

Committee Substitute for Senate Bill No. 186

An act relating to environmental reorganization; amending s. 20.255, F.S.; providing for the divisions and special offices in the Department of Environmental Protection; deleting outdated provisions relating to review of orders and rules in effect before 1994; transferring and renumbering s. 370.0205, F.S.; providing requirements for citizen support organizations for the Department of Environmental Protection; amending s. 20.331, F.S.; providing requirements for the Fish and Wildlife Conservation Commission when adopting rules; amending ss. 161.031, 161.36, F.S.; authorizing the Department of Environmental Protection to retain specific powers; amending s. 212.08, F.S.; correcting a cross-reference; amending s. 259.101, F.S.; providing for the receipt of funds by the Fish and Wildlife Conservation Commission; amending s. 288.109, F.S.; identifying agencies participating in the one-stop permitting system; amending s. 370.021, F.S.; providing penalties for violation of rules relating to marine resources; transferring and renumbering s. 370.041, F.S., as s. 161.242, F.S.; amending s. 370.07, F.S.; transferring specific regulatory powers from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; amending s. 370.101, F.S.; providing for certain saltwater fish regulations to be established by the Fish and Wildlife Conservation Commission; amending s. 370.11, F.S.; providing for issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 370.1107, F.S.; clarifying the meaning of the term “licensed saltwater fisheries trap”; amending s. 370.1405, F.S.; providing for reports on crawfish by dealers; amending s. 372.021, F.S.; prescribing powers and duties of the Fish and Wildlife Conservation Commission; amending s. 372.05, F.S.; prescribing duties of the executive director of the commission; amending s. 372.07, F.S.; prescribing police powers of the executive director of the commission; amending s. 372.105, F.S.; clarifying the regulation of saltwater life; revising the deposit of specified funds; amending s. 372.121, F.S.; providing for management of certain lands; amending ss. 372.991, 373.4149, 373.41492, 403.141, 570.235, 590.02, F.S.; conforming references to the Fish and Wildlife Conservation Commission; amending s. 403.707, F.S.; conforming a statutory cross-reference; amending s. 705.101, F.S.; transferring specific authority over derelict vessels from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; amending s. 705.103, F.S.; removing authority over abandoned vessels from the Department of Environmental Protection; amending s. 832.06, F.S.; conforming references to the Fish and Wildlife Conservation Commission; repealing s. 370.013, F.S., relating to the Department of Environmental Protection; repealing s. 370.017, F.S., relating to the responsibilities of the secretary of the Department of Environmental Protection; repealing s. 370.032, F.S., relating to definitions; repealing s. 370.033, F.S., relating to legislative intent; repealing s. 370.034, F.S., relating to certificates for

dredge and fill equipment; repealing s. 370.036, F.S., relating to the maintenance of records regarding dredge and fill equipment; repealing s. 370.037, F.S., relating to the denial, suspension, or revocation of dredge and fill certificates; amending s. 260.016, F.S.; authorizing the Department of Environmental Protection to receive grants for improving greenways and trails and to adopt rules for the administering pass-through grants; amending s. 375.075, F.S.; correcting a cross-reference; providing for the distribution of certain documentary stamp tax revenues to the Marine Resource Conservation Trust Fund to be used for marine mammal care; amending s. 201.15, F.S.; providing for the distribution of certain documentary stamp tax revenues to the Marine Resource Conservation Trust Fund to be used for marine mammal care, effective July 1, 2001; amending s. 370.0603, F.S.; providing requirements for the use of funds in the Marine Resource Conservation Trust Fund; amending s. 370.12, F.S.; eliminating requirements for the use of specified funds for manatee rehabilitation from the Save the Manatee Trust Fund; providing an appropriation; repealing s. 258.398, F.S.; removing designation of Lake Weir as an aquatic preserve; repealing s. 370.038, F.S., relating to the adoption of specified rules; repealing s. 370.0606, F.S., relating to appointment of subagents for sale of saltwater licenses and permits; repealing s. 370.0805, F.S.; relating to the net ban assistance program; repealing s. 372.04, F.S., relating to the director of the commission; repealing s. 372.061, F.S., relating to meetings of the Game and Fresh Water Fish Commission; repealing s. 373.197, F.S., relating to the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; repealing s. 403.261, F.S., relating to the repeal of rulemaking jurisdiction over air and water pollution; repealing s. 370.021(6), F.S., relating to admissibility of rules; repealing s. 370.14(12), F.S., relating to the naming of a sport season for spiny lobsters; amending s. 42 of CS/CS/SB 386, enacted in the 2000 Regular Session of the Legislature; abrogating the repeal of s. 370.14(10) and (11), F.S., relating to crawfish stamps; repealing s. 12 of chapter 99-245, Laws of Florida; providing an effective date.

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

Section 1. Section 20.255, Florida Statutes, is amended to read:

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

(1) The head of the Department of Environmental Protection shall be a secretary, who shall be appointed by the Governor, with the concurrence of three or more members of the Cabinet. The secretary shall be confirmed by the Florida Senate. The secretary shall serve at the pleasure of the Governor.

(2)(a) There shall be three ~~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 any ~~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 Chief of Staff,
- ~~2.1.~~ Office of General Counsel,
- ~~3.2.~~ Office of Inspector General,
- ~~4.3.~~ Office of External Affairs Communication, the latter including public information, legislative liaison, cabinet liaison, and special projects,
- ~~4.~~ Office of Water Policy,
5. Office of Legislative and Government Affairs, and Intergovernmental Programs,
- ~~6.~~ Office of Ecosystem Planning and Coordination,
- ~~7.~~ Office of Environmental Education, and an
- ~~6.8.~~ Office of Greenways and Trails.

~~(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.~~

(b)(d) There shall be six administrative districts involved in regulatory matters of waste management, water resource management 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.~~

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

- (a) Division of Administrative Services.
- (b) Division of Air Resource Management.
- (c) Division of Water Resource Management.
- (d) Division of Law Enforcement.
- (e) Division of Resource Assessment and Management.
- (f) Division of Waste Management.
- (g) Division of Recreation and Parks.

(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.

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. All of the existing legal authorities and actions of the Department of Environmental Regulation and the Department of Natural Resources are transferred to the Department of Environmental Protection, including, but not limited to, all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments, and private entities.

~~(4) The secretary of the Department of Environmental Protection is vested with the authority to take agency action under laws in effect on or before the effective date of this act, including those actions which were within the purview of the Governor and Cabinet. However, the existing functions of the Governor and Cabinet, sitting as the Siting Board as set forth in part II of chapter 403, reviewing stricter than federal standards of the Environmental Regulatory Commission as set forth in s. 403.804, siting a multipurpose hazardous waste facility as set forth in part IV of chapter 403, or certifying an industrial project as set forth in part IV of chapter 288, shall not be transferred to the Secretary of Environmental Protection, and nothing herein shall be construed to change any such function of the Governor and Cabinet.~~

~~(5) Except for those orders reviewable as provided in s. 373.4275, the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, has the exclusive authority to review any order or rule of the department which, prior to July 1, 1994, the Governor and Cabinet, as head of the Department of Natural Resources, had authority to issue or promulgate, other than a rule or order relating to an internal procedure of the department.~~

~~(a) Such review may be initiated by a party to the proceeding by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. Where a proceeding on an order has been initiated pursuant to ss. 120.569 and 120.57, such review shall be initiated within 20 days after the department has taken final agency action in the proceeding. The request for review may be accepted by any member of the commission. For the purposes of this section, the term "party" shall mean any affected person who submitted oral or written testimony, sworn or unsworn, to the department of a substantive nature which stated, with particularity, objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of the applicable statutory provisions, or any person who participated as a party in a proceeding instituted pursuant to chapter 120.~~

~~(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based on the record below. The matter shall be heard by the commission not more than 60 days after receipt of the request for review.~~

~~(c) If the Land and Water Adjudicatory Commission determines that a rule or order is not consistent with the provisions and purposes of this chapter, it may, in the case of a rule, require the department to initiate rulemaking proceedings to amend or repeal the rule or, in the case of an order, rescind or modify the order or remand the proceeding to the department for further action consistent with the order of the Land and Water Adjudicatory Commission.~~

~~(d) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68, or the seeking of an administrative determination of rule validity pursuant to s. 120.56.~~

~~The Land and Water Adjudicatory Commission may adopt rules setting forth its procedures for reviewing orders or rules of the department consistent with the provisions of this section.~~

~~(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.~~

~~(d) Division of Law Enforcement.~~

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

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

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

~~(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.~~

~~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.~~

~~(4)(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.

~~(5)(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.

~~(6)(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.

~~(7)(40)~~ 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 2. Section 370.0205, Florida Statutes, is transferred and renumbered as section 20.2551, Florida Statutes.

Section 3. Paragraph (c) of subsection (6) of section 20.331, Florida Statutes, is amended to read:

20.331 Fish and Wildlife Conservation Commission.—

(6)

(c) ~~The commission shall follow the provisions of chapter 120 when adopting rules 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.

Section 4. Section 161.031, Florida Statutes, is amended to read:

161.031 Personnel and facilities.—The Department of Environmental Protection may call to its assistance temporarily, any engineer or other employee in any state agency or department or in the University of Florida or other educational institution financed wholly or in part by the state, for the purpose of devising the most effective and economical method of averting and preventing erosion, hurricane, and storm damages. These employees shall not receive additional compensation, except for actual necessary expenses incurred while working under the direction of the department ~~Division of Marine Resources~~.

Section 5. Section 161.36, Florida Statutes, is amended to read:

161.36 General powers of authority.—In order to most effectively carry out the purposes of this part, the board of county commissioners, as the county beach and shore preservation authority and as the governing body of each beach and shore preservation district established thereby, shall be possessed of broad powers to do all manner of things necessary or desirable in pursuance of this end; provided, however, nothing herein shall diminish or impair the regulatory authority of the Department of Environmental Protection ~~or Division of Marine Resources~~ under part I of this chapter, or the Board of Trustees of the Internal Improvement Trust Fund under chapter 253. Such powers shall specifically include, but not be limited to, the following:

- (1) To make contracts and enter into agreements;
- (2) To sue and be sued;

- (3) To acquire and hold lands and property by any lawful means;
- (4) To exercise the power of eminent domain;
- (5) To enter upon private property for purposes of making surveys, soundings, drillings and examinations, and such entry shall not be deemed a trespass;
- (6) To construct, acquire, operate and maintain works and facilities;
- (7) To make rules and regulations; and
- (8) To do any and all other things specified or implied in this part.

Section 6. Paragraph (kk) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(kk) Citizen support organizations.—Beginning July 1, 1996, nonprofit organizations that are incorporated under chapter 617 or hold a current exemption from federal corporate income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and that have been designated citizen support organizations in support of state-funded environmental programs or the management of state-owned lands in accordance with s.20.2551 s. 370.0205, or to support one or more state parks in accordance with s. 258.015 are exempt from the tax imposed by

Section 7. Paragraph (f) of subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, \$20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands

necessary to restore Lake Apopka. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(f) Two and nine-tenths percent to the Fish and Wildlife Conservation Game and Fresh Water Fish Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

Section 8. Subsection (5) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(5) By January 1, 2001, the following state agencies, and the programs within such agencies which require the issuance of licenses, permits, and approvals to businesses, must also be integrated into the One-Stop Permitting System:

- (a) The Department of Agriculture and Consumer Services.
- (b) The Department of Business and Professional Regulation.
- (c) The Department of Health.
- (d) The Department of Insurance.
- (e) The Department of Labor.
- (f) The Department of Revenue.
- (g) The Department of State.
- (h) The Fish and Wildlife Conservation Game and Freshwater Fish Commission.
- (i) Other state agencies.

Section 9. Paragraph (b) of subsection (4) of section 323.001, Florida Statutes, is amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(4) The requirements for a written hold apply when the following conditions are present:

(b) The officer has probable cause to believe the vehicle should be seized and forfeited under s. ~~370.442~~ 372.312;

Section 10. Subsection (1) of section 370.021, Florida Statutes, is amended to read:

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

(1) PENALTIES.—Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, or any rule of the Fish and Wildlife Conservation Commission relating to the conservation of marine resources ~~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.

Section 11. Section 370.041, Florida Statutes, is transferred and renumbered as section 161.242, Florida Statutes.

Section 12. Subsections (1), (4), (5), (6), (7), and (8) of section 370.07, Florida Statutes, are amended to read:

370.07 Wholesale and retail saltwater products dealers; regulation.—

(1) DEFINITIONS; LICENSES AUTHORIZED.—Annual license or privilege taxes are hereby levied and imposed upon dealers in the state in saltwater products. It is unlawful for any person, firm, or corporation to deal in any such products without first paying for and procuring the license required by this section. Application for all licenses shall be made to the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ on blanks to be furnished by it. All licenses shall be issued by the commission ~~department~~ upon payment to it of the license tax. The licenses are defined as:

(a)1. “Wholesale county dealer” is any person, firm, or corporation which sells saltwater products to any person, firm, or corporation except to the consumer and who may buy saltwater products in the county designated on the wholesale license from any person licensed pursuant to s. 370.06(2) or from any licensed wholesale dealer.

2. “Wholesale state dealer” is a person, firm, or corporation which sells saltwater products to any person, firm, or corporation except to the consumer and who may buy saltwater products in any county of the state from any person licensed pursuant to s. 370.06(2) or from any licensed wholesale dealer.

3. “Wholesale dealer” is either a county or a state dealer.

(b) A “retail dealer” is any person, firm, or corporation which sells saltwater products directly to the consumer, but no license is required of a dealer in merchandise who deals in or sells saltwater products consumed on the premises or prepared for immediate consumption and sold to be taken out of any restaurant licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

Any person, firm, or corporation which is both a wholesale dealer and a retail dealer shall obtain both a wholesale dealer's license and a retail dealer's license. If a wholesale dealer has more than one place of business, the annual license tax shall be effective for all places of business, provided that the wholesale dealer supplies to the commission department a complete list of additional places of business upon application for the annual license tax.

(4) TRANSPORTATION OF SALTWATER PRODUCTS.—

(a) A person transporting in this state saltwater products that were produced in this state, regardless of destination, shall have in his or her possession invoices, bills of lading, or other similar instruments showing the number of packages, boxes, or containers and the number of pounds of each species and the name, physical address, and the Florida wholesale dealer number of the dealer of origin.

(b) A person transporting in this state saltwater products that were produced outside this state to be delivered to a destination in this state shall have in his or her possession invoices, bills of lading, or other similar instruments showing the number of packages, boxes, or containers and the number of pounds of each species, the name and physical address of the dealer of origin, and the name, physical address, and Florida wholesale dealer number of the Florida dealer to whom the shipment is to be delivered.

(c) A person transporting in this state saltwater products that were produced outside this state which are to be delivered to a destination outside this state shall have in his or her possession invoices, bills of lading, or other similar instruments showing the number of packages, boxes, or containers and the number of pounds of each species, the name and physical address of the dealer of origin, and the name and physical address of the dealer to whom the shipment is to be delivered.

(d) If the saltwater products in transit came from more than one dealer, distributor, or producer, each lot from each dealer shall be covered by invoices, bills of lading, and other similar instruments showing the number of boxes or containers and the number of pounds of each species. Each invoice, bill of lading, and other similar instrument shall display the wholesale dealer license number and the name and physical address of the dealer, distributor, or producer of the lot covered by the instrument.

(e) It is unlawful to sell, deliver, ship, or transport, or to possess for the purpose of selling, delivering, shipping, or transporting, any saltwater products without all invoices of such products having thereon the wholesale dealer license number in such form as may be prescribed under the provisions of this subsection and the rules and regulations of the Fish and Wildlife Conservation Commission department. Any saltwater products found in the possession of any person who is in violation of this provision may be seized by the commission department and disposed of in the manner provided by law.

(f) Nothing contained in this subsection may be construed to apply to the sale and delivery to a consumer of saltwater products in an ordinary retail

transaction by a licensed retail dealer who has purchased such products from a licensed wholesale dealer or to the sale and delivery of the catch or products of a saltwater products licensee to a Florida-licensed wholesale dealer.

(g) Wholesale dealers' licenses shall be issued only to applicants who furnish to the commission department satisfactory evidence of law-abiding reputation and who pledge themselves to faithfully observe all of the laws and regulations of this state relating to the conservation of, dealing in, taking, selling, transporting, or possession of saltwater products and to cooperate in the enforcement of all such laws to every reasonable extent. This pledge may be included in the application for license.

(h) Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.—

(a) A license issued to a wholesale or retail dealer is good only to the person to whom issued and named therein and is not transferable. The commission department may revoke, suspend, or deny the renewal of the license of any licensee:

1. Upon the conviction of the licensee of any violation of the laws or regulations designed for the conservation of saltwater products;

2. Upon conviction of the licensee of knowingly dealing in, buying, selling, transporting, possessing, or taking any saltwater product, at any time and from any waters, in violation of the laws of this state; or

3. Upon satisfactory evidence of any violation of the laws or any regulations of this state designed for the conservation of saltwater products or of any of the laws of this state relating to dealing in, buying, selling, transporting, possession, or taking of saltwater products.

(b) Upon revocation of such license, no other or further license may be issued to the dealer within 3 years from the date of revocation except upon special order of the commission department. After revocation, it is unlawful for such dealer to exercise any of the privileges of a licensed wholesale or retail dealer.

(c) In addition to, or in lieu of, the penalty imposed pursuant to this subsection, the commission department may impose penalties pursuant to s. 370.021.

(6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.—

(a) Wholesale dealers shall be required by the commission department to make and preserve a record of the names and addresses of persons from whom or to whom saltwater products are purchased or sold, the quantity so purchased or sold from or to each vendor or purchaser, and the date of each such transaction. Retail dealers shall be required to make and preserve a

record from whom all saltwater products are purchased. Such record shall be open to inspection at all times by the commission department. A report covering the sale of saltwater products shall be made monthly or as often as required by rule to the commission department by each wholesale dealer. All reports required under this subsection are confidential and shall be exempt from the provisions of s. 119.07(1) except that, pursuant to authority related to interstate fishery compacts as provided by ss. 370.19(3) and 370.20(3), reports may be shared with another state if that state is a member of an interstate fisheries compact, and if that state has signed a Memorandum of Agreement or a similar instrument agreeing to preserve confidentiality as established by Florida law.

(b) The commission department may revoke, suspend, or deny the renewal of the license of any dealer for failure to make and keep required records, for failure to make required reports, for failure or refusal to permit the examination of required records, or for falsifying any such record. In addition to, or in lieu of, the penalties imposed pursuant to this paragraph and s. 370.021, the commission department may impose against any person, firm, or corporation who is determined to have violated any provision of this paragraph or any provisions of any commission department rules adopted promulgated pursuant to s. 370.0607, the following additional penalties:

1. For the first violation, a civil penalty of up to \$1,000;
2. For a second violation committed within 24 months of any previous violation, a civil penalty of up to \$2,500; and
3. For a third or subsequent violation committed within 36 months of any previous two violations, a civil penalty of up to \$5,000.

The proceeds of all civil penalties collected pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and shall be used for administration, auditing, and law enforcement purposes.

(7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY LOCATION.—Wholesale dealers purchasing saltwater products pursuant to s. 370.06(2)(a) at any site other than a site located in a county where the dealer has a permanent address must notify the Fish and Wildlife Conservation Commission Division of Law Enforcement of the location of the temporary site of business for each day business is to be conducted at such site.

(8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.—It is unlawful for any licensed retail dealer or any restaurant licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to buy saltwater products from any person other than a licensed wholesale or retail dealer.

Section 13. Section 370.101, Florida Statutes, is amended to read:

370.101 Saltwater fish; regulations.—

(1) The Fish and Wildlife Conservation Commission Division of Marine Resources is authorized to establish weight equivalencies when minimum

lengths of saltwater fish are established by law, in those cases where the fish are artificially cultivated.

(2) A special activity license may be issued by the commission division pursuant to s. 370.06 for catching and possession of fish protected by law after it has first established that such protected specimens are to be used as stock for artificial cultivation.

(3) A ~~No~~ permit may not be issued pursuant to subsection (2) until the commission division determines that the artificial cultivation activity complies with the provisions of ss. 253.67-253.75 and any other specific provisions contained within this chapter regarding leases, licenses, or permits for maricultural activities of each saltwater fish, so that the public interest in such fish stocks is fully protected.

Section 14. Subsection (2) of section 370.11, Florida Statutes, is amended to read:

370.11 Fish; regulation.—

(2) REGULATION; FISH; TARPON, ETC.—No person 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 (*Tarpon atlanticus*) provided, however, any one person may carry out of the state as personal baggage or transport within or out of the state not more than two tarpon if they are not being transported for sale. The possession of more than two tarpon by any one person is unlawful; provided, however, any person may catch an unlimited number of tarpon if they are immediately returned uninjured to the water and released where the same are caught. No common carrier in the state shall knowingly receive for transportation or transport, within or without the state, from any one person for shipment more than two tarpon, except as hereinafter provided. It is expressly provided that any lawful established taxidermist, in the conduct of taxidermy, may be permitted to move or transport any reasonable number of tarpon at any time and in any manner he or she may desire, as specimens for mounting; provided, however, satisfactory individual ownership of the fish so moved or transported can be established by such taxidermist at any time upon demand. Common carriers shall accept for shipment tarpon from a taxidermist when statement of individual ownership involved accompanies bill of lading or other papers controlling the shipment. The Fish and Wildlife Conservation Commission Division of Marine Resources may, in its discretion, upon application issue permits for the taking and transporting of tarpon for scientific purposes.

Section 15. Subsection (1) of 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 Conserva-

tion Commission and authorized ~~pursuant to this chapter~~ or by the commission for the taking of saltwater products.

Section 16. Section 370.1405, Florida Statutes, is amended to read:

370.1405 Crawfish reports by dealers during closed season required.—

(1) Within 3 days after the commencement of the closed season for the taking of saltwater crawfish, each and every seafood dealer, either retail or wholesale, intending to possess whole crawfish, crawfish tails, or crawfish meat during closed season shall submit to the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~, on forms provided by the commission department, a sworn report of the quantity, in pounds, of saltwater whole crawfish, crawfish tails, and crawfish meat in the dealer's name or possession as of the date the season closed. This report shall state the location and number of pounds of whole crawfish, crawfish tails, and crawfish meat. The commission department shall not accept any reports not delivered or postmarked by midnight of the 3rd calendar day after the commencement of the closed season, and any stocks of crawfish reported therein are declared a nuisance and may be seized by the commission department.

(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. 370.07(6)(b), or both. The commission 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 according to law.

(3) All dealers having reported stocks of crawfish may sell or offer to sell such stocks of crawfish; however, such dealers shall submit an additional report on the last day of each month during the duration of the closed season. Reports shall be made on forms supplied by the commission department. Each dealer shall state on this report the number of pounds brought forward from the previous report period, the number of pounds sold during the report period, the number of pounds, if any, acquired from a licensed wholesale dealer during the report period, and the number of pounds remaining on hand. In every case, the amount of crawfish sold plus the amount reported on hand shall equal the amount acquired plus the amount reported remaining on hand in the last submitted report. Copies of records or invoices documenting the number of pounds acquired during the closed season must be maintained by the wholesale or retail dealer and shall be kept available for inspection by the commission department for a period not less than 3 years from the date of the recorded transaction. Reports postmarked later than midnight on the 3rd calendar day of each month during the duration of the closed season will not be accepted by the commission department.

Dealers for which late supplementary reports are not accepted by the commission department must show just cause why their entire stock of whole crawfish, crawfish tails, or crawfish meat should not be seized by the commission department. Whenever a dealer fails to timely submit the monthly supplementary report as described in this subsection, the dealer may be subject to the following civil penalties:

(a) For a first violation, the commission department shall assess a civil penalty of \$500.

(b) For a second violation within the same crawfish closed season, the commission department shall assess a civil penalty of \$1,000.

(c) For a third violation within the same crawfish closed season, the commission department shall assess a civil penalty of \$2,500 and may seize said dealer's entire stock of whole crawfish, crawfish tails, or crawfish meat and 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 remaining quantity of crawfish as determined by the judge. After posting the cash bond, a 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.

(4) All seafood dealers shall at all times during the closed season make their stocks of whole crawfish, crawfish tails, or crawfish meat available for inspection by the commission department.

(5) Each wholesale and retail dealer in whole crawfish, crawfish tails, or crawfish meat shall keep throughout the period of the crawfish closed season copies of the bill of sale or invoice covering each transaction involving whole crawfish, crawfish tails, or crawfish meat. Such invoices and bills shall be kept available at all times for inspection by the commission department.

(6) The Fish and Wildlife Conservation Commission ~~Department of Environmental Protection is authorized to~~ adopt rules incorporating by reference such forms as are necessary to administer ~~implement the provisions of~~ this section.

Section 17. Section 372.021, Florida Statutes, is amended to read:

372.021 Powers, duties, and authority of commission; rules, regulations, and orders.—The Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission may exercise the powers, duties, and authority granted by s. 9, Art. IV of the Constitution of Florida, and as otherwise authorized by the Legislature by the adoption of rules, regulations, and orders in accordance with chapter 120.

Section 18. Section 372.05, Florida Statutes, is amended to read:

372.05 Duties of executive director.—The executive director of the Fish and Wildlife Conservation Commission shall:

(1) Keep full and correct minutes of the proceedings of said commission at its meetings, which minutes shall be open for public inspection.

(2) Purchase such supplies and employ such help and assistants as may be reasonably necessary in the performance of the executive director's duties.

(3) Have full authority to represent the commission in its dealings with other state departments, county commissioners, and the federal government.

(4) Submit to the commission at each of its meetings a report of all the executive director's actions and doings as official representative of the commission.

~~(5) Visit each county in the state at least once each year and oftener if it appears to the director to be necessary.~~

~~(5)(6)~~ Appoint, fix salaries of, and at pleasure remove, subject to the approval of the commission, assistants and other employees who shall have such powers and duties as may be assigned to them by the commission or executive director.

~~(6)(7)~~ Have such other powers and duties as may be prescribed by the commission in pursuance of its duties under s. 9, Art. IV of the State Constitution.

Section 19. Section 372.07, Florida Statutes, is amended to read:

372.07 Police powers of commission and its agents.—

(1) The Fish and Wildlife Conservation Commission, the executive director and the executive 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) ~~Such~~ ~~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 Commission relating to wild animal life, marine 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, marine 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, marine 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 executive 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 Commission.

Section 20. Section 372.121, Florida Statutes, is amended to read:

372.121 Control and management of state game lands.—

(1) The Fish and Wildlife Conservation 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, marine 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.

(2) Any person violating or otherwise failing to comply with any rule or regulation so adopted commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 21. Subsection (1) of section 372.991, Florida Statutes, is amended to read:

372.991 Nongame Wildlife Trust Fund.—

(1) The Legislature recognizes the value of maintaining ecologically healthy and stable populations of a wide diversity of fish and wildlife species and recognizes the need for monitoring, research, management, and public awareness of all wildlife species in order to guarantee that self-sustaining populations be conserved. The Legislature further recognizes that research and management for game species traditionally have been supported by licenses and fees collected by the Fish and Wildlife Conservation Game and Fresh Water Fish Commission for consumptive uses of wildlife and that no such support mechanism is available for species not commonly pursued for sport or profit. It is the intent of the Legislature that the funds provided herein be spent to identify and meet the needs of nongame wildlife as a first priority with the ultimate goal of establishing an integrated approach to the management and conservation of all native fish, wildlife, and plants.

Section 22. Subsections (6) and (12) of section 373.4149, Florida Statutes, are amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(6) The Miami-Dade County Lake Belt Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the Miami-Dade County Lake Belt Plan. The committee shall consist of the chair of the governing board of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the office of the Governor, the secretary of the Department of Environmental Protection, the director of the Division of Water Facilities or its successor division within the Department of Environmental Protection, the director of the Office of Tourism, Trade, and Economic Development within the office of the Governor, the secretary of the Department of Community Affairs, the executive director of the Fish and Wildlife Conservation Game and Freshwater Fish Commission, the director of the Department of Environmental Resource Management of Miami-Dade County, the director of the Miami-Dade County Water and Sewer Department, the Director of Planning in Miami-Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, four representatives of the nonmining private landowners within the Miami-Dade County Lake Belt Area, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3), and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3). The committee may appoint other ex officio members, as needed, by a majority vote of all committee members.

A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.

(12) The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Game and Freshwater Fish Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the provisions of this section.

Section 23. Paragraph (b) of subsection (6) of section 373.41492, Florida Statutes, is amended to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.—

(6)

(b) Expenditures must be approved by an interagency committee consisting of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

Section 24. Subsection (3) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(3) In assessing damages for fish killed, the value of the fish is to be determined in accordance with a table of values for individual categories of fish which shall be promulgated by the department. At the time the table is adopted, the department shall ~~use~~ utilize tables of values established by the Department of Environmental Protection and the Fish and Wildlife Conservation Game and Fresh Water Fish Commission. The total number of fish killed may be estimated by standard practices used in estimating fish population.

Section 25. Paragraph (h) of subsection (12) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(12) The department shall establish a separate category for solid waste management facilities which accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship

to such facilities. However, a permitted solid waste disposal unit which receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems. Facilities accepting materials defined in s. 403.703(17)(b) must implement a groundwater monitoring system adequate to detect contaminants that may reasonably be expected to result from such disposal prior to the acceptance of those materials.

(h) The department shall ensure that the requirements of this section are applied and interpreted consistently throughout the state. In accordance with s. 20.255 ~~s. 20.255(6)~~, the Division of Waste Management shall direct the district offices and bureaus on matters relating to the interpretation and applicability of this section.

Section 26. Paragraph (b) of subsection (1) of section 570.235, Florida Statutes, is amended to read:

570.235 Pest Exclusion Advisory Committee.—

(1) There is created within the department a Pest Exclusion Advisory Committee. The advisory committee shall be composed of 24 members.

(b) In addition, the committee shall be composed of the following 7 members:

1. Two members representing and appointed by the Animal and Plant Health Inspection Service, United States Department of Agriculture.

2. One member representing and appointed by the Florida Department of Health.

3. One member representing and appointed by the Florida Department of Environmental Protection.

4. One member representing and appointed by the Fish and Wildlife Conservation ~~Florida Game and Fresh Water Fish~~ Commission.

5. One member appointed by the Speaker of the House of Representatives.

6. One member appointed by the President of the Senate.

Section 27. Paragraph (e) of subsection (7) of section 590.02, Florida Statutes, is amended to read:

590.02 Division powers, authority, and duties; liability; building structures; Florida Center for Wildfire and Forest Resources Management Training.—

(7) The division may organize, staff, equip, and operate the Florida Center for Wildfire and Forest Resources Management Training. The center shall serve as a site where fire and forest resource managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines.

(e) An advisory committee consisting of the following individuals or their designees must review program curriculum, course content, and scheduling: the Director of the Florida Division of Forestry; the Assistant Director of the Florida Division of Forestry; the Director of the School of Forest Resources and Conservation of the University of Florida; the Director of the Division of Recreation and Parks of the Department of Environmental Protection; the Director of the Division of the State Fire Marshal; the Director of the Florida Chapter of The Nature Conservancy; the Executive Vice President of the Florida Forestry Association; the President of the Florida Farm Bureau Federation; the Executive Director of the Fish and Wildlife Conservation Florida Game and Fresh Water Fish Commission; the Executive Director of a Water Management District as appointed by the Commissioner of Agriculture; the Supervisor of the National Forests in Florida; the President of the Florida Fire Chief's Association; and the Executive Director of the Tall Timbers Research Station.

Section 28. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) “Abandoned property” means all tangible personal property that ~~which~~ does not have an identifiable owner and that ~~which~~ has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or ~~which~~ has no apparent intrinsic value to the rightful owner. However, vessels determined to be derelict by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ or a county or municipality in accordance with the provisions of s. 823.11 are ~~shall~~ not be included within ~~in~~ this definition.

Section 29. Subsections (2) and (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(2) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addi-

tion to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles or the ~~Department of Environmental Protection, respectively~~, in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any. If, at the end of 5 days after posting the notice and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, the following shall apply:

(a) For abandoned property, the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender such property to the finder, sell the property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the

sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer shall notify the owner, if known, of the amount owed. In the case of an abandoned boat or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such boat or motor vehicle, or any other boat or motor vehicle, until such costs have been paid. The law enforcement officer shall supply the Department of Highway Safety and Motor Vehicles Environmental Protection with a list of persons whose boat registration privileges or have been revoked under this subsection and the Department of Motor Vehicles with a list of persons whose motor vehicle privileges have been revoked under this subsection. Neither the department nor any other person acting as agent thereof shall issue a certificate of registration to a person whose boat or motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 30. 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, motor vehicle, driver license, or identification card; 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 motor vehicles and

vessels, 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 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 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 vessels, 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 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 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, and within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, 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, shall refund the sums of money so certified to the county tax collector.

(2) The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public.

Section 31. Paragraph (h) of subsection (1) of section 260.016, Florida Statutes, is created to read:

260.016 General powers of the department.—

(1) The department may:

(h) Receive or accept from any legal source, grants for the purpose of providing or improving public greenways and trails, and the department is authorized to disburse funds as pass-through grants to federal, state, or local government agencies, recognized tribal units, or to nonprofit entities created for this purpose. The department has authority to adopt rules pursuant to s. 120.536(1) and 120.54 to implement the provisions of this subsection. Such rules shall provide, but are not limited to, the following: procedures for grant administration and accountability; eligibility, selection criteria; maximum grant amounts and number of pending grants; dedication requirements; and conversion procedures and requirements.

Section 32. Subsection (1) of section 375.075, Florida Statutes, is amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection is authorized, ~~pursuant to s. 370.023,~~ to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each fiscal year through fiscal year 2000-2001, the department shall develop and plan a program which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. Beginning fiscal year 2001-2002, the department shall develop and plan a program which shall be based upon funding provided from the Florida Forever Trust Fund pursuant to s. 259.105(3)(c).

Section 33. Paragraph (c) of subsection (1), paragraph (a) of subsection (2), and subsection (8) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund

was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resource Conservation Trust Fund as provided in subsection (8).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resource Conservation Trust Fund as provided in subsection (8). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(8) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, ~~\$30 \$10 million~~ shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 1998-1999, ~~\$20 million in fiscal year 1999-2000,~~ and ~~\$30 million in fiscal year 2000-2001~~ and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212 and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

Section 34. Effective July 1, 2001, paragraph (c) of subsection (1), paragraph (a) of subsection (2), and subsection (11) of section 201.15, Florida Statutes, as amended by section 2 of chapter 99-247, Laws of Florida, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraph (a), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(11) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, ~~\$30~~ \$10 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 1998-1999, ~~\$20 million in fiscal year 1999-2000, and \$30 million in fiscal year 2000-2001~~ and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212 and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

Section 35. Subsection (3) is added to section 370.0603, Florida Statutes, to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(3) Funds provided to the Marine Resources Conservation Trust Fund from taxes distributed under s. 201.15(9), shall be used for the following purposes:

(a) To reimburse the cost of activities 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 operation related to the rescue, treatment, stabilization, maintenance, release, and monitoring of manatees. Moneys distributed through the contractual agreement to each facility for manatee rehabilitation must be proportionate to the number of manatees under acute care rehabilitation; the number of maintenance days medically necessary in the facility; and the number released during the previous fiscal year. The commission may set a cap on the total amount reimbursed per manatee per year.

(b) For training on the care, treatment, and rehabilitation of marine mammals at the Whitney Laboratory and the Veterinary School of Medicine at the University of Florida.

(c) For program administration costs of the agency.

(d) Funds not distributed in any 1 fiscal year must be carried over for distribution in subsequent years.

Section 36. Subsection (4) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(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 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 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 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. 328.76(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. 328.72(11) and 328.76(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 for assisting the commission 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 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 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.~~

(b)(c) By December 1 each year, the Fish and Wildlife Conservation Commission 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.

(c)(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 37. The sum of \$2 million is appropriated to the Fish and Wildlife Conservation Commission from the Marine Resources Conservation Trust Fund beginning in fiscal year 2000-2001 to be expended as follows: \$810,000 for training in the care of marine mammals at the Whitney Laboratory and the Veterinary School of Medicine at the University of Florida, \$1,150,000 for the care of marine mammals at licensed research facilities pursuant to section 370.0603(3), Florida Statutes, and up to \$40,000 for program administration costs of the agency.

Section 38. Section 42 of Committee Substitute for Committee Substitute for Senate Bill 386, enacted in the 2000 Regular Session of the Legislature, is amended to read:

Section 42. Section 258.398, Florida Statutes, 1997 edition, ~~is and subsections (10) and (11) of section 370.14, Florida Statutes, are repealed.~~

Section 39. Section 12 of Chapter 99-245, Laws of Florida, is repealed.

Section 40. Notwithstanding any other law, the Legislature intends that this act represent its full and total intent with respect to legislation dealing with the same subject matter as this act at the same legislative session.

Section 41. Section 258.398, Florida Statutes, 1997 edition, is repealed.

Section 42. Sections 370.013, 370.017, 370.032, 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606, 370.0805, 372.04, 372.061, 373.197, and 403.261, Florida Statutes, and subsection (6) of section 370.021, and subsection (12) of section 370.14, Florida Statutes, are repealed.

Section 43. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.