subparagraph 2.

2. This paragraph does not apply to persons violating restrictions governing “No Entry” zones or “Motorboat Prohibited” zones, who, if convicted, shall be guilty of a misdemeanor, punishable as provided in s. 370.021(2)(a) or (b), or, if such violation demonstrates blatant or willful action, may be found guilty of harassment as described in paragraph (d).

(3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).—It is unlawful to catch, attempt to catch, molest, injure, kill, or annoy, or otherwise interfere with the normal activity and well-being of, mammalian dolphins (porpoises), except as may be authorized as a federal permit.

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

(a) Each fiscal year the Save the Manatee Trust Fund shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund shall be available for annual funding of activities of public and private organizations and those of the commission ~~department~~ intended to provide manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. The commission ~~department~~ shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.

(b) Each fiscal year moneys in the Save the Manatee Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to reimburse the cost of activities related to manatee rehabilitation by facilities that rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior. Such facilities must be involved in the actual rescue and full-time acute care veterinarian-based rehabilitation of manatees. The cost of activities includes, but is not limited to, costs associated with expansion, capital outlay, repair, maintenance, and operations related to the rescue, treatment, stabilization, maintenance, release, and monitoring of manatees. Moneys distributed through contractual agreement to each facility for manatee rehabilitation shall be proportionate to the number of manatees under acute care rehabilitation and those released during the previous fiscal year. However, the reimbursement may not exceed the total amount available pursuant to ss. 327.25(7) and 327.28(1)(b) for the purposes provided in this paragraph. Prior to receiving reimbursement for the expenses of rescue, rehabilitation, and release, a facility that qualifies under state and federal regulations shall submit a plan to the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ for assisting the commission ~~department~~ and the Department of Highway Safety and Motor Vehicles in marketing the manatee specialty license plates. At a minimum, the plan shall include provisions for graphics, dissemination of brochures, recorded oral and visual presentation, and maintenance of a marketing exhibit. The plan shall be updated annually and the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ shall inspect each marketing exhibit at least once each year to ensure the quality of the exhibit and promotional material. Each facility that receives funds for manatee rehabilitation shall annually provide the commission ~~department~~ a written report, within 30 days after the close of the state fiscal year, documenting the efforts and effectiveness of the facility's promotional activities.

(c) By December 1 each year, the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ shall provide the President of the Senate and the Speaker of the House of Representatives a written report, enumerating the amounts and purposes for which all proceeds in the Save the Manatee Trust Fund for the previous fiscal year are expended, in a manner consistent with those recovery tasks enumerated within the manatee recovery plan as required by the Endangered Species Act.

(d) When the federal and state governments remove the manatee from status as an endangered or threatened species, the annual allocation may be reduced.

Section 46. Subsections (2), (3), (8), (9), (10), and (11) of section 370.26, Florida Statutes, 1998 Supplement, are amended to read:

370.26 Aquaculture definitions; marine aquaculture products, producers, and facilities.—

(2) The Department of Environmental Protection shall encourage the development of aquaculture and the production of aquaculture products.

The department shall develop a process consistent with this section that would consolidate permits, general permits, ~~special activity licenses~~, and other regulatory requirements to streamline the permitting process and result in effective regulation of aquaculture activities. This process shall provide for a single application and application fee for marine aquaculture activities which are regulated by the department. Procedures to consolidate permitting actions under this section do not constitute rules within the meaning of s. 120.52.

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

(8) The department shall:

(a) Coordinate with the Aquaculture Review Council, the Aquaculture Interagency Coordinating Council, and the Department of Agriculture and Consumer Services when developing criteria for aquaculture general permits.

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

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

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

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

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

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

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

1. Providing eggs, larvae, fry, and fingerlings to aquaculturists when excess cultured stocks are available from the ~~commission's~~ department's facilities and the culture activities are consistent with the commission's

department's stock enhancement projects. Such stocks may be obtained by reimbursing the commission department for the cost of production on a per-unit basis. Revenues resulting from the sale of stocks shall be deposited into the trust fund used to support the production of such stocks.

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

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

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

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

(10) The Fish and Wildlife Conservation Commission department shall coordinate with the Aquaculture Review Council and the Department of Agriculture and Consumer Services to establish and implement grant programs to provide funding for projects and programs that are identified in the state's aquaculture plan, pending legislative appropriations. The commission department and the Department of Agriculture and Consumer Services shall establish and implement a grant program to make grants available to qualified nonprofit, educational, and research entities or local governments to fund infrastructure, planning, practical and applied research, development projects, production economic analysis, and training and stock enhancement projects, and to make grants available to counties, municipalities, and other state and local entities for applied aquaculture projects that are directed to economic development, pending legislative appropriations.

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

Section 47. Section 372.072, Florida Statutes, is amended to read:

372.072 Endangered and Threatened Species Act.—

(1) SHORT TITLE.—This section may be cited as the “Florida Endangered and Threatened Species Act ~~of 1977.~~”

(2) DECLARATION OF POLICY.—The Legislature recognizes that the State of Florida harbors a wide diversity of fish and wildlife and that it is

the policy of this state to conserve and wisely manage these resources, with particular attention to those species defined by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Environmental Protection, or the United States Department of Interior, or successor agencies, as being endangered or threatened. As Florida has more endangered and threatened species than any other continental state, it is the intent of the Legislature to provide for research and management to conserve and protect these species as a natural resource.

(3) DEFINITIONS.—As used in this section:

(a) “Fish and wildlife” means any member of the animal kingdom, including, but not limited to, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate.

(b) “Endangered species” means any species of fish and wildlife naturally occurring in Florida, whose prospects of survival are in jeopardy due to modification or loss of habitat; overutilization for commercial, sporting, scientific, or educational purposes; disease; predation; inadequacy of regulatory mechanisms; or other natural or manmade factors affecting its continued existence.

(c) “Threatened species” means any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment.

(4) INTERAGENCY COORDINATION.—

(a)1. ~~The Game and Fresh Water Fish~~ commission shall be responsible for research and management of freshwater and upland species, and for research and management of marine species.

2. ~~The Department of Environmental Protection shall be responsible for research and management of marine species.~~

(b) Recognizing that citizen awareness is a key element in the success of this plan, the ~~Game and Fresh Water Fish~~ commission, the Department of Environmental Protection, and the Office of Environmental Education of the Department of Education are encouraged to work together to develop a public education program with emphasis on, but not limited to, both public and private schools.

(c) ~~The Department of Environmental Protection, the Marine Fisheries Commission, or the Game and Fresh Water Fish~~ commission, in consultation with the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, or the Department of Transportation, may establish reduced speed zones along roads, streets, and highways to protect endangered species or threatened species.

(5) ANNUAL REPORT.—The director of the ~~Game and Fresh Water Fish~~ commission, in consultation with the Secretary of Environmental Pro-

tion, shall, at least 30 days prior to each annual session of the Legislature, transmit to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate Senate and House committees, a revised and updated plan for management and conservation of endangered and threatened species, including criteria for research and management priorities; a description of the educational program; statewide policies pertaining to protection of endangered and threatened species; additional legislation which may be required; and the recommended level of funding for the following year, along with a progress report and budget request.

Section 48. Section 372.0725, Florida Statutes, is amended to read:

372.0725 Killing or wounding of any species designated as endangered, threatened, or of special concern; criminal penalties.—It is unlawful for a person to intentionally kill or wound any fish or wildlife of a species designated by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission as endangered, threatened, or of special concern, or to intentionally destroy the eggs or nest of any such fish or wildlife, except as provided for in the rules of the Game and Fresh Water Fish commission, the Department of Environmental Protection, or the Marine Fisheries Commission. Any person who violates this provision with regard to an endangered or threatened species is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 49. Section 372.073, Florida Statutes, is amended to read:

372.073 Endangered and Threatened Species Reward Program.—

(1) There is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission the Endangered and Threatened Species Reward Program, to be funded from the Nongame Wildlife Trust Fund. The commission may post rewards to persons responsible for providing information leading to the arrest and conviction of persons illegally killing or wounding or wrongfully possessing any of the endangered and threatened species listed on the official Florida list of such species maintained by the commission or the arrest and conviction of persons who violate s. 372.667 or s. 372.671. Additional funds may be provided by donations from interested individuals and organizations. The reward program is to be administered by the commission. The commission shall establish a schedule of rewards.

(2) The commission may expend funds only for the following purposes:

(a) The payment of rewards to persons, other than law enforcement officers, commission personnel, and members of their immediate families, for information as specified in subsection (1); or

(b) The promotion of public recognition and awareness of the Endangered and Threatened Species Reward Program.

Section 50. Paragraph (a) of subsection (2) and subsection (6) of section 370.093, Florida Statutes, 1998 Supplement, are amended to read:

## 370.093 Illegal use of nets.—

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

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

Section 51. Subsection (2) and paragraph (a) of subsection (4) of section 376.11, Florida Statutes, 1998 Supplement, are amended to read:

## 376.11 Florida Coastal Protection Trust Fund.—

(2) The Florida Coastal Protection Trust Fund is established, to be used by the department and the Fish and Wildlife Conservation Commission as a nonlapsing revolving fund for carrying out the purposes of ss. 376.011-376.21. To this fund shall be credited all registration fees, penalties, judgments, damages recovered pursuant to s. 376.121, other fees and charges related to ss. 376.011-376.21, and the excise tax revenues levied, collected, and credited pursuant to ss. 206.9935(1) and 206.9945(1)(a). Charges against the fund shall be in accordance with this section.

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(a) Administrative expenses, personnel expenses, and equipment costs of the department and the Fish and Wildlife Conservation Commission related to the enforcement of ss. 376.011-376.21 subject to s. 376.185.

Section 52. Section 20.325, Florida Statutes, is repealed.

Section 53. Section 370.026, Florida Statutes, is repealed.

Section 54. Notwithstanding chapter 60K-5, Florida Administrative Code, or state law to the contrary, employees transferring from the Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, and the Marine Fisheries Commission, to fill positions transferred to the Fish and Wildlife Conservation Commission, shall also transfer any accrued annual leave, sick leave, regular compensatory leave and special compensatory leave balances.

Section 55. Notwithstanding chapter 60K-5, Administrative Code, or state law to the contrary, employees transferring from the Department of Environmental Protection to fill positions transferred to the Department of

Agriculture and Consumer Services shall also transfer any accrued annual leave, sick leave, regular compensatory leave and special compensatory leave balances.

Section 56. Notwithstanding the provisions of subsection (2) of section 20.255, Florida Statutes, the Secretary of the Department of Environmental Protection is authorized to restructure and reorganize the department to increase efficiency in carrying out the agency's statutory mission and objectives. The Secretary shall report to the Governor, the Speaker of the House, and the President of the Senate no later than December 1, 1999, on the department's organizational structure. The report must contain recommended statutory changes needed to accomplish the department's new structure.

Section 57. The Division of Statutory Revision of the Office of Legislative Services is directed to prepare a reviser's bill for introduction at the 2000 Regular Session of the Legislature to change "Game and Fresh Water Fish Commission" to "Fish and Wildlife Conservation Commission" and to make such further changes as are necessary to conform the Florida Statutes to the organizational changes created by this act.

Section 58. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared severable.

Section 59. Subsection (1) of section 370.0603, Florida Statutes, is amended to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

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

- (a) Funding for marine research.
- (b) Funding for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.
- (c) Funding for marine law enforcement.
- (d) Funding for administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities.
- (e) Funding for the operations of the Fish and Wildlife Conservation Marine Fisheries ~~Commission~~.
- (f) Funding for titling and registration of vessels.



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

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

Section 60. Subsections (1) thru (3), (5) thru (18) and (20) thru (28), of Section 370.16, Florida Statutes, 1998 Supplement, are amended to read:

370.16 Oysters and shellfish; regulation.—

(1) LEASE, APPLICATION FORM; NOTICE TO RIPARIAN OWNER; LANDS LEASED TO BE COMPACT.—When any qualified person desires to lease a part of the bottom or bed of any of the water of this state, for the purpose of growing oysters or clams, as provided for in this section, he or she shall present to the Department of Environmental Protection Division of Marine Resources a written application setting forth the name and address of the applicant, a reasonably definite description of the location and amount of land covered by water desired, and shall pray that the application be filed; that the water bottoms be surveyed and a plat or map of the survey thereof be made if no plat or map of such bottoms should have been so made thereto; and that the water bottoms described be leased to the applicant under the provisions of this section. Such applicant shall accompany with his or her written application a sufficient sum to defray the estimated expenses of the survey; thereupon the department division shall file such application and shall direct the same surveyed and platted forthwith at the expense of the applicant. When applications are made by two or more persons for the same lands, they shall be leased to the applicant who first filed application for same; but to all applications for leases of any of the bottoms of said waters owned under the riparian acts of the laws of Florida, heretofore enacted, notice of such application shall be given the riparian owner, when known, and, when not known, notice of such application shall be given by publication for 4 weeks in some newspaper published in the county in which the water bottoms lie; and when there is no newspaper published in such county, then by posting the notice for 4 weeks at the courthouse door of the county, and preference shall be given to the riparian owners under the terms and conditions herein created, when the riparian owner makes application for such water bottoms for the purpose of planting oysters or clams before the same are leased to another. The lands leased shall be as compact as possible, taking into consideration the shape of the body of water and the condition of the bottom as to hardness, or soft mud or sand, or other conditions which would render the bottoms desirable or undesirable for the purpose of oyster or clam cultivation.

(2) SURVEYS, PLATS, AND MAPS OF REEFS.—The Department of Environmental Protection Division of Marine Resources shall accept, adopt, and use official reports, surveys, and maps of oyster, clam, or other shellfish grounds made under the direction of any authority of the United States as prima facie evidence of the natural oyster and clam reefs, for the purpose and intent of this chapter. The department said division may also make

surveys of any natural oyster or clam reefs when it deems such surveys necessary and where such surveys are made pursuant to an application for a lease, the cost thereof may be charged to the applicant as a part of the cost of his or her application.

(3) EXECUTION OF LEASES; LESSEE TO STAKE OFF BOUNDARIES; PENALTY FOR FAILURE TO COMPLY WITH REGULATIONS.—As soon as the survey has been made and the plat or map thereof filed with the Department of Environmental Protection ~~Division of Marine Resources~~ and the cost thereof paid by the applicant, the ~~department division~~ may execute in duplicate a lease of the water bottoms to the applicant. One duplicate, with a plat or map of the water bottoms so leased, shall be delivered to the applicant, and the other, with a plat or map of the bottom so leased, shall be retained by the ~~department division~~ and registered in a lease book which shall be kept exclusively for that purpose by the ~~department division~~; thereafter the lessees shall enjoy the exclusive use of the lands and all oysters and clams, shell, and cultch grown or placed thereon shall be the exclusive property of such lessee as long as he or she shall comply with the provisions of this chapter. The ~~department division~~ shall require the lessee to stake off and mark the water bottoms leased, by such ranges, monuments, stakes, buoys, etc., so placed and made as not to interfere with the navigation, as it may deem necessary to locate the same to the end that the location and limits of the lands embraced in such lease be easily and accurately found and fixed, and such lessee shall keep the same in good condition during the open and closed oyster or clam season. All leases shall be marked according to the standards derived from the uniform waterway markers for safety and navigation as described in s. 327.40. The ~~department division~~ may stipulate in each individual lease contract the types, shape, depth, size, and height of marker or corner posts. Failure on the part of the lessee to comply with the orders of the ~~department division~~ to this effect within the time fixed by it, and to keep the markers, etc., in good condition during the open and closed oyster or clam season, shall subject such lessee to a fine not exceeding \$100 for each and every such offense. All lessees shall cause the area of the leased water bottoms and the names of the lessees to be shown by signs as may be determined by the ~~department division~~, if so required.

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

(6) LEASES TRANSFERABLE, ETC.—The leases shall be inheritable and transferable, in whole or in part, and shall also be subject to mortgage, pledge, or hypothecation and shall be subject to seizure and sale for debts as any other property, rights, and credits in this state, and this provision shall also apply to all buildings, betterments, and improvements thereon. Leases granted under this section cannot be transferred, by sale or barter,

in whole or in part, without the written, express acquiescence of the Department of Environmental Protection Division of Marine Resources, and such a transferee shall pay a \$50 transfer fee before department division acquiescence may be given. No lease or part of a lease may be transferred by sale or barter until the lease has been in existence at least 2 years and has been cultivated according to the statutory standards found in paragraph (4)(e), except as otherwise provided by regulation adopted by the department Division of Marine Resources. No such inheritance or transfer shall be valid or of any force or effect whatever unless evidenced by an authentic act, judgment, or proper judicial deed, registered in the office of the department division in a book to be provided for said purpose. The department division shall keep proper indexes so that all original leases and all subsequent changes and transfers can be easily and accurately ascertained.

(7) PAYMENT OF RENT; FORFEITURE FOR NONPAYMENT; NOTICE, ETC.—All leases shall stipulate for the payment of the annual rent in advance on or before January 1 of each year, and the further stipulation that the failure of the tenant to pay the rent punctually on or before that day, or within 30 days thereafter shall ipso facto, and upon demand, terminate and cancel said lease and forfeit to the state all the works, improvements, betterments, oysters, and clams on the leased water bottoms, and authorize the Department of Environmental Protection Division of Marine Resources to at once enter on said water bottom and take possession thereof, and such water bottom shall then be open for lease as herein provided; and the department division shall within 10 days thereafter enter such termination, cancellation, and forfeiture on its books and shall give such public notice thereof, and of the fact that the water bottoms are open to lease, as it shall deem proper; provided, that the department division may, in its discretion, waive such termination, cancellation, and forfeiture when the rent due, with 10 percent additional, and all costs and expenses growing out of such failure to pay, be tendered to it within 60 days after the same became due; provided, that in all cases of cancellation of lease, the department division shall, after 60 days' notice by publication in some newspaper published in the state, having a general statewide circulation, which notice shall contain a full description of the leased waters and beds and any parts thereof, sell such lease to the highest and best bidder; and all moneys received over and above the rents due to the state, under the terms of the lease and provisions herein, and costs and expenses growing out of such failure to pay, shall be paid to the lessee forfeiting his or her rights therein. No leased water bottoms shall be forfeited for nonpayment of rent under the provisions of this section, unless there shall previously have been mailed by the said department division to the last known address of such tenant according to the books of said department division, 30 days' notice of the maturity of such lease. Whenever any leased water bottoms are forfeited for nonpayment of rent, and there is a plat or survey thereof in the archives of the department division, when such bedding grounds are re-leased, no new survey thereof shall be made, but the original stakes, monuments, and bounds shall be preserved, and the new lease shall be based upon the original survey. This subsection shall also apply to all costs and expenses taxed against a lessee by the department division under this section.

(8) CANCELLATION OF LEASES TO NATURAL REEFS.—Any person, within 6 months from and after the execution of any lease to water bottoms, may file a petition with the Department of Environmental Protection Division of Marine Resources for the purpose of determining whether a natural oyster or clam reef having an area of not less than 100 square yards existed within the leased area on the date of the lease, with sufficient natural or maternal oysters or clams thereon (not including coon oysters) to have constituted a stratum sufficient to have been resorted to by the public generally for the purpose of gathering the same to sell for a livelihood. The petition shall be in writing addressed to the ~~Division of Marine Resources of the~~ Department of Environmental Protection, verified under oath, stating the location and approximate area of the natural reef and the claim or interest of the petitioner therein and requesting the cancellation of the lease to the said natural reef. No petition may be considered unless it is accompanied by a deposit of \$10 to defray the expense of examining into the matter. The petition may include several contemporaneous natural reefs of oysters or clams. Upon receipt of such petition, the department division shall cause an investigation to be made into the truth of the allegations of the petition, and, if found untrue, the \$10 deposit shall be retained by the department division to defray the expense of the investigation, but should the allegations of the petition be found true and the leased premises to contain a natural oyster or clam reef, as above described, the said \$10 shall be returned to the petitioner and the costs and expenses of the investigation taxed against the lessee and the lease canceled to the extent of the natural reef and the same shall be marked with buoys and stakes and notices placed thereon showing the same to be a public reef, the cost of the markers and notices to be taxed against the lessee.

(9) WHEN NATURAL REEFS MAY BE INCLUDED IN LEASE.—When an application for oyster or clam bedding grounds is filed and upon survey of such bedding ground, it should develop that the area applied for contains natural oyster or clam reefs or beds less in size than 100 square yards, or oyster or clam reefs or bars of greater size, but not of sufficient quantity to constitute a stratum, and it should further be made to appear to the Department of Environmental Protection Division of Marine Resources by the affidavit of the applicant, together with such other proof as the department division may require, that the natural reef, bed, or bar could not be excluded, and the territory applied for properly protected or policed, the department division may, if it deems it for the best interest of the state and the oyster industry so to do, permit the including of such natural reefs, beds, or bars; and it shall fix a reasonable value on the same, to be paid by the applicant for such bedding ground; provided, that no such natural reefs shall be included in any lease hereafter granted to the bottom or bed of waters of this state contiguous to Franklin County. There shall be no future oyster leases issued in Franklin County except for purposes of oyster aquaculture activities approved under ss. 253.67-253.75. However, such aquaculture leases shall be for an area not larger than 1 acre and shall not be transferred or subleased. Only the flexible belt system or off-bottom methods may be used for aquaculture on these lease areas, and no cultch materials shall be placed on the bottom of the lease areas. Under no circumstances shall mechanical dredging devices be used to harvest oysters on such lease areas. Oyster

aquaculture leases issued in Franklin County shall be issued only to Florida residents.

(10) SETTLEMENT OF BOUNDARY DISPUTES; REVIEW.—The Department of Environmental Protection Division of Marine Resources shall determine and settle all disputes as to boundaries between lessees of bedding grounds. The department division shall, in all cases, be the judge as to whether any particular bottom is or is not a natural reef or whether it is suitable for bedding oysters or clams.

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

(12) PROTECTION OF OYSTER AND CLAM REEFS AND SHELLFISH.—

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

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

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

(13) STAKING OFF WATER BOTTOMS OR BEDDING OYSTERS WITHOUT OBTAINING LEASE.—Any person staking off the water bottoms of this state, or bedding oysters on the bottoms of the waters of this state, without previously leasing same as required by law shall be guilty of

a violation of this section, and shall acquire no rights by reason of such staking off. This provision does not apply to grants heretofore made under the provisions of any heretofore existing laws or to artificial beds made heretofore by a riparian owner or his or her grantees on the owner's riparian bottoms.

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

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

1. The open season shall be from October 1 to July 31 of each year.
2. The entire bay, including private leased or granted grounds, shall be closed to shellfish harvesting from August 1 to September 30 of each year for the purpose of oyster relaying and transplanting and shell planting.

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

1. Whether the bay benefits ecologically from being closed to shellfish harvesting from August 1 to September 30 of each year.
2. Whether the new harvesting schedule enhances the enforcement of shellfish harvesting laws in the bay.
3. Whether the new harvesting schedule enhances natural shellfish production, oyster relay and planting programs, and shell planting programs in the bay.
4. Whether the new harvesting schedule has more than a short-term adverse economic impact, if any, on local shellfish harvesters.

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

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

(a) It is unlawful to use a dredge or any means or implement other than hand tongs in removing oysters from the natural or artificial state reefs. This restriction shall apply to all areas of the Apalachicola Bay for all shellfish harvesting, excluding private grounds leased or granted by the state prior to July 1, 1989, if the lease or grant specifically authorizes the use of implements other than hand tongs for harvesting. Except in the Apalachicola Bay, upon the payment of \$25 annually, for each vessel or boat

using a dredge or machinery in the gathering of clams or mussels, a special activity license may be issued by the Fish and Wildlife Conservation Commission ~~division~~ pursuant to s. 370.06 for such use to such person.

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

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

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

3. Leaseholders or grantees shall telephonically notify the Fish and Wildlife Conservation Commission ~~Division of Law Enforcement and the Division of Marine Resources~~ no less than 48 hours prior to each day's use of a dredge or scrape in order to arrange for a commission ~~Marine Patrol~~ officer to be present on the lease or grant area while a dredge or scrape is used on the lease or grant. Under no circumstances may a dredge or scrape be used without a commission ~~Marine Patrol~~ officer present.

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

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

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

#### (16) FISHING FOR RELAYING OR TRANSPLANTING PURPOSES.—

(a) Designation of areas for the taking of oysters and clams to be planted on leases, grants, and public areas is to be made by qualified personnel of the Fish and Wildlife Conservation Commission ~~Division of Marine Resources~~. Oysters, clams, and mussels may be taken for relaying or transplanting at any time during the year so long as, in the opinion of the commission ~~division~~, the public health will not be endangered. The amount of oysters, clams, and mussels to be obtained for relaying or transplanting,

the area relayed or transplanted to, and relaying or transplanting time periods will be established in each case by the commission division.

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

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

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

(18) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.— Each packer, canner, corporation, firm, commission person, or dealer in fish shall, on the first day of each month, make a return under oath to the Fish and Wildlife Conservation Commission Division of Marine Resources, as to the number of oysters, clams, and shellfish purchased, caught, or handled during the preceding month. Whoever is found guilty of making any false affidavit to any such report is guilty of perjury and punished as provided by law, and any person who fails to make such report shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding 6 months.

(20) WATER PATROL FOR COLLECTION OF TAX.—

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

(b) Each person in any way dealing in shellfish shall keep a record, on blanks or forms prescribed by the commission Division of Marine Resources, of all oysters, clams, and shellfish taken, purchased, used, or handled by him or her, with the name of the persons from whom purchased, if purchased, together with the quantity and the date taken or purchased, and shall exhibit this account at all times when requested so to do by the commission division or any conservation agent; and he or she shall, on the first day of



each month, make a return under oath to the commission division as to the number of oysters, clams, and shellfish purchased, caught, or handled during the preceding month. The commission division may require detailed returns whenever it deems them necessary.

(21) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND CLAM LAWS, ETC.—Vessels, with their cargoes, violating the provisions of the laws relating to oysters and clams may be seized by anyone duly and lawfully authorized to make arrests under this section or by any sheriff or the sheriff's deputies, and taken into custody, and when not arrested by the sheriff or the sheriff's deputies, delivered to the sheriff of the county in which the seizure is made, and shall be liable to forfeiture, on appropriate proceedings being instituted by the Fish and Wildlife Conservation Commission Division of Marine Resources, before the courts of that county. In such case the cargo shall at once be disposed of by the sheriff, for account of whom it may concern. Should the master or any of the crew of said vessel be found guilty of using dredges or other instruments in fishing oysters on natural reefs contrary to law, or fishing on the natural oyster or clam reefs out of season, or unlawfully taking oysters or clams belonging to a lessee, such vessel shall be declared forfeited by the court, and ordered sold and the proceeds of the sale shall be deposited with the Treasurer to the credit of the General Revenue Fund; any person guilty of such violations shall not be permitted to have any license provided for in this chapter within a period of 1 year from the date of conviction. Pending proceedings such vessel may be released upon the owner furnishing bond, with good and solvent security in double the value of the vessel, conditioned upon its being returned in good condition to the sheriff to abide the judgment of the court.

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

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

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

(25) OYSTER AND CLAM SHELLS PROPERTY OF DEPARTMENT DIVISION.—

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

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

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

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

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

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

(26) OYSTER CULTURE.—The Fish and Wildlife Conservation Commission Division of Marine Resources shall protect all oyster beds, oyster grounds, and oyster reefs from damage or destruction resulting from improper cultivation, propagation, planting, or harvesting and control the pollution of the waters over or surrounding oyster grounds, beds, or reefs, and to this end the Department of Health and Rehabilitative Services is authorized and directed to lend its cooperation to the commission division, to make available to it its laboratory testing facilities and apparatus. The commis-

tion division may also do and perform all acts and things within its power and authority necessary to the performance of its duties.

(27) HEALTH PERMITS.—

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

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

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

(28) REQUIREMENTS FOR OYSTER VESSELS.—

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

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

Section 61. Subsection (5) of section 932.7055, Florida Statutes, 1998 Supplement, is amended to read:

932.7055 Disposition of liens and forfeited property.—

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

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

(b) The Department of Environmental Protection, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Forfeited Property Trust Fund ~~Marine Resources Conservation Trust Fund to be used for law enforcement purposes as provided in ss. 370.021 and 370.061~~ or into the department’s Federal Law Enforcement Trust Fund as provided in s. 20.2553, as applicable.

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

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

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

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

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

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

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

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

Section 62. Subsection (1) of section 20.055, Florida Statutes, 1998 Supplement, is amended to read:

20.055 Agency inspectors general.—

(1) For the purposes of this section:

(a) “State agency” means each department created pursuant to this chapter, and also includes the Executive Office of the Governor, the Department of Military Affairs, the Parole Commission, the Board of Regents, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Public Service Commission, and the state courts system.

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

Section 63. Subsection (1) of section 23.21, Florida Statutes, is amended to read:

23.21 Definitions.—For purposes of this part:

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

Section 64. Paragraph (b) of subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) “Agency” means:

(b) Each state officer and state department, departmental unit described in s. 20.04, commission, regional planning agency, board, multicounty special district with a majority of its governing board comprised of nonelected persons, and authority, including, but not limited to, the Commission on Ethics and the Fish and Wildlife Conservation Game and Fresh Water Fish Commission when acting pursuant to statutory authority derived from the Legislature, educational units, and those entities described in chapters 163, 298, 373, 380, and 582 and s. 186.504, except any legal entity or agency created in whole or in part pursuant to chapter 361, part II, an expressway authority pursuant to chapter 348, or any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection.

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

Section 65. Subsection (5) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

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

Section 66. Subsection (6) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

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

Section 67. Subsection (6) of section 186.003, Florida Statutes, 1998 Supplement, is amended to read:

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

(6) “State agency” means each executive department, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Parole Commission, and the Department of Military Affairs.

Section 68. Subsection (1) of section 186.005, Florida Statutes, is amended to read:

186.005 Designation of departmental planning officer.—

(1) The head of each executive department and the Public Service Commission, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Parole Commission, and the Department of Military Affairs shall select from within such agency a person to be designated as the planning officer for such agency. The planning officer shall be responsible for coordinating with the Executive Office of the Governor and with the planning officers of other agencies all activities and responsibilities of such agency relating to planning.

Section 69. Subsection (1) of section 229.8058, Florida Statutes, is amended to read:

229.8058 Advisory Council on Environmental Education; establishment; responsibilities.—

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

- (a) Two members of the Senate, appointed by the President of the Senate.
- (b) Two members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (c) Five members appointed by the Governor.
- (d) A representative of the Department of Education.
- (e) A representative of the Department of Environmental Protection.
- (f) A representative of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.
- (g) A representative of the Executive Office of the Governor.
- (h) The chair of the Environmental Education Foundation.

Section 70. Subsection (6) of section 240.155, Florida Statutes, is amended to read:

240.155 Campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, and the applicable water management district and regional planning council. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the Board of Regents. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments, and the holding of at least two public hearings within the host jurisdiction, the Board of Regents shall adopt the campus master plan. It is the intent of the Legislature that the Board of Regents comply with the notice requirements set forth in s. 163.3184(15) to ensure full public participation in this planning process. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 71. Subsection (1) of section 252.365, Florida Statutes, is amended to read:

252.365 Designation of emergency coordination officers.—

(1) The head of each executive department, the executive director of each water management district, the Public Service Commission, the Fish and

Wildlife Conservation Game and Fresh Water Fish Commission, and the Department of Military Affairs shall select from within such agency a person to be designated as the emergency coordination officer for the agency and an alternate.

Section 72. Section 253.05, Florida Statutes, is amended to read:

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

Section 73. Subsection (1) of section 253.45, Florida Statutes, is amended to read:

253.45 Sale or lease of phosphate, clay, minerals, etc., in or under state lands.—

(1) The Board of Trustees of the Internal Improvement Trust Fund may sell or lease any phosphate, earth or clay, sand, gravel, shell, mineral, metal, timber or water, or any other substance similar to the foregoing, in, on, or under, any land the title to which is vested in the state, the Department of Management Services, the Department of Environmental Protection, the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, the State Board of Education, or any other state board, department, or agency; provided that the board of trustees may not grant such a sale or lease on the land of any other state board, department, or agency without first obtaining approval therefrom. No sale or lease provided for in this section shall be allowed on hard-surfaced beaches that are used for bathing or driving and areas contiguous thereto out to a mean low-water depth of 3 feet and landward to the nearest paved public road. Any sale or lease provided for in this section shall be conducted by competitive bidding as provided for in ss. 253.52, 253.53, and 253.54. The proceeds of such sales or leases are to be credited to the board of trustees, board, department, or agency which has title or control of the land involved.

Section 74. Section 253.75, Florida Statutes, is amended to read:

253.75 Studies and recommendations by the department and the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission; desig-



nation of recommended traditional and other use zones; supervision of aquaculture operations.—

(1) Prior to the granting of any lease under this act, the board shall request a recommendation by the department, when the application relates to tidal bottoms, and by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, when the application relates to bottom land covered by fresh water. Such recommendations shall be based on such factors as an assessment of the probable effect of the proposed leasing arrangement on the lawful rights of riparian owners, navigation, commercial and sport fishing, and the conservation of fish or other wildlife or other natural resources, including beaches and shores.

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

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

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

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

Section 75. Subsection (3) of section 253.7829, Florida Statutes, is amended to read:

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

(3)(a) Before taking any action to control the rhesus monkey population located in Marion County, the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission shall conduct a study of the options available to them to deal with control of the rhesus monkeys located within a 10-mile radius of the convergence of the Oklawaha and Silver Rivers. The options studied shall include but not be limited to:

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

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

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

4. Euthanizing all or some of the monkeys.

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

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

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

(e) Nothing in this subsection affects the signed agreement between the department and the Silver Springs Attraction regarding the relocation of rhesus monkeys from Silver River State Park to the attraction, and such agreement continues to be valid.

Section 76. Subsection (3) of section 255.502, Florida Statutes, 1998 Supplement, is amended to read:

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

(3) “Agency” means any department created by chapter 20, the Executive Office of the Governor, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Parole Commission, the State Board of Administration, the Department of Military Affairs, or the Legislative Branch or the Judicial Branch of state government.

Section 77. Subsection (2) of section 258.157, Florida Statutes, is amended to read:

258.157 Prohibited acts in Savannas State Reserve.—

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

Section 78. Subsection (4) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(4) RULES.—

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

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

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

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

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

Section 79. Paragraph (a) of subsection (7) of section 258.501, Florida Statutes, is amended to read:

258.501 Myakka River; wild and scenic segment.—

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, the Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

Section 80. Subsection (1) of section 259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

(1) To determine whether conservation, preservation, and recreation lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund are being managed for the purposes for which they were

acquired and in accordance with a land management plan adopted pursuant to s. 259.032, the board of trustees, acting through the Department of Environmental Protection, shall cause periodic management reviews to be conducted as follows:

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

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

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

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

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

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

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

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

8. A member of a conservation organization.

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

Section 81. Paragraph (a) of subsection (2) of section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system.—

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

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

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

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

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

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

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

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

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

Section 82. Subsections (3) and (7) of section 282.404, Florida Statutes, are amended to read:

282.404 Geographic information board; definition; membership; creation; duties; advisory council; membership; duties.—

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

(7) The Geographic Information Advisory Council consists of one member each from the Office of Planning and Budgeting within the Executive Office of the Governor, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Revenue, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the State Cadastral Surveyor, the Board of Professional Surveyors and Mappers, counties, municipalities, regional planning councils, water management districts, and property appraisers, as appointed by the corresponding member of the board, and the State Geologist. The Governor shall appoint to the council one member each, as recommended by the respective organization, to represent the Department of Children and Family Services, the Department of Health, the Florida Survey and Mapping Society, Florida

Region of the American Society of Photogrammetry and Remote Sensing, Florida Association of Cadastral Mappers, the Florida Association of Professional Geologists, Florida Engineering Society, Florida Chapter of the Urban and Regional Information Systems Association, the forestry industry, the State University System survey and mapping academic research programs, and State University System geographic information systems academic research programs; and two members representing utilities, one from a regional utility, and one from a local or municipal utility. These persons must have technical expertise in geographic information issues. The Governor shall initially appoint six members to serve 2-year terms and six members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and must be staggered. Members may be appointed to successive terms, and incumbent members may continue to serve the council until a successor is appointed. Representatives of the Federal Government may serve as ex officio members without voting rights.

Section 83. Subsection (2) of section 285.09, Florida Statutes, is amended to read:

285.09 Rights of Miccosukee and Seminole Tribes with respect to hunting, fishing, and frogging.—

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

Section 84. Section 285.10, Florida Statutes, is amended to read:

285.10 No license or permit fees required; identification card required.— Indians may exercise the hunting, fishing, and frogging rights granted to them in those areas specified by s. 285.09 without payment of licensing or permitting fees. Each Indian exercising such rights shall be required to have an identification card issued without cost by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission through the chairs of the Miccosukee Tribe and Seminole Tribe. Each Indian is required to have the identification card on his or her person at all times when exercising such rights and shall exhibit it to officers of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission upon the request of such officers.

Section 85. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

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

Section 86. Subsections (8) and (9) of section 288.975, Florida Statutes, 1998 Supplement, are amended to read:

288.975 Military base reuse plans.—

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

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

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission;

and any applicable water management districts and regional planning councils, or

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

Section 87. Subsection (1) of section 316.640, Florida Statutes, is amended to read:

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

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the ~~Fish and Wildlife Conservation Commission Game and Fresh Water Fish Commission~~, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

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

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

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

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

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property



or facilities which are under the guidance, supervision, regulation, or control of the district school board.

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

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

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

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

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

Section 88. Subsections (5), (18), (19), and (25) of section 320.08058, Florida Statutes, 1998 Supplement, are amended to read:

320.08058 Specialty license plates.—

(5) FLORIDA PANTHER LICENSE PLATES.—

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

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

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

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

(c) A person or corporation that purchases 10,000 or more panther license plates shall pay an annual use fee of \$5 per plate and an annual processing fee of \$2 per plate, in addition to the applicable license tax required under s. 320.08.

(18) LARGEMOUTH BASS LICENSE PLATES.—

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

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

(25) CONSERVE WILDLIFE LICENSE PLATES.—

(a) The department shall develop a Conserve Wildlife license plate. Conserve Wildlife license plates shall bear the colors and design approved by the department. The word “Florida” shall appear at the top of the plate, and the words “Conserve Wildlife” shall appear at the bottom of the plate. The plate design shall include the likeness of a Florida black bear.

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

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

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

Section 89. Present subsection (5) of section 327.02, Florida Statutes, 1998 Supplement, is redesignated as subsection (6), present subsection (6) is repealed, subsection (7) is amended, and new subsection (5) is added to that section to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(5) “Commission” means the Fish and Wildlife Conservation Commission.

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

Section 90. Paragraph (a) of subsection (2) of section 341.352, Florida Statutes, is amended to read:

341.352 Certification hearing.—

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

1. The franchisee.
2. The Department of Commerce.
3. The Department of Environmental Protection.
4. The Department of Transportation.
5. The Department of Community Affairs.
6. The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.
7. Each water management district.
8. Each local government.
9. Each regional planning council.
10. Each metropolitan planning organization.

Section 91. Subsection (3) of section 369.20, Florida Statutes, 1998 Supplement, is amended to read:

369.20 Florida Aquatic Weed Control Act.—

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

Section 92. Subsection (9) of section 369.22, Florida Statutes, 1998 Supplement, is amended to read:

369.22 Nonindigenous aquatic plant control.—

(9) The department may delegate various nonindigenous aquatic plant control and maintenance functions to the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission. The commission shall, in accepting commitments to engage in nonindigenous aquatic plant control and maintenance activities, be subject to the rules of the department, except that the commission shall regulate, control, and coordinate the use of any fish for aquatic weed control in fresh waters of the state. In addition, the commission shall render technical and other assistance to the department in order

to carry out most effectively the purposes of s. 369.20. However, nothing herein shall diminish or impair the regulatory authority of the commission with respect to the powers granted to it by s. 9, Art. IV of the State Constitution.

Section 93. Paragraph (b) of subsection (3) of section 369.25, Florida Statutes, is amended to read:

369.25 Aquatic plants; definitions; permits; powers of department; penalties.—

(3) The department has the following powers:

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

Section 94. Section 370.01, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

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

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

(5) “Commission” shall mean the Fish and Wildlife Conservation Commission.

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

(7)~~(6)~~ “Coon oysters” are oysters found growing in bunches along the shore between high-water mark and low-water mark.

(8)~~(7)~~ “Department” shall mean the Department of Environmental Protection.

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

(10)~~(9)~~ “Exhibit” means to present or display upon request.

(11)~~(10)~~ “Finfish” means any member of the classes Agnatha, Chondrichthyes, or Osteichthyes.

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

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

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

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

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

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

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

19~~(18)~~ “Resident” or “resident of Florida” includes citizens of the United States who have continuously resided in this state, next preceding the making of their application for hunting, fishing, or other license, for the following period of time, to wit: For 1 year in the state and 6 months in the county when applied to all fish and game laws not related to freshwater fish and game.

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

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

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

~~(23)~~(22) “Saltwater fish” shall include all classes of pisces, shellfish, sponges, and crustacea indigenous to salt water.

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

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

~~(26)~~(25) “Shellfish” shall include oysters, clams, and whelks.

~~(27)~~(26) “Transport” shall include shipping, transporting, carrying, importing, exporting, receiving or delivering for shipment, transportation or carriage or export.

Section 95. Section 370.021, Florida Statutes, 1998 Supplement, is amended to read:

370.021 Administration; rules, publications, records; penalties; injunctions.—

(1) ~~RULES.—The Department of Environmental Protection has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it. The director of each division shall submit to the department suggested rules and regulations for that division. Any person violating or otherwise failing to comply with any of the~~

~~rules and regulations adopted as aforesaid is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless otherwise provided by law.~~

~~(1)(2) PENALTIES.—Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, any rule of the department adopted pursuant to this chapter, or any rule of the Fish and Wildlife Conservation Marine Fisheries Commission adopted pursuant to this chapter, shall be punished:~~

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

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

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

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

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

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

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

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

1. Shortnose sturgeon (*Acipenser brevirostrum*);
2. Atlantic sturgeon (*Acipenser oxyrinchus*);
3. Common snook (*Centropomus undecimalis*);
4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
5. Atlantic green turtle (*Chelonia mydas mydas*);
6. Leatherback turtle (*Dermochelys coriacea*);

7. Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*);
8. Atlantic ridley turtle (*Lepidochelys kemp*); or
9. West Indian manatee (*Trichechus manatus latirostris*),

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

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

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

(h) The proceeds from the penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund to be used for marine fisheries research or into the commission's department's Federal Law Enforcement Trust Fund as provided in s. 372.107 s. 20.2553, as applicable.

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

1. Upon a second conviction for a violation which occurs within 12 months after a prior violation, for up to 60 days.
2. Upon a third conviction for a violation which occurs within 24 months after a prior violation, for up to 180 days.
3. Upon a fourth conviction for a violation which occurs within 36 months after a prior violation, for a period of 6 months to 3 years.

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

(k) Upon the arrest and conviction for a major violation involving crawfish, the licenseholder must show just cause why his or her license should not be suspended or revoked. For the purposes of this paragraph, a "major violation" means a major violation as prescribed for illegal crawfish; any single violation involving possession of more than 25 crawfish during the



closed season or possession of more than 25 wrung crawfish tails or more than 25 egg-bearing or stripped crawfish; any violation for trap molestation, trap robbing, or pulling traps at night; or any combination of violations in any 3-consecutive-year period wherein more than 75 illegal crawfish in the aggregate are involved.

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

(m) Upon the conviction for a major violation involving finfish, the licenseholder must show just cause why his or her saltwater products license should not be suspended or revoked. For the purposes of this paragraph, a major violation is prescribed for the taking and harvesting of illegal finfish, any single violation involving the possession of more than 100 pounds of illegal finfish, or any combination of violations in any 3-consecutive-year period wherein more than 200 pounds of illegal finfish in the aggregate are involved.

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

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

### (3)(4) PENALTIES FOR USE OF ILLEGAL NETS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(5)(6)~~ BUYING SALTWATER PRODUCTS FROM UNLICENSED SELLER.—In addition to being subject to other penalties provided in this chapter, any violation of s. 370.06 or s. 370.07, or rules of the commission department implementing s. 370.06 or s. 370.07, involving buying saltwater products from an unlicensed person, firm, or corporation, shall be a major violation, and the commission department may assess the following penalties:

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

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

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

Any proceeds from the civil penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and

shall be used as follows: 40 percent for administration and processing purposes and 60 percent for law enforcement purposes.

~~(6)~~<sup>(7)</sup> RULES; ADMISSIBILITY AS EVIDENCE.—Rules and regulations shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the executive director ~~secretary~~ of the commission department certifying that the rule or regulation has been lawfully adopted, promulgated, and published; and such affidavit shall be prima facie evidence of proper adoption, promulgation, and publication of the rule or regulation.

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

~~(8)~~<sup>(9)</sup> POWERS OF OFFICERS.—

(a) ~~The department may designate such employees of the several divisions, as it may deem necessary in its discretion, as law enforcement officers, who shall meet the provisions of s. 943.13(1)-(10) and have the powers and duties conferred in this subsection, except that such employees shall comply with the provisions of chapter 943. Such Law Enforcement officers of the Fish and Wildlife Conservation Commission and the Director of the Division of Law Enforcement, are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state and the rules and regulations of the commission department under their jurisdiction, and for violations of chapter 253 and the rules and regulations promulgated thereunder. The general laws applicable to arrests by peace officers of this state shall also be applicable to such law enforcement officers of the commission. Such law enforcement officers may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry will not constitute a trespass. It is lawful for any boat, motor vehicle, or aircraft owned or chartered by the commission department or its agents or employees to land on and depart from any of the beaches or waters of the state. Such law enforcement officers have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products. Such authority to search and inspect without a search warrant is limited to those~~

cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules promulgated under this law. Any such law enforcement officer may at any time seize or take possession of any saltwater products or contraband which have been unlawfully caught, taken, or processed or which are unlawfully possessed or transported in violation of any of the laws of this state or any rule or regulation of the commission department. Such law enforcement officers may arrest any person in the act of violating any of the provisions of this law, the rules or regulations of the commission department, ~~the provisions of chapter 253 and the rules and regulations promulgated thereunder~~, or any of the laws of this state. It is hereby declared unlawful for any person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or regulation of the commission department.

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

~~(10) DUTIES OF DEPARTMENT OF LEGAL AFFAIRS.—The Department of Legal Affairs shall attend to the legal business of the Department of Environmental Protection and its divisions; but, if at any time any question of law or any litigation arises and the Department of Legal Affairs is otherwise occupied and cannot give the time and attention necessary to such question of law or litigation as the occasion demands, the several state attorneys shall attend to any such question of law or litigation arising within their respective circuits; and, if such state attorney is otherwise occupied and cannot give the time and attention necessary to such question of law or litigation as the case may demand, the Department of Environmental Protection may employ additional counsel for that particular cause, with the advice and consent of the Department of Legal Affairs. Such additional counsel's fees shall be paid from the moneys appropriated to the Department of Environmental Protection.~~

~~(9)(14)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF RECORDS.—Records and documents of the Fish and Wildlife Conservation Commission Department of Environmental Protection created in compliance with and in the implementation of this chapter or former chapter 371 shall be retained by the commission department as specified in record retention schedules established under the general provisions of chapters 119 and

257. Such records retained by the Department of Environmental Protection on July 1, 1999, shall be transferred to the commission. Further, the commission department is authorized to:

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

(b) Photograph, microphotograph, or reproduce such records and documents on film, as authorized and directed by the approved retention schedules, whereby each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. The impression of the seal of the Fish and Wildlife Conservation Commission Department of Environmental Protection on a certificate made pursuant to the provisions hereof and signed by the Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection shall entitle the same to be received in evidence in all courts and in all proceedings in this state and shall be prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records, as set forth in the certificate, or in a schedule continued on an attachment to the certificate.

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

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

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

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

Section 96. Section 370.028, Florida Statutes, 1998 Supplement, is amended to read:

370.028 Enforcement of commission rules; penalties for violation of rule.—Rules of the Fish and Wildlife Conservation department and the Marine Fisheries Commission shall be enforced by any law enforcement

officer certified pursuant to s. 943.13. Any person who violates or otherwise fails to comply with any rule adopted by the commission shall be punished pursuant to s. 370.021(1) ~~s. 370.021(2)~~.

Section 97. Subsections (1), (2), (3), (6), (7), and (8) of section 370.06, Florida Statutes, 1998 Supplement, are amended to read:

370.06 Licenses.—

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

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation that sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license, except that the holder of an aquaculture certificate under s. 597.004 is not required to purchase and possess a saltwater products license in order to possess, transport, or sell marine aquaculture products. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 year out of the last 3 years. For the purpose of this section "income" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits. To renew an existing restricted species endorsement, a marine aquaculture producer possessing a valid saltwater products license with a restricted species endorsement may apply income from the sale of marine aquaculture products to licensed wholesale dealers.

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

- a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;
- b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;
- c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;
- d. Crew share statements verifying income earned from the sale of saltwater products; or
- e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market ~~or and/or~~ restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his or her retail store and has had a saltwater products license for 1 of the past 3 years prior to January 1, 1990, may provide proof of his or her verification of income and sales value at the person's retail seafood market ~~or and/or~~ restaurant and in his or her saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

- a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.
- b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.
- c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.
- d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.
- e. A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at



least \$2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.

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

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

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or (b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 327.11(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of \$50 for a saltwater products license issued in the name of an individual or \$100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of \$200 for a saltwater products license issued in the name of an individual or \$400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of \$300 for a saltwater products license issued in the name of an individual or \$600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold, and an imprint made thereof. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule

of the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ not in conflict with s. 370.07(6), and shall provide the holder of the saltwater products license with a copy of the record. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his or her saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The commission ~~Department of Environmental Protection~~ shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

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

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

1. With respect to those species for which no bag limit has been established, more than 100 pounds per person per day, provided that the harvesting of two fish or less per person per day shall not be considered commercial quantities regardless of aggregate weight; and

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

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

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

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

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

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

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

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

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

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

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

(3) NET LICENSES.—Except for cast nets and bait seines which are 100 feet in length or less and which have a mesh that is  $\frac{3}{8}$  inch or less, all nets used to take finfish, including, but not limited to, gill nets, trammel nets, and beach seines, must be licensed or registered. Each net used to take finfish for commercial purposes, or by a nonresident, must be licensed under a saltwater products license issued pursuant to subsection (2) and must bear the number of such license. A noncommercial resident net registration must be issued to each net used to take finfish for noncommercial purposes and may only be issued to residents of the state. Each net so registered must bear the name of the person in whose name the net is registered.

(6) LICENSE YEAR.—The license year on all licenses relating to saltwater products dealers, seafood dealers, aliens, residents, and nonresidents, unless otherwise provided, shall begin on July 1 of each year and end on June 30 of the next succeeding year. All licenses shall be so dated. However, if the commission ~~department~~ determines that it is in the best interest of the state to issue a license required under this chapter to an individual on the birthday of the applicant, the commission ~~department~~ may establish by rule

a procedure to do so. This section does not apply to licenses and permits when their use is confined to an open season.

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

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

Section 98. Section 370.0605, Florida Statutes, 1998 Supplement, is amended to read:

370.0605 Saltwater fishing license required; fees.—

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

(b) Any required license, permit, or authorization must be in the personal possession of the person taking, attempting to take, or possessing marine fish or in the possession of the person operating any vessel wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish for noncommercial purposes and must be exhibited to any authorized law enforcement officer upon his or her request. A positive form of identification is required when using an authorization.

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

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

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

(2) Saltwater fishing license fees are as follows:

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

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

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

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

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

2. For any person who operates any vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying 6 or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, \$400 per year; provided any person licensed to operate any vessel carrying 6 or fewer customers but who operates a vessel carrying 4 or fewer customers, wherein a fee is paid, either directly or indirectly, for such purposes, \$200 per year. The license must be kept aboard the vessel at all times.

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

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

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

(c) The commission department is authorized to reduce the fees for licenses under this section for residents of those states with which the commission department has entered into reciprocal agreements with respect to such fees.

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

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

(a) Any person under 16 years of age.

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

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

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

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

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

(g) Any person who has been accepted by the Department of Health and Rehabilitative Services for developmental services or any licensed provider of services to the State of Florida through contract with the Department of Health and Rehabilitative Services, where such service involves the need, normally, for possession of a saltwater fishing license and such service is provided as part of a court-decided rehabilitation program involving training in Florida's aquatic resources.

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

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

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

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

(4) A saltwater fishing license must be issued, without license fee, to any resident who is certified to be totally and permanently disabled by the

verified written statement which is based upon the criteria for permanent total disability in chapter 440 of a physician licensed in this state, by any branch of the United States Armed Services, by the Social Security Administration, or by the United States Department of Veterans Affairs or its predecessor or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17. A Disability Award Notice issued by the United States Social Security Administration is not sufficient certification for obtaining a permanent fishing license under this section unless the notice certifies a resident is totally and permanently disabled. Any license issued after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

(5) The Fish and Wildlife Conservation Game and Freshwater Fish Commission may issue temporary fishing licenses, upon request, to governmental or nonprofit organizations that sponsor 1-day special events in fishing management areas for individuals with physical, mental, or emotional disabilities, or for the economically disadvantaged. There shall be no fee for such temporary license. The temporary license shall be valid for 1 day and shall designate the date and maximum number of individuals.

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

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

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

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

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

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

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

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

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

~~(8)(9) It is unlawful for any person to knowingly and willfully enter false information on, or allow or cause false information to be entered on or shown upon, any license issued pursuant to this section in order to avoid prosecution or to assist another to avoid prosecution or for any other wrongful purpose.~~

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

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

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

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



1. Post a bond, which shall be equal in amount to the applicable civil penalty; or
2. Sign and accept a citation indicating a promise to appear before the county court.

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

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

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

1. Pay the civil penalty, either by mail or in person, within 30 days after the date of receiving the citation; or
2. If the person has posted bond, forfeit bond by not appearing at the designated time and location.

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

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

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

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

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

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

license and all other conditions and limitations regulating the taking of marine fish as are imposed by law or rule.

Section 99. Paragraph (a) of subsection (1) and subsections (3) and (8) of section 370.0615, Florida Statutes, are amended to read:

370.0615 Lifetime licenses.—

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

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

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

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

Section 100. Section 370.062, Florida Statutes, 1998 Supplement, is amended to read:

370.062 Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ license program for tarpon; fees; penalties.—

(1) The Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ shall establish a license program for the purpose of issuing tags to individuals desiring to harvest tarpon (*megalops atlantica*) from the waters of the State of Florida. The tags shall be nontransferable, except that the ~~Marine Fisheries~~ commission may allow for a limited number of tags to be purchased by professional fishing guides for transfer to individuals, and issued by the commission ~~department~~ in order of receipt of a properly completed application for a nonrefundable fee of \$50 per tag. The ~~Game and Fresh Water Fish~~ commission and any tax collector may sell the tags and collect the fees therefor. Tarpon tags are valid from July 1 through June 30. Before August 5 of each year, each tax collector shall submit to the ~~Game and Fresh Water Fish~~ commission all unissued tags for the previous calendar year along with a written audit report, on forms prescribed or approved by the ~~Game and Fresh Water Fish~~ commission, as to the numbers of the unissued tags. To defray the cost of issuing any tag, the issuing tax collector shall collect and retain as his or her costs, in addition to the tag fee collected, the amount allowed under s. 372.561(4) for the issuance of licenses.

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

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

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

(5) Any individual including a taxidermist who possesses a tarpon which does not have a tag securely attached as required by this section shall be subject to penalties as prescribed in s. 370.021. Provided, however, a taxidermist may remove the tag during the process of mounting a tarpon. The removed tag shall remain with the fish during any subsequent storage or shipment.

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

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

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

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

Section 101. Subsection (2) of section 370.0805, Florida Statutes, 1998 Supplement, is amended to read:

370.0805 Net ban assistance program.—

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

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

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

Section 102. Subsection (3) and paragraphs (e) and (h) of subsection (4) of section 370.081, Florida Statutes, 1998 Supplement, are amended to read:

370.081 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.—

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

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

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

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

Section 103. Subsections (3), (4), and (5) of section 370.092, Florida Statutes, 1998 Supplement, are amended to read:

370.092 Carriage of proscribed nets across Florida waters.—

(3) Notwithstanding subsections (1) and (2), unless authorized by rule of the Fish and Wildlife Conservation Marine Fisheries Commission, it is a major violation under this section, punishable as provided in subsection (4), for any person, firm, or corporation to possess any gill or entangling net, or any seine net larger than 500 square feet in mesh area, on any airboat or on any other vessel less than 22 feet in length and on any vessel less than 25 feet if primary power of the vessel is mounted forward of the vessel center point. Gill or entangling nets shall be as defined in s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or in a rule of the Fish and Wildlife Conservation Marine Fisheries Commission implementing s. 16, Art. X of the State Constitution. Vessel length shall be determined in accordance with current United States Coast Guard regulations specified in the Code of Federal Regulations or as titled by the State of Florida. The Marine Fisheries Commission is directed to initiate by July 1, 1998, rulemaking to adjust by rule

the use of gear on vessels longer than 22 feet where the primary power of the vessel is mounted forward of the vessel center point in order to prevent the illegal use of gill and entangling nets in state waters and to provide reasonable opportunities for the use of legal net gear in adjacent federal waters.

(4) The Fish and Wildlife Conservation Marine Fisheries Commission shall adopt rules to prohibit the possession and sale of mullet taken in illegal gill or entangling nets. Violations of such rules shall be punishable as provided in subsection (4).

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

Section 104. Section 370.1107, Florida Statutes, is amended to read:

370.1107 Definition; possession of certain licensed traps prohibited; penalties; exceptions; consent.—

(1) As used in this section, the term “licensed saltwater fisheries trap” means any trap required to be licensed by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ and authorized pursuant to this chapter or by the ~~Florida Marine Fisheries~~ commission for the taking of saltwater products.

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

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

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

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

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

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

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

Section 105. Section 370.1111, Florida Statutes, is amended to read:

370.1111 Snook; regulation.—

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

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

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

(2) The commission department may periodically conduct competitions to select a designer of the snook stamp. Also, the commission department may enhance revenues from the sale of snook stamps by issuing special editions for stamp collectors and other such special purposes.

Section 106. Subsection (1) of section 370.13, Florida Statutes, 1998 Supplement, is amended to read:

370.13 Stone crab; regulation.—

(1)(a) It is unlawful for any person, firm, or corporation to catch or have in his or her possession, regardless of where taken, for his or her own use or to sell or offer for sale, any stone crab, or parts thereof, of any size between May 15 and October 15 of each year, except for stone crabs, or parts thereof, placed in inventory prior to May 15 of each year.

(b) “Stone crab” means the species *Menippe mercenaria* or any other species of the family Xanthidae as the Fish and Wildlife Conservation Marine Fisheries Commission may define by rule.

Section 107. Section 370.14, Florida Statutes, 1998 Supplement, is amended to read:

370.14 Crawfish; regulation.—

(1) It is the intent of the Legislature to maintain the crawfish industry for the economy of the state and to conserve the stocks supplying this indus-

try. The provisions of this act regulating the taking of saltwater crawfish are for the purposes of ensuring and maintaining the highest possible production of saltwater crawfish.

(2)(a) Each trap used for taking or attempting to take crawfish must have a trap number permanently attached to the trap and the buoy. This trap number may be issued by the Fish and Wildlife Conservation Commission ~~Division of Law Enforcement~~ upon the receipt of application by the owner of the traps and accompanied by the payment of a fee of \$100. The design of the applications and of the trap number shall be determined by the commission ~~division~~. However, effective July 1, 1988, and until July 1, 1992, no crawfish trap numbers issued pursuant to this section except those numbers that were active during the 1990-1991 fiscal year shall be renewed or reissued. No new trap numbers shall be issued during this period. Until July 1, 1992, trap number holders or members of their immediate family or a person to whom the trap number was transferred in writing must request renewal of the number prior to June 30 of each year. If a person holding an active trap number or a member of the person's immediate family or a person to whom the trap number was transferred in writing does not request renewal of the number before the applicable date as specified above, the commission ~~department~~ may reissue the number to another applicant in the order of the receipt of the application for a trap number. Any trap or device used in taking or attempting to take crawfish, other than a trap with the trap number attached as prescribed in this paragraph, shall be seized and destroyed by the commission ~~division~~. The proceeds of the fees imposed by this paragraph shall be deposited and used as provided in paragraph (b). The commission ~~Department of Environmental Protection~~ is authorized to promulgate rules and regulations to carry out the intent of this section.

(b) Fees collected pursuant to paragraph (a) shall be deposited as follows:

1. Fifty percent of the fees collected shall be deposited in the Marine Resources Conservation Trust Fund for use in enforcing the provisions of paragraph (a) through aerial and other surveillance and trap retrieval.

2. Fifty percent of the fees collected shall be deposited as provided in s. 370.142(5).

(3) The crawfish license must be on board the boat, and both the license and the harvested crawfish shall be subject to inspection at all times. Only one license shall be issued for each boat. The crawfish license number must be prominently displayed above the topmost portion of the boat so as to be easily and readily identified.

(4) It is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully to molest any crawfish traps, lines, or buoys belonging to another without permission of the licenseholder.

(5) Any crawfish licenseholder, upon selling licensed crawfish traps, shall furnish the commission ~~division~~ notice of such sale of all or part of his or her interest within 15 days thereof. Any holder of said license shall also notify the commission ~~division~~ within 15 days if his or her address no longer

conforms to the address appearing on the license and shall, as a part of such notification, furnish the commission ~~division~~ with his or her new address.

(6) A person who takes more crawfish per boat or per person than that number set therefor by rule of the Fish and Wildlife Conservation Marine Fisheries Commission for recreational harvesters within any 24-hour period by any method other than with traps or similar devices must also pay a fee of \$100 and obtain a trap number to be displayed on his or her boat.

(7)(a) By a special permit granted by the commission ~~Division of Law Enforcement~~, a Florida-licensed seafood dealer may lawfully import, process, and package saltwater crawfish or uncooked tails of the species *Panulirus argus* during the closed season. However, crawfish landed under special permit shall not be sold in the state.

(b) The licensed seafood dealer importing any such crawfish under the permit shall, 12 hours prior to the time the seagoing vessel or airplane delivering such imported crawfish enters the state, notify the commission ~~Division of Law Enforcement~~ as to the seagoing vessel's name or the airplane's registration number and its captain, location, and point of destination.

(c) At the time the crawfish cargo is delivered to the permit holder's place of business, the crawfish cargo shall be weighed and shall be available for inspection by the commission ~~Department of Environmental Protection~~. A signed receipt of such quantity in pounds shall be forwarded to the commission ~~Division of Law Enforcement's local Florida Marine Patrol office~~ within 48 hours after shipment weigh-in completion. If requested by the commission ~~department~~, the weigh-in process will be delayed up to 4 hours to allow for a commission ~~department~~ representative to be present during the process.

(d) Within 48 hours after shipment weigh-in completion, the permit holder shall submit to the commission ~~Division of Law Enforcement~~, on forms provided by the commission ~~division~~, a sworn report of the quantity in pounds of the saltwater crawfish received, which report shall include the location of said crawfish and a sworn statement that said crawfish were taken at least 50 miles from Florida's shoreline. The landing of crawfish or crawfish tails from which the eggs, swimmerettes, or pleopods have been removed; the falsification of information as to area from which crawfish were obtained; or the failure to file the report called for in this section shall be grounds to revoke the permit.

(e) Each permit holder shall keep throughout the period of the closed season copies of the bill of sale or invoices covering each transaction involving crawfish imported under this permit. Such invoices and bills shall be kept available at all times for inspection by the commission ~~division~~.

(8)(a) A Florida-licensed seafood dealer may obtain a special permit to import, process, and package uncooked tails of saltwater crawfish upon the payment of the sum of \$100 to the commission ~~Division of Law Enforcement~~.



(b) A special permit must be obtained by any airplane or seagoing vessel other than a common carrier used to transport saltwater crawfish or crawfish tails for purchase by licensed seafood dealers for purposes as provided herein upon the payment of \$50.

(c) All special permits issued under this subsection are nontransferable.

(9) No common carrier or employee of said carrier may carry, knowingly receive for carriage, or permit the carriage of any crawfish of the species *Panulirus argus*, regardless of where taken, during the closed season, except of the species *Panulirus argus* lawfully imported from a foreign country for reshipment outside of the territorial limits of the state under United States Customs bond or in accordance with ~~(7)(a) paragraph (8)(a)~~.

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

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

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

(11) The commission department may conduct competitions to periodically select a designer of the crawfish stamp. Also, the commission department may enhance revenues from the sale of crawfish stamps by issuing special editions for stamp collectors and other such special purposes.

Section 108. Subsection (2) of section 370.1405, Florida Statutes, 1998 Supplement, is amended to read:

370.1405 Crawfish reports by dealers during closed season required.—

(2) Failure to submit a report as described in subsection (1) or reporting a greater or lesser amount of whole crawfish, crawfish tails, or crawfish meat than is actually in the dealer's possession or name is a major violation of this chapter, punishable as provided in s. 370.021(1) ~~s. 370.021(2)~~, s. 370.07(6)(b), or both. The commission department shall seize the entire supply of unreported or falsely reported whole crawfish, crawfish tails, or crawfish meat, and shall carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire quantity of unreported or falsely reported crawfish as determined by the

judge. After posting the cash bond, the dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the commission department according to law.

Section 109. Section 370.142, Florida Statutes, 1998 Supplement, is amended to read:

370.142 Spiny lobster trap certificate program.—

(1) INTENT.—Due to rapid growth, the spiny lobster fishery is experiencing increased congestion and conflict on the water, excessive mortality of undersized lobsters, a declining yield per trap, and public concern over petroleum and debris pollution from existing traps. In an effort to solve these and related problems, the Legislature intends to develop pursuant to the provisions of this section a spiny lobster trap certificate program, the principal goal of which is to stabilize the fishery by reducing the total number of traps, which should increase the yield per trap and therefore maintain or increase overall catch levels. The Legislature seeks to preserve as much flexibility in the program as possible for the fishery's various constituents and ensure that any reduction in total trap numbers will be proportioned equally on a percentage basis among all users of traps in the fishery.

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.—The Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ shall establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(a) Transferable trap certificates.—Each holder of a saltwater products license who uses traps for taking or attempting to take spiny lobsters shall be required to have a certificate on record for each trap possessed or used therefor, except as otherwise provided in this section.

1. The Department of Environmental Protection shall initially allot such certificates to each licenseholder with a current crawfish trap number who uses traps. The number of such certificates allotted to each such licenseholder shall be based on the trap/catch coefficient established pursuant to trip ticket records generated under the provisions of s. 370.06(2)(a) over a 3-year base period ending June 30, 1991. The trap/catch coefficient shall be calculated by dividing the sum of the highest reported single license-year landings up to a maximum of 30,000 pounds for each such licenseholder during the base period by 700,000. Each such licenseholder shall then be allotted the number of certificates derived by dividing his or her highest reported single license-year landings up to a maximum of 30,000 pounds during the base period by the trap/catch coefficient. Nevertheless, no licenseholder with a current crawfish trap number shall be allotted fewer than 10 certificates. However, certificates may only be issued to individuals; therefore, all licenseholders other than individual licenseholders shall designate the individual or individuals to whom their certificates will be allotted and the number thereof to each, if more than one. After initial issuance, trap certificates are transferable on a market basis and may be transferred from one licenseholder to another for a fair market value agreed upon between

the transferor and transferee. Each such transfer shall, within 72 hours thereof, be recorded on a notarized form provided for that purpose by the Fish and Wildlife Conservation Commission department and hand delivered or sent by certified mail, return receipt requested, to the commission department for recordkeeping purposes. In addition, in order to cover the added administrative costs of the program and to recover an equitable natural resource rent for the people of the state, a transfer fee of \$2 per certificate transferred shall be assessed against the purchasing licenseholder and sent by money order or cashier's check with the certificate transfer form. Also, in addition to the transfer fee, a surcharge of \$5 per certificate transferred or 25 percent of the actual market value, whichever is greater, given to the transferor shall be assessed the first time a certificate is transferred outside the original transferor's immediate family. No transfer of a certificate shall be effective until the commission department receives the notarized transfer form and the transfer fee, including any surcharge, is paid. The commission department may establish by rule an amount of equitable rent per trap certificate that shall be recovered as partial compensation to the state for the enhanced access to its natural resources. In determining whether to establish such a rent and, if so, the amount thereof, the commission department shall consider the amount of revenues annually generated by certificate fees, transfer fees, surcharges, trap license fees, and sales taxes, the demonstrated fair market value of transferred certificates, and the continued economic viability of the commercial lobster industry. The proceeds of equitable rent recovered shall be deposited in the Marine Resources Conservation Trust Fund and used by the commission department for research, management, and protection of the spiny lobster fishery and habitat.

2. No person, firm, corporation, or other business entity may control, directly or indirectly, more than 1.5 percent of the total available certificates in any license year.

3. The commission department shall maintain records of all certificates and their transfers and shall annually provide each licenseholder with a statement of certificates held.

4. The number of trap tags issued annually to each licenseholder shall not exceed the number of certificates held by the licenseholder at the time of issuance, and such tags and a statement of certificates held shall be issued simultaneously.

5. Beginning July 1, 2003, and applicable to the 2003-2004 lobster season and thereafter, it is unlawful for any person to lease lobster trap tags or certificates.

(b) Trap tags.—Each trap used to take or attempt to take spiny lobsters in state waters or adjacent federal waters shall, in addition to the crawfish trap number required by s. 370.14(2), have affixed thereto an annual trap tag issued by the commission department. Each such tag shall be made of durable plastic or similar material and shall, beginning with those tags issued for the 1993-1994 season based on the number of certificates held, have stamped thereon the owner's license number. To facilitate enforcement and recordkeeping, such tags shall be issued each year in a color different

from that of each of the previous 3 years. A fee of 50 cents per tag issued other than on the basis of a certificate held shall be assessed through March 31, 1993. Until 1995, an annual fee of 50 cents per certificate shall be assessed, and thereafter, until 1998, an annual fee of 75 cents per certificate shall be assessed upon issuance in order to recover administrative costs of the tags and the certificate program. Beginning in 1998, the annual certificate fee shall be \$1 per certificate. Replacement tags for lost or damaged tags may be obtained as provided by rule of the commission department.

(c) Prohibitions; penalties.—

1. It is unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined in rule 46-24.006(2), Florida Administrative Code.

2. It is unlawful for a person to possess or use spiny lobster trap tags without having the necessary number of certificates on record as required by this section.

3. In addition to any other penalties provided in s. 370.021, a commercial harvester, as defined by rule 46-24.002(1), Florida Administrative Code, who violates the provisions of this section, or the provisions relating to traps of chapter 46-24, Florida Administrative Code, shall be punished as follows:

a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the commission department shall assess an additional civil penalty of up to \$1,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (7) may be suspended for the remainder of the current license year. For all other first violations, the commission department shall assess an additional civil penalty of up to \$500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the commission department shall assess an additional civil penalty of up to \$2,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) (7) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1. or subparagraph 2. which occurs within 36 months of any previous two such violations, the commission department shall assess an additional civil penalty of up to \$5,000 and may suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) (7) for a period of up to 24 months or may revoke the crawfish trap number and, if revoking the crawfish trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(2)(i) ~~s. 370.021(2)(e)~~.

d. Any person assessed an additional civil penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the civil penalty to the commission department; or

(II) Request an administrative hearing pursuant to the provisions of s. 120.60.

e. The commission department shall suspend the crawfish trap number issued pursuant to s. 370.14(2) or ~~(6)~~ ~~(7)~~ for any person failing to comply with the provisions of sub-subparagraph d.

4.a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

b. It is unlawful for any person to knowingly have in his or her possession a forged, counterfeit, or imitation spiny lobster trap tag or certificate.

c. It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a spiny lobster trap tag or certificate or to conspire to barter, trade, sell, supply, aid in supplying, or give away a spiny lobster trap tag or certificate unless such action is duly authorized by the commission department as provided in this chapter or in the rules of the commission department.

5.a. Any person who violates the provisions of subparagraph 4., or any person who engages in the commercial harvest, trapping, or possession of spiny lobster without a crawfish trap number as required by s. 370.14(2) or ~~(6)~~ ~~(7)~~ or during any period while such crawfish trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to sub-subparagraph a., the commission department shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates, as provided in subparagraph (a)1., on any person who violates the provisions of sub-subparagraph 4.c.

6. Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the commission department. During any period of trap reduction, any certificates reverting to the commission department shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the commission department are to be reallocated in such manner as provided by the commission department.

7. The proceeds of all civil penalties collected pursuant to subparagraph 3. and all fines collected pursuant to sub-subparagraph 5.b. shall be deposited into the Marine Resources Conservation Trust Fund.

8. All traps shall be removed from the water during any period of suspension or revocation.

(d) No vested rights.—The trap certificate program shall not create vested rights in licenseholders whatsoever and may be altered or terminated as necessary to protect the spiny lobster resource, the participants in the fishery, or the public interest.

(3) TRAP REDUCTION.—The objective of the overall trap certificate program is to reduce the number of traps used in the spiny lobster fishery to the lowest number that will maintain or increase overall catch levels, promote economic efficiency in the fishery, and conserve natural resources. Therefore, the Marine Fisheries Commission shall set an overall trap reduction goal based on maintaining or maximizing a sustained harvest from the spiny lobster fishery. To reach that goal, the Marine Fisheries Commission shall, by July 1, 1992, set an annual trap reduction schedule, not to exceed 10 percent per year, applicable to all certificateholders until the overall trap reduction goal is reached. All certificateholders shall have their certificate holdings reduced by the same percentage of certificates each year according to the trap reduction schedule. Until July 1, 1999, the Department of Environmental Protection ~~department~~ shall then issue the number of trap tags authorized by the Marine Fisheries Commission ~~commission~~, as requested, and a revised statement of certificates held. Beginning July 1, 1999, the Fish and Wildlife Conservation Commission shall annually issue the number of trap tags authorized by the commission's schedule, as requested, and a revised statement of certificates held. Certificateholders may maintain or increase their total number of certificates held by purchasing available certificates from within the authorized total. The Fish and Wildlife Conservation Commission shall provide for an annual evaluation of the trap reduction process and shall suspend the annual percentage reductions for any period deemed necessary by the commission in order to assess the impact of the trap reduction schedule on the fishery. The Fish and Wildlife Conservation Commission ~~commission~~ may then, by rule, resume, terminate, or reverse the schedule as it deems necessary to protect the spiny lobster resource and the participants in the fishery.

(4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS BOARD.—There is hereby established the Trap Certificate Technical Advisory and Appeals Board. Such board shall consider and advise the commission ~~department~~ on disputes and other problems arising from the implementation of the spiny lobster trap certificate program. The board may also provide information to the commission ~~department~~ on the operation of the trap certificate program.

(a) ~~1.~~ The board shall consist of the executive director ~~secretary~~ of the commission ~~department~~ or designee and nine other members appointed by the executive director ~~secretary~~, ~~after determination of the initial certificate allotments by the department, according to the following criteria, except as otherwise provided in subparagraph 2.:~~

1.a. All appointed members shall be certificateholders, but two shall be holders of fewer than 100 certificates, two shall be holders of at least 100 but no more than 750 certificates, three shall be holders of more than 750 but not more than 2,000 certificates, and two shall be holders of more than 2,000 certificates.

2.b. At least one member each shall come from Broward, Dade, and Palm Beach Counties; and five members shall come from the various regions of the Florida Keys.

3.c. At least one appointed member shall be a person of Hispanic origin capable of speaking English and Spanish.

~~2. The secretary of the department may fill any position on the initial board with a member who does not fulfill the requirements of subparagraph 1. if there are not enough qualified individuals available to meet those requirements. However, as soon as enough qualified individuals are available to meet those requirements, the secretary must replace all nonqualified appointees with qualified appointees.~~

(b) The term of each appointed member shall be for 4 years, and any vacancy shall be filled for the balance of the unexpired term with a person of the qualifications necessary to maintain the requirements of paragraph (a) subparagraph (a)1. ~~However, of the initial appointees, three shall serve for terms of 4 years, two shall serve for terms of 3 years, two shall serve for terms of 2 years, and two shall serve for terms of 1 year.~~ There shall be no limitation on successive appointments to the board.

(c) The executive director secretary of the commission department or designee shall serve as a member and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the commission department, or at such times as may be prescribed by its rules. A majority of the board shall constitute a quorum, and official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(d) The procedural rules adopted by the board shall conform to the requirements of chapter 120.

(e) Members of the board shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(f) Upon reaching a decision on any dispute or problem brought before it, including any decision involving the allotment of certificates under paragraph (g), the board shall submit such decision to the executive director secretary of the commission department for final approval. The executive director secretary of the commission department may alter or disapprove any decision of the board, with notice thereof given in writing to the board and to each party in the dispute explaining the reasons for the disapproval. The action of the executive director secretary of the commission department constitutes final agency action.

(g) In addition to those certificates allotted pursuant to the provisions of subparagraph (2)(a)1., up to 125,000 certificates may be allotted by the board to settle disputes or other problems arising from implementation of the trap certificate program during the 1992-1993 and 1993-1994 license years. Any certificates not allotted by March 31, 1994, shall become permanently unavailable and shall be considered as part of the 1994-1995 reduction schedule. All appeals for additional certificates or other disputes must be filed with the board before October 1, 1993.

(h) Any trap certificates issued by the Department of Environmental Protection and, effective July 1, 1999, the commission as a result of the appeals process must be added to the existing number of trap certificates for the purposes of determining the total number of certificates from which the subsequent season's trap reduction is calculated.

(i) On and after July 1, 1994, the board shall no longer consider and advise the Fish and Wildlife Conservation Commission department on disputes and other problems arising from implementation of the trap certificate program nor allot any certificates with respect thereto.

(5) DISPOSITION OF FEES AND SURCHARGES.—Transfer fees and surcharges, annual trap certificate fees, and recreational tag fees collected pursuant to paragraphs (2)(a) and (b) shall be deposited in the Marine Resources Conservation Trust Fund and used for administration of the trap certificate program, research and monitoring of the spiny lobster fishery, and enforcement and public education activities in support of the purposes of this section and shall also be for the use of the Fish and Wildlife Conservation Marine Fisheries Commission in evaluating the impact of the trap reduction schedule on the spiny lobster fishery; however, at least 15 percent of the fees and surcharges collected shall be provided to the commission for such evaluation.

(6) RULEMAKING AUTHORITY.—The Fish and Wildlife Conservation Commission Department of Environmental Protection may adopt rules to implement the provisions of this section.

Section 110. Subsection (1), (2), and (6) of section 370.1535, Florida Statutes, are amended to read:

370.1535 Regulation of shrimp fishing in Tampa Bay; licensing requirements.—

(1) No person shall operate as a dead shrimp producer in any waters of Tampa Bay unless such person has procured from the Fish and Wildlife Conservation Commission Department of Environmental Protection a dead shrimp production permit.

(2) The Fish and Wildlife Conservation Commission Department of Environmental Protection is authorized to issue a dead shrimp production permit to persons qualified pursuant to the following criteria:

(a) The person has submitted an application designed by the commission department for such permit.

(b) One permit is required for each vessel used for dead shrimp production in the waters of Tampa Bay. A permit shall only be issued to an individual who is the principal owner of the vessel or of the business entity owning the vessel and utilizing the permit. No more than three permits shall be issued to any individual.

(c) Each application for a permit shall be accompanied by a fee of \$250 for each resident of the state and \$1,000 for each nonresident of the state.



The proceeds of the fees collected pursuant to this paragraph shall be deposited into the Marine Resources Conservation Trust Fund to be used by the commission department for the purpose of enforcement of marine resource laws.

(d) No person shall be issued a permit or be allowed to renew a permit if such person is registered for noncommercial trawling pursuant to s. 370.15(6) or if such person holds a live bait shrimping license issued pursuant to s. 370.15(8).

(e) Each applicant shall make application prior to June 30, 1992, and shall hold any other license or registration required to operate a commercial fishing vessel in Tampa Bay on the date of application.

(6) Each person harvesting shrimp in Tampa Bay pursuant to the permit required by this section shall comply with all rules of the Fish and Wildlife Conservation Marine Fisheries Commission regulating such harvest.

Section 111. Subsections (4) and (5) of section 370.17, Florida Statutes, are amended to read:

370.17 Sponges; regulation.—

(4) POWERS OF THE COMMISSION DEPARTMENT.—The commission ~~said department~~ is authorized and empowered to make, promulgate, and put into effect all rules and regulations which the commission department may consider and decide to be necessary to accomplish the purpose of this chapter for the taking and cultivation of sponges, including the power and authority to determine and fix, in its discretion, the seasons and period of time within which public state grounds may be closed to the taking, possessing, buying, selling, or transporting of sponges from the sponge cultivation districts herein provided for and to regulate and prescribe the means and methods to be employed in the harvesting thereof; however, notice of all rules, regulations, and orders, and all revisions and amendments thereto, prescribing closed seasons or prescribing the means and methods of harvesting sponges adopted by the commission department shall be published in a newspaper of general circulation in the conservation district affected within 10 days from the adoption thereof, in addition to any notice required by chapter 120.

(5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE SERVICE.—The commission department shall cooperate with the United States Fish and Wildlife Service, under existing federal laws, rules and regulations, and is authorized to accept donations, grants and matching funds from said federal government under such conditions as are reasonable and proper, for the purposes of carrying out this chapter, and the commission ~~said department~~ is further authorized to accept any and all donations including funds and loan of vessels.

Section 112. Subsections (9), (15), (16), and (17) of section 372.001, Florida Statutes, are amended to read:

372.001 Definitions.—In construing these statutes, when applied to salt-water and freshwater fish, shellfish, crustacea, sponges, wild birds, and wild animals, where the context permits, the word, phrase, or term:

(9) “Fresh water,” except where otherwise provided by law, includes all lakes, rivers, canals, and other waterways of Florida, to such point or points where the fresh and salt waters commingle to such an extent as to become unpalatable and unfit for human consumption, because of the saline content, or to such point or points as may be fixed by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, by and with the consent of the board of county commissioners of the county or counties to be affected by such order. The Steinhatchee River shall be considered fresh water from its source to mouth.

(15) “Fish management area” is a pond, lake, or other water within a county or within several counties designated to improve fishing for public use and established and specifically circumscribed for authorized management by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission and the board of county commissioners of the county in which such waters lie under agreement between the commission and an owner with approval by the board of county commissioners or under agreement with the board of county commissioners for use of public waters in the county in which such waters lie.

(16) “Commission” means the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

(17) “Authorization” means a number issued by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, or its authorized agent, which serves in lieu of a license or permit and affords the privilege purchased for a specified period of time.

Section 113. Section 372.01, Florida Statutes, is amended to read:

372.01 Fish and Wildlife Conservation Game and Fresh Water Fish Commission.—

(1) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall consist of ~~seven~~ five members who shall be appointed by the Governor, subject to confirmation by the Senate, for staggered terms of 5 years.

(2) Members so appointed shall annually select one of their members as chair. Such chair may be removed at any time for sufficient cause, by the affirmative vote of the majority of the members of the commission. In case the said office of chair becomes vacant by removal or otherwise, the same may be filled for the unexpired term at any time by the commission from its members.

(3) Commission members shall receive no compensation for their services as such, but shall be reimbursed for travel expenses as provided in s. 112.061.

Section 114. Subsections (1) and (2) of section 372.0215, Florida Statutes, are amended to read:

372.0215 Citizen support organizations; use of state property; audit.—

(1) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission may authorize the establishment of citizen support organizations to provide assistance, funding, and promotional support for the programs of the commission. For purposes of this section, the term “citizen support organization” means an organization which:

(a) Is a corporation not for profit incorporated pursuant to the provisions of chapter 617 and approved by the Department of State;

(b) Is organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or real or personal property; and make expenditures for the benefit of the commission or an individual program unit of the commission; except that such organization may not receive funds from the commission or the Florida Marine Research Institute by grant, gift, or contract unless specifically authorized by the Legislature.

(c) The commission has determined acts in a manner that is consistent with the goals of the commission and the best interests of the state.

(d) Is approved in writing by the commission to operate for the benefit of the commission. Such approval must be stated in a letter of agreement from the executive director of the commission.

(2)(a) ~~The Fish and Wildlife Conservation Commission Game and Fresh Water Fish Commission~~ may permit a citizen support organization to use commission property, facilities, and personnel free of charge. A citizen support organization may use commission property, facilities, and personnel if such use is consistent with the approved purpose of that citizen support organization and if such use does not unreasonably interfere with the general public’s use of commission property, facilities, and personnel for established purposes.

(b) The commission may prescribe conditions upon the use by a citizen support organization of commission property, facilities, or personnel.

(c) The commission may not permit the use of any property, facilities, or personnel of the state by a citizen support organization that does not provide equal membership and employment opportunities to all persons regardless of race, color, national origin, religion, sex, or age.

Section 115. Subsections (1), (2), and (4) of section 372.0222, Florida Statutes, are amended to read:

372.0222 Private publication agreements; advertising; costs of production.—

(1) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission may enter into agreements to secure the private publication of public information brochures, pamphlets, audiotapes, videotapes, and related materials for distribution without charge to the public and, in furtherance thereof, is authorized to:

(a) Enter into agreements with private vendors for the publication or production of such public information materials, whereby the costs of publication or production will be borne in whole or in part by the vendor or the vendor shall provide additional compensation in return for the right of the vendor to select, sell, and place advertising which publicizes products or services related to and harmonious with the subject matter of the publication.

(b) Retain the right, by agreement, to approve all elements of any advertising placed in such public information materials, including the form and content thereof.

(2) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission may sell advertising in the Florida Wildlife Magazine to offset the cost of publication and distribution of the magazine.

(4) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission may enter into agreements with private vendors for vendor advertisement for the purpose of offsetting expenses relating to license issuance, and, in furtherance thereof, is authorized to:

(a) Retain the right, by agreement, to approve all elements of such advertising, including the form or content.

(b) Require that any advertising of any kind contracted pursuant to this section shall include a statement providing that the advertising does not constitute an endorsement by the state or commission of the products or services to be so advertised.

Section 116. Section 372.0225, Florida Statutes, 1998 Supplement, is amended to read:

372.0225 Freshwater organisms.—

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

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

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

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

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

(2) The responsibility with which the Division of Freshwater Fisheries is charged under subsection (1) shall in no way supersede or duplicate the responsibilities of the Department of Agriculture and Consumer Services under chapter 500, the Florida Food Safety Act, and the rules adopted under that chapter.

Section 117. Subsections (1) and (3) of section 372.023, Florida Statutes, are amended to read:

372.023 J. W. Corbett and Cecil M. Webb Wildlife Management Areas.—

(1) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission of this state is neither authorized nor empowered to do the following as to the J. W. Corbett Wildlife Management Area in Palm Beach County or the Cecil M. Webb Wildlife Management Area without the approval of the Board of Trustees of the Internal Improvement Trust Fund that such action is in the best interest of orderly and economical development of said area, viz.:

(a) To trade, barter, lease, or exchange lands therein for lands of greater acreage contiguous to said wildlife management areas.

(b) To grant easements for construction and maintenance of roads, railroads, canals, ditches, dikes and utilities, including but not limited to telephone, telegraph, oil, gas, electric power, water and sewers.

(c) To convey or release all rights in and to the phosphate, minerals, metals and petroleum that is or may be in, on or under any lands traded, bartered, leased or exchanged pursuant to paragraph (a).

(3) Moneys received from the sale of lands within either wildlife management area, less reasonable expenses incident to the sale, shall be used by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission to acquire acreage contiguous to the wildlife management area or lands of equal wildlife value. The sale shall be made directly to the state, notwithstanding the procedures of ss. 270.08 and 270.09 to the contrary.

Section 118. Subsections (2) and (3) of section 372.025, Florida Statutes, are amended to read:

372.025 Everglades recreational sites; definitions.—

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

(a) “Commission” means the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

(b) “Flood control district” means the Central and Southern Florida Flood Control District Board.

(c) “Indian reservations” means lands as designated by chapter 285.

(d) “Buffer zone” means an area located between developed and wilderness areas where some restrictions on the type of future development shall be imposed.

(e) “Development of recreational sites” means any improvements to existing facilities or sites and also such new selection and improvements as are needed for the various recreational activities as herein provided.

(3) RECREATIONAL SITES.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission is directed to develop, manage, and enforce laws on certain recreational sites in the water conservation areas of the Everglades from funds to be appropriated by the Legislature.

Section 119. Section 372.03, Florida Statutes, is amended to read:

372.03 Headquarters of commission.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission is located at the state capital, and, when suitable adequate office space cannot be provided in the State Capitol Building, or other buildings owned by the state, the commission may rent or lease suitable office space in Tallahassee. Said commission may also rent or lease suitable and adequate space in other cities and towns of the state for branch or division offices and headquarters and storerooms for equipment and supplies, as the business of the commission may require or necessitate, payment for said rented or leased premises to be made from the State Game Trust Fund.

Section 120. Section 372.051, Florida Statutes, is amended to read:

372.051 Seal of commission; certificate as evidence.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall adopt and use a common seal, and a certificate under the seal of the commission, signed by its chair and attested by its director shall constitute sufficient evidence of the action of the commission; and copies of the minutes of the commission, or any part thereof, or of any record or paper of said commission, or any part thereof, or of any rule, regulation, or order of the commission, or any part thereof, or of any code of rules, regulations or orders of the commission, or any part thereof, certified by the director of the commission under its seal, shall be admissible in evidence in all cases and proceedings in all courts, boards, and commissions of this state without further authentication.

Section 121. Section 372.06, Florida Statutes, is amended to read:

372.06 Meetings of the commission.—At least four meetings of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall be held at the state capital no less frequently than once every 3 months, which meetings shall be known as the quarterly meetings of the commission; other meetings may be held at such times and places as may be decided upon or as provided by rules of the commission, such meetings to be called by the executive secretary on not less than 1 week’s notice to all members of the commission; or meetings may be held upon the request in writing of three members of the commission, at a time and place to be designated in the

request, and notice of such meetings shall be given at least 1 week in advance thereof to all members of the commission by the executive secretary. A majority of Three members shall constitute a quorum at any meeting of the commission. No action shall be binding when taken up by the commission, except at a regular or call meeting and duly recorded in the minutes of said meeting.

Section 122. Section 372.07, Florida Statutes, is amended to read:

372.07 Police powers of commission and its agents.—

(1) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the director and the director's assistants designated by her or him, and each wildlife officer are constituted peace officers with the power to make arrests for violations of the laws of this state when committed in the presence of the officer or when committed on lands under the supervision and management of the commission. The general laws applicable to arrests by peace officers of this state shall also be applicable to said director, assistants, and wildlife officers. Such persons may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry shall not constitute a trespass.

(2) Said officers shall have power and authority to enforce throughout the state all laws relating to game, nongame birds, freshwater fish, and fur-bearing animals and all rules and regulations of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission relating to wild animal life and freshwater aquatic life, and in connection with said laws, rules, and regulations, in the enforcement thereof and in the performance of their duties thereunder, to:

- (a) Go upon all premises, posted or otherwise;
- (b) Execute warrants and search warrants for the violation of said laws;
- (c) Serve subpoenas issued for the examination, investigation, and trial of all offenses against said laws;
- (d) Carry firearms or other weapons, concealed or otherwise, in the performance of their duties;
- (e) Arrest upon probable cause without warrant any person found in the act of violating any of the provisions of said laws or, in pursuit immediately following such violations, to examine any person, boat, conveyance, vehicle, game bag, game coat, or other receptacle for wild animal life or freshwater aquatic life, or any camp, tent, cabin, or roster, in the presence of any person stopping at or belonging to such camp, tent, cabin, or roster, when said officer has reason to believe, and has exhibited her or his authority and stated to the suspected person in charge the officer's reason for believing, that any of the aforesaid laws have been violated at such camp;
- (f) Secure and execute search warrants and in pursuance thereof to enter any building, enclosure, or car and to break open, when found necessary, any apartment, chest, locker, box, trunk, crate, basket, bag, package, or container and examine the contents thereof;

(g) Seize and take possession of all wild animal life or freshwater aquatic life taken or in possession or under control of, or shipped or about to be shipped by, any person at any time in any manner contrary to said laws.

(3) It is unlawful for any person to resist an arrest authorized by this section or in any manner to interfere, either by abetting, assisting such resistance, or otherwise interfering with said director, assistants, or wildlife officers while engaged in the performance of the duties imposed upon them by law or regulation of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 123. Section 372.071, Florida Statutes, is amended to read:

372.071 Powers of arrest by agents of Department of Environmental Protection or Fish and Wildlife Conservation Game and Fresh Water Fish Commission.—Any certified law enforcement officer of the Department of Environmental Protection or the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, upon receiving information, relayed to her or him from any law enforcement officer stationed on the ground, on the water, or in the air, that a driver, operator, or occupant of any vehicle, boat, or airboat has violated any section of chapter 327, chapter 328, chapter 370, or this chapter, may arrest the driver, operator, or occupant for violation of said laws when reasonable and proper identification of the vehicle, boat, or airboat and reasonable and probable grounds to believe that the driver, operator, or occupant has committed or is committing any such offense have been communicated to the arresting officer by the other officer stationed on the ground, on the water, or in the air.

Section 124. Subsection (1) of section 372.074, Florida Statutes, is amended to read:

372.074 Fish and Wildlife Habitat Program.—

(1)(a) There is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission the Fish and Wildlife Habitat Program for the purpose of acquiring, assisting other agencies or local governments in acquiring, or managing lands important to the conservation of fish and wildlife.

(b) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission or its designee shall manage such lands for the primary purpose of maintaining and enhancing their habitat value for fish and wildlife. Other uses may be allowed that are not contrary to this purpose.

(c) Where acquisition pursuant to this section will result in state ownership of land, title shall be vested in the Board of Trustees of the Internal Improvement Trust Fund as required in chapter 253. Land acquisition pursuant to this section shall be voluntary, negotiated acquisition and, where title is to be vested in the Board of Trustees of the Internal Improvement Trust Fund, is subject to the acquisition procedures of s. 253.025.

(d) Acquisition costs shall include purchase prices and costs and fees associated with title work, surveys, and appraisals required to complete an acquisition.



Section 125. Subsection (1), paragraph (c) of subsection (3), and subsection (4) of section 372.105, Florida Statutes, are amended to read:

**372.105 Lifetime Fish and Wildlife Trust Fund.—**

(1) There is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission the Lifetime Fish and Wildlife Trust Fund to be used for the purpose of supporting fish and wildlife conservation programs of the state in accordance with this section.

(3) The fund is declared to constitute a special trust derived from a contractual relationship between the state and the members of the public whose investments contribute to the fund. In recognition of such special trust, the following limitations and restrictions are placed on expenditures from the funds:

(c) No expenditures or disbursements from the interest income derived from the sale of lifetime licenses shall be made for any purpose until the respective holders of such licenses attain the age of 16 years. The Fish and Wildlife Conservation Game and Fresh Water Fish Commission as administrator of the fund shall determine actuarially on an annual basis the amounts of interest income within the fund which may be disbursed pursuant to this paragraph. The director shall cause deposits of proceeds from the sale of lifetime licenses to be identifiable by the ages of the license recipients.

(4) In the event of a future dissolution or reorganization of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, any state agency which succeeds the commission or assumes its constitutional or statutory responsibilities shall, through its agency head acting ex officio, assume the trusteeship of the fund and shall be bound by all the limitations and restrictions placed by this section on expenditures from the fund. No repeal or modification of this chapter or s. 9, Art. IV of the State Constitution shall alter the fundamental purposes to which the fund may be applied. No dissolution or reorganization of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall invalidate any lifetime license issued in accordance with this section.

Section 126. Subsection (1) of section 372.106, Florida Statutes, is amended to read:

**372.106 Dedicated License Trust Fund.—**

(1) There is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission the Dedicated License Trust Fund. The fund shall be credited with moneys collected pursuant to ss. 370.0605 and 372.57 for 5-year licenses and replacement 5-year licenses.

Section 127. Section 372.12, Florida Statutes, is amended to read:

**372.12 Acquisition of state game lands.—**The Fish and Wildlife Conservation Game and Fresh Water Fish Commission, with the approval of the Governor, may acquire, in the name of the state, lands and waters suitable for the protection and propagation of game, fish, nongame birds or fur-bearing animals, or for hunting purposes, game farms, by purchase, lease,

gift or otherwise to be known as state game lands. The said commission may erect such buildings and fences as may be deemed necessary to properly maintain and protect such lands, or for propagation of game, nongame birds, freshwater fish or fur-bearing animals. The title of land acquired by purchase, lease, gift or otherwise, shall be approved by the Department of Legal Affairs. The deed to such lands shall be deposited as are deeds to other state lands. ~~No such lands shall be purchased at a price to exceed \$10 per acre.~~ No property acquired under this section shall be exempt from state, county or district taxation.

Section 128. Subsection (1) of section 372.121, Florida Statutes, is amended to read:

372.121 Control and management of state game lands.—

(1) The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission is authorized to make, adopt, promulgate, amend, repeal, and enforce all reasonable rules and regulations necessary for the protection, control, operation, management, or development of lands or waters owned by, leased by, or otherwise assigned to, the commission for fish or wildlife management purposes, including but not being limited to the right of ingress and egress. Before any such rule or regulation is adopted, other than one relating to wild animal life or freshwater aquatic life, the commission shall obtain the consent and agreement, in writing, of the owner, in the case of privately owned lands or waters, or the owner or primary custodian, in the case of public lands or waters.

Section 129. Subsections (1), (2), and (4) of section 372.16, Florida Statutes, are amended to read:

372.16 Private game preserves and farms; penalty.—

(1) Any person owning land in this state may, after having secured a license therefor from the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, establish, maintain, and operate within the boundaries thereof, a private preserve and farm, not exceeding an area of 640 acres, for the protection, preservation, propagation, rearing, and production of game birds and animals for private and commercial purposes, provided that no two game preserves shall join each other or be connected.

(2) All private game preserves or farms established under the provisions of this section shall be fenced in such manner that domestic game thereon may not escape and wild game on surrounding lands may not enter and shall be subject at any time to inspection by the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, or its conservation officers. Such private preserve or farm shall be equipped and operated in such manner as to provide sufficient food and humane treatment for the game kept thereon. Game reared or produced on private game preserves and farms shall be considered domestic game and private property and may be sold or disposed of as such and shall be the subject of larceny. Live game may be purchased, sold, shipped, and transported for propagation and restocking purposes only at any time. Such game may be sold for food purposes only during the open season provided by law for such game. All game killed must be killed on the

premises of such private game preserve or farm and must be killed by means other than shooting, except during the open season. All domestic game sold for food purposes must be marked or tagged in a manner prescribed by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission; and the owner or operator of such private game preserve or farm shall report to the said commission, on blanks to be furnished by it, each sale or shipment of domestic game, such reports showing the quantity and kind of game shipped or sold and to whom sold. Such report shall be made not later than 5 days following such sale or shipment. Game reared or produced as aforesaid may be served as such by hotels, restaurants, or other public eating places during the open season provided by law on such particular species of game, under such regulations as the commission may prescribe.

(4) Any person violating the provisions of this section shall for the first offense be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating the provisions of this section shall forfeit, to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, any license or permit issued under the provisions hereof; and no further license or permit shall be issued to such person for a period of 1 year following such conviction. Before any private game preserve or farm is established, the owner or operator shall secure a license from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the fee for which shall be \$5 per year.

Section 130. Subsection (1) of section 372.26, Florida Statutes, is amended to read:

**372.26 Imported fish.—**

(1) No person shall import into the state or place in any of the fresh waters of the state any freshwater fish of any species without having first obtained a permit from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. The commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it to determine any detrimental effect the species might have on the ecology of the state.

Section 131. Subsections (1) and (2) of section 372.265, Florida Statutes, are amended to read:

**372.265 Regulation of foreign animals.—**

(1) It is unlawful to import for sale or use, or to release within this state, any species of the animal kingdom not indigenous to Florida without having obtained a permit to do so from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

(2) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it to determine any detrimental effect the species might have on the ecology of the state.

Section 132. Section 372.27, Florida Statutes, is amended to read:

372.27 Silver Springs and Rainbow Springs, etc., closed to all fishing.— It is unlawful for any person to take any fish within Marion County, from the waters of Rainbow Springs and Rainbow River (formerly known as Blue Springs and Blue Springs River) within a radius of 1 mile from the head of said spring or from the waters of Silver Springs or Silver Springs Run from the head of said spring to its junction with the Oklawaha River; provided, that the Fish and Wildlife Conservation ~~Commission of Game and Fresh Water Fish~~ may remove or cause to be removed any gar, mud fish or other predatory fish when in its judgment their removal is desirable.

Section 133. Section 372.31, Florida Statutes, is amended to read:

372.31 Disposition of illegal fishing devices.—

(1) In all cases of arrest and conviction for use of illegal nets or traps or fishing devices, as provided in this chapter, such illegal net, trap, or fishing device is declared to be a nuisance and shall be seized and carried before the court having jurisdiction of such offense and said court shall order such illegal trap, net or fishing device forfeited to the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission immediately after trial and conviction of the person in whose possession they were found. When any illegal net, trap or fishing device is found in the fresh waters of the state, and the owner of same shall not be known to the officer finding the same, such officer shall immediately procure from the county court judge an order forfeiting said illegal net, trap or fishing device to the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission. The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission may destroy such illegal net, trap or fishing device, if in its judgment said net, trap or fishing device is not of value in the work of the department.

(2) When any nets, traps, or fishing devices are found being used illegally as provided in this chapter, the same shall be seized and forfeited to the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission as provided in this chapter.

Section 134. Subsection (7) of section 372.57, Florida Statutes, 1998 Supplement, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit

such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(7) A resident lifetime sportsman's license authorizes the holder to engage in the following noncommercial activities:

(a) To take or attempt to take or possess freshwater fish, marine fish, and game, consistent with state and federal regulations and rules of the commission and the Department of Environmental Protection in effect at the time of taking.

(b) All activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, a snook permit, and a crawfish permit.

Section 135. Subsection (2) of section 372.5714, Florida Statutes, is amended to read:

372.5714 Waterfowl Advisory Council.—

(2) The council shall meet at least once a year either in person or by a telephone conference call, shall elect a chair annually to preside over its meetings and perform any other duties directed by the council, and shall maintain minutes of each meeting. All records of council activities shall be kept on file with the Fish and Wildlife Conservation Game and Fresh Water Fish Commission and shall be made available to any interested person. The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall provide such staff support as is necessary to the council to carry out its duties. Members of the council shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in s. 112.061 when carrying out the official business of the council.

Section 136. Subsection (3) of section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(3) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall institute and coordinate a statewide hunter safety course which must be offered in every county and consist of not less than 12 hours

nor more than 16 hours of instruction including, but not limited to, instruction in the competent and safe handling of firearms, conservation, and hunting ethics.

Section 137. Section 372.5718, Florida Statutes, is amended to read:

~~372.5718 Hunter safety course for juveniles.—The Fish and Wildlife Conservation Game and Fresh Water Fish~~ Commission shall develop a hunter safety course for juveniles who are at least 5 years of age but less than 16 years of age. The course must include, but is not limited to, instruction in the competent and safe handling of firearms, conservation, and hunting ethics. The course must be appropriate for the ages of the students. The course is voluntary and must be offered in each county in the state at least annually. The course is in addition to, and not in lieu of, the hunter safety course prescribed in s. 372.5717.

Section 138. Paragraph (e) of subsection (2) of section 372.574, Florida Statutes, 1998 Supplement, is amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 139. Section 372.651, Florida Statutes, is amended to read:

372.651 Haul seine and trawl permits; freshwater lakes in excess of 500 square miles; fees.—

(1) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission is authorized to issue permits for each haul seine or trawl used in freshwater lakes in the state having an area in excess of 500 square miles.

(2) The commission may charge an annual fee for the issuance of such permits which shall not exceed:

- (a) For a resident trawl permit, \$50.
- (b) For a resident haul seine permit, \$100.
- (c) For a nonresident or alien trawl or haul seine permit, \$500.

Section 140. Subsection (1) of section 372.653, Florida Statutes, is amended to read:

372.653 Required tagging of fish; lakes in excess of 500 square miles; tag fee; game fish taken in lakes of 500 square miles or less.—

(1)(a) No game fish taken from, or caught in, a lake in this state the area of which is in excess of 500 square miles shall be sold for consumption in this state unless it is tagged in the manner required by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. Bass or pickerel taken by any method other than hook and line shall be returned immediately to the water. Trawls and haul seines shall not be operated within 1 mile of rooted aquatic vegetation.

(b) In order that such program of tagging be self-sufficient, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission is authorized to assess a fee of not more than 5 cents per tag, payable at the time of delivery of the tag.

Section 141. Subsections (5) and (6) of section 372.66, Florida Statutes, are amended to read:

372.66 License required for fur and hide dealers.—

(5) All agents' licenses shall be applied for by, and issued to, a resident state dealer or nonresident dealer and shall show name and residence of such agent and shall be in possession of such agent at all times when engaged in buying furs or hides. Application for such licenses shall be made to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission on blanks furnished by it.

(6) All dealers and buyers shall forward to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission each 2 weeks during open season a report showing number and kind of hides bought and name of trapper from whom bought and the trapper's license number, or if trapper is exempt from license under any of the provisions of this chapter, such report shall show the nature of such exemption. No common carrier shall knowingly ship or transport or receive for transportation any hides or furs unless such shipments have marked thereon name of shipper and the number of her or his fur-animal license or fur dealer's license.

Section 142. Subsection (1) of section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve, license; exception.—

(1) Any person who operates a private hunting preserve commercially or otherwise shall be required to pay a license fee of \$25 for each such preserve; provided, however, that during the open season established for wild game of any species a private individual may take artificially propagated game of such species up to the bag limit prescribed for the particular species without being required to pay the license fee required by this section; provided further that if any such individual shall charge a fee for taking such game

she or he shall be required to pay the license fee required by this section and to comply with the rules and regulations of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission relative to the operation of private hunting preserves.

Section 143. Section 372.662, Florida Statutes, is amended to read:

372.662 Unlawful sale, possession, or transporting of alligators or alligator skins.—Whenever the sale, possession, or transporting of alligators or alligator skins is prohibited by any law of this state, or by the rules, regulations, or orders of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission adopted pursuant to s. 9, Art. IV of the State Constitution, the sale, possession, or transporting of alligators or alligator skins is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 144. Subsection (1) of section 372.663, Florida Statutes, is amended to read:

372.663 Illegal killing, possessing, or capturing of alligators or other crocodilia or eggs; confiscation of equipment.—

(1) It is unlawful to intentionally kill, injure, possess, or capture, or attempt to kill, injure, possess, or capture, an alligator or other crocodilian, or the eggs of an alligator or other crocodilian, unless authorized by the rules of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, in addition to such other punishment as may be provided by law. Any equipment, including but not limited to weapons, vehicles, boats, and lines, used by a person in the commission of a violation of any law, rule, regulation, or order relating to alligators or other crocodilia or the eggs of alligators or other crocodilia shall, upon conviction of such person, be confiscated by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission and disposed of according to rules and regulations of the commission. The arresting officer shall promptly make a return of the seizure, describing in detail the property seized and the facts and circumstances under which it was seized, including the names of all persons known to the officer who have an interest in the property.

Section 145. Section 372.664, Florida Statutes, is amended to read:

372.664 Prima facie evidence of intent to violate laws protecting alligators.—Except as otherwise provided by rule of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission for the purpose of the limited collection of alligators in designated areas, the display or use of a light in a place where alligators might be known to inhabit in a manner capable of disclosing the presence of alligators, together with the possession of firearms, spear guns, gigs, and harpoons customarily used for the taking of alligators, during the period between 1 hour after sunset and 1 hour before sunrise shall be prima facie evidence of an intent to violate the provisions of law regarding the protection of alligators.



Section 146. Subsection (2) of section 372.6645, Florida Statutes, is amended to read:

372.6645 Unlawful to sell alligator products; penalty.—

(2) No person shall sell any alligator product manufactured from a species which has been declared to be endangered by the United States Fish and Wildlife Service or the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 147. Subsections (1) and (2) of section 372.667, Florida Statutes, are amended to read:

372.667 Feeding or enticement of alligators or crocodiles unlawful; penalty.—

(1) No person shall intentionally feed, or entice with feed, any wild American alligator (*Alligator mississippiensis*) or American crocodile (*Crocodylus acutus*). However, the provisions of this section shall not apply to:

(a) Those persons feeding alligators or crocodiles maintained in protected captivity for educational, scientific, commercial, or recreational purposes.

(b) Fish and Wildlife Conservation Game and Fresh Water Fish Commission personnel, persons licensed or otherwise authorized by the commission, or county or municipal animal control personnel when relocating alligators or crocodiles by baiting or enticement.

(2) For the purposes of this section, the term “maintained in protected captivity” means held in captivity under a permit issued by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission pursuant to s. 372.921 or s. 372.922.

Section 148. Subsection (1) of section 372.6672, Florida Statutes, 1998 Supplement, is amended to read:

372.6672 Alligator management and trapping program implementation; commission authority.—

(1) In any alligator management and trapping program that the Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall establish, the commission shall have the authority to adopt all rules necessary for full and complete implementation of such alligator management and trapping program, and, in order to ensure its lawful, safe, and efficient operation in accordance therewith, may:

(a) Regulate the marketing and sale of alligators, their hides, eggs, meat, and byproducts, including the development and maintenance of a state-sanctioned sale.

(b) Regulate the handling and processing of alligators, their eggs, hides, meat, and byproducts, for the lawful, safe, and sanitary handling and processing of same.

(c) Regulate commercial alligator farming facilities and operations for the captive propagation and rearing of alligators and their eggs.

(d) Provide hide-grading services by two or more individuals pursuant to state-sanctioned sales if rules are first promulgated by the commission governing:

1. All grading-related services to be provided pursuant to this section;
2. Criteria for qualifications of persons to serve as hide-graders for grading services to be provided pursuant to this section; and
3. The certification process by which hide-graders providing services pursuant to this section will be certified.

(e) Provide sales-related services by contract pursuant to state-sanctioned sales if rules governing such services are first promulgated by the commission.

Section 149. Subsections (1) and (3) of section 372.672, Florida Statutes, 1998 Supplement, are amended to read:

372.672 Florida Panther Research and Management Trust Fund.—

(1) There is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission the Florida Panther Research and Management Trust Fund to be used exclusively for the purposes of this section.

(3) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission is authorized to receive donations for deposit into the Florida Panther Research and Management Trust Fund.

Section 150. Section 372.673, Florida Statutes, is amended to read:

372.673 Florida Panther Technical Advisory Council.—

(1) The Florida Panther Technical Advisory Council is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. The council shall be appointed by the Governor and shall consist of seven members with technical knowledge and expertise in the research and management of large mammals.

(a) Two members shall represent state or federal agencies responsible for management of endangered species; two members, who must have specific experience in the research and management of large felines or large mammals, shall be appointed from universities, colleges, or associated institutions; and three members, with similar expertise, shall be appointed from the public at large.

(b) As soon as practicable after July 1, 1983, one member representing a state or federal agency and one member appointed from a university, college, or associated institution shall be appointed for terms ending August 1, 1985, and the remaining members shall be appointed for terms ending August 1, 1987. Thereafter, all appointments shall be for 4-year terms. If a

vacancy occurs, a member shall be appointed for the remainder of the unexpired term. A member whose term has expired shall continue sitting on the council with full rights until a replacement has been appointed.

(c) Council members shall be reimbursed pursuant to s. 112.061 but shall receive no additional compensation or honorarium.

(2) The purposes of the council are:

(a) To serve in an advisory capacity to the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission on technical matters of relevance to the Florida panther recovery program, and to recommend specific actions that should be taken to accomplish the purposes of this act.

(b) To review and comment on research and management programs and practices to identify potential harm to the Florida panther population.

(c) To provide a forum for technical review and discussion of the status and development of the Florida panther recovery program.

Section 151. Subsections (1), (2), and (7) of section 372.674, Florida Statutes, 1998 Supplement, are amended to read:

372.674 Environmental education.—

(1) The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission may establish programs and activities to develop and distribute environmental education materials that will assist the public in understanding and appreciating Florida's environment and problems and issues facing our state's unique and fragile ecological systems. Such programs shall assist school teachers, state administrators, and others in the essential mission to preserve the capability to sustain the functions of our lands, water, wildlife habitats, and other natural resources in the most healthful, enjoyable, and productive manner.

(2) There is created within the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the Advisory Council on Environmental Education. The council is to have up to 10 members appointed by the commission and is to be chaired by the commission's executive director or his or her designee. At a minimum, the council must include a representative of the Department of Education and a representative of the Department of Environmental Protection.

(7) The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission shall review the recommended list of projects to be funded from the Florida Panther Research and Management Trust Fund and the Save the Manatee Trust Fund by August of each year and make a final determination of projects to receive grants from available appropriations by the Legislature. The commission shall act upon the recommended list within 45 days after receipt of the list.

Section 152. Section 372.70, Florida Statutes, is amended to read:

372.70 Prosecutions.—The prosecuting officers of the several courts of criminal jurisdiction of this state shall investigate and prosecute all violations of the laws relating to game, freshwater fish, nongame birds and fur-bearing animals which may be brought to their attention by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission or its conservation officers, or which may otherwise come to their knowledge.

Section 153. Subsection (1) of section 372.701, Florida Statutes, is amended to read:

372.701 Arrest by officers of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission; recognizance; cash bond; citation.—

(1) In all cases of arrest by officers of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission and the Department of Environmental Protection, the person arrested shall be delivered forthwith by said officer to the sheriff of the county, or shall obtain from such person arrested a recognizance or, if deemed necessary, a cash bond or other sufficient security conditioned for her or his appearance before the proper tribunal of such county to answer the charge for which the person has been arrested.

Section 154. Section 372.7015, Florida Statutes, is amended to read:

372.7015 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.—In addition to any other penalty provided by law, any person who violates the criminal provisions of this chapter and rules adopted pursuant to this chapter by illegally killing, taking, possessing, or selling game or fur-bearing animals as defined in s. 372.001(3) or (4) in or out of season while violating chapter 810 shall pay a fine of \$250 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this section shall be deposited into the Fish and Wildlife Conservation Game and Fresh Water Fish Commission's State Game Trust Fund.

Section 155. Subsection (1) of section 372.7016, Florida Statutes, is amended to read:

372.7016 Voluntary Authorized Hunter Identification Program.—

(1) There is created the "Voluntary Authorized Hunter Identification Program" to assist landowners and law enforcement officials in better controlling trespass and illegal or unauthorized hunting. Landowners wishing to participate in the program shall:

(a) Annually notify the sheriff's office in the county in which the land is situated and the respective area supervisor of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission by letter of their desire to participate in the program, and provide a description of their property which they wish to have in the program by township, range, section, partial section, or other geographical description.

(b) Provide a means of identifying authorized hunters as provided in subsection (2).

Section 156. Section 372.72, Florida Statutes, is amended to read:

372.72 Disposition of fines, penalties, and forfeitures.—

(2) All moneys collected from fines, penalties, or forfeitures of bail of persons convicted of violations of rules, regulations, or orders of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission concerning endangered or threatened species or of violation of s. 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be deposited in the Nongame Wildlife Trust Fund.

Section 157. Section 372.73, Florida Statutes, is amended to read:

372.73 Confiscation and disposition of illegally taken game.—All game and freshwater fish seized under the authority of this chapter shall, upon conviction of the offender or sooner if the court so orders, be forfeited and given to some hospital or charitable institution and receipt therefor sent to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. All furs or hides or fur-bearing animals seized under the authority of this chapter shall, upon conviction of the offender, be forfeited and sent to the commission, which shall sell the same and deposit the proceeds of such sale to the credit of the State Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable. If any such hides or furs are seized and the offender is unknown, the court shall order such hides or furs sent to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, which shall sell such hides and furs and deposit the proceeds of such sale to the credit of the State Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.

Section 158. Section 372.74, Florida Statutes, is amended to read:

372.74 Cooperative agreements with U. S. Forest Service; penalty.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission is authorized and empowered:

(1) To enter into cooperative agreements with the United States Forest Service for the development of game, bird, fish, reptile or fur-bearing animal management and demonstration projects on and in the Osceola National Forest in Columbia and Baker Counties, and in the Ocala National Forest in Marion, Lake, and Putnam Counties and in the Apalachicola National Forest in Liberty County. Provided, however, that no such cooperative agreements shall become effective in any county concerned until confirmed by the board of county commissioners of such county expressed through appropriate resolution.

(2) In cooperation with the United States Forest Service, to make, adopt, promulgate, amend and repeal rules and regulations, consistent with law, for the further or better control of hunting, fishing, and control of wildlife in the above National Forests or parts thereof; to shorten seasons and reduce bag limits, or shorten or close seasons on any species of game, bird, fish, reptile, or fur-bearing animal within the limits prescribed by the Florida law, in the above enumerated National Forests or parts thereof, when it

shall find after investigation that such action is necessary to assure the maintenance of an adequate supply of wildlife.

(3) To fix a charge not to exceed \$5, for persons 18 years of age and over, and not to exceed \$2 for persons under the age of 18 years, over and above the license fee for hunting now required by law. This additional fee is to apply only on areas covered by above cooperative agreements. The proceeds from this additional license fee shall be used in the development, propagation of wildlife and protection of the areas covered by the cooperative agreements as the commission and the United States Forest Service may deem proper. Nothing in this section shall be construed as authorizing the commission to change any penalty prescribed by law or to change the amount of general license fees or the general authority conferred by licenses prescribed by law.

(4) In addition to the requirements of chapter 120, notice of the making, adoption, and promulgation of the above rules and regulations shall be given by posting said notices, or copies of the rules and regulations, in the offices of the county judges and in the post offices within the area to be affected and within 10 miles thereof. In addition to the posting of said notices, as aforesaid, copies of said notices or of said rules and regulations shall also be published in newspapers published at the county seats of Baker, Columbia, Marion, Lake, Putnam, and Liberty Counties, or so many thereof as have newspapers, once not more than 35 nor less than 28 days and once not more than 21 nor less than 14 days prior to the opening of the state hunting season in said areas. Any person violating any rules or regulations promulgated by the commission to cover these areas under cooperative agreements between the Fish and Wildlife Conservation Commission ~~State Commission of Game and Fresh Water Fish~~ and the United States Forest Service, none of which shall be in conflict with the laws of Florida, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 159. Section 372.76, Florida Statutes, is amended to read:

372.76 Search and seizure authorized and limited.—The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and its conservation officers shall have authority when they have reasonable and probable cause to believe that the provisions of this chapter have been violated, to board any vessel, boat, or vehicle or to enter any fishhouse or warehouse or other building, exclusive of residence, in which game, hides, fur-bearing animals, fish, or fish nets are kept and to search for and seize any such game, hides, fur-bearing animals, fish, or fish nets had or held therein in violation of law. Provided, however, that no search without warrant shall be made under any of the provisions of this chapter, unless the officer making such search has such information from a reliable source as would lead a prudent and cautious person to believe that some provision of this chapter is being violated.

Section 160. Subsection (1) of section 372.761, Florida Statutes, is amended to read:

372.761 Issuance of warrant for search of private dwelling.—

(1) A search warrant may be issued on application by a commissioned officer of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission to search any private dwelling occupied as such when it is being used for the unlawful sale or purchase of wildlife or freshwater fish being unlawfully kept therein. The term “private dwelling” shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant for the search of any private dwelling shall be issued except upon probable cause supported by sworn affidavit of some creditable witness that she or he has reason to believe that the said conditions exist, which affidavit shall set forth the facts on which such reason for belief is based.

Section 161. Subsections (1) and (2) of section 372.77, Florida Statutes, are amended to read:

372.77 Assent to provisions of Act of Congress of September 2, 1937.—

(1) The state hereby assents to the provisions of the Act of Congress entitled “An Act to provide that the United States shall aid the States in Wildlife Restoration Projects, and for other purposes,” approved September 2, 1937 (Pub. L. No. 415, 75th Congress), and the Fish and Wildlife Conservation Game and Fresh Water Fish Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in said Act of Congress, in compliance with said act and rules and regulations promulgated by the Secretary of Agriculture thereunder.

(2) From and after the passage of this section it shall be unlawful to divert any funds accruing to the state from license fees paid by hunters for any purpose other than the administration of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission of the state.

Section 162. Section 372.7701, Florida Statutes, is amended to read:

372.7701 Assent to federal acts.—

(1) The state hereby assents to the provisions of the Federal Aid in Fish Restoration Act of August 9, 1950, as amended. The Fish and Wildlife Conservation Department of Environmental Protection and the Game and Fresh Water Fish Commission shall ~~work cooperatively and~~ perform such activities as are necessary to conduct wildlife and sportfish restoration projects, as defined in such Act of Congress and in compliance with the act and rules adopted thereunder by the United States Department of the Interior. Furthermore, the ~~commission~~ Department of Environmental Protection shall develop and implement programs to manage, protect, restore and conserve marine mammals and the marine fishery, and the ~~Game and Fresh Water Fish Commission~~ shall develop and implement similar programs for wild animal life and freshwater aquatic life.

(2) Revenues from fees paid by hunters and sport fishers may not be diverted to purposes other than the administration of fish and wildlife programs by the Fish and Wildlife Conservation Department of Environmental

~~Protection and the Game and Fresh Water Fish~~ Commission. Administration of the state fish and wildlife programs includes only those functions of fish and wildlife management as are the responsibility of and under the authority of the Fish and Wildlife Conservation ~~Department of Environmental Protection and the Game and Fresh Water Fish~~ Commission.

(3) This section shall be construed in harmony with s. 372.77.

Section 163. Subsection (2) of section 372.771, Florida Statutes, is amended to read:

372.771 Federal conservation of fish and wildlife; limited jurisdiction.—

(2) The United States may exercise concurrent jurisdiction over lands so acquired and carry out the intent and purpose of the authority except that the existing laws of Florida relating to the Department of Environmental Protection or the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission shall prevail relating to any area under their supervision.

Section 164. Subsection (1) of section 372.85, Florida Statutes, is amended to read:

372.85 Contaminating fresh waters.—

(1) It shall be unlawful for any person or persons, firm or corporation to cause any dyestuff, coal tar, oil, sawdust, poison or deleterious substances to be thrown, run or drained into any of the fresh running waters of this state in quantities sufficient to injure, stupefy, or kill fish which may inhabit the same at or below the point where any such substances are discharged, or caused to flow or be thrown into such waters; provided, that it shall not be a violation of this section for any person, firm or corporation engaged in any mining industry to cause any water handled or used in any branch of such industry to be discharged on the surface of land where such industry or branch thereof is being carried on under such precautionary measures as shall be approved by the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.

Section 165. Section 372.86, Florida Statutes, is amended to read:

372.86 Possessing, exhibiting poisonous or venomous reptile; license required.—No person, firm, or corporation shall keep, possess or exhibit any poisonous or venomous reptile without first having obtained a special permit or license therefor from the Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission as herein provided.

Section 166. Section 372.87, Florida Statutes, is amended to read:

372.87 License fee; renewal, revocation.—The Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission is hereby authorized and empowered to issue a license or permit for the keeping, possessing or exhibiting of poisonous or venomous reptiles, upon payment of an annual fee of \$5 and upon assurance that all of the provisions of ss. 372.86-372.91 and such other reasonable rules and regulations as said commission may



prescribe will be fully complied with in all respects. Such permit may be revoked by the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission upon violation of any of the provisions of ss. 372.86-372.91 or upon violation of any of the rules and regulations prescribed by said commission relating to the keeping, possessing and exhibiting of any poisonous and venomous reptiles. Such permits or licenses shall be for an annual period to be prescribed by the said commission and shall be renewable from year to year upon the payment of said \$5 fee and shall be subject to the same conditions, limitations and restrictions as herein set forth.

Section 167. Section 372.88, Florida Statutes, is amended to read:

372.88 Bond required, amount.—No person, party, firm, or corporation shall exhibit to the public either with or without charge, or admission fee any poisonous or venomous reptile without having first posted a good and sufficient bond in writing in the penal sum of \$1,000 payable to the Governor of the state, and the Governor's successors in office, conditioned that such exhibitor will indemnify and save harmless all persons from injury or damage from such poisonous or venomous reptiles so exhibited and shall fully comply with all laws of the state and all rules and regulations of the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission governing the keeping, possessing, or exhibiting of poisonous or venomous reptiles; provided, however, that the aggregate liability of the surety for all such injuries or damages shall, in no event, exceed the penal sum of said bond. The surety for said bond must be a surety company authorized to do business under the laws of the state or in lieu of such a surety, cash in the sum of \$1,000 may be posted with the said commission to ensure compliance with the conditions of said bond.

Section 168. Section 372.89, Florida Statutes, is amended to read:

372.89 Safe housing required.—All persons, firms, or corporations licensed under this law to keep, possess or exhibit poisonous or venomous reptiles shall provide safe, secure and proper housing for said reptiles in cases, cages, pits or enclosures. It shall be unlawful for any person, firm or corporation, whether licensed hereunder or not, to keep, possess or exhibit any poisonous or venomous reptiles in any manner not approved as safe, secure and proper by the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission.

Section 169. Section 372.901, Florida Statutes, is amended to read:

372.901 Inspection.—Poisonous or venomous reptiles, held in captivity, shall be subject to inspection by an inspecting officer from the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission. The inspecting officer shall determine whether the said reptiles are securely, properly and safely penned. In the event that the reptiles are not safely penned, the inspecting officer shall report the situation in writing to the person or firm owning the said reptiles. Failure of the owner or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the license or permit of said owner or exhibitor.

Section 170. Section 372.911, Florida Statutes, is amended to read:

372.911 Rewards.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission is authorized to offer rewards in amounts of up to \$500 to any person furnishing information leading to the arrest and conviction of any person who has inflicted or attempted to inflict bodily injury upon any wildlife officer engaged in the enforcement of the provisions of this chapter or the rules and regulations of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 171. Subsection (3) of section 372.912, Florida Statutes, is amended to read:

372.912 Organized poisonous reptile hunts.—

(3) All organized poisonous reptile hunts in the state shall be registered with the Fish and Wildlife Conservation Game and Fresh Water Fish Commission and be subject to reasonable rules and regulations promulgated by said commission.

Section 172. Section 372.92, Florida Statutes, is amended to read:

372.92 Rules and regulations.—The Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission may prescribe such other rules and regulations as it may deem necessary to prevent the escape of poisonous and venomous reptiles, either in connection of construction of such cages or otherwise to carry out the intent of ss. 372.86-372.91.

Section 173. Subsections (1), (2), (3), and (4) of section 372.921, Florida Statutes, 1998 Supplement, are amended to read:

372.921 Exhibition of wildlife.—

(1) In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, no person, firm, corporation, or association shall have, or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, and reptiles, whether indigenous to Florida or not, without having first secured a permit from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission authorizing such person, firm, or corporation to have in its possession in captivity the species and number of wildlife specified within such permit; however, this section does not apply to any wildlife not protected by law and the regulations of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

(2) The fees to be paid for the issuance of permits required by subsection (1) shall be as follows:

(a) For not more than 10 individual specimens in the aggregate of all species, the sum of \$5 per annum.

(b) For over 10 individual specimens in the aggregate of all species, the sum of \$25 per annum.

The fees prescribed by this section shall be submitted to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission with the application for permit required by subsection (1) and shall be deposited in the State Game Fund.

(3) An applicant for a permit shall be required to include in her or his application a statement showing the place, number, and species of wildlife to be held in captivity by the applicant and shall be required upon request by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission to show when, where, and in what manner she or he came into possession of any wildlife acquired subsequent to the effective date of this act. The source of acquisition of such wildlife shall not be divulged by the commission except in connection with a violation of this section or a regulation of the commission in which information as to source of wildlife is required as evidence in the prosecution of such violation.

(4) Permits issued pursuant to this section and places where wildlife is kept or held in captivity shall be subject to inspection by officers of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission at all times. The commission shall have the power to release or confiscate any specimens of any wildlife, specifically birds, mammals, or reptiles, whether indigenous to the state or not, when it is found that conditions under which they are being confined are unsanitary, or unsafe to the public in any manner, or that the species of wildlife are being maltreated, mistreated, or neglected or kept in any manner contrary to the provisions of chapter 828, any such permit to the contrary notwithstanding. Before any such wildlife is confiscated or released under the authority of this section, the owner thereof shall have been advised in writing of the existence of such unsatisfactory conditions; the owner shall have been given 30 days in which to correct such conditions; the owner shall have failed to correct such conditions; the owner shall have had an opportunity for a proceeding pursuant to chapter 120; and the commission shall have ordered such confiscation or release after careful consideration of all evidence in the particular case in question. The final order of the commission shall constitute final agency action.

Section 174. Subsection (1) of section 372.922, Florida Statutes, 1998 Supplement, is amended to read:

372.922 Personal possession of wildlife.—

(1) It is unlawful for any person or persons to possess any wildlife as defined in this act, whether indigenous to Florida or not, until she or he has obtained a permit as provided by this section from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 175. Section 372.97, Florida Statutes, is amended to read:

372.97 Jim Woodruff Dam; reciprocity agreements.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission of the state is hereby authorized to enter into an agreement of the reciprocity with the game and fish commissioners or the appropriate officials or departments of the State of Georgia and the State of Alabama relative to the taking of game

and freshwater fish from the waters of the lake created by the Jim Woodruff Dam by permitting reciprocal license privileges.

Section 176. Section 372.971, Florida Statutes, is amended to read:

372.971 St. Mary's River; reciprocity agreements.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission of the state is hereby authorized to enter into an agreement of reciprocity with the game and fish commissioner or the appropriate officials or departments of the State of Georgia relative to the taking of game and freshwater fish from the waters of the St. Mary's River by permitting reciprocal agreement license privileges.

Section 177. Section 372.98, Florida Statutes, is amended to read:

372.98 Possession of nutria; license; inspection; penalty for violation.—

(1) No person shall release, permit to be released, or be responsible for the release of, within the state, any animal of the species *myocastor coypu* and known commonly in Florida and referred to herein as nutria.

(2) No person shall have in her or his possession for sale or otherwise any nutria until such person has obtained a license as provided herein. The fee for such license shall be \$25 per year. Application for such license shall be made with the Fish and Wildlife Conservation Game and Fresh Water Fish Commission on forms providing therefor.

(3) All persons licensed under this law to keep, possess or exhibit nutria shall provide safe, secure and proper housing for said nutria which will adequately safeguard against the escape of any nutria. Requirements for the construction of such pens or housing shall be as prescribed by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

(4) All premises upon which nutria are kept shall be subject to inspection by authorized representatives of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. Such officers shall determine whether the said nutria are securely, properly and safely housed. In the event the said nutria are not securely, properly and safely housed, the inspecting officer shall so advise in writing the person owning said nutria. Failure of the owner to provide within 30 days after such written notice secure, proper, and safe housing as prescribed by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall be grounds for revocation of the license herein provided and confiscation and disposal of the said nutria as a public nuisance.

(5) Any person violating any provision of this section or any rule and regulation of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission pursuant hereto shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 178. Section 372.981, Florida Statutes, is amended to read:

372.981 Regulation of importation of caiman.—The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall promulgate regulations to control the importation of caiman.

Section 179. Subsections (1), (3), and (4) of section 372.99, Florida Statutes, are amended to read:

372.99 Illegal taking and possession of deer and wild turkey; evidence; penalty.—

(1) Whoever takes or kills any deer or wild turkey, or possesses a freshly killed deer or wild turkey, during the closed season prescribed by law or by the rules and regulations of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, or whoever takes or attempts to take any deer or wild turkey by the use of gun and light in or out of closed season, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall forfeit any license or permit issued to her or him under the provisions of this chapter. No license shall be issued to such person for a period of 3 years following any such violation on the first offense. Any person guilty of a second or subsequent violation shall be permanently ineligible for issuance of a license or permit thereafter.

(3) Whoever takes or kills any doe deer; fawn or baby deer; or deer, whether male or female, which does not have one or more antlers at least 5 inches in length, except as provided by law or the rules of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, during the open season prescribed by the rules of the commission, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be required to forfeit any license or permit issued to such person for a period of 3 years following any such violation on the first offense. Any person guilty of a second or subsequent violation shall be permanently ineligible for issuance of a license or permit thereafter.

(4) Any person who cultivates agricultural crops may apply to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission for a permit to take or kill deer on land which that person is currently cultivating. When said person can show, to the satisfaction of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, that such taking or killing of deer is justified because of damage to the person's crops caused by deer, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission may issue a limited permit to the applicant to take or kill deer without being in violation of subsection (1) or subsection (3).

Section 180. Subsections (1) and (3) of section 372.9901, Florida Statutes, 1998 Supplement, are amended to read:

372.9901 Seizure of illegal devices; disposition; appraisal; forfeiture.—

(1) Any vehicle, vessel, animal, gun, light, or other hunting device used in the commission of an offense prohibited by s. 372.99, shall be seized by the arresting officer, who shall promptly make return of the seizure and deliver the property to the Director of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. The return shall describe the property seized and recite in detail the facts and circumstances under which it was seized, together with the reason that the property was subject to seizure. The return shall also contain the names of all persons known to the officer to be interested in the property.

(3) Upon conviction of the violator, the property, if owned by the person convicted, shall be forfeited to the state under the procedure set forth in ss. 372.312 through 372.318, where not inconsistent with this section. All amounts received from the sale or other disposition of the property shall be paid into the State Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable. If the property is not sold or converted, it shall be delivered to the director of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 181. Subsection (1) of section 372.9903, Florida Statutes, is amended to read:

372.9903 Illegal possession or transportation of freshwater game fish in commercial quantities; penalty.—

(1) Whoever possesses, moves, or transports any black bass, bream, speckled perch, or other freshwater game fish in commercial quantities in violation of law or the rules of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 182. Subsections (1) and (3) of section 372.9904, Florida Statutes, 1998 Supplement, are amended to read:

372.9904 Seizure of illegal devices; disposition; appraisal; forfeiture.—

(1) Any vehicle, vessel, or other transportation device used in the commission of the offense prohibited by s. 372.9903, except a vehicle, vessel, or other transportation device duly registered as a common carrier and operated in lawful transaction of business as such carrier, shall be seized by the arresting officer, who shall promptly make return of the seizure and deliver the property to the director of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. The return shall describe the property seized and recite in detail the facts and circumstances under which it was seized, together with the reason that the property was subject to seizure. The return shall also contain the names of all persons known to the officer to be interested in the property.

(3) Upon conviction of the violator, the property, if owned by the person convicted, shall be forfeited to the state under the procedure set forth in ss. 372.312-372.318, when not inconsistent with this section. All amounts received from the sale or other disposition of the property shall be paid into the State Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable. If the property is not sold or converted, it shall be delivered to the director of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 183. Section 372.9906, Florida Statutes, is amended to read:

372.9906 Wildlife Law Enforcement Program; creation; purposes.— There is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission the Wildlife Law Enforcement Program. The commission may establish and operate law enforcement programs that re-

late to the conservation, enhancement, and regulation of wildlife and freshwater aquatic resources of the state and to conduct programs to educate the public about the enforcement of laws and regulations relating to the wildlife and freshwater aquatic resources of the state. Moneys that accrue to the program by law and moneys donated to the program must be deposited into the State Game Trust Fund.

Section 184. Subsection (2) of section 372.991, Florida Statutes, is amended to read:

372.991 Nongame Wildlife Trust Fund.—

(2)(a) There is established within the Fish and Wildlife Conservation Game and Fresh Water Fish Commission the Nongame Wildlife Trust Fund. The fund shall be credited with moneys collected pursuant to ss. 319.32(3) and 320.02(8). Additional funds may be provided from legislative appropriations and by donations from interested individuals and organizations. The commission shall designate an identifiable unit to administer the trust fund.

(b) Proceeds from the trust fund shall be used for the following purposes:

1. Documentation of population trends of nongame wildlife and assessment of wildlife habitat, in coordination with the database of Florida natural areas inventory.
2. Establishment of effective conservation, management, and regulatory programs for nongame wildlife of the state.
3. Public education programs.

Section 185. Subsection (1) of section 372.992, Florida Statutes, is amended to read:

372.992 Nongame Wildlife Advisory Council.—

(1) There is created the Nongame Wildlife Advisory Council, which shall consist of the following 11 members appointed by the Governor: one representative each from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Environmental Protection, and the United States Fish and Wildlife Services; the director of the Florida Museum of Natural History or her or his designee; one representative from a professional wildlife organization; one representative from a private wildlife institution; one representative from a Florida university or college who has expertise in nongame biology; one representative of business interests from a private consulting firm who has expertise in nongame biology; one representative of a statewide organization of landowner interests; and two members from conservation organizations. All appointments shall be for 4-year terms. Members shall be eligible for reappointment.

Section 186. Subsection (2) of section 372.995, Florida Statutes, is amended to read:

372.995 Release of balloons.—

(2) It is unlawful for any person, firm, or corporation to intentionally release, organize the release, or intentionally cause to be released within a 24-hour period 10 or more balloons inflated with a gas that is lighter than air except for:

(a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;

(b) Hot air balloons that are recovered after launching;

(c) Balloons released indoors; or

(d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Marine Fisheries Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act.

Section 187. Subsections (1), (2), and (5) of section 373.453, Florida Statutes, are amended to read:

373.453 Surface water improvement and management plans and programs.—

(1)(a) Each water management district, in cooperation with the department, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, and local governments shall prepare and maintain a list which shall prioritize water bodies of regional or statewide significance within each water management district. The list shall be reviewed and updated every 3 years. The list shall be based on criteria adopted by rule of the department and shall assign priorities to the water bodies based on their need for protection and restoration.

(b) Criteria developed by the department shall include, but need not be limited to, consideration of violations of water quality standards occurring in the water body, the amounts of nutrients entering the water body and the water body's trophic state, the existence of or need for a continuous aquatic weed control program in the water body, the biological condition of the water body, reduced fish and wildlife values, and threats to agricultural and urban water supplies and public recreational opportunities.

(c) In developing their respective priority lists, water management districts shall give consideration to the following priority areas:

1. The South Florida Water Management District shall give priority to the restoration needs of Lake Okeechobee, Biscayne Bay, and the Indian River Lagoon system and their tributaries.



2. The Southwest Florida Water Management District shall give priority to the restoration needs of Tampa Bay and its tributaries.

3. The St. Johns River Water Management District shall give priority to the restoration needs of Lake Apopka, the Lower St. Johns River, and the Indian River Lagoon system and their tributaries.

(2) Once the priority lists are approved by the department, the water management districts, in cooperation with the department, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Community Affairs, the Department of Agriculture and Consumer Services, and local governments, shall develop surface water improvement and management plans for the water bodies based on the priority lists. The department shall establish a uniform format for such plans and a schedule for reviewing and updating the plans. These plans shall include, but not be limited to:

(a) A description of the water body system, its historical and current uses, its hydrology, and a history of the conditions which have led to the need for restoration or protection;

(b) An identification of all governmental units that have jurisdiction over the water body and its drainage basin within the approved surface water improvement and management plan area, including local, regional, state, and federal units;

(c) A description of land uses within the drainage basin within the approved surface water improvement and management plan area and those of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities;

(d) A list of the owners of point and nonpoint sources of water pollution that are discharged into each water body and tributary thereto and that adversely affect the public interest, including separate lists of those sources that are:

1. Operating without a permit;
2. Operating with a temporary operating permit; and
3. Presently violating effluent limits or water quality standards.

The plan shall also include recommendations and schedules for bringing all sources into compliance with state standards when not contrary to the public interest. This paragraph does not authorize any existing or future violation of any applicable statute, regulation, or permit requirement, and does not diminish the authority of the department or the water management district;

(e) A description of strategies and potential strategies for restoring or protecting the water body to Class III or better;

(f) A listing of studies that are being or have been prepared for the water body;

(g) A description of the research and feasibility studies which will be performed to determine the particular strategy or strategies to restore or protect the water body;

(h) A description of the measures needed to manage and maintain the water body once it has been restored and to prevent future degradation;

(i) A schedule for restoration and protection of the water body; and

(j) An estimate of the funding needed to carry out the restoration or protection strategies.

(5) The governing board of each water management district is encouraged to appoint advisory committees as necessary to assist in formulating and evaluating strategies for water body protection and restoration activities and to increase public awareness and intergovernmental cooperation. Such committees should include representatives of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Agriculture and Consumer Services, appropriate local governments, federal agencies, existing advisory councils for the subject water body, and representatives of the public who use the water body.

Section 188. Subsections (1) and (3) of section 373.455, Florida Statutes, are amended to read:

373.455 Review of surface water improvement and management plans.—

(1) At least 60 days prior to consideration by the governing board pursuant to s. 373.456(1) of its surface water improvement and management plan, a water management district shall transmit its proposed plan to the department, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Community Affairs, and local governments.

(3) The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall review each proposed surface water improvement and management plan to determine the effects of the plan on wild animal life and fresh water aquatic life and their habitats. If the commission determines that the plan has adverse effects on these resources and that such adverse effects exceed the beneficial effects on these resources, the commission shall recommend modifications of or additions to the plan to the district governing board at the time it considers the plan pursuant to s. 373.456(1), or any modifications or additions which would result in additional beneficial effects on wild animal life or fresh water aquatic life or their habitats.

Section 189. Subsection (2) of section 373.4595, Florida Statutes, is amended to read:

373.4595 Lake Okeechobee improvement and management.—

(2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY COUNCIL.—

(a) The Legislature finds that efforts to reduce nutrient levels in Lake Okeechobee have resulted in diversions of nutrient-laden waters to other environmentally sensitive areas, which diversions have resulted in adverse environmental effects. The Legislature also finds that both the agriculture industry and the environmental community are committed to protecting Lake Okeechobee and these environmentally sensitive areas from further harm and that this crisis must be addressed immediately. Therefore:

1. The South Florida Water Management District shall not divert waters to the Indian River estuary, the Caloosahatchee River or its estuary, or the Everglades National Park, in such a way that the state water quality standards are violated, that the nutrients in such diverted waters adversely affect indigenous vegetation communities or wildlife, or that fresh waters diverted to the Caloosahatchee or Indian River estuaries adversely affect the estuarine vegetation or wildlife, unless the receiving waters will biologically benefit by the diversion. However, diversion is permitted when an emergency is declared by the water management district, if the Secretary of Environmental Protection concurs.

2. The South Florida Water Management district may divert waters to other areas, including Lake Hicpochee, unless otherwise provided by law. However, the district shall monitor the effects of such diversions to determine the extent of adverse or positive environmental effects on indigenous vegetation and wildlife. The results of the monitoring shall be reported to the Lake Okeechobee Technical Advisory Council. If the monitoring of such diversions reveals continuing adverse environmental effects, the district shall make recommendations to the Legislature by July 1, 1988, on how to cease the diversions.

(b)1. There is hereby created a Lake Okeechobee Technical Advisory Council. Council members shall be experts in the fields of botany, wildlife biology, aquatic biology, water quality chemistry, or hydrology and shall consist of:

- a. Three members appointed by the Governor;
- b. Three members appointed by the Speaker of the House of Representatives;
- c. Three members appointed by the President of the Senate;
- d. One member from the Institute of Food and Agricultural Sciences, University of Florida, appointed by the President of the University of Florida; and
- e. One member from the College of Natural Sciences, University of South Florida, appointed by the President of the University of South Florida.

Members shall be appointed not later than July 15, 1987.

2. The purpose of the council shall be to investigate the adverse effects of past diversions of water and potential effects of future diversions on indigenous wildlife and vegetation and to report to the Legislature, no later

than March 1, 1988, with findings and recommendations proposing permanent solutions to eliminate such adverse effects.

3. The South Florida Water Management District shall provide staff and assistance to the council. The Department of Environmental Protection, the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, and the district shall cooperate with the council.

4. The council shall meet not less than once every 2 months at the call of the chair, or at the call of four other members of the council. The council shall elect from its members a chair and vice chair and such other officers as the council deems necessary. The council may establish other procedures for the conduct of its business.

5. The members of the council are not entitled to compensation but are eligible for per diem and travel expenses pursuant to s. 112.061.

Section 190. Paragraph (b) of subsection (1) of section 373.465, Florida Statutes, 1998 Supplement, is amended to read:

373.465 Lake Panasoffkee Restoration Council.—There is created within the Southwest Florida Water Management District the Lake Panasoffkee Restoration Council.

(1)

(b) The council advisory group to the council shall consist of: one representative each from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, the Florida Department of Transportation, the Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers, to be appointed by their respective agencies, all of whom must have training in biology or another scientific discipline.

Section 191. Subsections (1) and (2) of section 373.466, Florida Statutes, 1998 Supplement, are amended to read:

373.466 Lake Panasoffkee restoration program.—

(1) The Southwest Florida Water Management District, in conjunction with the Department of Environmental Protection, the Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission, the Sumter County Commission, and the Lake Panasoffkee Restoration Council, shall review existing restoration proposals to determine which ones are the most environmentally sound and economically feasible methods of improving the fisheries and natural systems of Lake Panasoffkee.

(2) The Southwest Florida Water Management District, in consultation and by agreement with the Department of Environmental Protection, the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, and pertinent local governments, shall develop tasks to be undertaken by those entities necessary to initiate the Lake Panasoffkee restoration pro-

gram recommended by the Lake Panasoffkee Restoration Council. These agencies shall:

- (a) Evaluate different methodologies for removing the extensive tussocks and build-up of organic matter along the shoreline and of the aquatic vegetation in the lake; and
- (b) Conduct any additional studies as recommended by the Lake Panasoffkee Restoration Council.

Section 192. Subsection (1) of section 373.591, Florida Statutes, 1998 Supplement, is amended to read:

373.591 Management review teams.—

(1) To determine whether conservation, preservation, and recreation lands titled in the name of the water management districts are being managed for the purposes for which they were acquired and in accordance with land management objectives, the water management districts shall establish land management review teams to conduct periodic management reviews. The land management review teams shall be composed of the following members:

- (a) One individual from the county or local community in which the parcel is located.
- (b) One employee of the water management district.
- (c) A private land manager mutually agreeable to the governmental agency representatives.
- (d) A member of the local soil and water conservation district board of supervisors.
- (e) One individual from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.
- (f) One individual from the Department of Environmental Protection.
- (g) One individual representing a conservation organization.
- (h) One individual from the Department of Agriculture and Consumer Services' Division of Forestry.

Section 193. Subsection (1) of section 375.021, Florida Statutes, is amended to read:

375.021 Comprehensive multipurpose outdoor recreation plan.—

(1) The department is given the responsibility, authority, and power to develop and execute a comprehensive multipurpose outdoor recreation plan for this state with the cooperation of the Department of Agriculture and Consumer Services, the Department of Transportation, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Commerce, and the water management districts.

Section 194. Section 375.311, Florida Statutes, is amended to read:

375.311 Legislative intent.—To protect and manage Florida's wildlife environment on lands conveyed for recreational purposes by private owners and public custodians, the Legislature hereby intends that the Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall regulate motor vehicle access and traffic control on Florida's public lands.

Section 195. Subsection (3) of section 375.312, Florida Statutes, is amended to read:

375.312 Definitions.—As used in this act, unless the context requires otherwise:

(3) "Commission" means the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission.

Section 196. Subsections (6) and (8) of section 376.121, Florida Statutes, are amended to read:

376.121 Liability for damage to natural resources.—The Legislature finds that extensive damage to the state's natural resources is the likely result of a pollutant discharge and that it is essential that the state adequately assess and recover the cost of such damage from responsible parties. It is the state's goal to recover the costs of restoration from the responsible parties and to restore damaged natural resources to their pre-discharge condition. In many instances, however, restoration is not technically feasible. In such instances, the state has the responsibility to its citizens to recover the cost of all damage to natural resources. To ensure that the public does not bear a substantial loss as a result of the destruction of natural resources, the procedures set out in this section shall be used to assess the cost of damage to such resources. Natural resources include coastal waters, wetlands, estuaries, tidal flats, beaches, lands adjoining the seacoasts of the state, and all living things except human beings. The Legislature recognizes the difficulty historically encountered in calculating the value of damaged natural resources. The value of certain qualities of the state's natural resources is not readily quantifiable, yet the resources and their qualities have an intrinsic value to the residents of the state, and any damage to natural resources and their qualities should not be dismissed as nonrecoverable merely because of the difficulty in quantifying their value. In order to avoid unnecessary speculation and expenditure of limited resources to determine these values, the Legislature hereby establishes a schedule for compensation for damage to the state's natural resources and the quality of said resources.

(6) It is understood that a pollutant will, by its very nature, result in damage to the flora and fauna of the waters of the state and the adjoining land. Therefore, compensation for such resources, which is difficult to calculate, is included in the compensation schedule. Not included, however, in this base figure is compensation for the death of endangered or threatened species directly attributable to the pollutant discharged. Compensation for the death of any animal designated by rule as endangered by the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission is

\$10,000. Compensation for the death of any animal designated by rule as threatened by the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission is \$5,000. These amounts are not intended to reflect the actual value of said endangered or threatened species, but are included for the purposes of this section.

(8) When assessing the amount of damages to natural resources, the department shall be assisted, if requested by the department, by representatives of other state agencies and local governments that would enhance the department's damage assessment. The Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission shall assist the department in the assessment of damages to wildlife impacted by a pollutant discharge and shall assist the department in recovering the costs of such damages.

Section 197. Subsection (1) of section 378.011, Florida Statutes, is amended to read:

378.011 Land Use Advisory Committee.—

(1) There is hereby created a Land Use Advisory Committee which shall be composed of the following:

(a) One member from the Bureau of Geology of the Division of Resource Management of the Department of Environmental Protection, who shall serve as chair, to be appointed by the executive director of said department;

(b) One member from the Executive Office of the Governor, to be appointed by the Governor;

(c) One member from the Tampa Bay Regional Planning Council, one member from the Central Florida Regional Planning Council, and one member from the North Central Florida Regional Planning Council, to be appointed by the respective directors of said regional planning councils;

(d) One member to represent the Board of County Commissioners of Polk County, one member to represent the Board of County Commissioners of Hillsborough County, and one member to represent the Board of County Commissioners of Hamilton County, to be appointed by the chairs of said boards;

(e) One member from the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission, to be appointed by the Executive Director of said commission; and

(f) Two members of the public, to be appointed by the Governor.

Section 198. Subsection (5) of section 378.036, Florida Statutes, is amended to read:

378.036 Land acquisitions financed by Nonmandatory Land Reclamation Trust Fund moneys.—

(5) By July 1, 1986, the department, in cooperation with the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission, shall de-

velop a list identifying those nonmandatory lands which have been or may be naturally reclaimed and which the state may seek to acquire through purchase or donation for hunting, fishing, or other outdoor recreational purposes or for wildlife habitat restoration. The list shall separately indicate which of the nonmandatory lands are eligible lands.

Section 199. Subsection (2) of section 378.409, Florida Statutes, is amended to read:

**378.409 Civil liability.—**

(2) In assessing damages for animal, plant, or aquatic life, the value shall be determined in accordance with the tables of values established by the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and the department.

Section 200. Subsections (3) and (6) of section 380.061, Florida Statutes, 1998 Supplement, are amended to read:

**380.061 The Florida Quality Developments program.—**

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of the above requirement, the developer may enter into a binding commitment which runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for the purpose of passive recreation that is consistent with the purposes for which the land was preserved.

a. Those wetlands and water bodies throughout the state as would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities to the extent that such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.



d. Areas known to be important to animal species designated as endangered or threatened animal species by the United States Fish and Wildlife Service or by the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.

e. Areas known to contain plant species designated as endangered plant species by the Department of Agriculture and Consumer Services.

2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental Protection or the Department of Agriculture and Consumer Services. This subparagraph is not intended to apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as activities in those waters are permitted pursuant to s. 403.813(2) and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, Xeriscape as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, will be available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved strategic regional policy plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.

7. Design and construct the development in a manner that is consistent with the adopted state plan, the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.

(b) In addition to the foregoing requirements, the developer shall plan and design his or her development in a manner which includes the needs of the people in this state as identified in the state comprehensive plan and the

quality of life of the people who will live and work in or near the development. The developer is encouraged to plan and design his or her development in an innovative manner. These planning and design features may include, but are not limited to, such things as affordable housing, care for the elderly, urban renewal or redevelopment, mass transit, the protection and preservation of wetlands outside the jurisdiction of the Department of Environmental Protection or of uplands as wildlife habitat, provision for the recycling of solid waste, provision for onsite child care, enhancement of emergency management capabilities, the preservation of areas known to be primary habitat for significant populations of species of special concern designated by the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission, or community economic development. These additional amenities will be considered in determining whether the development qualifies for designation under this program.

(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the Secretary of Environmental Protection and a member designated by the secretary, the Secretary of Transportation, the executive director of the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission, the executive director of the appropriate water management district created pursuant to chapter 373, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development which is appealed to the board, the director of the Division of Historical Resources of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.

(b) The board shall meet once each quarter of the year. However, a meeting may be waived if no appeals are pending.

(c) On appeal, the sole issue shall be whether the development meets the statutory criteria for designation under this program. An affirmative vote of at least five members of the board, including the affirmative vote of the chief executive officer of the appropriate local government, shall be necessary to designate the development by the board.

(d) The state land planning agency shall adopt procedural rules for consideration of appeals under this subsection.

Section 201. Section 388.45, Florida Statutes, is amended to read:

388.45 Threat to public health; emergency declarations.—The State Health Officer has the authority to declare that a threat to public health exists when the Department of Health discovers in the human or surrogate population the occurrence of an infectious disease that can be transmitted from arthropods to humans. The State Health Officer must immediately notify the Commissioner of Agriculture of the declaration of this threat to public health. The Commissioner of Agriculture is authorized to issue an emergency declaration based on the State Health Officer's declaration of a threat to the public health or based on other threats to animal health. Each declaration must contain the geographical boundaries and the duration of

the declaration. The State Health Officer shall order such human medical preventive treatment and the Commissioner of Agriculture shall order such ameliorative arthropod control measures as are necessary to prevent the spread of disease, notwithstanding contrary provisions of this chapter or the rules adopted under this chapter. Within 24 hours after a declaration of a threat to the public health, the State Health Officer must also notify the agency heads of the Department of Environmental Protection and the Fish and Wildlife Conservation Game and Fresh Water Fish Commission of the declaration. Within 24 hours after an emergency declaration based on the public health declaration or based on other threats to animal health, the Commissioner of Agriculture must notify the agency heads of the Department of Environmental Protection and the Fish and Wildlife Conservation Game and Fresh Water Fish Commission of the declaration. Within 24 hours after an emergency declaration based on other threats to animal health, the Commissioner of Agriculture must also notify the agency head of the Department of Health of the declaration.

Section 202. Subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) Membership.—The Florida Coordinating Council on Mosquito Control shall be comprised of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection and the Secretary of Health;

2. The executive director of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission;

3. The state epidemiologist;

4. The Commissioner of Agriculture; and

5. Representatives from:

a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory;

b. Florida Agricultural and Mechanical University;

c. The United States Environmental Protection Agency;

d. The United States Department of Agriculture, Insects Affecting Man Laboratory;

e. The United States Fish and Wildlife Service;

f. Two mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental

groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture; and

g. The Board of Trustees of the Internal Improvement Trust Fund.

(b) Organization.—The council shall be chaired by the Commissioner of Agriculture or the commissioner's authorized designee. A majority of the membership of the council shall constitute a quorum for the conduct of business. The chair shall be responsible for recording and distributing to the members a summary of the proceedings of all council meetings. The council shall meet at least three times each year, or as needed. The council may designate subcommittees from time to time to assist in carrying out its responsibilities, provided that the Subcommittee on Managed Marshes shall be the first subcommittee appointed by the council. The subcommittee shall continue to provide technical assistance and guidance on mosquito impoundment management plans and develop and review research proposals for mosquito source reduction techniques.

(c) Responsibilities.—The council shall:

1. Develop and implement guidelines to assist the department in resolving disputes arising over the control of arthropods on publicly owned lands.

2. Identify and recommend to Florida Agricultural and Mechanical University research priorities for arthropod control practices and technologies.

3. Develop and recommend to the department a request for proposal process for arthropod control research.

4. Identify potential funding sources for research or implementation projects and evaluate and prioritize proposals upon request by the funding source.

5. Prepare and present reports, as needed, on arthropod control activities in the state to the Pesticide Review Council, the Florida Coastal Management Program Interagency Management Committee, and other governmental organizations, as appropriate.

Section 203. Subsection (5) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(5) The Secretary of Community Affairs, the Secretary of Transportation, the Commissioner of Agriculture, the Executive Director of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, and the executive directors of the water management districts are authorized to participate in the development of ecosystem management agreements with regulated entities and other governmental agencies as necessary to effectuate the provisions of this section. Local governments are encouraged to participate in ecosystem management agreements.

Section 204. Subsection (4) of section 403.0885, Florida Statutes, 1998 Supplement, is amended to read:

403.0885 Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) Program.—

(4) The department shall respond, in writing, to any written comments on a pending application for a state NPDES permit which the department receives from the executive director, or his or her designee, of the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission on matters within the commenting agency's jurisdiction. The department's response shall not constitute agency action for purposes of ss. 120.569 and 120.57 or other provisions of chapter 120.

Section 205. Subsection (2) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

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

(a) "Litter" means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(b) "Person" means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

(c) "Law enforcement officer" means any officer of the Florida Highway Patrol, a county sheriff's department, a municipal law enforcement department, a law enforcement department of any other political subdivision, the department, or the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission. In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipal park or recreation department designated by the department head as a litter enforcement officer.

(d) "Aircraft" means a motor vehicle or other vehicle that is used or designed to fly but does not include a parachute or any other device used primarily as safety equipment.

(e) "Commercial purpose" means for the purpose of economic gain.

(f) "Commercial vehicle" means a vehicle that is owned or used by a business, corporation, association, partnership, or sole proprietorship or any other entity conducting business for a commercial purpose.

(g) "Dump" means to dump, throw, discard, place, deposit, or dispose of.

(h) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle that is powered by a motor.

(i) "Vessel" means a boat, barge, or airboat or any other vehicle used for transportation on water.

Section 206. Subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, and studies.—

(2)(a) The following agencies shall prepare reports as provided below and shall submit them to the department and the applicant within 150 days after distribution of the complete application:

1. The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan and other such matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed electrical power plant with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

2. The Public Service Commission shall prepare a report as to the present and future need for the electrical generating capacity to be supplied by the proposed electrical power plant. The report shall include the commission's determination pursuant to s. 403.519 and may include the commission's comments with respect to any other matters within its jurisdiction.

3. The water management district shall prepare a report as to matters within its jurisdiction.

4. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including adopted local comprehensive plans, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

5. The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission shall prepare a report as to matters within its jurisdiction.

6. The regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.

7. Any other agency, if requested by the department, shall also perform studies or prepare reports as to matters within that agency's jurisdiction which may potentially be affected by the proposed electrical power plant.

(b) As needed to verify or supplement the studies made by the applicant in support of the application, it shall be the duty of the department to conduct, or contract for, studies of the proposed electrical power plant and site, including, but not limited to, the following, which shall be completed no later than 210 days after the complete application is filed with the department:

1. Cooling system requirements.
2. Construction and operational safeguards.
3. Proximity to transportation systems.
4. Soil and foundation conditions.
5. Impact on suitable present and projected water supplies for this and other competing uses.
6. Impact on surrounding land uses.
7. Accessibility to transmission corridors.
8. Environmental impacts.
9. Requirements applicable under any federally delegated or approved permit program.

(c) Each report described in paragraphs (a) and (b) shall contain all information on variances, exemptions, exceptions, or other relief which may be required by s. 403.511(2) and any proposed conditions of certification on matters within the jurisdiction of such agency. For each condition proposed by an agency in its report, the agency shall list the specific statute, rule, or ordinance which authorizes the proposed condition.

(d) The agencies shall initiate the activities required by this section no later than 30 days after the complete application is distributed. The agencies shall keep the applicant and the department informed as to the progress of the studies and any issues raised thereby.

Section 207. Paragraph (a) of subsection (4) of section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification proceedings, parties, participants.—

(4)(a) Parties to the proceeding shall include:

1. The applicant.
2. The Public Service Commission.
3. The Department of Community Affairs.
4. The Fish and Wildlife Conservation Commission ~~Game and Fresh Water Fish Commission~~.

5. The water management district.
6. The department.
7. The regional planning council.
8. The local government.

Section 208. Paragraph (b) of subsection (1) of section 403.518, Florida Statutes, is amended to read:

403.518 Fees; disposition.—

(1) The department shall charge the applicant the following fees, as appropriate, which shall be paid into the Florida Permit Fee Trust Fund:

(b) An application fee, which shall not exceed \$200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, increase in generating capacity proposed by the application, or the number and size of local governments in whose jurisdiction the electrical power plant is located.

1. Sixty percent of the fee shall go to the department to cover any costs associated with reviewing and acting upon the application, to cover any field services associated with monitoring construction and operation of the facility, and to cover the costs of the public notices published by the department.

2. Twenty percent of the fee or \$25,000, whichever is greater, shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services.

3. Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the department shall reimburse the Department of Community Affairs, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, and any water management district created pursuant to chapter 373, regional planning council, and local government in the jurisdiction of which the proposed electrical power plant is to be located, and any other agency from which the department requests special studies pursuant to s. 403.507(2)(a)7. Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for local governments to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

4. If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this act; provided, however, that if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after withdrawal.

Section 209. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:



403.526 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided below and shall submit them to the department and the applicant within 90 days after distribution of the complete application:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed transmission line or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council shall present a report containing recommendations that address the impact upon the public of the proposed transmission line or corridor based on the degree to which the transmission line or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed transmission line or corridor on matters within its jurisdiction.

Section 210. Paragraph (a) of subsection (4) of section 403.527, Florida Statutes, is amended to read:

403.527 Notice, proceedings, parties, participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Community Affairs.
5. The Fish and Wildlife Conservation Game and Fresh Water Fish Commission.
6. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.
7. The local government.
8. The regional planning council.

Section 211. Paragraph (c) of subsection (1) of section 403.5365, Florida Statutes, is amended to read:

403.5365 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which shall be paid into the Florida Permit Fee Trust Fund:

(1) An application fee of \$100,000, plus \$750 per mile for each mile of corridor in which the transmission line right-of-way is proposed to be located within an existing electrical transmission line right-of-way or within any existing right-of-way for any road, highway, railroad, or other aboveground linear facility, or \$1,000 per mile for each mile of transmission line corridor proposed to be located outside such existing right-of-way.

(c) Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the department shall reimburse the expenses and costs of the Department of Community Affairs, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the water management district, regional planning council, and local government in the jurisdiction of which the transmission line is to be located. Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for the local government to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 212. Subsection (3) of section 403.7841, Florida Statutes, is amended to read:

403.7841 Application for certification.—

(3) Within 7 days after filing the application with the department, the applicant shall provide two copies of the application as filed to each of the following: the Department of Community Affairs, the water management district which has jurisdiction over the area wherein the proposed project is to be located, the Department of Transportation, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, and the local governmental entities which have jurisdiction.

Section 213. Subsection (1) of section 403.786, Florida Statutes, is amended to read:

403.786 Report and studies.—

(1) The Department of Community Affairs, the water management district which has jurisdiction over the area wherein the proposed project is to be located, the Department of Transportation, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, and each local government which has jurisdiction shall each submit a report of matters within their jurisdiction to the department within 90 days after their receipt of the application. Any other agency may submit comments relating to matters within its jurisdiction to the department within 90 days after the filing of the application with the Division of Administrative Hearings.

Section 214. Paragraph (a) of subsection (4) of section 403.787, Florida Statutes, is amended to read:

403.787 Notice, proceedings, parties, participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The Department of Community Affairs.
4. The Fish and Wildlife Conservation Game and Fresh Water Fish Commission.
5. Each water management district in the jurisdiction of which the proposed project is to be located.
6. Any affected local government.

Section 215. Subsection (6) of section 403.9325, Florida Statutes, is amended to read:

403.9325 Definitions.—For the purposes of ss. 403.9321-403.9333, the term:

(6) “Public lands set aside for conservation or preservation” means:

- (a) Conservation and recreation lands under chapter 259;
- (b) State and national parks;
- (c) State and national reserves and preserves, except as provided in s. 403.9326(3);
- (d) State and national wilderness areas;
- (e) National wildlife refuges (only those lands under Federal Government ownership);
- (f) Lands acquired through the Water Management Lands Trust Fund, Save Our Rivers Program;
- (g) Lands acquired under the Save Our Coast program;
- (h) Lands acquired under the environmentally endangered lands bond program;
- (i) Public lands designated as conservation or preservation under a local government comprehensive plan;
- (j) Lands purchased by a water management district, the Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission, or any other state agency for conservation or preservation purposes;
- (k) Public lands encumbered by a conservation easement that does not provide for the trimming of mangroves; and
- (l) Public lands designated as critical wildlife areas by the Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission.

Section 216. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to

which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Game and Fresh Water Fish Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall present a report containing recommendations that address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the natural gas transmission pipeline or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

8. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

9. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 217. Paragraph (a) of subsection (4) of section 403.9411, Florida Statutes, is amended to read:

403.9411 Notice; proceedings; parties and participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Community Affairs.
5. The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.
6. Each water management district in the jurisdiction of which the proposed natural gas transmission pipeline or corridor is to be located.
7. The local government.
8. The regional planning council.
9. The Department of Transportation.
10. The Department of State, Division of Historical Resources.

Section 218. Subsection (2) of section 403.961, Florida Statutes, is amended to read:

403.961 Statements of issues and reports; written analyses.—

(2) Each of the following agencies shall prepare a report as to matters within its jurisdiction expected to be affected by the proposed project, which report shall be submitted to the applicant, the Department of Commerce, the Department of Environmental Protection, the affected local governments, and all other affected agencies, no later than 65 days after the date the application is determined to be sufficient:

- (a) The Department of Transportation.
- (b) The Department of Community Affairs.
- (c) The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.
- (d) Each water management district having jurisdiction over any proposed site or installation.

(e) Each regional planning council having jurisdiction over any proposed site or installation.

(f) Any other agency, if requested by the Department of Commerce, shall also prepare reports as to matters within that agency's jurisdiction expected to be affected by the proposed project.

Section 219. Paragraph (b) of subsection (1) of section 403.962, Florida Statutes, is amended to read:

403.962 Certification hearing; cancellation; parties.—

(1) The assigned administrative law judge shall conduct a certification hearing in the county of the proposed site no later than 150 days after the application for project certification is deemed to be sufficient or an applicant has requested that its application be processed on the basis of information already submitted. All proceedings are governed by chapter 120 except as modified by this act. The hearing shall only be conducted in the event that a hearing is requested by the applicant, an affected agency, a person having a substantial interest which is affected by the proposed certification, a qualified organization, or an affected person who files a petition pursuant to s. 403.9615(4). In determining whether a hearing shall be conducted, the following procedures shall apply:

(b) The following agencies shall be entitled to request the conduct of a certification hearing under this section:

1. The Department of Environmental Protection.
2. The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.
3. The Department of Community Affairs.
4. The Department of Transportation.
5. Any water management district having jurisdiction over a site or installation associated with the proposed project.
6. Any local government having jurisdiction over a site or installation associated with the proposed project.

Section 220. Paragraph (c) of subsection (2) of section 403.972, Florida Statutes, is amended to read:

403.972 Fees; disposition.—The Department of Commerce shall charge the following fees, as appropriate, which shall be paid into the Department of Commerce Economic Development Trust Fund:

(2) An application fee, which shall not exceed \$150,000. The fee shall be fixed by rule on a sliding scale related to the proposed project size and the number and size of local governments in whose jurisdiction the project is located.

(c) Upon written request with proper itemized accounting within 90 days after final agency action or withdrawal of the application, the Department of Commerce shall reimburse the Department of Environmental Protection, the Department of Community Affairs, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, and any water management district created pursuant to chapter 373, regional planning council, and affected local governments in the jurisdiction of which the proposed project is to be located, and any other agency from which the Department of Commerce requests special reports pursuant to s. 403.961(2)(f) or with which the Department of Commerce contracts for field services associated with the monitoring, construction, and operation of the facility. Such reimbursement shall be authorized for the preparation of any reports or studies or the conduct of any compliance monitoring required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for local governments to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 221. Subsection (4) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; comprehensive plan amendments.—

(4) The regional teams shall be established through the execution of memoranda of agreement between the office and the respective heads of the Departments of Environmental Protection, Community Affairs, Transportation, Agriculture and Consumer Services, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

Section 222. Paragraph (b) of subsection (1) of section 487.0615, Florida Statutes, is amended to read:

487.0615 Pesticide Review Council.—

(1)

(b) The council shall consist of 11 scientific members as follows: a scientific representative from the Department of Agriculture and Consumer Services, a scientific representative from the Department of Environmental Protection, a scientific representative from the Department of Health and Rehabilitative Services, and a scientific representative from the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, each to be appointed by the respective agency; the dean of research of the Institute of Food and Agricultural Sciences of the University of Florida; and six members to be appointed by the Governor. The six members to be appointed by the Governor must be a pesticide industry representative, a representative of an environmental group, a hydrologist, a toxicologist, a scientific representative from one of the five water management districts rotated among the



five districts, and a grower representative from a list of three persons nominated by the statewide grower associations. Each member shall be appointed for a term of 4 years and shall serve until a successor is appointed. A vacancy shall be filled for the remainder of the unexpired term.

Section 223. Subsection (4) of section 581.186, Florida Statutes, is amended to read:

581.186 Endangered Plant Advisory Council; organization; meetings; powers and duties.—

(4) COOPERATION.—The Division of Plant Industry, the Department of Environmental Protection, the Department of Transportation, and the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission shall cooperate with the council whenever necessary to aid it in carrying out its duties under this section.

Section 224. Subsection (3) of section 585.21, Florida Statutes, is amended to read:

585.21 Sale of biological products.—

(3) Any biological product for animals which is used or proposed to be used in a field test in this state must be approved for such use by the department. Before issuing approval, the department shall consult with the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission if wildlife are involved and the Department of Health and Rehabilitative Services if the disease may affect humans.

Section 225. Paragraph (c) of subsection (1) of section 597.003, Florida Statutes, is amended to read:

597.003 Powers and duties of Department of Agriculture and Consumer Services.—

(1) The department is hereby designated as the lead agency in encouraging the development of aquaculture in the state and shall have and exercise the following functions, powers, and duties with regard to aquaculture:

(c) Develop memorandums of agreement, as needed, with the Department of Environmental Protection, the Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission, the Florida Sea Grant Program, and other groups as provided in the state aquaculture plan.

Section 226. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Protection, the Department of Labor and Employ-

ment Security, the Fish and Wildlife Conservation Marine Fisheries Commission, the ~~Game and Fresh Water Fish~~ Commission, the statewide consortium of universities under the Florida Institute of Oceanography, Florida Agricultural and Mechanical University, the Institute of Food and Agricultural Sciences at the University of Florida, the Florida Sea Grant Program, and each water management district. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

Section 227. Paragraph (a) of subsection (1) of section 784.07, Florida Statutes, 1998 Supplement, is amended to read:

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

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

(a) “Law enforcement officer” includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10, and any county probation officer; employee or agent of the Department of Corrections who supervises or provides services to inmates; officer of the Parole Commission; and law enforcement personnel of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, the Department of Environmental Protection, or the Department of Law Enforcement.

Section 228. Subsection (2) of section 790.06, Florida Statutes, 1998 Supplement, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(2) The Department of State shall issue a license if the applicant:

(a) Is a resident of the United States or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year

period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of State;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph;

any person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged; and

(l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence.

Section 229. Subsection (1) of section 790.15, Florida Statutes, is amended to read:

790.15 Discharging firearm in public.—

(1) Except as provided in subsection (2) or subsection (3), any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street or whosoever knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission or Division of Forestry.

Section 230. Paragraph (b) of subsection (6) of section 828.122, Florida Statutes, is amended to read:

828.122 Fighting or baiting animals; offenses; penalties.—

(6) The provisions of subsection (3) and paragraph (4)(b) shall not apply to:

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Section 231. Subsection (1) of section 832.06, Florida Statutes, is amended to read:

832.06 Prosecution for worthless checks given tax collector for licenses or taxes; refunds.—

(1) Whenever any person, firm, or corporation violates the provisions of s. 832.05 by drawing, making, uttering, issuing, or delivering to any county tax collector any check, draft, or other written order on any bank or depository for the payment of money or its equivalent for any tag, title, lien, tax (except ad valorem taxes), penalty, or fee relative to a boat, airplane, or motor vehicle; any occupational license, beverage license, or sales or use tax; or any hunting or fishing license, the county tax collector, after the exercise of due diligence to locate the person, firm, or corporation which drew, made, uttered, issued, or delivered the check, draft, or other written order for the payment of money, or to collect the same by the exercise of due diligence and prudence, shall swear out a complaint in the proper court against the person, firm, or corporation for the issuance of the worthless check or draft. If the state attorney cannot sign the information due to lack of proof, as determined by the state attorney in good faith, for a prima facie case in court, he or she shall issue a certificate so stating to the tax collector. If payment of the dishonored check, draft, or other written order, together with court costs expended, is not received in full by the county tax collector within 30 days after service of the warrant, 30 days after conviction, or 60 days after the collector swears out the complaint or receives the certificate of the state attorney, whichever is first, the county tax collector shall make a written report to this effect to the Department of Highway Safety and Motor Vehicles relative to airplanes and motor vehicles, to the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ relative to boats, to the Department of Revenue relative to occupational licenses and the sales and use tax, to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission ~~relative to hunting and fishing licenses~~, containing a statement of the amount remaining unpaid on the worthless check or draft. If the information is not signed, the certificate of the state attorney is issued, and the written report of the amount remaining unpaid is made, the county tax collector may request the sum be forthwith refunded by the appropriate governmental entity, agency, or department. If a warrant has been issued and served, he or she shall certify to that effect, together with the court costs and amount remaining unpaid on the check. The county tax collector may request that the sum of money certified by him or her be forthwith refunded by the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Fish and Wildlife Conservation Game and Fresh Water Fish Commission to the county tax collector. Within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, upon being

satisfied as to the correctness of the certificate of the tax collector, or the report, shall refund to the county tax collector the sums of money so certified or reported. If any officer of any court issuing the warrant is unable to serve it within 60 days after the issuance and delivery of it to the officer for service, the officer shall make a written return to the county tax collector to this effect. Thereafter, the county tax collector may certify that the warrant has been issued and that service has not been had upon the defendant and further certify the amount of the worthless check or draft and the amount of court costs expended by the county tax collector, and the county tax collector may file the certificate with the Department of Highway Safety and Motor Vehicles relative to motor vehicles and airplanes, with the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ relative to boats, with the Department of Revenue relative to occupational licenses and the sales and use tax, with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or with the Fish and Wildlife Conservation Game and Fresh Water Fish ~~Fish~~ Commission relative to hunting and fishing licenses, together with a request that the sums of money so certified be forthwith refunded by the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection,~~ the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Fish and Wildlife Conservation Game and Fresh Water Fish ~~Fish~~ Commission to the county tax collector, and within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection,~~ the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Fish and Wildlife Conservation Game and Fresh Water Fish ~~Fish~~ Commission, upon being satisfied as to the correctness of the certificate, shall refund the sums of money so certified to the county tax collector.

Section 232. Section 843.08, Florida Statutes, is amended to read:

843.08 Falsely personating officer, etc.—A person who falsely assumes or pretends to be a sheriff, officer of the Florida Highway Patrol, officer of the Fish and Wildlife Conservation Game and Fresh Water Fish ~~Fish~~ Commission, officer of the Department of Environmental Protection, officer of the Department of Transportation, officer of the Department of Corrections, correctional probation officer, deputy sheriff, state attorney or assistant state attorney, statewide prosecutor or assistant statewide prosecutor, state attorney investigator, coroner, police officer, lottery special agent or lottery investigator, beverage enforcement agent, or watchman, or any member of the Parole Commission and any administrative aide or supervisor employed by the commission, or any personnel or representative of the Department of Law Enforcement, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; however, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; except that if the commission of the felony results in the death or personal injury of another human being, the

person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 233. Section 870.04, Florida Statutes, is amended to read:

870.04 Specified officers to disperse riotous assembly.—If any number of persons, whether armed or not, are unlawfully, riotously or tumultuously assembled in any county, city or municipality, the sheriff or the sheriff's deputies, or the mayor, or any commissioner, council member, alderman or police officer of the said city or municipality, or any officer or member of the Florida Highway Patrol, or any officer or agent of the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, Department of Environmental Protection, or beverage enforcement agent, any personnel or representatives of the Department of Law Enforcement or its successor, or any other peace officer, shall go among the persons so assembled, or as near to them as may be with safety, and shall in the name of the state command all the persons so assembled immediately and peaceably to disperse; and if such persons do not thereupon immediately and peaceably disperse, said officers shall command the assistance of all such persons in seizing, arresting and securing such persons in custody; and if any person present being so commanded to aid and assist in seizing and securing such rioter or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, or, when required by such officers to depart from the place, refuses and neglects to do so, the person shall be deemed one of the rioters or persons unlawfully assembled, and may be prosecuted and punished accordingly.

Section 234. Section 943.1728, Florida Statutes, is amended to read:

943.1728 Basic skills training relating to the protection of archaeological sites.—The commission shall establish standards for instruction of law enforcement officers in the subject of skills relating to the protection of archaeological sites and artifacts. In developing such standards and skills, the commission shall consult with representatives of the following agencies: the Division of Historical Resources of the Department of State, the Fish and Wildlife Conservation Game and Fresh Water Fish Commission, and the Department of Environmental Protection. The commission shall develop the standards for training in any of the following: basic recruit courses, advanced and specialized courses, or other appropriate training courses as determined by the commission.

Section 235. Subsection (2) of section 252.937, Florida Statutes, 1998 Supplement, is amended to read:

252.937 Department powers and duties.—

(2) To ensure that this program is self-supporting, the department shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources sub-

ject to this part shall enter into a memorandum of understanding with the department which specifically outlines how each agency's staff, facilities, materials, and services will be utilized to support implementation. At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management Facilities, and the Department of Labor and Employment Security's Division of Safety. It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

Section 236. Subsections (2), (3), and (4) of section 309.01, Florida Statutes, are amended to read:

309.01 Deposit of material in tidewater regulated.—

(2) This section shall not prohibit Escambia County from placing in Pensacola Bay, on the Escambia County side, beside the old Pensacola Bay Bridge, certain materials, as recommended by the ~~Division of Marine Resources of the~~ Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to increase the number of fish available for persons fishing from the old Pensacola Bay Bridge.

(3) This section shall not prohibit Manatee County from placing in the Manatee County portions of Sarasota Bay and Tampa Bay and in the Manatee River, certain materials, as recommended by the ~~Division of Marine Resources of the~~ Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to increase the number of fish available for persons fishing in the above areas.

(4) This section shall not prohibit Pinellas County from placing in Tampa Bay certain materials as recommended by the ~~Division of Marine Resources of the~~ Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to increase the number of fish available for persons fishing in the bay.

Section 237. Section 370.023, Florida Statutes, is amended to read:

370.023 Administration of commission ~~department~~ grant programs.—

(1) The ~~Fish and Wildlife Conservation Commission~~ Department of Environmental Protection is authorized to establish grant programs ~~that which~~ are consistent with statutory authority and legislative appropriations. The ~~commission department~~ is further authorized to receive funds from any legal source for purposes of matching state dollars or for passing through the agency as grants to other entities whether or not matching funds or in-kind matches are required.

(2) For any grant program established by the commission department, the commission department shall adopt rules, pursuant to the requirements of chapter 120, for each grant program which shall include, but are not limited to: the method or methods of payment; the supporting documents required before payment will be made; when matching funds or in-kind matches are allowed; what moneys, services, or other sources and amounts



of matching funds or in-kind matches will be eligible for use for matching the grant by the commission department; who is eligible to participate in the program; and other provisions ~~that which~~ the commission department finds necessary to achieve program objectives and an accounting for state funds in accordance with law and generally accepted accounting principles.

(3) The commission department is authorized to preaudit or postaudit account books and other documentation of a grant recipient to assure that grant funds have been ~~were~~ used in accordance with the terms of the grant and state rules and statutes. When such audit reveals that moneys have ~~were not been~~ spent in accordance with grant requirements, the commission department may withhold moneys or recover moneys previously paid. A grant recipient will be allowed a maximum of 60 days to submit any additional pertinent documentation to offset the amount identified as being due the commission department.

Section 238. Subsections (2), (3), and (4) of section 370.03, Florida Statutes, are amended to read:

370.03 Water bottoms.—

(2) CONTROL.—~~The Division of Marine Resources of the~~ Department of Environmental Protection has exclusive power and control over all water bottoms, not held under some grant or alienation heretofore made, including such as may revert to the state by cancellation or otherwise, and may lease the same to any person irrespective of residence or citizenship, upon such terms, conditions and restrictions as said division may elect to impose, without limitation as to area to any one person, for the purpose of granting exclusive right to plant oysters or clams thereon and for the purpose of fishing, taking, catching, bedding and raising oysters, clams and other shellfish. No such lessee shall re-lease, sublease, sell or transfer any such water bottom or property; provided, that nothing herein contained shall be construed as giving said department ~~division~~ authority to lease sponge beds.

(3) FEES FOR BOTTOM LEASES, ETC.—The department ~~division~~ shall charge and receive a fee of \$2 for each lease granted, and in all other cases, not specifically provided by this chapter, the same fees as are allowed clerks of the circuit court for like services. All fees shall be paid by the party served.

(4) CONFIRMATION OF FORMER GRANTS; PROVISIO.—All grants prior to June 1, 1913, made in pursuance of heretofore existing laws, where the person receiving such grant, the person's heirs or assigns, have bona fide complied with the requirements of said law, are hereby confirmed; provided, that if any material or natural oyster or clam reefs or beds on such granted premises are 100 square yards in area and contained natural oysters and clams (coon oysters not included) in sufficient quantity to have been resorted to by the general public for the purpose of gathering oysters or clams to sell for a livelihood, at the time they were planted by such grantee, his or her heirs or assigns, such reefs or beds are declared to be the property of the state; and when such beds or reefs exist within the territory heretofore granted as above set forth, or that may hereafter be leased, such grantee or lessee shall mark the boundaries of such oyster and clam reefs or beds as may be designated by the department ~~division~~ as natural oyster or clam

reefs or beds, clearly defining the boundaries of the same, and shall post notice or other device, as shall be required by the ~~department division~~, giving notice to the public that such oyster or clam beds or reefs are the property of the state, which said notice shall be maintained from September 1 to June 1 of each and every year, on each oyster bed or reef and on each clam bed for such period of each year as the board may direct, at the expense of the grantee or lessee. The ~~department division~~ shall investigate all grants heretofore made, and where, in its opinion, the lessee or grantee has not bona fide complied with the law under which he or she received his or her grant or lease, and ~~it shall report the same to the department which~~ is authorized and required to institute legal proceedings to vacate the same, in order to use such lands for the benefit of the public, subject to the same dispositions as other bottoms.

Section 239. Section 370.0607, Florida Statutes, is amended to read:

370.0607 Marine information system.—The ~~Fish and Wildlife Conservation Commission Department of Environmental Protection~~ shall establish by rule a marine information system in conjunction with the licensing program to gather marine fisheries data.

Section 240. Section 370.0609, Florida Statutes, is amended to read:

370.0609 Expenditure of funds.—Any moneys available pursuant to s. 370.0608(1)(c)1.c. shall be expended by the ~~Fish and Wildlife Conservation Commission Department of Environmental Protection~~ within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; Florida Marine Research Institute of the ~~Fish and Wildlife Conservation Commission Department of Environmental Protection~~; Indian River Region Research Institute; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; and Rosentiel School of Marine and Atmospheric Science.

Section 241. Section 370.061, Florida Statutes, 1998 Supplement, is amended to read:

370.061 Confiscation of property and products.—

(1) CONFISCATION; PROCEDURE.—In all cases of arrest and conviction for the illegal taking, or attempted taking, sale, possession, or transportation of saltwater fish or other saltwater products, such saltwater products and seines, nets, boats, motors, other fishing devices or equipment, and vehicles or other means of transportation used in connection with such illegal taking or attempted taking are hereby declared to be nuisances and may be seized and carried before the court having jurisdiction of such offense, and said court may order such nuisances forfeited to the ~~Fish and Wildlife Conservation Commission Division of Marine Resources of the department~~ immediately after trial and conviction of the person or persons in whose possession they were found, except that, if a motor vehicle is seized under the provisions of this act and is subject to any existing liens recorded under the provisions of s. 319.27, all further proceedings shall be governed

by the expressed intent of the Legislature not to divest any innocent person, firm, or corporation holding such a recorded lien of any of its reversionary rights in such motor vehicle or of any of its rights as prescribed in s. 319.27, and that, upon any default by the violator purchaser, the said lienholder may foreclose its lien and take possession of the motor vehicle involved. When any illegal or illegally used seine, net, trap, or other fishing device or equipment or illegally taken, possessed, or transported saltwater products are found and taken into custody, and the owner thereof shall not be known to the officer finding the same, such officer shall immediately procure from the county court judge of the county wherein they were found an order forfeiting said saltwater products, seines, nets, traps, boats, motors, or other fishing devices to the commission division. All things forfeited under the provisions of this law may be destroyed, used by the commission division, disposed of by gift to charitable or state institutions, or sold and the proceeds derived from said sale deposited in the Marine Resources Conservation Trust Fund to be used for law enforcement purposes or into the commission's department's Federal Law Enforcement Trust Fund as provided in s. 372.107 s. 20.2553, as applicable. However, forfeited boats, motors, and legal fishing devices only, may be purchased from the commission division for \$1 by the person or persons holding title thereto at the time of the illegal act causing the forfeiture, if such person shall prove that he or she in no way participated in, gave consent to, or had knowledge of such act.

(2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS; PROCEDURE.—When an arrest is made pursuant to the provisions of this chapter and illegal, perishable products or perishable products illegally taken or landed are apprehended, the defendant may post bond or cash deposit in an amount determined by the judge to be the fair value of such products, and said defendant shall have 24 hours to transport said products outside the limits of Florida for sale or other disposition. Should no bond or cash deposit be given within the time fixed by the judge, the judge shall order the sale of such products at the highest price obtainable, and, when feasible, at least three bids shall be requested. In either event, the amounts received by the judge shall be remitted to the commission division to be deposited into a special escrow account in the State Treasury and held in trust pending the outcome of the trial of the accused. If a bond is posted by the defendant, it shall also be remitted to the commission division to be held in escrow pending the outcome of the trial of the accused. In the event of acquittal, the bond or cash deposit shall be returned to the defendant, or the proceeds of the sale shall be paid over to the defendant. In the event of conviction, the proceeds of the sale, or proceeds of the bond or cash deposit, shall be deposited by said commission division into the Marine Resources Conservation Trust Fund to be used for law enforcement purposes or into the commission's department's Federal Law Enforcement Trust Fund as provided in s. 372.107 s. 20.2553, as applicable. Such deposit into the Marine Resources Conservation Trust Fund or the commission's department's Federal Law Enforcement Trust Fund shall constitute confiscation.

(3) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL FUNDING.—

(a) Any municipal or county law enforcement agency that ~~which~~ enforces, or assists the commission ~~department~~ in enforcing, the provisions of this chapter resulting ~~which results~~ in a forfeiture of property as provided in this section, shall be entitled to receive all or a share of any such property based upon their participation in such enforcement.

(b) Any property delivered to any municipal or county law enforcement agency as provided in paragraph (a) may be retained or sold by the law enforcement agency and the property or any proceeds shall, if the agency operates a marine enforcement unit, be utilized to enforce the provisions of this chapter and chapters 327 and 328. In the event the law enforcement agency does not operate a marine enforcement unit, any such property or proceeds shall be disposed of pursuant to the Florida Contraband Forfeiture Act.

(c) Any funds received by a municipal or county law enforcement agency pursuant to this subsection shall be supplemental funds and may not be used as replacement funds by the municipality or county.

Section 242. Subsection (7) of section 370.08, Florida Statutes, 1998 Supplement, is amended to read:

370.08 Fishers and equipment; regulation.—

(7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.—

(a) It is unlawful for any person to place poisons, drugs, or other chemicals in the marine waters of this state unless that person has first obtained a special activity license for such use pursuant to s. 370.06 from the Fish and Wildlife Conservation Commission ~~Division of Marine Resources of the Department of Environmental Protection~~.

(b) Upon application on forms furnished by the commission ~~division~~, the commission ~~division~~ may issue a license to use poisons, drugs, or other chemicals in the marine waters of this state for the purpose of capturing live marine species. The application and license shall specify the area in which collecting will be done, the drugs, chemicals, or poisons to be used, and the maximum amounts and concentrations at each sampling.

Section 243. Subsection (3) of section 370.0821, Florida Statutes, 1998 Supplement, is amended to read:

370.0821 St. Johns County; use of nets.—

(3) No person, firm, or corporation shall use, or cause to be used, any manner of seine net, other than a recreational net as hereafter defined, in the salt waters of St. Johns County, or within 1 mile seaward of the Atlantic Ocean beaches and coast thereof, without a permit issued by the Fish and Wildlife Conservation Commission ~~Division of Marine Resources of the Department of Environmental Protection~~. Applications for such permits shall be made on forms to be supplied by the commission ~~division~~, which shall require the applicant to furnish such information as may be deemed pertinent to the best interests of saltwater conservation. The fee for such permits

shall be \$250 per year. Each permit shall entitle the holder thereof to use no more than one seine net at any one time, subject to the provisions of subsections (1), (2), and (3). The ~~commission~~ division may refuse to grant any permit when it is apparent that the best interests of saltwater conservation will be served by such denial. All permits granted shall be in the holder's possession whenever the holder is engaged in using a seine net. Each permit is subject to immediate revocation upon conviction of a violation of any provision of this section or when it is apparent that the best interests of saltwater conservation will be served by such revocation.

Section 244. Section 370.103, Florida Statutes, is amended to read:

370.103 Agreements with Federal Government for the preservation of saltwater fisheries; authority of ~~commission~~ department.—The Fish and Wildlife Conservation Commission Department of Environmental Protection is authorized and empowered to enter into cooperative agreements with the Federal Government or agencies thereof for the purpose of preserving saltwater fisheries within and without state waters and for the purpose of protecting against overfishing, waste, depletion, or any abuse whatsoever. Such authority includes the authority to enter into cooperative agreements whereby officers of the Fish and Wildlife Conservation Commission are the Division of Law Enforcement of the department is empowered to enforce federal statutes and rules pertaining to fisheries management. When differences between state and federal laws occur, state laws shall take precedence.

Section 245. Section 370.135, Florida Statutes, 1998 Supplement, is amended to read:

370.135 Blue crab; regulation.—

(1) No person, firm, or corporation shall transport on the water, fish with or cause to be fished with, set, or place any trap designed for taking blue crabs unless such person, firm, or corporation is the holder of a valid saltwater products license issued pursuant to s. 370.06 and the trap has a current state number permanently attached to the buoy. The trap number shall be affixed in legible figures at least 1 inch high on each buoy used. The saltwater products license must be on board the boat, and both the license and the crabs shall be subject to inspection at all times. Only one trap number may be issued for each boat by the ~~commission~~ department upon receipt of an application on forms prescribed by it. This subsection shall not apply to an individual fishing with no more than five traps. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully to molest any traps, lines, or buoys, as defined herein, belonging to another without permission of the licenseholder.

(2) No person shall harvest blue crabs with more than five traps, harvest blue crabs in commercial quantities, or sell blue crabs unless such person holds a valid saltwater products license with a restricted species endorsement and a blue crab endorsement (trap number) issued pursuant to this subsection.

(a) Effective June 1, 1998, and until July 1, 2002, no blue crab endorsement (trap number), except those endorsements that are active during the 1997-1998 fiscal year, shall be renewed or replaced.

(b) In 1998, persons holding an endorsement that was active in the 1997-1998 fiscal year, or an immediate family member of that person, must request approval of the endorsement prior to December 31, 1998.

(c) In subsequent years and until July 1, 2002, a trap number holder, or members of his or her immediate family, must request renewal of the endorsement prior to September 30 of each year.

(d) If a person holding an active blue crab endorsement, or a member of that person's immediate family, does not request renewal of the endorsement before the applicable dates as specified in this subsection, the commission department shall deactivate that endorsement.

(e) In the event of the death or disability of a person holding an active blue crab endorsement, the endorsement may be transferred by the person to a member of his or her immediate family or may be renewed by any person so designated by the executor of the person's estate.

(f) Persons who hold saltwater products licenses with blue crab endorsements issued to their boat registration numbers and who subsequently replace their existing vessels with new vessels shall be permitted to transfer the existing licenses to the new boat registration numbers.

Section 246. Section 370.143, Florida Statutes, is amended to read:

370.143 Retrieval of lobster and stone crab traps during closed season; commission department authority; fees.—

(1) The Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ is authorized to implement a trap retrieval program for retrieval of lobster and stone crab traps remaining in the water during the closed season for each species. The commission department is authorized to contract with outside agents for the program operation.

(2) A retrieval fee of \$10 per trap retrieved shall be assessed trap owners. Traps recovered under this program shall become the property of the commission department or its contract agent and shall be either destroyed or resold to the original owner. Revenue from retrieval fees shall be deposited in the Marine Resources Conservation Trust Fund and used for operation of the trap retrieval program.

(3) Payment of the assessed retrieval fee shall be required prior to renewal of the trap owner's trap number as a condition of number renewal. Retrieval fees assessed under this program shall stand in lieu of other penalties imposed for such trap violations.

(4) In the event of a major natural disaster, such as hurricane or major storm causing massive trap losses, the commission department shall waive the trap retrieval fee.

Section 247. Subsections (1), (3), (4), and (6) of section 370.15, Florida Statutes, 1998 Supplement, are amended to read:

370.15 Shrimp; regulation.—

(1) GENERAL AUTHORITY; CONSERVATION.—The commission department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. The commission department shall encourage the production of the maximum sustained yield consistent with the preservation and protection of breeding stock, taking into consideration the recommendations of the various marine laboratories, as well as those of interested and experienced groups of private citizens. Rules shall control the method, manner, and equipment used in the taking of shrimp or prawn, as well as limiting and defining the areas where taken.

(3) SHRIMP TRAPS.—

(a) It is unlawful for any person, firm, or corporation to take or attempt to take shrimp by the use of any trap which:

1. Exceeds the following dimensions: 36 inches long (from rear of the heart to the leading edge of the trap), by 24 inches wide (between the leading edges of the trap, or heart opening), by 12 inches high; or

2. Has external or unattached wings, weirs, or other devices intended to funnel shrimp to the trap heart.

(b) This subsection shall not be construed to restrict the allowable shape or configuration of any shrimp trap so long as the trap, together with all of its parts, conforms to the specifications of paragraph (a).

(c) Any shrimp trap which conforms to the specifications of paragraph (a) shall not be considered a pound net.

(d) The user of any trap shall affix his or her name and address securely to each trap. Any such trap not having proper identification is subject to confiscation by the commission department. No person, firm, or corporation shall have more than four traps in use at any time. The commission department shall have the authority to inspect such traps when being used in or on the waters of the state.

(e) The presence of unattended shrimp traps on or attached to beaches, causeways, seawalls, bridges, or any other structures open for use by the public is hereby declared to be a nuisance. Any such trap which is not attended by the person whose name is affixed to the trap is subject to confiscation by the commission department.

(4) SHRIMP TRAWLING.—All persons, firms, and corporations desiring to trawl for shrimp within areas in which trawling is permitted shall have a noncommercial trawl or net registration or purchase a saltwater products license issued to a valid boat registration or in the name of an individual pursuant to s. 370.06. The saltwater products license shall remain on board at all times and is subject to immediate revocation upon conviction for

violation of this section or when it becomes apparent that the best interests of saltwater conservation will be served by such action. A noncommercial trawl or net registration must be issued to each net used to take shrimp for noncommercial purposes. Such net or trawl shall have a corkline measurement of 16 feet or less. Possession of shrimp under a noncommercial registration is limited to 25 pounds while on the water. Due to the varied habitats and types of bottoms and hydrographic conditions embraced by the open fishing area, the commission division shall have the authority to specify and regulate the types of gear that may be used in the different sections of the open areas.

(6) LIVE BAIT SHRIMPING; LICENSES.—Live bait shrimp may be caught at any time but only under license issued by the commission department. Licensees must fish with gear and under those conditions specified by the commission department. Application for such licenses shall be on forms supplied by the commission department. A live bait shrimping license shall be revocable when the holder does not comply with the laws and regulations applicable to saltwater conservation. All vessels fishing for live bait shrimp must be equipped with live bait shrimp tanks, and no more than 5 pounds of dead shrimp will be allowed on board such vessel per day.

Section 248. Subsection (2) of section 370.151, Florida Statutes, 1998 Supplement, is amended to read:

370.151 Tortugas shrimp beds; penalties.—

(2)(a) The Fish and Wildlife Conservation Commission Division of Law Enforcement is authorized to take title in the name of the state to any vessel or vessels suitable for use in carrying out the inspection and patrol of the Tortugas Bed which may be offered as a gift to the state by any person, firm, corporation, or association in the shrimp industry for the purpose of carrying out the provisions of this section. In the event such title is taken to such vessel or vessels, the commission division is authorized to operate and keep said vessel or vessels in proper repair.

(b) The commission division is further authorized to accept the temporary loan of any vessel or vessels, suitable for use in carrying out the provisions of this section, for periods not exceeding 1 year. However, the state shall not assume any liability to the owner or owners of said vessels for any damage done by said vessels to other vessels, persons, or property. In the operation of said loaned vessels, upkeep and repair shall consist only of minor repairs and routine maintenance. The owner or owners shall carry full marine insurance coverage on said loaned vessel or vessels for the duration of the period during which said vessels are operated by the state.

Section 249. Section 370.153, Florida Statutes, 1998 Supplement, is amended to read:

370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.—

(1) DEFINITIONS.—When used in this section, unless the context clearly requires otherwise:



(a) "Inland waters" means all creeks, rivers, bayous, bays, inlets, and canals.

(b) "Sample" means one or more shrimp taken from an accurately defined part of the area defined.

(c) "Series" means 10 or more samples taken within a period of not more than 1 week, each sample being taken at a different station within the pattern.

(d) "Pattern" means 10 or more stations.

(e) "Station" means a single location on the water of the areas defined.

(f) "Licensed live bait shrimp producer" means any individual licensed by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ to employ the use of any trawl for the taking of live bait shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(g) "Licensed dead shrimp producer" means any individual licensed by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ to employ the use of any trawl for the taking of shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(2) SHRIMPING PROHIBITED.—It is unlawful to employ the use of any trawl or other net, except a common cast net, designed for or capable of taking shrimp, within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties, except as hereinafter provided.

(3) LIVE BAIT SHRIMP PRODUCTION.—

(a) A live bait shrimp production license shall be issued by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ upon the receipt of an application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, Flagler, and Clay Counties and not to exceed 45 feet in length in Nassau County, for live shrimp production within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties and the payment of a fee of \$250. The annual fee of \$250 shall be collected by the commission ~~department~~ for the issuance of the license during a 60-day period beginning June 1 of each year. The design of the application and permit shall be determined by the commission ~~department~~. The proceeds of the fee imposed by this paragraph shall be used by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ for the purposes of enforcement of marine resource laws.

(b) The Executive Director of the Fish and Wildlife Conservation Commission ~~Secretary of Environmental Protection~~, or his or her designated representative, may by order close certain areas to live bait shrimp production when sampling procedures justify the closing based upon sound conservation practices. The revocation of any order to close has the effect of opening the area.

(c) Every live bait shrimp producer shall produce evidence satisfactory to the commission department that he or she has the necessary equipment to maintain the shrimp alive while aboard the shrimp fishing vessel. All vessels fishing for live bait shrimp must be equipped with live bait shrimp tanks of a type and capacity satisfactory to the commission department, and no more than 5 pounds of dead shrimp will be allowed on board such vessel per day.

(d)1. Each licensed live bait shrimp producer who stores his or her catch for sale or sells his or her catch shall either:

a. Maintain onshore facilities which have been annually checked and approved by the local commission Marine Patrol office to assure the facilities' ability to maintain the catch alive when the live bait shrimp producer produces for his or her own facility; or

b. Sell his or her catch only to persons who have onshore facilities ~~that~~ which have been annually checked and approved by the local commission Marine Patrol office to assure the facilities' ability to maintain the catch alive, when the producer sells his or her catch to an onshore facility. The producer shall provide the commission Department of Environmental Protection with the wholesale number of the facility to which the shrimp have been sold and shall submit this number on a form designed and approved by the commission department.

2. All persons who maintain onshore facilities as described in this paragraph, whether the facilities are maintained by the licensed live bait shrimp producer or by another party who purchases shrimp from live bait shrimp producers, shall keep records of their transactions in conformance with the provisions of s. 370.07(6).

(e) All commercial trawling in Clay, Duval, and St. Johns Counties shall be restricted to the inland waters of the St. Johns River proper in the area north of the Acosta Bridge in Jacksonville and at least 100 yards from the nearest shoreline.

(f) A live shrimp producer must also be a licensed wholesale dealer. Such person shall not sell live bait shrimp unless he or she produces a live bait shrimp production license at the time of sale.

(g) The commission department shall rename the Live Bait Shrimp Production License as the Commercial Live Shrimp Production License.

(4) DEAD SHRIMP PRODUCTION.—Any person may operate as a commercial dead shrimp producer provided that:

(a) A dead shrimp production permit is procured from the Fish and Wildlife Conservation Commission Department of Environmental Protection upon the receipt by the commission department of a properly filled out and approved application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St.

Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost \$250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the Marine Resources Conservation Trust Fund to be used by the commission ~~department~~ for the purpose of enforcement of marine resource laws.

(b) All commercial trawling in the St. Johns River proper shall be restricted to the area north of the Acosta Bridge in Jacksonville and at least 100 yards from the nearest shoreline.

(c) All commercial shrimping activities shall be allowed during daylight hours from Tuesday through Friday each week.

(d) No person holding a dead shrimp production permit issued pursuant to this subsection shall simultaneously hold a permit for noncommercial trawling under the provisions of subsection (5). The number of permits issued by the commission ~~department~~ for commercial trawling or dead shrimp production in any one year shall be the number issued in the base year, 1976. All permits shall be inheritable or transferable to an immediate family member and annually renewable by the holder thereof. Such inheritance or transfer shall be valid upon being registered with the commission ~~department~~. All permits not renewed shall expire and shall not be renewed under any circumstances.

(e) It is illegal for any person to sell dead shrimp caught in the inland waters of Nassau, Duval, Clay, Putnam, and St. Johns Counties, unless the seller is in possession of a dead shrimp production license issued pursuant to this subsection.

(f) It is illegal for any person to purchase shrimp for consumption or bait from any seller (with respect to shrimp caught in the inland waters of Nassau, Duval, Clay, Putnam, and St. Johns Counties (St. Johns River)) who does not produce his or her dead shrimp production license prior to the sale of the shrimp.

(g) In addition to any other penalties provided for in this section, any person who violates the provisions of this subsection shall have his or her license revoked by the commission ~~department~~.

(h) The commission ~~department~~ shall rename the Dead Shrimp Production License as the Commercial Food Shrimp Production License.

(5) NONCOMMERCIAL TRAWLING.—Any person may harvest shrimp in the St. Johns River for his or her own use as food and may trawl for such shrimp under the following conditions:

(a) Each person who desires to trawl for shrimp for use as food shall obtain a noncommercial trawling permit from the local ~~Marine Patrol~~ office of the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ upon filling out an application on a form prescribed by the

commission department and upon paying a fee for the permit, which shall cost \$50.

(b) All trawling shall be restricted to the confines of the St. Johns River proper in the area north of the Acosta Bridge in Jacksonville and at least 100 yards from the nearest shoreline.

(c) No shrimp caught by a person licensed under the provisions of this subsection may be sold or offered for sale.

(6) SAMPLING PROCEDURE.—

(a) ~~The Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection~~ shall have samples taken at established stations within patterns at frequent intervals.

(b) No area may be closed to live bait shrimp production unless a series of samples has been taken and it has been determined that the shrimp are undersized or that continued shrimping in this area would have an adverse effect on conservation. Standards for size may be established by rule of the commission department.

(c) No area may be opened to dead shrimp production unless a series of samples has been taken and it has been determined that the shrimp are of legal size. Legal-sized shrimp shall be defined as not more than 47 shrimp with heads on, or 70 shrimp with heads off, per pound.

(7) LICENSE POSSESSION.—The operator of a boat employing the use of any trawl for shrimp production must be in possession of a current shrimp production license issued to him or her pursuant to the provisions of this section.

(8) USE OF TRAWL; LIMITATION.—

(a) The use of a trawl by either a live bait shrimp producer or dead shrimp producer shall be limited to the daylight hours, and the taking of dead shrimp shall not take place on Saturdays, Sundays, or legal state holidays.

(b) The use of a trawl by either a live bait shrimp producer or dead shrimp producer within 100 yards of any shoreline is prohibited. The Fish and Wildlife Conservation Commission Department of Environmental Protection, by rule or order, may define the area or areas where this subsection shall apply.

(c)1. It is unlawful to employ the use of any trawl designed for, or capable of, taking shrimp within  $\frac{1}{4}$  mile of any natural or manmade inlet in Duval County or St. Johns County.

2. It is unlawful for anyone to trawl in the Trout River west of the bridge on U.S. 17 in Duval County.

~~(9) ST. JOHNS RIVER; RULEMAKING PROHIBITED.—The Department of Environmental Protection may not adopt any rule which regulates shrimping in the St. Johns River.~~

(9)(10) CREDITS.—Fees paid pursuant to paragraphs (3)(a) and (4)(a) of this section shall be credited against the saltwater products license fee.

Section 250. Subsection (2) of section 370.1603, Florida Statutes, is amended to read:

370.1603 Oysters produced in and outside state; labeling; tracing; rules.—

(1) No wholesale or retail dealer, as defined in s. 370.07(1), shall sell any oysters produced outside this state unless they are labeled as such, or unless it is otherwise reasonably made known to the purchaser that the oysters were not produced in this state.

(2) The ~~Department of Agriculture and Consumer Services~~ Department of Environmental Protection shall promulgate rules whereby oysters produced in Florida waters can be traced to the location from which they were harvested. A wholesale or retail dealer may not sell any oysters produced in this state unless they are labeled so that they may be traced to the point of harvesting.

Section 251. Subsections (2) and (3) of section 370.172, Florida Statutes, are amended to read:

370.172 Spearfishing; definition; limitations; penalty.—

(2)(a) Spearfishing is prohibited within the boundaries of the John Pennekamp Coral Reef State Park, the waters of Collier County, and the area in Monroe County known as Upper Keys, which includes all salt waters under the jurisdiction of the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ beginning at the county line between Dade and Monroe Counties and running south, including all of the keys down to and including Long Key.

(b) For the purposes of this subsection, the possession in the water of a spear, gig, or lance by a person swimming at or below the surface of the water in a prohibited area is prima facie evidence of a violation of the provisions of this subsection regarding spearfishing.

(3) The Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ shall have the power to establish restricted areas when it is determined that safety hazards exist or when needs are determined by biological findings. Restricted areas shall be established only after an investigation has been conducted and upon application by the governing body of the county or municipality in which the restricted areas are to be located and one publication in a local newspaper of general circulation in said county or municipality in addition to any other notice required by law. Prior to promulgation of regulations, the local governing body of the area affected shall agree to post and maintain notices in the area affected.

Section 252. Section 370.18, Florida Statutes, is amended to read:

370.18 Compacts and agreements; generally.—The Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ may

enter into agreements of reciprocity with the fish commissioners or other departments or other proper officials of other states, whereby the citizens of the state may be permitted to take or catch shrimp or prawn from the waters under the jurisdiction of such other states, upon similar agreements to allow such nonresidents or aliens to fish for or catch seafood products within the jurisdiction of the state regardless of residence.

Section 253. Subsection (2) of section 370.19, Florida Statutes, is amended to read:

370.19 Atlantic States Marine Fisheries Compact; implementing legislation.—

(2) COMMISSIONERS; APPOINTMENT AND REMOVAL.—In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic State Marine Fisheries Commission (hereinafter called commission) from this state. The first commissioner from this state shall be the Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection, and his or her successor as commissioner shall be his or her successor as executive director secretary. The second commissioner from this state shall be a legislator and member of the house committee on commerce and reciprocal trade (of the State of Florida, ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said legislative office as commissioner on interstate cooperation, and his or her successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate), shall appoint a citizen as a third commissioner who shall have a knowledge of, and interest in, the marine fisheries problem. The term of said commissioner shall be 3 years and the commissioner shall hold office until a successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate), for the unexpired term. The Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting, as his or her representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise, they shall begin upon the date upon which said compact shall become effective in accordance with said Article II. Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 254. Subsection (2) of section 370.20, Florida Statutes, is amended to read:

370.20 Gulf States Marine Fisheries Compact; implementing legislation.—

(2) MEMBERS OF COMMISSION; TERM OF OFFICE.—In pursuance of article III of said compact, there shall be three members (hereinafter called commissioners) of the Gulf States Marine Fisheries Commission (hereafter called commission) from the State of Florida. The first commissioner from the State of Florida shall be the Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection, and his or her successor as commissioner shall be his or her successor as executive director secretary. The second commissioner from the State of Florida shall be a legislator and a member of the house committee on commerce and reciprocal trade (of the State of Florida ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said legislative office as commissioner on interstate cooperation, and his or her successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be 3 years and the commissioner shall hold office until a successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate) for the unexpired term. The Executive Director of the Fish and Wildlife Conservation Commission Secretary of Environmental Protection, as ex officio commissioner, may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting, as his or her representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said article II.

Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 255. Subsections (3), (5), and (7) of section 370.21, Florida Statutes, are amended to read:

370.21 Florida Territorial Waters Act; alien-owned commercial fishing vessels; prohibited acts; enforcement.—

(3) No license shall be issued by the Fish and Wildlife Conservation Commission Division of Marine Resources of the Department of Environmental Protection under s. 370.06, to any vessel owned in whole or in part by any alien power, which subscribes to the doctrine of international communism, or any subject or national thereof, who subscribes to the doctrine

of international communism, or any individual who subscribes to the doctrine of international communism, or who shall have signed a treaty of trade, friendship and alliance or a nonaggression pact with any communist power. The commission ~~division~~ shall grant or withhold said licenses where other alien vessels are involved on the basis of reciprocity and retorsion, unless the nation concerned shall be designated as a friendly ally or neutral by a formal suggestion transmitted to the Governor of Florida by the Secretary of State of the United States. Upon the receipt of such suggestion licenses shall be granted under s. 370.06, without regard to reciprocity and retorsion, to vessels of such nations.

(5) It is the duty of all harbor masters of the state to prevent the use of any port facility in a manner which they reasonably suspect may assist in the violation of this act. Harbor masters shall endeavor by all reasonable means, which may include the inspection of nautical logs, to ascertain from masters of newly arrived vessels of all types other than warships of the United States, the presence of alien commercial fishing vessels within the territorial waters of the state, and shall transmit such information promptly to the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ and such law enforcement agencies of the state as the situation may indicate. Harbor masters shall request assistance from the United States Coast Guard in appropriate cases to prevent unauthorized departure from any port facility.

(7) All law enforcement agencies of the state, including but not limited to sheriffs and officers of the Fish and Wildlife Conservation Commission ~~agents of the Department of Environmental Protection~~ are empowered and directed to arrest the masters and crews of vessels who are reasonably believed to be in violation of this law, and to seize and detain such vessels, their equipment and catch. Such arresting officers shall take the offending crews or property before the court having jurisdiction of such offenses. All such agencies are directed to request assistance from the United States Coast Guard in the enforcement of this act when having knowledge of vessels operating in violation or probable violation of this act within their jurisdictions when such agencies are without means to effectuate arrest and restraint of vessels and their crews.

Section 256. Subsection (1) of section 372.107, Florida Statutes, 1998 Supplement, is amended to read:

372.107 Federal Law Enforcement Trust Fund.—

(1) The Federal Law Enforcement Trust Fund is created within the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission. The commission may deposit into the trust fund receipts and revenues received as a result of federal criminal, administrative, or civil forfeiture proceedings and receipts and revenues received from federal asset-sharing programs. The trust fund is exempt from the service charges imposed by s. 215.20.

Section 257. Section 376.15, Florida Statutes, is amended to read:

376.15 Derelict vessels; removal from public waters.—



(1) It is unlawful for any person, firm, or corporation to store or leave any vessel in a wrecked, junked, or substantially dismantled condition or abandoned upon any public waters or at any port in this state without the consent of the agency having jurisdiction thereof or docked at any private property without the consent of the owner of the private property.

(2)(a) The Fish and Wildlife Conservation Commission department is hereby designated as the agency of the state authorized and empowered to remove any derelict vessel as described in subsection (1) from public waters.

(b) The commission department may establish a program to provide grants to coastal local governments for the removal of derelict vessels from the public waters of the state. The program shall be funded from the Florida Coastal Protection Trust Fund. Notwithstanding the provisions in s. 216.181(10), funds available for grants may only be authorized by appropriations acts of the Legislature.

(c) The commission department shall adopt by rule procedures for submitting a grant application and criteria for allocating available funds. Such criteria shall include, but not be limited to, the following:

1. The number of derelict vessels within the jurisdiction of the applicant.
2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.
3. The degree of commitment of the local government to maintain waters free of abandoned and derelict vessels and to seek legal action against those who abandon vessels in the waters of the state.

(d) This section shall constitute the authority of the commission department for such removal, but is not intended to be in contravention of any applicable federal act.

(e) The Department of Legal Affairs shall represent the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ in such actions.

Section 258. Subsection (2) of section 823.11, Florida Statutes, is amended to read:

823.11 Abandoned and derelict vessels; removal; penalty.—

(2) The Fish and Wildlife Conservation Commission ~~Department of Environmental Protection, Division of Marine Resources,~~ is hereby designated as the agency of the state authorized and empowered to remove or cause to be removed any abandoned or derelict vessel from public waters in any instance when the same obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment. All costs incurred by the commission department in the removal of any abandoned or derelict vessel as set out above shall be recoverable against the owner thereof. Pursuant to an agreement with the governing body of a county or municipality, and upon a finding by the commission ~~division~~ that the county or municipality

is competent to undertake said responsibilities, the commission ~~division~~ may delegate to the county or municipality its authority to remove or cause to be removed an abandoned or derelict vessel from public waters within the county or municipality.

Section 259. This act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.