



REVISED

**COMMITTEE ON
CONSERVATION & STATE LANDS**

**WEDNESDAY, MARCH 5, 2008
11:00 AM – 12:45 M
216 THE CAPITOL**

**Marco Rubio
Speaker**

**Rep. Will Kendrick
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Conservation & State Lands

Start Date and Time: Wednesday, March 05, 2008 11:00 am

End Date and Time: Wednesday, March 05, 2008 12:45 pm

Location: 216 Capitol

Duration: 1.75 hrs

Workshop on the following:

Policy issues with respect to recommendations for Proposed Council Bill ENRC 08-02 relating to the Fish & Wildlife Conservation Commission, Consolidation of Chapters 370 and 372, F.S.

Consideration of recommendations with respect to Proposed Council Bill ENRC 08-11 relating to the Florida Fish & Wildlife Conservation Commission.

Chair Kendrick requests that amendments be submitted to staff no later than 6:00p.m., Tuesday, March 04, 2008.

NOTICE FINALIZED on 03/03/2008 16:22 by SIMS-DAVIS.LINDA

PCB 08-11

AMENDMENTS

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. PCB 08-11

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Conservation & State Lands
 2 Representative(s) Kendrick offered the following:

Amendment (with title amendments)

Remove line(s) 156-161 and insert:

3
 4
 5
 6 c) Except as otherwise provided, the and deposit the proceeds of
 7 any such sale pursuant to this section shall be remitted to the
 8 Department of Revenue to be deposited to the credit of the State
 9 Game Trust Fund or the Marine Resources Conservation Trust Fund,
 10 or into the commission's Federal Law Enforcement Trust Fund as
 11 provided in s. 372.107, as applicable.

12 (d) Any state, municipal or county law enforcement agency that
 13 enforces or assists the commission in enforcing the provisions
 14 of this chapter, which results in a forfeiture of property as
 15 provided in this section, shall be entitled to receive all or a
 16 share of any property based upon its participation in such
 17 enforcement.

18
 19
 20 -----
 21 **T I T L E A M E N D M E N T**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. **1** (for drafter's use only)

22 Remove line(s) 22 and insert:
23 allowed by rules of the commission; providing unclaimed
24 confiscated wildlife, freshwater fish, or saltwater fish, to be
25 disposed of by the investigating law enforcement agency;
26 providing that state county, or municipal law enforcement
27 agencies are entitled to receive all or a share of any forfeited
28 property based upon their participation in investigating an
29 enforcement case; creates s. 372.731,
30

26 379.100 ~~370.01~~ Definitions.--In construing these statutes,
 27 where the context does not clearly indicate otherwise, the word,
 28 phrase, or term:

29 (1) "Authorization" means a number issued by the Fish and
 30 Wildlife Conservation Commission, or its authorized agent, which
 31 serves in lieu of a license or permits and affords the privilege
 32 purchased for a specified period of time.

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

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

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

46 (5) "Commercial harvester" means any person, firm, or
 47 corporation that takes, harvests, or attempts to take or harvest
 48 saltwater products for sale or with intent to sell; that is
 49 operating under or is required to operate under a license or
 50 permit or authorization issued pursuant to this chapter; that is
 51 using gear that is prohibited for use in the harvest of
 52 recreational amounts of any saltwater product being taken or

53 harvested; or that is harvesting any saltwater product in an
 54 amount that is at least two times the recreational bag limit for
 55 the saltwater product being taken or harvested.

56 (6) "Commission" shall mean the Fish and Wildlife
 57 Conservation Commission.

58 (7) "Common carrier" shall include any person, firm, or
 59 corporation, who undertakes for hire, as a regular business, to
 60 transport persons or commodities from place to place offering
 61 his or her services to all such as may choose to employ the
 62 common carrier and pay his or her charges.

63 (8) "Coon oysters" are oysters found growing in bunch
 64 along the shore between high-water mark and low-water mark.

65 (9) "Department" shall mean the Department of
 66 Environmental Protection.

67 (10) "Erosion control," "beach preservation," and
 68 "hurricane protection" shall include any activity, work,
 69 program, project, or other thing deemed necessary by the
 70 Department of Environmental Protection to effectively preserve,
 71 protect, restore, rehabilitate, stabilize, and improve the
 72 beaches and shores of this state, as defined above.

73 (11) "Exhibit" means to present or display upon request.

74 (12) "Finfish" means any member of the classes Agnatha,
 75 Chondrichthyes, or Osteichthyes.

76 (13) "Fish and game" includes all fresh and saltwater
 77 fish, shellfish, crustacea, sponges, wild birds, and wild
 78 animals.

79 (14) "Fish management area" means a pond, lake, or other

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80 water within a county, or within several counties, designated to
81 improve fishing for public use, and established and specifically
82 circumscribed for authorized management by the commission and
83 the board of county commissioners of the county in which such
84 waters lie, under agreement between the commission and an owner
85 with approval by the board of county commissioners or under
86 agreement with the board of county commissioners for use of
87 public waters in the county in which such waters lie.

88 (15) "Fish pond" means a body of water that does not occur
89 naturally and that has been constructed and is maintained
90 primarily for the purpose of fishing.

91 (16)~~(13)~~ "Food fish" shall include mullet, trout, redfish,
92 sheepshead, pompano, mackerel, bluefish, red snapper, grouper,
93 black drum, jack crevalle, and all other fish generally used for
94 human consumption.

95 (17) "Fresh water," except where otherwise provided by
96 law, includes all lakes, rivers, canals, and other waterways of
97 Florida, to such point or points where the fresh and salt waters
98 commingle to such an extent as to become unpalatable and unfit
99 for human consumption because of the saline content, or to such
100 point or points as may be fixed by order of the commission by
101 and with the consent of the board of county commissioners of the
102 county or counties to be affected by such order. The
103 Steinhatchee River shall be considered fresh water from its
104 source to mouth.

105 (18) "Freshwater fish" includes all classes of pisces that
106 are indigenous to fresh water.

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107 (19) "Fur-bearing animals" includes muskrat, mink,
108 raccoon, otter, civet cat, skunk, red and gray fox, and opossum.

109 (20) "Game" means deer, bear, squirrel, rabbits, and,
110 where designated by commission rules, wild hogs, ducks, geese,
111 rails, coots, gallinules, snipe, woodcock, wild turkeys, grouse,
112 pheasants, quail, and doves.

113 ~~(21)-(14)~~ "Guide" shall include any person engaged in the
114 business of guiding hunters or hunting parties, fishers or
115 fishing parties, for compensation.

116 ~~(22)-(15)~~ "Marine fish" means any saltwater species of
117 finfish of the classes Agnatha, Chondrichthyes, and
118 Osteichthyes, and marine invertebrates in the classes
119 Gastropoda, Bivalvia, and Crustacea, or the phylum
120 Echinodermata, but does not include nonliving shells or
121 Echinoderms.

122 ~~(23)-(16)~~ "Molest," in connection with any fishing trap or
123 its buoy or buoy line, means to touch, bother, disturb, or
124 interfere or tamper with, in any manner.

125 ~~(24)-(17)~~ A "natural oyster or clam reef" or "bed" or "bar"
126 shall be considered and defined as an area containing not less
127 than 100 square yards of the bottom where oysters or clams are
128 found in a stratum.

129 (25) "Nongame" includes all species and populations of
130 indigenous wild vertebrates and invertebrates in the state that
131 are not defined as game.

132 ~~(26)-(18)~~ "Nonresident alien" shall mean those individuals
133 from other nations who can provide documentation from the Bureau

134 of Citizenship and Immigration Services evidencing permanent
135 residency status in the United States. For the purposes of this
136 chapter, a "nonresident alien" shall be considered a
137 "nonresident."

138 ~~(27)-(19)~~ "Open season" shall be that portion of the year
139 wherein the laws of Florida for the preservation of fish and
140 game permit the taking of particular species of game or
141 varieties of fish.

142 (28) "Private hunting preserve" includes any area set
143 aside by a private individual or concern on which artificially
144 propagated game or birds are taken.

145 ~~(29)-(20)~~ "Reef bunch oysters" are oysters found growing on
146 the bars or reefs in the open bay and exposed to the air between
147 high and low tide.

148 ~~(30)-(21)~~ "Resident" or "resident of Florida" means:

149 (a) includes Citizens of the United States who have
150 continuously resided in this state, next preceding the making of
151 their application for hunting, fishing, or other license, for
152 the following period of time, to wit: For 1 year in the state
153 and 6 months in the county when applied to all fish and game
154 laws not related to freshwater fish and game; or

155 (b) Any member of the United States Armed Forces who is
156 stationed in this state.

157 ~~(31)-(22)~~ "Resident alien" shall mean those persons who
158 have continuously resided in this state for at least 1 year and
159 6 months in the county and can provide documentation from the
160 Bureau of Citizenship and Immigration Services evidencing

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161 permanent residency status in the United States. For the
162 purposes of this chapter, a "resident alien" shall be considered
163 a "resident."

164 ~~(23)~~ (32) "Restricted species" means any species of
165 saltwater products which the state by law, or the Fish and
166 Wildlife Conservation Commission by rule, has found it necessary
167 to so designate. The term includes a species of saltwater
168 products designated by the commission as restricted within a
169 geographical area or during a particular time period of each
170 year. Designation as a restricted species does not confer the
171 authority to sell a species pursuant to s. 379.740 ~~370.06~~ if the
172 law or rule prohibits the sale of the species.

173 ~~(24)~~ (33) "Salt water," except where otherwise provided by
174 law, shall be all of the territorial waters of Florida excluding
175 all lakes, rivers, canals, and other waterways of Florida from
176 such point or points where the fresh and salt waters commingle
177 to such an extent as to become unpalatable because of the saline
178 content, or from such point or points as may be fixed for
179 conservation purposes by the Department of Environmental
180 Protection and the Fish and Wildlife Conservation Commission,
181 with the consent and advice of the board of county commissioners
182 of the county or counties to be affected.

183 ~~(25)~~ (34) "Saltwater fish" means:

184 (a) Any saltwater species of finfish of the classes
185 Agnatha, Chondrichthyes, or Osteichthyes and marine
186 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,
187 or of the phylum Echinodermata, but does not include nonliving

188 shells or echinoderms; and

189 (b) Shall include all classes of pisces, shellfish,
190 sponges, and crustacea indigenous to salt water.

191 (35)~~(26)~~ "Saltwater license privileges," except where
192 otherwise provided by law, means any license, endorsement,
193 certificate, or permit issued pursuant to this chapter.

194 (36)~~(27)~~ "Saltwater products" means any species of
195 saltwater fish, marine plant, or echinoderm, except shells, and
196 salted, cured, canned, or smoked seafood.

197 (37)~~(28)~~ "Shellfish" shall include oysters, clams, and
198 whelks.

199 (38) "Take" means taking, attempting to take, pursuing,
200 hunting, molesting, capturing, or killing any wildlife or
201 freshwater or saltwater fish, or their nests or eggs, by any
202 means, whether or not such actions result in obtaining
203 possession of such wildlife or freshwater or saltwater fish or
204 their nests or eggs.

205 (39)~~(29)~~ "Transport" shall include shipping, transporting,
206 carrying, importing, exporting, receiving or delivering for
207 shipment, transportation or carriage or export.

208 Section 4. Section 372.01, Florida Statutes, is renumbered
209 as section 379.101, Florida Statutes, to read:

210 379.101 ~~372.01~~ Fish and Wildlife Conservation Commission.-

211 -

212 (1) The Fish and Wildlife Conservation Commission shall
213 consist of seven members who shall be appointed by the Governor,

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214 subject to confirmation by the Senate, for staggered terms of 5
215 years.

216 (2) Members so appointed shall annually select one of
217 their members as chair. Such chair may be removed at any time
218 for sufficient cause, by the affirmative vote of the majority of
219 the members of the commission. In case the said office of chair
220 becomes vacant by removal or otherwise, the same may be filled
221 for the unexpired term at any time by the commission from its
222 members.

223 (3) Commission members shall receive no compensation for
224 their services as such, but shall be reimbursed for travel
225 expenses as provided in s. 112.061.

226 Section 5. Section 372.021, Florida Statutes, is
227 renumbered as section 379.102, Florida Statutes, to read:

228 379.102 ~~372.021~~ Powers, duties, and authority of
229 commission; rules, regulations, and orders.--The Fish and
230 Wildlife Conservation Commission may exercise the powers,
231 duties, and authority granted by s. 9, Art. IV of the
232 Constitution of Florida, and as otherwise authorized by the
233 Legislature by the adoption of rules, regulations, and orders in
234 accordance with chapter 120.

235 Section 6. Section 372.03, Florida Statutes, is renumbered
236 as section 379.103, Florida Statutes, to read:

237 379.103 ~~372.03~~ Headquarters of commission.--The Fish and
238 Wildlife Conservation Commission is located at the state
239 capital, and, when suitable adequate office space cannot be
240 provided in the State Capitol Building, or other buildings owned

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241 by the state, the commission may rent or lease suitable office
242 space in Tallahassee. Said commission may also rent or lease
243 suitable and adequate space in other cities and towns of the
244 state for branch or division offices and headquarters and
245 storerooms for equipment and supplies, as the business of the
246 commission may require or necessitate, payment for said rented
247 or leased premises to be made from the State Game Trust Fund.

248 Section 7. Section 372.002, Florida Statutes, is
249 renumbered as section 379.104, Florida Statutes, to read:

250 379.104 ~~372.002~~ Right to hunt and fish.--The Legislature
251 recognizes that hunting, fishing, and the taking of game are a
252 valued part of the cultural heritage of Florida and should be
253 forever preserved for Floridians. The Legislature further
254 recognizes that these activities play an important part in the
255 state's economy and in the conservation, preservation, and
256 management of the state's natural areas and resources.
257 Therefore, the Legislature intends that the citizens of Florida
258 have a right to hunt, fish, and take game, subject to the
259 regulations and restrictions prescribed by general law and by s.
260 9, Art. IV of the State Constitution.

261 Section 8. Section 372.05, Florida Statutes, is
262 renumbered as section 379.105, Florida Statutes, to read:

263 379.105 ~~372.05~~ Duties of executive director.--The
264 executive director of the Fish and Wildlife Conservation
265 Commission shall:

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

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

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

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

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

282 Section 9. Section 370.023, Florida Statutes, is
283 renumbered as section 379.106, Florida Statutes, to read:
284 379.106 ~~370.023~~ Administration of commission grant
285 programs.--

286 (1) The Fish and Wildlife Conservation Commission is
287 authorized to establish grant programs that are consistent with
288 statutory authority and legislative appropriations. The
289 commission is further authorized to receive funds from any legal
290 source for purposes of matching state dollars or for passing
291 through the agency as grants to other entities whether or not
292 matching funds or in-kind matches are required.

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293 (2) For any grant program established by the commission,
 294 the commission shall adopt rules, pursuant to the requirements
 295 of chapter 120, for each grant program which shall include, but
 296 are not limited to: the method or methods of payment; the
 297 supporting documents required before payment will be made; when
 298 matching funds or in-kind matches are allowed; what moneys,
 299 services, or other sources and amounts of matching funds or in-
 300 kind matches will be eligible for use for matching the grant by
 301 the commission; who is eligible to participate in the program;
 302 and other provisions that the commission finds necessary to
 303 achieve program objectives and an accounting for state funds in
 304 accordance with law and generally accepted accounting
 305 principles.

306 (3) The commission is authorized to preaudit or postaudit
 307 account books and other documentation of a grant recipient to
 308 assure that grant funds have been used in accordance with the
 309 terms of the grant and state rules and statutes. When such audit
 310 reveals that moneys have not been spent in accordance with grant
 311 requirements, the commission may withhold moneys or recover
 312 moneys previously paid. A grant recipient will be allowed a
 313 maximum of 60 days to submit any additional pertinent
 314 documentation to offset the amount identified as being due the
 315 commission.

316 Section 10. Section 372.101, Florida Statutes, is amended
 317 to read:

318 379.201 ~~372.101~~ Administrative Trust Fund.--

319 (1) The Administrative Trust Fund is created within the
 320 Fish and Wildlife Conservation Commission.

321 (2) The fund is established for use as a depository for
 322 funds to be used for management activities that are
 323 commissionwide in nature and funded by indirect cost earnings or
 324 assessments against trust funds. Moneys to be credited to the
 325 trust fund include indirect cost reimbursements from grantors,
 326 administrative assessments against trust funds, interest
 327 earnings, and other appropriate administrative fees.

328 (3) In accordance with s. 19(f)(2), Art. III of the State
 329 Constitution, the Administrative Trust Fund shall, unless
 330 terminated sooner, be terminated on July 1, 2009. Before its
 331 scheduled termination, the trust fund shall be reviewed as
 332 provided in s. 215.3206(1) and (2).

333 Section 11. Section 372.127, Florida Statutes, is
 334 renumbered as section 379.202, Florida Statutes, to read:

335 379.202 ~~372.127~~ Conservation and Recreation Lands Program
 336 Trust Fund of the Fish and Wildlife Conservation Commission.--

337 (1) There is created a Conservation and Recreation Lands
 338 Program Trust Fund within the Fish and Wildlife Conservation
 339 Commission. The purpose of the trust fund is to provide for the
 340 management of conservation and recreation lands by the
 341 commission. Funds may be appropriated to the trust fund from the
 342 Conservation and Recreation Lands Trust Fund in the Department
 343 of Environmental Protection, as created by s. 259.032(2), or
 344 from such other sources as the Legislature may determine.

345 (2) Notwithstanding the provisions of s. 216.301 and
 346 pursuant to s. 216.351, any balance in the trust fund at the end
 347 of any fiscal year shall remain in the trust fund at the end of
 348 the year and shall be available for carrying out the purposes of
 349 the trust fund.

350 Section 12. Section 372.106, Florida Statutes, is
 351 renumbered as section 379.203, Florida Statutes, and amended to
 352 read:

353 379.203 ~~372.106~~ Dedicated License Trust Fund.--

354 (1) There is established within the Fish and Wildlife
 355 Conservation Commission the Dedicated License Trust Fund. The
 356 fund shall be credited with moneys collected pursuant to s.
 357 379.722 ~~372.57~~ for 5-year licenses and permits and replacement
 358 5-year licenses.

359 (2) (a) One-fifth of the total proceeds from the sale of 5-
 360 year hunting and freshwater fishing licenses, permits, and
 361 replacement licenses, and all interest derived therefrom, shall
 362 be appropriated annually to the State Game Trust Fund.

363 (b) One-fifth of the total proceeds from the sale of 5-
 364 year saltwater fishing licenses, permits, and replacement
 365 licenses, and all interest derived therefrom, shall be
 366 appropriated annually to the Marine Resources Conservation Trust
 367 Fund.

368 (3) The fund shall be exempt from the provisions of s.
 369 215.20.

370 Section 13. Section 372.102, Florida Statutes, is
 371 renumbered as section 379.204, Florida Statutes, to read:

372 379.204 ~~372.102~~ Federal Grants Trust Fund.--

373 (1) The Federal Grants Trust Fund is created within the
374 Fish and Wildlife Conservation Commission.

375 (2) The fund is established for use as a depository for
376 funds to be used for allowable grant activities funded by
377 restricted program revenues. Moneys to be credited to the trust
378 fund shall consist of grants and funding from the Federal
379 Government, interest earnings, and cash advances from other
380 trust funds.

381 (3) In accordance with s. 19(f)(2), Art. III of the State
382 Constitution, the Federal Grants Trust Fund shall, unless
383 terminated sooner, be terminated on July 1, 2009. Before its
384 scheduled termination, the trust fund shall be reviewed as
385 provided in s. 215.3206(1) and (2).

386 Section 14. Section 372.107, Florida Statutes, is
387 renumbered as section 379.205, Florida Statutes, to read:

388 379.205 ~~372.107~~ Federal Law Enforcement Trust Fund.--

389 (1) The Federal Law Enforcement Trust Fund is created
390 within the Fish and Wildlife Conservation Commission. The
391 commission may deposit into the trust fund receipts and revenues
392 received as a result of federal criminal, administrative, or
393 civil forfeiture proceedings and receipts and revenues received
394 from federal asset-sharing programs. The trust fund is exempt
395 from the service charges imposed by s. 215.20.

396 (2) Notwithstanding the provisions of s. 216.301 and
397 pursuant to s. 216.351, any balance in the trust fund at the end
398 of any fiscal year shall remain in the trust fund at the end of

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399 the year and shall be available for carrying out the purposes of
400 the trust fund.

401 Section 15. Section 372.672, Florida Statutes, is
402 renumbered as section 379.206, Florida Statutes, to read:

403 379.206 ~~372.672~~ Florida Panther Research and Management
404 Trust Fund.--

405 (1) There is established within the Fish and Wildlife
406 Conservation Commission the Florida Panther Research and
407 Management Trust Fund to be used exclusively for the purposes of
408 this section.

409 (2) Money from the fund shall be spent only for the
410 following purposes:

411 (a) To manage and protect existing Florida panther
412 populations by increasing panther food sources where food is a
413 limiting factor, determining conflicts between public use and
414 panther survival, maintaining sufficient genetic variability in
415 existing populations, and undertaking management and enforcement
416 activities that protect panther habitat.

417 (b) To educate the public concerning the value of the
418 panther and the necessity for panther management.

419 (c) To reestablish Florida panthers into areas of suitable
420 habitat, where feasible, by assessing the necessity of a captive
421 breeding program for purposes of reintroduction of the panthers
422 into the suitable habitat; selecting potential sites for
423 reintroduction and investigating associated human sociological
424 aspects; and assessing the potential for panther habitat
425 acquisition.

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426 (d) To promote and market the Florida panther license
427 plate authorized under s. 320.08058.

428 (3) The Fish and Wildlife Conservation Commission is
429 authorized to receive donations for deposit into the Florida
430 Panther Research and Management Trust Fund.

431 Section 16. Section 372.103, Florida Statutes, is
432 renumbered as section 379.207, Florida Statutes, to read:

433 379.207 ~~372.103~~ Grants and Donations Trust Fund.--

434 (1) The Grants and Donations Trust Fund is created within
435 the Fish and Wildlife Conservation Commission.

436 (2) The fund is established for use as a depository for
437 funds to be used for allowable grant and donor agreement
438 activities funded by restricted contractual revenue. Moneys to
439 be credited to the trust fund shall consist of grants and
440 donations from private and public nonfederal sources, interest
441 earnings, and cash advances from other trust funds.

442 (3) In accordance with s. 19(f)(2), Art. III of the State
443 Constitution, the Grants and Donations Trust Fund shall, unless
444 terminated sooner, be terminated on July 1, 2009. Before its
445 scheduled termination, the trust fund shall be reviewed as
446 provided in s. 215.3206(1) and (2).

447 Section 17. Section 372.105, Florida Statutes, is
448 renumbered as section 379.208, Florida Statutes, and amended to
449 read:

450 379.208 ~~372.105~~ Lifetime Fish and Wildlife Trust Fund.--

451 (1) There is established within the Fish and Wildlife
452 Conservation Commission the Lifetime Fish and Wildlife Trust

453 Fund to be used for the purpose of supporting fish and wildlife
 454 conservation programs of the state in accordance with this
 455 section.

456 (2) The principal of the fund shall be derived from the
 457 following:

458 (a) Proceeds of any gifts, grants, and contributions to
 459 the state which are specifically designated for inclusion in the
 460 fund.

461 (b) Proceeds from the sale of lifetime licenses issued in
 462 accordance with s. 379.722 ~~372.57~~.

463 (3) The fund is declared to constitute a special trust
 464 derived from a contractual relationship between the state and
 465 the members of the public whose investments contribute to the
 466 fund. In recognition of such special trust, the following
 467 limitations and restrictions are placed on expenditures from the
 468 funds:

469 (a) No expenditure or disbursement shall be made from the
 470 principal of the fund.

471 (b) The interest income received and accruing from the
 472 investments of proceeds from the sale of lifetime freshwater
 473 fishing licenses and lifetime hunting licenses shall be spent in
 474 furtherance of the commission's management, protection, and
 475 conservation of wild animal life and freshwater aquatic life as
 476 set forth in s. 9, Art. IV of the State Constitution and this
 477 chapter and as otherwise authorized by the Legislature.

478 (c) The interest income received and accruing from the
 479 investments of proceeds from the sale of lifetime saltwater

480 fishing licenses shall be expended for marine law enforcement,
 481 marine research, and marine fishery enhancement.

482 (d) No expenditures or disbursements from the interest
 483 income derived from the sale of lifetime licenses shall be made
 484 for any purpose until the respective holders of such licenses
 485 attain the age of 16 years. The Fish and Wildlife Conservation
 486 Commission as administrator of the fund shall determine
 487 actuarially on an annual basis the amounts of interest income
 488 within the fund which may be disbursed pursuant to this
 489 paragraph. The director shall cause deposits of proceeds from
 490 the sale of lifetime licenses to be identifiable by the ages of
 491 the license recipients.

492 (e) Any limitations or restrictions specified by the
 493 donors on the uses of the interest income derived from gifts,
 494 grants, and voluntary contributions shall be respected but shall
 495 not be binding.

496 (f) The fund shall be exempt from the provisions of s.
 497 215.20.

498 (4) In the event of a future dissolution or reorganization
 499 of the Fish and Wildlife Conservation Commission, any state
 500 agency which succeeds the commission or assumes its
 501 constitutional or statutory responsibilities shall, through its
 502 agency head acting ex officio, assume the trusteeship of the
 503 fund and shall be bound by all the limitations and restrictions
 504 placed by this section on expenditures from the fund. No repeal
 505 or modification of this chapter or s. 9, Art. IV of the State
 506 Constitution shall alter the fundamental purposes to which the

507 fund may be applied. No dissolution or reorganization of the
 508 Fish and Wildlife Conservation Commission shall invalidate any
 509 lifetime license issued in accordance with this section.

510 Section 18. Section 370.0603, Florida Statutes, is
 511 renumbered as section 379.209, Florida Statutes, and amended to
 512 read:

513 379.209 ~~370.0603~~ Marine Resources Conservation Trust Fund;
 514 purposes.--

515 (1) The Marine Resources Conservation Trust Fund within
 516 the Fish and Wildlife Conservation Commission shall serve as a
 517 broad-based depository for funds from various marine-related and
 518 boating-related activities and shall be administered by the
 519 commission for the purposes of:

520 (a) Funding for marine research.

521 (b) Funding for fishery enhancement, including, but not
 522 limited to, fishery statistics development, artificial reefs,
 523 and fish hatcheries.

524 (c) Funding for marine law enforcement.

525 (d) Funding for administration of licensing programs for
 526 recreational fishing, saltwater products sales, and related
 527 information and education activities.

528 (e) Funding for the operations of the Fish and Wildlife
 529 Conservation Commission.

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

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

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

537 (i) Funding for boating research, boating-related programs
 538 and activities, and for law enforcement on state waters.

539 (j) Funding for the stone crab trap reduction program
 540 under s. 379.335 ~~370.13~~, the blue crab effort management program
 541 under s. 379.742 ~~370.135~~, the spiny lobster trap certificate
 542 program under s. 379.7431 ~~370.142~~, and the trap retrieval program
 543 under s. 379.315 ~~370.143~~.

544 (2) The Marine Resources Conservation Trust Fund shall
 545 receive the proceeds from:

546 (a) All license fees collected pursuant to ss. 379.740
 547 and 379.741 ~~370.06 and 370.07~~.

548 (b) All funds collected from the registration of vessels
 549 and other fees pursuant to s. 328.72.

550 (c) All fees collected under ss. 379.315, 379.335,
 551 379.733, 379.7431, 379.742, and 379.744 ~~370.063, 370.13,
 552 ~~370.135, 370.142, 370.143, and 372.5704~~.~~

553 (d) All fines and penalties under ss. 379.335, 379.742
 554 379.7431, and 379.830 ~~370.021, 370.13, 370.135, and 370.142~~.

555 (e) Other revenues as provided by law.

556 (3) Funds provided to the Marine Resources Conservation
 557 Trust Fund from taxes distributed under s. 201.15(11) shall be
 558 used for the following purposes:

559 (a) To reimburse the cost of activities authorized
 560 pursuant to the Fish and Wildlife Service of the United States

561 Department of the Interior. Such facilities must be involved in
562 the actual rescue and full-time acute care veterinarian-based
563 rehabilitation of manatees. The cost of activities includes, but
564 is not limited to, costs associated with expansion, capital
565 outlay, repair, maintenance, and operation related to the
566 rescue, treatment, stabilization, maintenance, release, and
567 monitoring of manatees. Moneys distributed through the
568 contractual agreement to each facility for manatee
569 rehabilitation must be proportionate to the number of manatees
570 under acute care rehabilitation; the number of maintenance days
571 medically necessary in the facility; and the number released
572 during the previous fiscal year. The commission may set a cap on
573 the total amount reimbursed per manatee per year.

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

577 (c) For program administration costs of the agency.

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

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

583 (a) To provide additional water-related law enforcement
584 positions within the Fish and Wildlife Conservation Commission
585 primarily for the purpose of enforcing laws designed to protect
586 manatee populations. Law enforcement positions funded under this

587 provision shall be assigned to counties having the highest
 588 incidence of manatee deaths and injuries.

589 (b) For the placement of uniform waterway markers on state
 590 waters.

591 (c) To provide funding for construction and maintenance of
 592 publicly owned boat ramps, piers, and docks, directly and
 593 through grants to counties and municipalities.

594 (d) To implement and administer programs related to
 595 boating safety and education, manatee technical avoidance
 596 technology, and economic development initiatives to promote
 597 boating in the state, including competitive grants programs as
 598 provided in s. 327.47.

599 (e) For other activities of the Boating and Waterways
 600 Section such as coordinating the submission of state comments on
 601 boating-related events.

602
 603 Funds not used in one fiscal year must be carried over for use
 604 in subsequent years.

605 Section 19. Section 372.991, Florida Statutes, is
 606 renumbered as section 379.210, Florida Statutes, to read:

607 379.210 ~~372.991~~ Nongame Wildlife Trust Fund.--

608 (1) The Legislature recognizes the value of maintaining
 609 ecologically healthy and stable populations of a wide diversity
 610 of fish and wildlife species and recognizes the need for
 611 monitoring, research, management, and public awareness of all
 612 wildlife species in order to guarantee that self-sustaining
 613 populations be conserved. The Legislature further recognizes

614 that research and management for game species traditionally have
615 been supported by licenses and fees collected by the Fish and
616 Wildlife Conservation Commission for consumptive uses of
617 wildlife and that no such support mechanism is available for
618 species not commonly pursued for sport or profit. It is the
619 intent of the Legislature that the funds provided herein be
620 spent to identify and meet the needs of nongame wildlife as a
621 first priority with the ultimate goal of establishing an
622 integrated approach to the management and conservation of all
623 native fish, wildlife, and plants.

624 (2) (a) There is established within the Fish and Wildlife
625 Conservation Commission the Nongame Wildlife Trust Fund. The
626 fund shall be credited with moneys collected pursuant to ss.
627 319.32(3) and 320.02(8). Additional funds may be provided from
628 legislative appropriations and by donations from interested
629 individuals and organizations. The commission shall designate an
630 identifiable unit to administer the trust fund.

631 (b) Proceeds from the trust fund shall be used for the
632 following purposes:

633 1. Documentation of population trends of nongame wildlife
634 and assessment of wildlife habitat, in coordination with the
635 database of Florida natural areas inventory.

636 2. Establishment of effective conservation, management,
637 and regulatory programs for nongame wildlife of the state.

638 3. Public education programs.

639 (3) The commission may enter into cooperative agreements
 640 or memoranda of understanding with related agencies to
 641 coordinate nongame programs.

642 Section 20. Section 372.09, Florida Statutes, is
 643 renumbered as section 379.211, Florida Statutes, to read:

644 379.211 ~~372.09~~ State Game Trust Fund.--The funds resulting
 645 from the operation of the commission and from the administration
 646 of the laws and regulations pertaining to birds, game, fur-
 647 bearing animals, freshwater fish, reptiles, and amphibians,
 648 together with any other funds specifically provided for such
 649 purposes shall constitute the State Game Trust Fund and shall be
 650 used by the commission as it shall deem fit in carrying out the
 651 provisions hereof and for no other purposes, except that annual
 652 use fees deposited into the trust fund from the sale of the
 653 Largemouth Bass license plate may be expended for the purposes
 654 provided under s. 320.08058(18). The commission may not obligate
 655 itself beyond the current resources of the State Game Trust Fund
 656 unless specifically so authorized by the Legislature.

657 Section 21. Section 372.5701, Florida Statutes, is
 658 renumbered as section 379.220, Florida Statutes, and amended to
 659 read:

660 379.220 ~~372.5701~~ Deposit of license fees; allocation of
 661 federal funds.--

662 (1) Except as provided in ss. 379.208 and 379.203 ~~372.105~~
 663 ~~and 372.106~~, all saltwater license and permit fees collected
 664 pursuant to s. 379.722 ~~372.57~~ shall be deposited into the Marine
 665 Resources Conservation Trust Fund, to be used as follows:

666 (a) Not more than 7.5 percent of the total fees collected
667 shall be used for administration of the licensing program and
668 for information and education.

669 (b) Not less than 30 percent of the total fees collected
670 shall be used for law enforcement.

671 (c) Not less than 32.5 percent of the total fees collected
672 shall be used for marine research and management.

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

676 (2) The Legislature shall annually appropriate to the
677 commission from the General Revenue Fund for the activities and
678 programs specified in subsection (1) at least the same amount of
679 money as was appropriated to the Department of Environmental
680 Protection from the General Revenue Fund for such activities and
681 programs for fiscal year 1988-1989, and the amounts appropriated
682 to the commission for such activities and programs from the
683 Marine Resources Conservation Trust Fund shall be in addition to
684 the amount appropriated to the commission for such activities
685 and programs from the General Revenue Fund. The proceeds from
686 recreational saltwater fishing license fees paid by fishers
687 shall only be appropriated to the commission.

688 (3) Funds available from the Wallop-Breaux Aquatic
689 Resources Trust Fund shall be distributed by the commission
690 between freshwater fisheries management and research and marine
691 fisheries management and research in proportion to the numbers
692 of resident fresh and saltwater anglers as determined by the

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693 most current data on license sales. Unless otherwise provided by
 694 federal law, the commission, at a minimum, shall provide the
 695 following:

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

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

702 Section 22. Section 372.5702, Florida Statutes, is
 703 renumbered as section 379.221, Florida Statutes, and amended to
 704 read:

705 379.221 ~~372.5702~~ Expenditure of funds.--Any moneys
 706 available pursuant to s. 379.220(1)(c) ~~372.5701(1)(c)~~ may be
 707 expended by the commission within Florida through grants and
 708 contracts for research with research institutions including but
 709 not limited to: Florida Sea Grant; Florida Marine Resources
 710 Council; Harbour Branch Oceanographic Institute; Technological
 711 Research and Development Authority; Fish and Wildlife Research
 712 Institute of the Fish and Wildlife Conservation Commission; Mote
 713 Marine Laboratory; Marine Resources Development Foundation;
 714 Florida Institute of Oceanography; Rosentiel School of Marine
 715 and Atmospheric Science; and Smithsonian Marine Station at Ft.
 716 Pierce.

717 Section 23. Section 372.72, Florida Statutes, is
 718 renumbered as section 379.222, Florida Statutes, to read:

719 379.222 ~~372.72~~ Disposition of fines, penalties, and
 720 forfeitures.--

721 (1) All moneys collected from fines, penalties, proceeds
 722 from unclaimed bonds, or forfeitures of bail of persons
 723 convicted under this chapter shall be deposited in the fine and
 724 forfeiture fund established pursuant to s. 142.01 where such
 725 convictions are had, except for the disposition of moneys as
 726 provided in subsection (2).

727 (2) All moneys collected from fines, penalties, or
 728 forfeitures of bail of persons convicted of violations of rules,
 729 regulations, or orders of the Fish and Wildlife Conservation
 730 Commission concerning endangered or threatened species or of
 731 violation of s. 379.5144, s. 379.5148, s. 379.840, or s. 379.851
 732 ~~s. 372.662, s. 372.663, s. 372.667, or s. 372.671~~ shall be
 733 remitted by the clerk of the court to the Department of Revenue
 734 to be deposited in the Nongame Wildlife Trust Fund.

735 Section 24. Section 372.5712, Florida Statutes, is
 736 renumbered as section 379.223, Florida Statutes, and amended to
 737 read:

738 379.223 ~~372.5712~~ Florida waterfowl permit revenues.--

739 (1) The commission shall expend the revenues generated
 740 from the sale of the Florida waterfowl permit as provided in s.
 741 379.722 (8) (a) ~~372.57(8) (a)~~ or that pro rata portion of any
 742 license that includes waterfowl hunting privileges, as provided
 743 in s. 379.722 (4) (h), (i) and (j) and (9) (a)3. ~~372.57(4) (h), (i),~~
 744 ~~and (j) and (9) (a)3.~~ as follows: A maximum of 5 percent of the
 745 gross revenues shall be expended for administrative costs; a

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746 maximum of 25 percent of the gross revenues shall be expended
 747 for waterfowl research approved by the commission; and a maximum
 748 of 70 percent of the gross revenues shall be expended for
 749 projects approved by the commission, in consultation with the
 750 Waterfowl Advisory Council, for the purpose of protecting and
 751 propagating migratory waterfowl and for the development,
 752 restoration, maintenance, and preservation of wetlands within
 753 the state.

754 (2) The intent of this section is to expand waterfowl
 755 research and management and increase waterfowl populations in
 756 the state without detracting from other programs. The commission
 757 shall prepare an annual report documenting the use of funds
 758 generated under the provisions of this section, to be submitted
 759 to the Governor, the Speaker of the House of Representatives,
 760 and the President of the Senate on or before September 1 of each
 761 year.

762 Section 25. Section 372.5715, Florida Statutes, is
 763 renumbered as section 379.224, Florida Statutes, and amended to
 764 read:

765 379.224 ~~372.5715~~ Florida wild turkey permit revenues.--

766 (1) The commission shall expend the revenues generated
 767 from the sale of the turkey permit as provided for in s.
 768 379.722 (8) (b) ~~372.57(8) (b)~~ or that pro rata portion of any
 769 license that includes turkey hunting privileges as provided for
 770 in s. 379.722 (4) (h), (i), and (j) ~~372.57(4) (h), (i), and (j)~~ for
 771 research and management of wild turkeys.

772 (2) The intent of this section is to expand wild turkey
 773 research and management and to increase wild turkey populations
 774 in the state without detracting from other programs. The
 775 commission shall prepare an annual report documenting the use of
 776 funds generated under the provisions of this section, to be
 777 submitted to the Governor, the Speaker of the House of
 778 Representatives, and the President of the Senate on or before
 779 September 1 of each year.

780 Section 26. Section 372.573, Florida Statutes, is
 781 renumbered as section 379.225, Florida Statutes, and amended to
 782 read:

783 379.225 ~~372.573~~ Management area permit revenues.--The
 784 commission shall expend the revenue generated from the sale of
 785 the management area permit as provided for in s. 379.722(8)(g)
 786 ~~372.57(8)(g)~~ or that pro rata portion of any license that
 787 includes management area privileges as provided for in s.
 788 379.722(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for the
 789 lease, management, and protection of lands for public hunting,
 790 fishing, and other outdoor recreation.

791 Section 27. Section 372.025, Florida Statutes, is
 792 renumbered as section 379.230, Florida Statutes, to read:

793 379.230 ~~372.025~~ Everglades recreational sites;
 794 definitions.--

795 (1) PURPOSE.--It is the intent of the Legislature to
 796 provide for the development and management of recreational sites
 797 in the water conservation areas of the Florida Everglades when
 798 such development:

799 (a) Can be accomplished without endangering the water
 800 quality and quantity of supply and where environmental impact
 801 will be minimal.

802 (b) Is located on the exterior fringes of the Everglades
 803 to discourage extensive uncontrolled use of the interior
 804 regions.

805 (c) Is located where convenient access is possible for the
 806 millions of Floridians living in urban areas.

807 (d) Offers recreational potential for nature trails, bird
 808 study, picnic areas, boating, fishing, hunting, and target
 809 shooting.

810 (e) Is located where proper management and law enforcement
 811 can be provided.

812 (2) DEFINITIONS.--As used in this section:

813 (a) "Commission" means the Fish and Wildlife Conservation
 814 Commission.

815 (b) "Indian reservations" means lands as designated by
 816 chapter 285.

817 (c) "Development of recreational sites" means any
 818 improvements to existing facilities or sites and also such new
 819 selection and improvements as are needed for the various
 820 recreational activities as herein provided.

821 (3) RECREATIONAL SITES.--The Fish and Wildlife
 822 Conservation Commission is directed to develop, manage, and
 823 enforce laws on certain recreational sites in the water
 824 conservation areas of the Everglades from funds to be
 825 appropriated by the Legislature.

826 (4) No recreational site will be developed on any Indian
827 reservations as created by chapter 285 without first obtaining
828 written approval for such development from the Indians of the
829 particular reservation lands affected.

830 Section 28. Section 372.074, Florida Statutes, is
831 renumbered as section 379.231, Florida Statutes, to read:

832 379.231 ~~372.074~~ Fish and Wildlife Habitat Program.--

833 (1) (a) There is established within the Fish and Wildlife
834 Conservation Commission the Fish and Wildlife Habitat Program
835 for the purpose of acquiring, assisting other agencies or local
836 governments in acquiring, or managing lands important to the
837 conservation of fish and wildlife.

838 (b) The Fish and Wildlife Conservation Commission or its
839 designee shall manage such lands for the primary purpose of
840 maintaining and enhancing their habitat value for fish and
841 wildlife. Other uses may be allowed that are not contrary to
842 this purpose.

843 (c) Where acquisition pursuant to this section will result
844 in state ownership of land, title shall be vested in the Board
845 of Trustees of the Internal Improvement Trust Fund as required
846 in chapter 253. Land acquisition pursuant to this section shall
847 be voluntary, negotiated acquisition and, where title is to be
848 vested in the Board of Trustees of the Internal Improvement
849 Trust Fund, is subject to the acquisition procedures of s.
850 253.025.

851 (d) Acquisition costs shall include purchase prices and
 852 costs and fees associated with title work, surveys, and
 853 appraisals required to complete an acquisition.

854 (2) Moneys which may be deposited into the Land
 855 Acquisition Trust Fund for the purposes of this section may
 856 include, but not be limited to, donations, grants, development-
 857 of-regional-impact wildlife mitigation contributions, or
 858 legislative appropriations. Preservation 2000 acquisition moneys
 859 and Conservation and Recreation Lands management moneys shall
 860 not be deposited into this fund.

861 Section 29. Section 372.12, Florida Statutes, is
 862 renumbered as section 379.232, Florida Statutes, to read:

863 379.232 ~~372.12~~ Acquisition of state game lands.--The Fish
 864 and Wildlife Conservation Commission, with the approval of the
 865 Governor, may acquire, in the name of the state, lands and
 866 waters suitable for the protection and propagation of game,
 867 fish, nongame birds, or fur-bearing animals, or for hunting
 868 purposes, game farms, by purchase, lease, gift or otherwise to
 869 be known as state game lands. The said commission may erect such
 870 buildings and fences as may be deemed necessary to properly
 871 maintain and protect such lands, or for propagation of game,
 872 nongame birds, freshwater fish, or fur-bearing animals. The
 873 title of land acquired by purchase, lease, gift or otherwise,
 874 shall be approved by the Department of Legal Affairs. The deed
 875 to such lands shall be deposited as are deeds to other state
 876 lands. No property acquired under this section shall be exempt
 877 from state, county, or district taxation.

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878 Section 30. Section 372.121, Florida Statutes, is
879 renumbered as section 379.233, Florida Statutes, to read:
880 379.233 ~~372.121~~ Control and management of state game
881 lands.--

882 (1) The Fish and Wildlife Conservation Commission is
883 authorized to make, adopt, promulgate, amend, repeal, and
884 enforce all reasonable rules and regulations necessary for the
885 protection, control, operation, management, or development of
886 lands or waters owned by, leased by, or otherwise assigned to,
887 the commission for fish or wildlife management purposes,
888 including but not being limited to the right of ingress and
889 egress. Before any such rule or regulation is adopted, other
890 than one relating to wild animal life, marine life, or
891 freshwater aquatic life, the commission shall obtain the consent
892 and agreement, in writing, of the owner, in the case of
893 privately owned lands or waters, or the owner or primary
894 custodian, in the case of public lands or waters.

895 (2) Any person violating or otherwise failing to comply
896 with any rule or regulation so adopted commits a misdemeanor of
897 the second degree, punishable as provided in s. 775.082 or s.
898 775.083.

899 Section 31. Section 372.19, Florida Statutes, is
900 renumbered as section 379.234, Florida Statutes, to read:
901 379.234 ~~372.19~~ Preserves, refuges, etc., not tax-exempt.--
902 No property acquired by purchase, lease, gift, contract to
903 purchase or lease, or otherwise, under the provisions of this
904 chapter, as state game lands, or any private lands used as game

905 | refuges, shooting grounds, privileges, hatcheries or breeding
 906 | grounds for fish, game, birds or fur-bearing animals, except
 907 | state-owned lands being used for the protection of game, fish or
 908 | fur-bearing animals under the provisions of this chapter, shall
 909 | be exempt from state, county or district taxation. Any contract,
 910 | lease, gift or purchase of land for such purposes which attempts
 911 | to exempt or partially exempt such property from taxation shall
 912 | be null and void and of no effect.

913 | Section 32. Section 372.0215, Florida Statutes, is
 914 | renumbered as section 379.240, Florida Statutes, to read:

915 | 379.240 ~~372.0215~~ Citizen support organizations; use of
 916 | state property; audit.--

917 | (1) The Fish and Wildlife Conservation Commission may
 918 | authorize the establishment of citizen support organizations to
 919 | provide assistance, funding, and promotional support for the
 920 | programs of the commission. For purposes of this section, the
 921 | term "citizen support organization" means an organization which:

922 | (a) Is a corporation not for profit incorporated pursuant
 923 | to the provisions of chapter 617 and approved by the Department
 924 | of State.

925 | (b) Is organized and operated to conduct programs and
 926 | activities; raise funds; request and receive grants, gifts, and
 927 | bequests of money; acquire, receive, hold, invest, and
 928 | administer in its own name securities, funds, or real or
 929 | personal property; and make expenditures for the benefit of the
 930 | commission or an individual program unit of the commission;
 931 | except that such organization may not receive funds from the

932 commission or the Fish and Wildlife Research Institute by grant,
933 gift, or contract unless specifically authorized by the
934 Legislature.

935 (c) The commission has determined acts in a manner that is
936 consistent with the goals of the commission and the best
937 interests of the state.

938 (d) Is approved in writing by the commission to operate
939 for the benefit of the commission. Such approval must be stated
940 in a letter of agreement from the executive director of the
941 commission.

942 (2) (a) The Fish and Wildlife Conservation Commission may
943 permit a citizen support organization to use commission
944 property, facilities, and personnel free of charge. A citizen
945 support organization may use commission property, facilities,
946 and personnel if such use is consistent with the approved
947 purpose of that citizen support organization and if such use
948 does not unreasonably interfere with the general public's use of
949 commission property, facilities, and personnel for established
950 purposes.

951 (b) The commission may prescribe conditions upon the use
952 by a citizen support organization of commission property,
953 facilities, or personnel.

954 (c) The commission may not permit the use of any property,
955 facilities, or personnel of the state by a citizen support
956 organization that does not provide equal membership and
957 employment opportunities to all persons regardless of race,
958 color, national origin, religion, sex, or age.

959 (3) Each citizen support organization shall provide for an
 960 annual financial audit in accordance with s. 215.981. The
 961 identity of a donor or prospective donor to a citizen support
 962 organization who desires to remain anonymous and all information
 963 identifying such donor or prospective donor are confidential and
 964 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 965 of the State Constitution. Such anonymity shall be maintained in
 966 the auditor's report.

967 Section 33. Section 370.06091, Florida Statutes, is
 968 renumbered as section 379.241, Florida Statutes, to read:

969 379.241 ~~370.06091~~ Memorandum of agreement relating to Fish
 970 and Wildlife Research Institute.--A memorandum of agreement will
 971 be developed between the Department of Environmental Protection
 972 and the Fish and Wildlife Conservation Commission which will
 973 detail the responsibilities of the Fish and Wildlife Research
 974 Institute to the department, to include, at a minimum, the
 975 following services:

- 976 (1) Environmental monitoring and assessment.
- 977 (2) Restoration research and development of restoration
 978 technology.

979 (3) Technical support and response for oil spills, ship
 980 groundings, major marine species die-offs, hazardous spills, and
 981 natural disasters.

982 Section 34. Section 372.831, Florida Statutes, is
 983 renumbered as section 379.250, Florida Statutes, and amended to
 984 read:

985 379.250 ~~372.831~~ Wildlife Violator Compact Act.--The
 986 Wildlife Violator Compact is created and entered into with all
 987 other jurisdictions legally joining therein in the form
 988 substantially as follows:

989
 990 ARTICLE I

991 Findings and Purpose

992
 993 (1) The participating states find that:

994 (a) Wildlife resources are managed in trust by the
 995 respective states for the benefit of all residents and visitors.

996 (b) The protection of the wildlife resources of a state is
 997 materially affected by the degree of compliance with state
 998 statutes, laws, regulations, ordinances, and administrative
 999 rules relating to the management of such resources.

1000 (c) The preservation, protection, management, and
 1001 restoration of wildlife contributes immeasurably to the
 1002 aesthetic, recreational, and economic aspects of such natural
 1003 resources.

1004 (d) Wildlife resources are valuable without regard to
 1005 political boundaries; therefore, every person should be required
 1006 to comply with wildlife preservation, protection, management,
 1007 and restoration laws, ordinances, and administrative rules and
 1008 regulations of the participating states as a condition precedent
 1009 to the continuance or issuance of any license to hunt, fish,
 1010 trap, or possess wildlife.

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1011 (e) Violation of wildlife laws interferes with the
1012 management of wildlife resources and may endanger the safety of
1013 persons and property.

1014 (f) The mobility of many wildlife law violators
1015 necessitates the maintenance of channels of communication among
1016 the various states.

1017 (g) In most instances, a person who is cited for a
1018 wildlife violation in a state other than his or her home state
1019 is:

1020 1. Required to post collateral or a bond to secure
1021 appearance for a trial at a later date;

1022 2. Taken into custody until the collateral or bond is
1023 posted; or

1024 3. Taken directly to court for an immediate appearance.

1025 (h) The purpose of the enforcement practices set forth in
1026 paragraph (g) is to ensure compliance with the terms of a
1027 wildlife citation by the cited person who, if permitted to
1028 continue on his or her way after receiving the citation, could
1029 return to his or her home state and disregard his or her duty
1030 under the terms of the citation.

1031 (i) In most instances, a person receiving a wildlife
1032 citation in his or her home state is permitted to accept the
1033 citation from the officer at the scene of the violation and
1034 immediately continue on his or her way after agreeing or being
1035 instructed to comply with the terms of the citation.

1036 (j) The practices described in paragraph (g) cause
1037 unnecessary inconvenience and, at times, a hardship for the

1038 person who is unable at the time to post collateral, furnish a
 1039 bond, stand trial, or pay a fine, and thus is compelled to
 1040 remain in custody until some alternative arrangement is made.

1041 (k) The enforcement practices described in paragraph (g)
 1042 consume an undue amount of time of law enforcement agencies.

1043 (2) It is the policy of the participating states to:

1044 (a) Promote compliance with the statutes, laws,
 1045 ordinances, regulations, and administrative rules relating to
 1046 the management of wildlife resources in their respective states.

1047 (b) Recognize a suspension of the wildlife license
 1048 privileges of any person whose license privileges have been
 1049 suspended by a participating state and treat such suspension as
 1050 if it had occurred in each respective state.

1051 (c) Allow a violator, except as provided in subsection (2)
 1052 of Article III, to accept a wildlife citation and, without
 1053 delay, proceed on his or her way, whether or not the violator is
 1054 a resident of the state in which the citation was issued, if the
 1055 violator's home state is party to this compact.

1056 (d) Report to the appropriate participating state, as
 1057 provided in the compact manual, any conviction recorded against
 1058 any person whose home state was not the issuing state.

1059 (e) Allow the home state to recognize and treat
 1060 convictions recorded against its residents, which convictions
 1061 occurred in a participating state, as though they had occurred
 1062 in the home state.

1063 (f) Extend cooperation to its fullest extent among the
 1064 participating states for enforcing compliance with the terms of

1065 a wildlife citation issued in one participating state to a
 1066 resident of another participating state.

1067 (g) Maximize the effective use of law enforcement
 1068 personnel and information.

1069 (h) Assist court systems in the efficient disposition of
 1070 wildlife violations.

1071 (3) The purpose of this compact is to:

1072 (a) Provide a means through which participating states may
 1073 join in a reciprocal program to effectuate the policies
 1074 enumerated in subsection (2) in a uniform and orderly manner.

1075 (b) Provide for the fair and impartial treatment of
 1076 wildlife violators operating within participating states in
 1077 recognition of the violator's right to due process and the
 1078 sovereign status of a participating state.

1080 ARTICLE II

1081 Definitions

1082
 1083 As used in this compact, the term:

1084 (1) "Citation" means any summons, complaint, summons and
 1085 complaint, ticket, penalty assessment, or other official
 1086 document issued to a person by a wildlife officer or other peace
 1087 officer for a wildlife violation which contains an order
 1088 requiring the person to respond.

1089 (2) "Collateral" means any cash or other security
 1090 deposited to secure an appearance for trial in connection with

1091 the issuance by a wildlife officer or other peace officer of a
 1092 citation for a wildlife violation.

1093 (3) "Compliance" with respect to a citation means the act
 1094 of answering a citation through an appearance in a court or
 1095 tribunal, or through the payment of fines, costs, and
 1096 surcharges, if any.

1097 (4) "Conviction" means a conviction that results in
 1098 suspension or revocation of a license, including any court
 1099 conviction, for any offense related to the preservation,
 1100 protection, management, or restoration of wildlife which is
 1101 prohibited by state statute, law, regulation, ordinance, or
 1102 administrative rule. The term also includes the forfeiture of
 1103 any bail, bond, or other security deposited to secure appearance
 1104 by a person charged with having committed any such offense, the
 1105 payment of a penalty assessment, a plea of nolo contendere, or
 1106 the imposition of a deferred or suspended sentence by the court.

1107 (5) "Court" means a court of law, including magistrate's
 1108 court and the justice of the peace court.

1109 (6) "Home state" means the state of primary residence of a
 1110 person.

1111 (7) "Issuing state" means the participating state that
 1112 issues a wildlife citation to the violator.

1113 (8) "License" means any license, permit, or other public
 1114 document that conveys to the person to whom it was issued the
 1115 privilege of pursuing, possessing, or taking any wildlife
 1116 regulated by statute, law, regulation, ordinance, or
 1117 administrative rule of a participating state; any privilege to

1118 obtain such license, permit, or other public document; or any
 1119 statutory exemption from the requirement to obtain such license,
 1120 permit, or other public document. However, when applied to a
 1121 license, permit, or privilege issued or granted by the State of
 1122 Florida, only a license or permit issued under s. 379.722
 1123 ~~372.57~~, or a privilege granted under s. 379.721 ~~372.562~~, shall
 1124 be considered a license.

1125 (9) "Licensing authority" means the department or division
 1126 within each participating state which is authorized by law to
 1127 issue or approve licenses or permits to hunt, fish, trap, or
 1128 possess wildlife.

1129 (10) "Participating state" means any state that enacts
 1130 legislation to become a member of this wildlife compact.

1131 (11) "Personal recognizance" means an agreement by a
 1132 person made at the time of issuance of the wildlife citation
 1133 that such person will comply with the terms of the citation.

1134 (12) "State" means any state, territory, or possession of
 1135 the United States, the District of Columbia, the Commonwealth of
 1136 Puerto Rico, the Provinces of Canada, and other countries.

1137 (13) "Suspension" means any revocation, denial, or
 1138 withdrawal of any or all license privileges, including the
 1139 privilege to apply for, purchase, or exercise the benefits
 1140 conferred by any license.

1141 (14) "Terms of the citation" means those conditions and
 1142 options expressly stated upon the citation.

1143 (15) "Wildlife" means all species of animals, including,
 1144 but not limited to, mammals, birds, fish, reptiles, amphibians,

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1145 mollusks, and crustaceans, which are defined as "wildlife" and
1146 are protected or otherwise regulated by statute, law,
1147 regulation, ordinance, or administrative rule in a participating
1148 state. Species included in the definition of "wildlife" vary
1149 from state to state and the determination of whether a species
1150 is "wildlife" for the purposes of this compact shall be based on
1151 local law.

1152 (16) "Wildlife law" means any statute, law, regulation,
1153 ordinance, or administrative rule developed and enacted for the
1154 management of wildlife resources and the uses thereof.

1155 (17) "Wildlife officer" means any individual authorized by
1156 a participating state to issue a citation for a wildlife
1157 violation.

1158 (18) "Wildlife violation" means any cited violation of a
1159 statute, law, regulation, ordinance, or administrative rule
1160 developed and enacted for the management of wildlife resources
1161 and the uses thereof.

1162 1163 ARTICLE III

1164 Procedures for Issuing State

1165
1166 (1) When issuing a citation for a wildlife violation, a
1167 wildlife officer shall issue a citation to any person whose
1168 primary residence is in a participating state in the same manner
1169 as though the person were a resident of the issuing state and
1170 shall not require such person to post collateral to secure
1171 appearance, subject to the exceptions noted in subsection (2),

1172 if the officer receives the recognizance of such person that he
 1173 will comply with the terms of the citation.

1174 (2) Personal recognizance is acceptable if not prohibited
 1175 by local law; by policy, procedure, or regulation of the issuing
 1176 agency; or by the compact manual and if the violator provides
 1177 adequate proof of identification to the wildlife officer.

1178 (3) Upon conviction or failure of a person to comply with
 1179 the terms of a wildlife citation, the appropriate official shall
 1180 report the conviction or failure to comply to the licensing
 1181 authority of the participating state in which the wildlife
 1182 citation was issued. The report shall be made in accordance with
 1183 procedures specified by the issuing state and must contain
 1184 information as specified in the compact manual as minimum
 1185 requirements for effective processing by the home state.

1186 (4) Upon receipt of the report of conviction or
 1187 noncompliance pursuant to subsection (3), the licensing
 1188 authority of the issuing state shall transmit to the licensing
 1189 authority of the home state of the violator the information in
 1190 the form and content prescribed in the compact manual.

1191
 1192 ARTICLE IV

1193 Procedure for Home State

1194
 1195 (1) Upon receipt of a report from the licensing authority
 1196 of the issuing state reporting the failure of a violator to
 1197 comply with the terms of a citation, the licensing authority of
 1198 the home state shall notify the violator and shall initiate a

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1199 suspension action in accordance with the home state's suspension
1200 procedures and shall suspend the violator's license privileges
1201 until satisfactory evidence of compliance with the terms of the
1202 wildlife citation has been furnished by the issuing state to the
1203 home state licensing authority. Due-process safeguards shall be
1204 accorded.

1205 (2) Upon receipt of a report of conviction from the
1206 licensing authority of the issuing state, the licensing
1207 authority of the home state shall enter such conviction in its
1208 records and shall treat such conviction as though it occurred in
1209 the home state for purposes of the suspension of license
1210 privileges.

1211 (3) The licensing authority of the home state shall
1212 maintain a record of actions taken and shall make reports to
1213 issuing states as provided in the compact manual.

1214

1215 ARTICLE V

1216 Reciprocal Recognition of Suspension

1217

1218 (1) Each participating state may recognize the suspension
1219 of license privileges of any person by any other participating
1220 state as though the violation resulting in the suspension had
1221 occurred in that state and would have been the basis for
1222 suspension of license privileges in that state.

1223 (2) Each participating state shall communicate suspension
1224 information to other participating states in the form and
1225 content contained in the compact manual.

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ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, this compact does not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

ARTICLE VII

Compact Administrator Procedures

(1) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he or she represents. A compact administrator may provide for the discharge of his or her duties and the performance of his or her functions as a board member by an alternate. An alternate is not

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1253 entitled to serve unless written notification of his or her
1254 identity has been given to the board.

1255 (2) Each member of the board of compact administrators
1256 shall be entitled to one vote. No action of the board shall be
1257 binding unless taken at a meeting at which a majority of the
1258 total number of the board's votes are cast in favor thereof.
1259 Action by the board shall be only at a meeting at which a
1260 majority of the participating states are represented.

1261 (3) The board shall elect annually from its membership a
1262 chairman and vice chairman.

1263 (4) The board shall adopt bylaws not inconsistent with the
1264 provisions of this compact or the laws of a participating state
1265 for the conduct of its business and shall have the power to
1266 amend and rescind its bylaws.

1267 (5) The board may accept for any of its purposes and
1268 functions under this compact any and all donations and grants of
1269 moneys, equipment, supplies, materials, and services,
1270 conditional or otherwise, from any state, the United States, or
1271 any governmental agency, and may receive, use, and dispose of
1272 the same.

1273 (6) The board may contract with, or accept services or
1274 personnel from, any governmental or intergovernmental agency,
1275 individual, firm, corporation, or private nonprofit organization
1276 or institution.

1277 (7) The board shall formulate all necessary procedures and
1278 develop uniform forms and documents for administering the

1279 provisions of this compact. All procedures and forms adopted
 1280 pursuant to board action shall be contained in a compact manual.

1281
 1282 ARTICLE VIII

1283 Entry into Compact and Withdrawal

1284
 1285 (1) This compact shall become effective at such time as it
 1286 is adopted in substantially similar form by two or more states.

1287 (2)

1288 (a) Entry into the compact shall be made by resolution of
 1289 ratification executed by the authorized officials of the
 1290 applying state and submitted to the chairman of the board.

1291 (b) The resolution shall substantially be in the form and
 1292 content as provided in the compact manual and must include the
 1293 following:

1294 1. A citation of the authority from which the state is
 1295 empowered to become a party to this compact;

1296 2. An agreement of compliance with the terms and
 1297 provisions of this compact; and

1298 3. An agreement that compact entry is with all states
 1299 participating in the compact and with all additional states
 1300 legally becoming a party to the compact.

1301 (c) The effective date of entry shall be specified by the
 1302 applying state, but may not be less than 60 days after notice
 1303 has been given by the chairman of the board of the compact
 1304 administrators or by the secretariat of the board to each

1305 participating state that the resolution from the applying state
 1306 has been received.

1307 (3) A participating state may withdraw from participation
 1308 in this compact by official written notice to each participating
 1309 state, but withdrawal shall not become effective until 90 days
 1310 after the notice of withdrawal is given. The notice must be
 1311 directed to the compact administrator of each member state. The
 1312 withdrawal of any state does not affect the validity of this
 1313 compact as to the remaining participating states.

1314

1315 ARTICLE IX

1316 Amendments to the Compact

1317

1318 (1) This compact may be amended from time to time.
 1319 Amendments shall be presented in resolution form to the chairman
 1320 of the board of compact administrators and shall be initiated by
 1321 one or more participating states.

1322 (2) Adoption of an amendment shall require endorsement by
 1323 all participating states and shall become effective 30 days
 1324 after the date of the last endorsement.

1325

1326 ARTICLE X

1327 Construction and Severability

1328

1329 This compact shall be liberally construed so as to effectuate
 1330 the purposes stated herein. The provisions of this compact are
 1331 severable and if any phrase, clause, sentence, or provision of

1332 this compact is declared to be contrary to the constitution of
 1333 any participating state or of the United States, or if the
 1334 applicability thereof to any government, agency, individual, or
 1335 circumstance is held invalid, the validity of the remainder of
 1336 this compact shall not be affected thereby. If this compact is
 1337 held contrary to the constitution of any participating state,
 1338 the compact shall remain in full force and effect as to the
 1339 remaining states and in full force and effect as to the
 1340 participating state affected as to all severable matters.

1341
 1342 ARTICLE XI
 1343 Title

1344
 1345 This compact shall be known as the "Wildlife Violator
 1346 Compact."

1347 Section 35. Section 372.8311, Florida Statutes, is
 1348 renumbered as section 379.251, Florida Statutes, to read:

1349 379.251 ~~372.8311~~ Compact licensing and enforcement
 1350 authority; administrative review.--

1351 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of
 1352 this act and the interstate Wildlife Violator Compact, the Fish
 1353 and Wildlife Conservation Commission is the licensing authority
 1354 for the State of Florida and shall enforce the interstate
 1355 Wildlife Violator Compact and shall do all things within the
 1356 commission's jurisdiction which are necessary to effectuate the
 1357 purposes and the intent of the compact. The commission may
 1358 execute a resolution of ratification to formalize the State of

1359 Florida's entry into the compact. Upon adoption of the Wildlife
 1360 Violator Compact, the commission may adopt rules to administer
 1361 the provisions of the compact.

1362 (2) ADMINISTRATIVE REVIEW.--Any action committed or
 1363 omitted by the Fish and Wildlife Conservation Commission under
 1364 or in the enforcement of the Wildlife Violator Compact created
 1365 in s. 379.250 ~~372.831~~ is subject to review under chapter 120.

1366 Section 36. Section 372.74, Florida Statutes, is
 1367 renumbered as section 379.252, Florida Statutes, to read:

1368 379.252 ~~372.74~~ Cooperative agreements with U. S. Forest
 1369 Service; penalty.--The Fish and Wildlife Conservation Commission
 1370 is authorized and empowered:

1371 (1) To enter into cooperative agreements with the United
 1372 States Forest Service for the development of game, bird, fish,
 1373 reptile, or fur-bearing animal management and demonstration
 1374 projects on and in the Osceola National Forest in Columbia and
 1375 Baker Counties, and in the Ocala National Forest in Marion,
 1376 Lake, and Putnam Counties and in the Apalachicola National
 1377 Forest in Liberty County. Provided, however, that no such
 1378 cooperative agreements shall become effective in any county
 1379 concerned until confirmed by the board of county commissioners
 1380 of such county expressed through appropriate resolution.

1381 (2) In cooperation with the United States Forest Service,
 1382 to make, adopt, promulgate, amend, and repeal rules and
 1383 regulations, consistent with law, for the further or better
 1384 control of hunting, fishing, and control of wildlife in the
 1385 above National Forests or parts thereof; to shorten seasons and

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1386 reduce bag limits, or shorten or close seasons on any species of
1387 game, bird, fish, reptile, or fur-bearing animal within the
1388 limits prescribed by the Florida law, in the above enumerated
1389 National Forests or parts thereof, when it shall find after
1390 investigation that such action is necessary to assure the
1391 maintenance of an adequate supply of wildlife.

1392 (3) To fix a charge not to exceed \$5, for persons 18 years
1393 of age and over, and not to exceed \$2 for persons under the age
1394 of 18 years, over and above the license fee for hunting now
1395 required by law. This additional fee is to apply only on areas
1396 covered by above cooperative agreements. The proceeds from this
1397 additional license fee shall be used in the development,
1398 propagation of wildlife, and protection of the areas covered by
1399 the cooperative agreements as the commission and the United
1400 States Forest Service may deem proper. Nothing in this section
1401 shall be construed as authorizing the commission to change any
1402 penalty prescribed by law or to change the amount of general
1403 license fees or the general authority conferred by licenses
1404 prescribed by law.

1405 (4) In addition to the requirements of chapter 120, notice
1406 of the making, adoption, and promulgation of the above rules and
1407 regulations shall be given by posting said notices, or copies of
1408 the rules and regulations, in the offices of the county judges
1409 and in the post offices within the area to be affected and
1410 within 10 miles thereof. In addition to the posting of said
1411 notices, as aforesaid, copies of said notices or of said rules
1412 and regulations shall also be published in newspapers published

1413 at the county seats of Baker, Columbia, Marion, Lake, Putnam,
 1414 and Liberty Counties, or so many thereof as have newspapers,
 1415 once not more than 35 nor less than 28 days and once not more
 1416 than 21 nor less than 14 days prior to the opening of the state
 1417 hunting season in said areas. Any person violating any rules or
 1418 regulations promulgated by the commission to cover these areas
 1419 under cooperative agreements between the Fish and Wildlife
 1420 Conservation Commission and the United States Forest Service,
 1421 none of which shall be in conflict with the laws of Florida,
 1422 shall be guilty of a misdemeanor of the second degree,
 1423 punishable as provided in s. 775.082 or s. 775.083.

1424 Section 37. Section 372.77, Florida Statutes, is
 1425 renumbered as section 379.253, Florida Statutes, to read:

1426 379.253 ~~372.77~~ Assent to provisions of Act of Congress of
 1427 September 2, 1937.--

1428 (1) The state hereby assents to the provisions of the Act
 1429 of Congress entitled "An Act to provide that the United States
 1430 shall aid the States in Wildlife Restoration Projects, and for
 1431 other purposes," approved September 2, 1937 (Pub. L. No. 415,
 1432 75th Congress), and the Fish and Wildlife Conservation
 1433 Commission is hereby authorized, empowered, and directed to
 1434 perform such acts as may be necessary to the conduct and
 1435 establishment of cooperative wildlife restoration projects, as
 1436 defined in said Act of Congress, in compliance with said act and
 1437 rules and regulations promulgated by the Secretary of
 1438 Agriculture thereunder.

1439 (2) From and after the passage of this section it shall be
 1440 unlawful to divert any funds accruing to the state from license
 1441 fees paid by hunters for any purpose other than the
 1442 administration of the Fish and Wildlife Conservation Commission
 1443 of the state.

1444 Section 38. Section 372.7701, Florida Statutes, is
 1445 renumbered as section 379.254, Florida Statutes, and amended to
 1446 read:

1447 379.254 ~~372.7701~~ Assent to federal acts.--

1448 (1) The state hereby assents to the provisions of the
 1449 Federal Aid in Fish Restoration Act of August 9, 1950, as
 1450 amended. The Fish and Wildlife Conservation Commission shall
 1451 perform such activities as are necessary to conduct wildlife and
 1452 sportfish restoration projects, as defined in such Act of
 1453 Congress and in compliance with the act and rules adopted
 1454 thereunder by the United States Department of the Interior.
 1455 Furthermore, the commission shall develop and implement programs
 1456 to manage, protect, restore, and conserve marine mammals and the
 1457 marine fishery and shall develop and implement similar programs
 1458 for wild animal life and freshwater aquatic life.

1459 (2) Revenues from fees paid by hunters and sport fishers
 1460 may not be diverted to purposes other than the administration of
 1461 fish and wildlife programs by the Fish and Wildlife Conservation
 1462 Commission. Administration of the state fish and wildlife
 1463 programs includes only those functions of fish and wildlife
 1464 management as are the responsibility of and under the authority
 1465 of the Fish and Wildlife Conservation Commission.

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1466 (3) This section shall be construed in harmony with s.

1467 379.253 ~~372.77~~.

1468 Section 39. Section 370.06092, Florida Statutes, is
1469 renumbered as section 379.260, Florida Statutes, to read:

1470 379.260 ~~370.06092~~ Harmful-Algal-Bloom Task Force.--

1471 (1) There is established a Harmful-Algal-Bloom Task Force
1472 for the purpose of determining research, monitoring, control,
1473 and mitigation strategies for red tide and other harmful algal
1474 blooms in Florida waters. The Fish and Wildlife Research
1475 Institute shall appoint to the task force scientists, engineers,
1476 economists, members of citizen groups, and members of
1477 government. The task force shall determine research and
1478 monitoring priorities and control and mitigation strategies and
1479 make recommendations to the Fish and Wildlife Research Institute
1480 for using funds as provided in this act.

1481 (2) The Harmful-Algal-Bloom Task Force shall:

1482 (a) Review the status and adequacy of information for
1483 monitoring physical, chemical, biological, economic, and public
1484 health factors affecting harmful algal blooms in Florida;

1485 (b) Develop research and monitoring priorities for harmful
1486 algal blooms in Florida, including detection, prediction,
1487 mitigation, and control;

1488 (c) Develop recommendations that can be implemented by
1489 state and local governments to develop a response plan and to
1490 predict, mitigate, and control the effects of harmful algal
1491 blooms; and

1492 (d) Make recommendations to the Fish and Wildlife Research
 1493 Institute for research, detection, monitoring, prediction,
 1494 mitigation, and control of harmful algal blooms in Florida.

1495 Section 40. Section 370.06093, Florida Statutes, is
 1496 renumbered as section 379.261, Florida Statutes, to read:

1497 379.261 ~~370.06093~~ Harmful-algal-bloom program;
 1498 implementation; goals; funding.--

1499 (1) (a) The Fish and Wildlife Research Institute shall
 1500 implement a program designed to increase the knowledge of
 1501 factors that control harmful algal blooms, including red tide,
 1502 and to gain knowledge to be used for the early detection of
 1503 factors precipitating harmful algal blooms for accurate
 1504 prediction of the extent and seriousness of harmful algal blooms
 1505 and for undertaking successful efforts to control and mitigate
 1506 the effects of harmful algal blooms.

1507 (b) The Legislature intends that this program enhance and
 1508 address areas that are not adequately covered in the cooperative
 1509 federal-state program known as Ecology and Oceanography of
 1510 Harmful Algal Blooms (ECO HAB-Florida), which includes the
 1511 University of South Florida, the Mote Marine Laboratory, and the
 1512 Fish and Wildlife Research Institute.

1513 (c) The goal of this program is to enable resource
 1514 managers to assess the potential for public health damage and
 1515 economic damage from a given bloom and to undertake control and
 1516 mitigation efforts through the development and application of an
 1517 integrated detection and prediction network for monitoring and

1518 | responding to the development and movement of harmful algal
 1519 | blooms in Florida marine and estuarine waters.

1520 | (2) A financial disbursement program is created within the
 1521 | Fish and Wildlife Research Institute to implement the provisions
 1522 | of this act. Under the program, the institute shall provide
 1523 | funding and technical assistance to government agencies,
 1524 | research universities, coastal local governments, and
 1525 | organizations with scientific and technical expertise for the
 1526 | purposes of harmful-algal-bloom research, economic impact study,
 1527 | monitoring, detection, control, and mitigation. The program may
 1528 | be funded from state, federal, and private contributions.

1529 | Section 41. Section 372.97, Florida Statutes, is
 1530 | renumbered as section 379.265, Florida Statutes, to read:

1531 | 379.265 ~~372.97~~ Jim Woodruff Dam; reciprocity agreements.--
 1532 | The Fish and Wildlife Conservation Commission of the state is
 1533 | hereby authorized to enter into an agreement of the reciprocity
 1534 | with the game and fish commissioners or the appropriate
 1535 | officials or departments of the State of Georgia and the State
 1536 | of Alabama relative to the taking of game and freshwater fish
 1537 | from the waters of the lake created by the Jim Woodruff Dam by
 1538 | permitting reciprocal license privileges.

1539 | Section 42. Section 372.971, Florida Statutes, is
 1540 | renumbered as section 379.266, Florida Statutes, to read:

1541 | 379.266 ~~372.971~~ St. Marys River; reciprocity agreements.--
 1542 | The Fish and Wildlife Conservation Commission of the state is
 1543 | hereby authorized to enter into an agreement of reciprocity with
 1544 | the game and fish commissioner or the appropriate officials or

1545 departments of the State of Georgia relative to the taking of
 1546 game and freshwater fish from the waters of the St. Marys River
 1547 by permitting reciprocal agreement license privileges.

1548 Section 43. Section 372.072, Florida Statutes, is
 1549 renumbered as 379.270, Florida Statutes, to read:

1550 379.270 ~~372.072~~ Endangered and Threatened Species Act.--

1551 (1) SHORT TITLE.--This section may be cited as the
 1552 "Florida Endangered and Threatened Species Act."

1553 (2) DECLARATION OF POLICY.--The Legislature recognizes
 1554 that the State of Florida harbors a wide diversity of fish and
 1555 wildlife and that it is the policy of this state to conserve and
 1556 wisely manage these resources, with particular attention to
 1557 those species defined by the Fish and Wildlife Conservation
 1558 Commission, the Department of Environmental Protection, or the
 1559 United States Department of Interior, or successor agencies, as
 1560 being endangered or threatened. As Florida has more endangered
 1561 and threatened species than any other continental state, it is
 1562 the intent of the Legislature to provide for research and
 1563 management to conserve and protect these species as a natural
 1564 resource.

1565 (3) DEFINITIONS.--As used in this section:

1566 (a) "Fish and wildlife" means any member of the animal
 1567 kingdom, including, but not limited to, any mammal, fish, bird,
 1568 amphibian, reptile, mollusk, crustacean, arthropod, or other
 1569 invertebrate.

1570 (b) "Endangered species" means any species of fish and
 1571 wildlife naturally occurring in Florida, whose prospects of

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1572 survival are in jeopardy due to modification or loss of habitat;
1573 overutilization for commercial, sporting, scientific, or
1574 educational purposes; disease; predation; inadequacy of
1575 regulatory mechanisms; or other natural or manmade factors
1576 affecting its continued existence.

1577 (c) "Threatened species" means any species of fish and
1578 wildlife naturally occurring in Florida which may not be in
1579 immediate danger of extinction, but which exists in such small
1580 populations as to become endangered if it is subjected to
1581 increased stress as a result of further modification of its
1582 environment.

1583 (4) INTERAGENCY COORDINATION.--

1584 (a) The commission shall be responsible for research and
1585 management of freshwater and upland species and for research and
1586 management of marine species.

1587 (b) Recognizing that citizen awareness is a key element in
1588 the success of this plan, the commission and the Department of
1589 Education are encouraged to work together to develop a public
1590 education program with emphasis on, but not limited to, both
1591 public and private schools.

1592 (c) The commission, in consultation with the Department of
1593 Agriculture and Consumer Services, the Department of Community
1594 Affairs, or the Department of Transportation, may establish
1595 reduced speed zones along roads, streets, and highways to
1596 protect endangered species or threatened species.

1597 (5) ANNUAL REPORT.--The director of the commission shall,
1598 at least 30 days prior to each annual session of the

1599 Legislature, transmit to the Governor and Cabinet, the President
1600 of the Senate, the Speaker of the House of Representatives, and
1601 the chairs of the appropriate Senate and House committees, a
1602 revised and updated plan for management and conservation of
1603 endangered and threatened species, including criteria for
1604 research and management priorities; a description of the
1605 educational program; statewide policies pertaining to protection
1606 of endangered and threatened species; additional legislation
1607 which may be required; and the recommended level of funding for
1608 the following year, along with a progress report and budget
1609 request.

1610 (6) MEASURABLE BIOLOGICAL GOALS.--Measurable biological
1611 goals that define manatee recovery developed by the commission,
1612 working in conjunction with the United States Fish and Wildlife
1613 Service, shall be used by the commission in its development of
1614 management plans or work plans. In addition to other criteria,
1615 these measurable biological goals shall be used by the
1616 commission when evaluating existing and proposed protection
1617 rules, and in determining progress in achieving manatee
1618 recovery. Not later than July 1, 2005, the commission shall
1619 develop rules to define how measurable biological goals will be
1620 used by the commission when evaluating the need for additional
1621 manatee protection rules.

1622 Section 44. Section 372.073, Florida Statutes, is
1623 renumbered as section 379.271, Florida Statutes, and amended to
1624 read:

1625 379.271 ~~372.073~~ Endangered and Threatened Species Reward

1626 Program.--

1627 (1) There is established within the Fish and Wildlife
 1628 Conservation Commission the Endangered and Threatened Species
 1629 Reward Program, to be funded from the Nongame Wildlife Trust
 1630 Fund. The commission may post rewards to persons responsible for
 1631 providing information leading to the arrest and conviction of
 1632 persons illegally killing or wounding or wrongfully possessing
 1633 any of the endangered and threatened species listed on the
 1634 official Florida list of such species maintained by the
 1635 commission or the arrest and conviction of persons who violate
 1636 s. 379.5148 ~~372.667~~ or s. 379.851 ~~372.671~~. Additional funds may
 1637 be provided by donations from interested individuals and
 1638 organizations. The reward program is to be administered by the
 1639 commission. The commission shall establish a schedule of
 1640 rewards.

1641 (2) The commission may expend funds only for the following
 1642 purposes:

1643 (a) The payment of rewards to persons, other than law
 1644 enforcement officers, commission personnel, and members of their
 1645 immediate families, for information as specified in subsection
 1646 (1); or

1647 (b) The promotion of public recognition and awareness of
 1648 the Endangered and Threatened Species Reward Program.

1649 Section 45. Section 372.771, Florida Statutes, is
 1650 renumbered as section 379.280, Florida Statutes, to read:

1651 379.280 ~~372.771~~ Federal conservation of fish and wildlife;
 1652 limited jurisdiction.--

1653 (1) Consent of the State of Florida is hereby given, to
 1654 the United States for acquisition of lands, waters, or lands and
 1655 waters or interests therein, for the purpose of managing,
 1656 protecting and propagating fish and wildlife and for other
 1657 conservation uses in the state, providing prior notice has been
 1658 given by the Federal Government to the Board of Trustees of the
 1659 Internal Improvement Trust Fund, the board of county
 1660 commissioners of the county where the lands proposed for
 1661 purchase are located, of such proposed action stating the
 1662 specific use to be made of and the specific location and
 1663 description of such lands desired by the Federal Government for
 1664 any such conservation use, and that such plans for acquisition
 1665 and use of said lands be approved by the Board of Trustees of
 1666 the Internal Improvement Trust Fund, the board of county
 1667 commissioners of the county where the lands proposed for
 1668 purchase are located; provided further that nothing herein
 1669 contained shall be construed to give the consent of the State of
 1670 Florida to the acquisition by the United States of lands,
 1671 waters, or lands and waters, or interests therein, through
 1672 exercise of the power of eminent domain; provided further that
 1673 the provisions of this act shall not apply to lands owned by the
 1674 several counties or by public corporations.

1675 (2) The United States may exercise concurrent jurisdiction
 1676 over lands so acquired and carry out the intent and purpose of
 1677 the authority except that the existing laws of Florida relating

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1678 to the Department of Environmental Protection or the Fish and
 1679 Wildlife Conservation Commission shall prevail relating to any
 1680 area under their supervision.

1681 Section 46. Section 370.1103, Florida Statutes, is
 1682 renumbered as section 379.281, Florida Statutes, to read:

1683 379.281 ~~370.1103~~ Land-based commercial and recreational
 1684 fishing activities; legislative findings and purpose;
 1685 definitions; legal protection; local ordinances; prohibited
 1686 activity.--

1687 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
 1688 finds that commercial and recreational fishing constitute
 1689 activities of statewide importance and that the continuation of
 1690 commercial and recreational fishing will benefit the health and
 1691 welfare of the people of this state. The Legislature further
 1692 finds that commercial and recreational fishing operations
 1693 conducted in developing and urbanizing areas are potentially
 1694 subject to curtailment as a result of local government zoning
 1695 and nuisance ordinances which may unreasonably force the closure
 1696 of productive commercial and recreational fishing operations. It
 1697 is the purpose of this act to prevent the curtailment or
 1698 abolishment of commercial and recreational fishing operations
 1699 solely because the area in which they are located has changed in
 1700 character or the operations are displeasing to neighboring
 1701 residents.

1702 (2) DEFINITIONS.--As used in this act, "commercial fishing
 1703 operation" means any type of activity conducted on land,
 1704 requiring the location or storage of commercial fishing

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1705 equipment such as fishing vessels, fishing gear, docks, piers,
1706 loading areas, landing areas, and cold storage facilities,
1707 including any activity necessary to prepare finfish or shellfish
1708 for refrigeration. This definition does not include operations
1709 with the sole or primary function of processing seafood.

1710 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL
1711 FISHING OPERATIONS.--No commercial or recreational fishing
1712 operation shall be declared a public or private nuisance solely
1713 because of a change in ownership or a change in the character of
1714 the property in or around the locality of the operation.

1715 (4) LOCAL ORDINANCE.--No local governing authority shall
1716 adopt any ordinance that declares any commercial or recreational
1717 fishing operation to be a nuisance solely because it is a
1718 commercial or recreational fishing operation, or any zoning
1719 ordinance that unreasonably forces the closure of any commercial
1720 or recreational fishing operation. Nothing in this act shall
1721 prevent a local government from regulating commercial and
1722 recreational fishing operations, including by requiring the use
1723 of methods, structures, or appliances where such use will
1724 prevent, ameliorate, or remove conditions which create or may
1725 create a nuisance or, pursuant to the applicable local zoning
1726 code, by declaring a commercial or recreational fishing
1727 operation to be a nonconforming use.

1728 (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This act
1729 shall not be construed to permit an existing commercial or
1730 recreational fishing operation to change to a larger operation

1731 with regard to emitting more noise or odor, where such change
 1732 violates local ordinances or regulations or creates a nuisance.

1733 Section 47. Section 372.995, Florida Statutes, is
 1734 renumbered as section 379.282, Florida Statutes, to read:

1735 379.282 ~~372.995~~ Release of balloons.--

1736 (1) The Legislature finds that the release into the
 1737 atmosphere of large numbers of balloons inflated with lighter-
 1738 than-air gases poses a danger and nuisance to the environment,
 1739 particularly to wildlife and marine animals.

1740 (2) It is unlawful for any person, firm, or corporation to
 1741 intentionally release, organize the release, or intentionally
 1742 cause to be released within a 24-hour period 10 or more balloons
 1743 inflated with a gas that is lighter than air except for:

1744 (a) Balloons released by a person on behalf of a
 1745 governmental agency or pursuant to a governmental contract for
 1746 scientific or meteorological purposes;

1747 (b) Hot air balloons that are recovered after launching;

1748 (c) Balloons released indoors; or

1749 (d) Balloons that are either biodegradable or
 1750 photodegradable, as determined by rule of the Fish and Wildlife
 1751 Conservation Commission, and which are closed by a hand-tied
 1752 knot in the stem of the balloon without string, ribbon, or other
 1753 attachments. In the event that any balloons are released
 1754 pursuant to the exemption established in this paragraph, the
 1755 party responsible for the release shall make available to any
 1756 law enforcement officer evidence of the biodegradability or
 1757 photodegradability of said balloons in the form of a certificate

1758 | executed by the manufacturer. Failure to provide said evidence
 1759 | shall be prima facie evidence of a violation of this act.

1760 | (3) Any person who violates subsection (2) is guilty of a
 1761 | noncriminal infraction, punishable by a fine of \$250.

1762 | (4) Any person may petition the circuit court to enjoin
 1763 | the release of 10 or more balloons if that person is a citizen
 1764 | of the county in which the balloons are to be released.

1765 | Section 48. Section 372.265, Florida Statutes, is
 1766 | renumbered as section 379.283, Florida Statutes, and amended to
 1767 | read:

1768 | 379.283 ~~372.265~~ Regulation of foreign animals.--

1769 | (1) It is unlawful to import for sale or use, or to
 1770 | release within this state, any species of the animal kingdom not
 1771 | indigenous to Florida without having obtained a permit to do so
 1772 | from the Fish and Wildlife Conservation Commission.

1773 | (2) The Fish and Wildlife Conservation Commission is
 1774 | authorized to issue or deny such a permit upon the completion of
 1775 | studies of the species made by it to determine any detrimental
 1776 | effect the species might have on the ecology of the state.

1777 | (3) A person in violation of this section commits a Level
 1778 | Three violation under s. 379.810 ~~372.83~~.

1779 | Section 49. Section 372.705, Florida Statutes, is
 1780 | renumbered as section 379.284, Florida Statutes, and amended to
 1781 | read:

1782 | 379.284 ~~372.705~~ Harassment of hunters, trappers, or
 1783 | fishers.--

1784 (1) A person may not intentionally, within a publicly or
 1785 privately owned wildlife management or fish management area or
 1786 on any state-owned water body:

1787 (a) Interfere with or attempt to prevent the lawful taking
 1788 of fish, game, or nongame animals by another.

1789 (b) Attempt to disturb fish, game, or nongame animals or
 1790 attempt to affect their behavior with the intent to prevent
 1791 their lawful taking by another.

1792 (2) Any person who violates this section commits a Level
 1793 Two violation under s. 379.810 ~~372.83~~.

1794 Section 50. Section 372.0222, Florida Statutes, is
 1795 renumbered as section 379.285, Florida Statutes, and amended to
 1796 read:

1797 379.285 ~~372.0222~~ Private publication agreements;
 1798 advertising; costs of production.—

1799 (1) The Fish and Wildlife Conservation Commission may
 1800 enter into agreements to secure the private publication of
 1801 public information brochures, pamphlets, audiotapes, videotapes,
 1802 and related materials for distribution without charge to the
 1803 public and, in furtherance thereof, is authorized to:

1804 (a) Enter into agreements with private vendors for the
 1805 publication or production of such public information materials,
 1806 whereby the costs of publication or production will be borne in
 1807 whole or in part by the vendor or the vendor shall provide
 1808 additional compensation in return for the right of the vendor to
 1809 select, sell, and place advertising which publicizes products or

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1810 services related to and harmonious with the subject matter of
1811 the publication.

1812 (b) Retain the right, by agreement, to approve all
1813 elements of any advertising placed in such public information
1814 materials, including the form and content thereof.

1815 (2) (a) Beginning January 1, 2005, the commission, with the
1816 advice and assistance of the Florida Wildlife Magazine Advisory
1817 Council, shall publish the Florida Wildlife Magazine. The
1818 magazine shall be published at least on a quarterly basis in
1819 hard-copy format and shall be available to the public by
1820 subscription and retail distribution. The primary focus of the
1821 magazine shall be to promote the heritage of hunting and fishing
1822 in Florida. The magazine shall also disseminate information
1823 regarding other outdoor recreational opportunities available to
1824 Floridians and visitors.

1825 (b) In order to offset the cost of publication and
1826 distribution of the magazine, the commission, with the advice
1827 and assistance of the Florida Wildlife Magazine Advisory
1828 Council, is authorized to sell advertising for placement in the
1829 magazine. The commission shall have the right to approve all
1830 elements of any advertising placed in the magazine, including
1831 the form and content thereof. The magazine shall include a
1832 statement providing that the inclusion of advertising in the
1833 magazine does not constitute an endorsement by the state or the
1834 commission of the products or services so advertised. The
1835 commission may charge an annual magazine subscription fee of up
1836 to \$25, a 2-year magazine subscription fee of up to \$45, and a

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1837 3-year magazine subscription fee of up to \$60. The commission
1838 may charge a retail per copy fee of up to \$7. The provisions of
1839 chapter 287 do not apply to the sale of advertising for
1840 placement in the magazine. All revenues generated by the
1841 magazine shall be credited to the State Game Trust Fund.

1842 (c) The Florida Wildlife Magazine Advisory Council is
1843 created within the commission to advise and make recommendations
1844 to the commission regarding development, publication, and sale
1845 of the Florida Wildlife Magazine. In order to accomplish this
1846 purpose, the council shall provide recommendations to the
1847 commission regarding:

1848 1. The content of articles included in each edition of the
1849 magazine.

1850 2. Advertising proposed for each edition of the magazine.

1851 3. Strategies to improve distribution and circulation of
1852 the magazine.

1853 4. Cost-reduction measures regarding publication of the
1854 magazine.

1855 (d) The Florida Wildlife Magazine Advisory Council shall
1856 consist of seven members appointed by the commission, and
1857 initial appointments shall be made no later than August 1, 2004.
1858 When making initial appointments to the council and filling
1859 vacancies, the commission shall appoint members to represent the
1860 following interests: hunting; saltwater fishing; freshwater
1861 fishing; recreational boating; recreational use of off-road
1862 vehicles; hiking, biking, bird watching, or similar passive
1863 activities; general business interests; and magazine publishing.

1864 (e) Two of the initial appointees shall serve 2-year
1865 terms, two of the initial appointees shall serve 3-year terms,
1866 and three of the initial appointees shall serve 4-year terms.
1867 Subsequent to the expiration of the initial terms, advisory
1868 council appointees shall serve 4-year terms.

1869 (f) The members of the advisory council shall elect a
1870 chair annually.

1871 (g) The council shall meet at least quarterly at the call
1872 of its chair, at the request of a majority of its membership, or
1873 at the request of the commission. A majority of the council
1874 shall constitute a quorum for the transaction of business.

1875 (h) The commission shall provide the council with
1876 clerical, expert, technical, or other services. All expenses of
1877 the council shall be paid from appropriations made by the
1878 Legislature to the commission. All vouchers shall be approved by
1879 the executive director before submission to the Chief Financial
1880 Officer for payment.

1881 (i) Members of the council shall serve without
1882 compensation but shall receive per diem and reimbursement for
1883 travel expenses as provided in s. 112.061.

1884 (j) Advisory council members may be reappointed. Advisory
1885 council members shall serve at the pleasure of the commission.

1886 (3) Any public information materials produced pursuant to
1887 this section and containing advertising of any kind shall
1888 include a statement providing that the inclusion of advertising
1889 in such material does not constitute an endorsement by the state
1890 or commission of the products or services so advertised.

1891 (4) The Fish and Wildlife Conservation Commission may
 1892 enter into agreements with private vendors for vendor
 1893 advertisement for the purpose of offsetting expenses relating to
 1894 license issuance, and, in furtherance thereof, is authorized to:

1895 (a) Retain the right, by agreement, to approve all
 1896 elements of such advertising, including the form or content.

1897 (b) Require that any advertising of any kind contracted
 1898 pursuant to this section shall include a statement providing
 1899 that the advertising does not constitute an endorsement by the
 1900 state or commission of the products or services to be so
 1901 advertised.

1902 (5) The commission shall collect, edit, publish, and print
 1903 pamphlets, papers, manuscripts, documents, books, monographs,
 1904 and other materials relating to fish and wildlife conservation
 1905 and may establish and impose a reasonable charge for such
 1906 materials to cover costs of production and distribution in whole
 1907 or part and may contract for the marketing, sale, and
 1908 distribution of such publications and materials; except that no
 1909 charge shall be imposed for materials designed to provide the
 1910 public with essential information concerning fish and wildlife
 1911 regulations and matters of public safety.

1912 (6) The commission shall provide services and information
 1913 designed to inform Floridians and visitors about Florida's
 1914 unique and diverse fish, game, and wildlife, and make it
 1915 available by means of commonly used media. For the
 1916 accomplishment of those purposes, the commission may make
 1917 expenditures to:

1918 (a) Encourage and cooperate with public and private
 1919 organizations or groups to publicize to residents and visitors
 1920 the diversity of fish, game, and wildlife, and related
 1921 recreation opportunities of the state, including the
 1922 establishment of and expenditure for a program of cooperative
 1923 advertising or sponsorships, or partnerships with the public and
 1924 private organizations and groups in accordance with rules
 1925 adopted by the commission under chapter 120.

1926 (b) Charge and collect a reasonable fee for researching or
 1927 compiling information or other services which, in its judgment,
 1928 should not be free to those requesting the information,
 1929 research, handling, material, publication, or other services.
 1930 Any amounts of money received by the commission from such
 1931 sources shall be restored to the appropriations of the
 1932 commission, and any unexpended funds shall be deposited into the
 1933 State Game Trust Fund and made available to the commission for
 1934 use in performing its duties, powers, and purposes.

1935 (c) Charge and collect registration fees at conferences,
 1936 seminars, and other meetings conducted in furtherance of the
 1937 duties, powers, and purposes of the commission. Any funds
 1938 collected under this paragraph which remain unexpended after the
 1939 expenses of the conference, seminar, or meeting have been paid
 1940 shall be deposited into the State Game Trust Fund and made
 1941 available to the commission for use in performing its duties,
 1942 powers, and purposes.

1943 (d) Purchase and distribute promotional items to increase
 1944 public awareness regarding boating safety and other programs
 1945 that promote public safety or resource conservation.

1946 (7) Notwithstanding the provisions of part I of chapter
 1947 287, the commission may adopt rules for the purpose of entering
 1948 into contracts that are primarily for promotional and
 1949 advertising services and promotional events which may include
 1950 the authority to negotiate costs with offerors of such services
 1951 and commodities who have been determined to be qualified on the
 1952 basis of technical merit, creative ability, and professional
 1953 competency.

1954 Section 51. Section 370.27, Florida Statutes, is
 1955 renumbered as section 379.286, Florida Statutes, to read:

1956 379.286 ~~370.27~~ State employment; priority consideration
 1957 for qualified displaced employees of the saltwater fishing
 1958 industry.--All state agencies must give priority consideration
 1959 to any job applicant who is able to document the loss of full-
 1960 time employment in the commercial saltwater fishing industry as
 1961 a result of the adoption of the constitutional amendment
 1962 limiting the use of nets to harvest marine species, provided the
 1963 applicant meets the minimum requirements for the position
 1964 sought.

1965 Section 52. Section 370.28, Florida Statutes, is
 1966 renumbered as section 379.287, Florida Statutes, to read:

1967 379.287 ~~370.28~~ Enterprise zone designation; communities
 1968 adversely impacted by net limitations.--

1969 (1) The Office of Tourism, Trade, and Economic Development
 1970 is directed to identify communities suffering adverse impacts
 1971 from the adoption of the constitutional amendment limiting the
 1972 use of nets to harvest marine species.

1973 (2) (a) Such communities having a population of fewer than
 1974 7,500 persons and such communities in rural and coastal counties
 1975 with a county population of fewer than 25,000 may apply to the
 1976 Office of Tourism, Trade, and Economic Development by August 15,
 1977 1996, for the designation of an area as an enterprise zone. The
 1978 community must comply with the requirements of s. 290.0055,
 1979 except that, for a community having a total population of 7,500
 1980 persons or more but fewer than 20,000 persons, the selected area
 1981 may not exceed 5 square miles. Notwithstanding the provisions of
 1982 s. 290.0065, limiting the total number of enterprise zones
 1983 designated and the number of enterprise zones within a
 1984 population category, the Office of Tourism, Trade, and Economic
 1985 Development may designate an enterprise zone in eight of the
 1986 identified communities. The governing body having jurisdiction
 1987 over such area shall create an enterprise zone development
 1988 agency pursuant to s. 290.0056 and submit a strategic plan
 1989 pursuant to s. 290.0057. Enterprise zones designated pursuant to
 1990 this section shall be effective January 1, 1997. Any enterprise
 1991 zone designated under this paragraph having an effective date on
 1992 or before January 1, 2005, shall continue to exist until
 1993 December 31, 2005, but shall cease to exist on December 31,
 1994 2005. Any enterprise zone redesignated on or after January 1,

1995 | 2006, must do so in accordance with the Florida Enterprise Zone
 1996 | Act.

1997 | (b) Notwithstanding any provisions of this section to the
 1998 | contrary, communities in coastal counties with a county
 1999 | population greater than 20,000, which can demonstrate that the
 2000 | community has historically been a fishing community and has
 2001 | therefore had a direct adverse impact from the adoption of the
 2002 | constitutional amendment limiting the use of nets, shall also be
 2003 | eligible to apply for designation of an area as an enterprise
 2004 | zone. The community must comply with the requirements of s.
 2005 | 290.0055, except s. 290.0055(3). Such communities shall apply to
 2006 | the Office of Tourism, Trade, and Economic Development by August
 2007 | 15, 1996. The office may designate one enterprise zone under
 2008 | this paragraph, which shall be effective January 1, 1997, and
 2009 | which shall be in addition to the eight zones authorized under
 2010 | paragraph (a). Any enterprise zone designated under this
 2011 | paragraph having an effective date on or before January 1, 2005,
 2012 | shall continue to exist until December 31, 2005, but shall cease
 2013 | to exist on that date. Any enterprise zone redesignated on or
 2014 | after January 1, 2006, must do so in accordance with the Florida
 2015 | Enterprise Zone Act. The governing body having jurisdiction over
 2016 | such area shall create an enterprise zone development agency
 2017 | pursuant to s. 290.0056 and submit a strategic plan pursuant to
 2018 | s. 290.0057.

2019 | (3) For the purpose of nominating and designating areas
 2020 | pursuant to subsection (2), the requirements set out in s.
 2021 | 290.0058(2) shall not apply.

2022 (4) Notwithstanding the time limitations contained in
 2023 chapters 212 and 220, a business eligible to receive tax credits
 2024 under this section from January 1, 1997, to June 1, 1998, must
 2025 submit an application for the tax credits by December 1, 1998.
 2026 All other requirements of the enterprise zone program apply to
 2027 such a business.

2028 Section 53. Part II of chapter 379, Florida Statutes,
 2029 consisting of sections 379.301 through 379.3392, is created to
 2030 read:

2031 PART II

2032 MARINE LIFE

2033
 2034 Section 54. Section 370.025, Florida Statutes, is
 2035 renumbered as section 379.301, Florida Statutes, to read:

2036 379.301 ~~370.025~~ Marine fisheries; policy and standards.--

2037 (1) The Legislature hereby declares the policy of the
 2038 state to be management and preservation of its renewable marine
 2039 fishery resources, based upon the best available information,
 2040 emphasizing protection and enhancement of the marine and
 2041 estuarine environment in such a manner as to provide for optimum
 2042 sustained benefits and use to all the people of this state for
 2043 present and future generations.

2044 (2) The commission is instructed to make recommendations
 2045 annually to the Governor and the Legislature regarding marine
 2046 fisheries research priorities and funding. All administrative
 2047 and enforcement responsibilities which are unaffected by the

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2048 specific provisions of this act are the responsibility of the
2049 commission.

2050 (3) All rules relating to saltwater fisheries adopted by
2051 the commission shall be consistent with the following standards:

2052 (a) The paramount concern of conservation and management
2053 measures shall be the continuing health and abundance of the
2054 marine fisheries resources of this state.

2055 (b) Conservation and management measures shall be based
2056 upon the best information available, including biological,
2057 sociological, economic, and other information deemed relevant by
2058 the commission.

2059 (c) Conservation and management measures shall permit
2060 reasonable means and quantities of annual harvest, consistent
2061 with maximum practicable sustainable stock abundance on a
2062 continuing basis.

2063 (d) When possible and practicable, stocks of fish shall be
2064 managed as a biological unit.

2065 (e) Conservation and management measures shall assure
2066 proper quality control of marine resources that enter commerce.

2067 (f) State marine fishery management plans shall be
2068 developed to implement management of important marine fishery
2069 resources.

2070 (g) Conservation and management decisions shall be fair
2071 and equitable to all the people of this state and carried out in
2072 such a manner that no individual, corporation, or entity
2073 acquires an excessive share of such privileges.

2074 (h) Federal fishery management plans and fishery
 2075 management plans of other states or interstate commissions
 2076 should be considered when developing state marine fishery
 2077 management plans. Inconsistencies should be avoided unless it is
 2078 determined that it is in the best interest of the fisheries or
 2079 residents of this state to be inconsistent.

2080 Section 55. Section 370.0607, Florida Statutes, is
 2081 renumbered as section 379.3011, Florida Statutes, to read:
 2082 379.3011 ~~370.0607~~ Marine information system.--The Fish and
 2083 Wildlife Conservation Commission shall establish by rule a
 2084 marine information system in conjunction with the licensing
 2085 program to gather marine fisheries data.

2086 Section 56. Section 370.101, Florida Statutes, is
 2087 renumbered as section 379.310, Florida Statutes, and amended to
 2088 read:

2089 379.310 ~~370.101~~ Saltwater fish; regulations.--

2090 (1) The Fish and Wildlife Conservation Commission is
 2091 authorized to establish weight equivalencies when minimum
 2092 lengths of saltwater fish are established by law, in those cases
 2093 where the fish are artificially cultivated.

2094 (2) A special activity license may be issued by the
 2095 commission pursuant to s. 379.740 ~~370.06~~ for catching and
 2096 possession of fish protected by law after it has first
 2097 established that such protected specimens are to be used as
 2098 stock for artificial cultivation.

2099 (3) A permit may not be issued pursuant to subsection (2)
 2100 until the commission determines that the artificial cultivation

2101 activity complies with the provisions of ss. 253.67-253.75 and
 2102 any other specific provisions contained within this chapter
 2103 regarding leases, licenses, or permits for maricultural
 2104 activities of each saltwater fish, so that the public interest
 2105 in such fish stocks is fully protected.

2106 Section 57. Section 370.102, Florida Statutes, is
 2107 renumbered as section 379.311, Florida Statutes, and amended to
 2108 read:

2109 379.311 ~~370.102~~ State preemption of power to regulate.--
 2110 The power to regulate the taking or possession of saltwater
 2111 fish, as defined in s. 379.100 ~~370.01~~, is expressly reserved to
 2112 the state. This section does not prohibit a local government
 2113 from prohibiting, for reasons of protecting the public health,
 2114 safety, or welfare, saltwater fishing from real property owned
 2115 by that local government.

2116 Section 58. Section 370.11, Florida Statutes, is
 2117 renumbered as section 379.312, Florida Statutes, to read:

2118 379.312 ~~370.11~~ Fish; regulation.--

2119 (1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL
 2120 PROHIBITED.--No person shall take any food fish from the waters
 2121 under the jurisdiction of the state, for the purpose of making
 2122 oil, fertilizer or compost therefrom. Purse seines may be used,
 2123 for the taking of nonfood fish for the purpose of making oil,
 2124 fertilizer or compost.

2125 (2) REGULATION; FISH; TARPON, ETC.--No person may sell,
 2126 offer for sale, barter, exchange for merchandise, transport for
 2127 sale, either within or without the state, offer to purchase or

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2128 purchase any species of fish known as tarpon (*Tarpon atlanticus*)
 2129 provided, however, any one person may carry out of the state as
 2130 personal baggage or transport within or out of the state not
 2131 more than two tarpon if they are not being transported for sale.
 2132 The possession of more than two tarpon by any one person is
 2133 unlawful; provided, however, any person may catch an unlimited
 2134 number of tarpon if they are immediately returned uninjured to
 2135 the water and released where the same are caught. No common
 2136 carrier in the state shall knowingly receive for transportation
 2137 or transport, within or without the state, from any one person
 2138 for shipment more than two tarpon, except as hereinafter
 2139 provided. It is expressly provided that any lawful established
 2140 taxidermist, in the conduct of taxidermy, may be permitted to
 2141 move or transport any reasonable number of tarpon at any time
 2142 and in any manner he or she may desire, as specimens for
 2143 mounting; provided, however, satisfactory individual ownership
 2144 of the fish so moved or transported can be established by such
 2145 taxidermist at any time upon demand. Common carriers shall
 2146 accept for shipment tarpon from a taxidermist when statement of
 2147 individual ownership involved accompanies bill of lading or
 2148 other papers controlling the shipment. The Fish and Wildlife
 2149 Conservation Commission may, in its discretion, upon application
 2150 issue permits for the taking and transporting of tarpon for
 2151 scientific purposes.

2152 Section 59. Section 370.08, Florida Statutes, is
 2153 renumbered as section 379.313, Florida Statutes, and amended to
 2154 read:

2155 | 379.313 ~~370.08~~ Fishers and equipment; regulation.--

2156 | (1) ILLEGAL POSSESSION OF SEINES AND NETS.--No person may

2157 | have in his or her custody or possession in any county of this

2158 | state any fishing seine or net, the use of which for fishing

2159 | purposes in such county is prohibited by law. Such possession

2160 | shall be evidence of a violation of this subsection by both the

2161 | owner thereof and the person using or possessing said net. The

2162 | provisions of this subsection shall not apply to shrimp nets, to

2163 | pound nets or purse nets when used in taking menhaden fish, to

2164 | seines used exclusively for taking herring, or to legal beach

2165 | seines used in the open gulf or Atlantic Ocean if the possession

2166 | of such nets is not prohibited in the county where found.

2167 | (2) STOP NETTING DEFINED; PROHIBITION.--

2168 | (a) It is unlawful for any person to obstruct any river,

2169 | creek, canal, pass, bayou or other waterway in this state by

2170 | placing or setting therein any screen, net, seine, rack, wire or

2171 | other device, or to use, set, or place any net or seine or

2172 | similar device of any kind, either singularly or in rotation or

2173 | one behind another in any manner whatsoever so as to prevent the

2174 | free passage of fish.

2175 | (b) It is unlawful for any person, while fishing or

2176 | attempting to fish for shrimp or saltwater fish, to attach or

2177 | otherwise secure a frame net, trawl net, trap net, or similar

2178 | device to any state road bridge or associated structure situated

2179 | over any saltwater body or to use more than one such net or

2180 | device while fishing from such bridge or structure. For the

2181 | purposes of this paragraph, a "frame net" is any net similar to

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2182 a hoop net, the mouth of which is held open by a frame, with a
2183 trailing mesh net, of any size. Cast nets, dip nets, and similar
2184 devices are specifically excluded from the operation of this
2185 paragraph.

2186 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS, ETC.--No
2187 person may take food fish within or without the waters of this
2188 state with a purse seine, purse gill net, or other net using
2189 rings or other devices on the lead line thereof, through which a
2190 purse line is drawn, or pound net, or have any food fish so
2191 taken in his or her possession for sale or shipment. The
2192 provisions of this section shall not apply to shrimp nets or to
2193 pound nets or purse seines when used for the taking of tuna or
2194 menhaden fish only.

2195 (4) RETURN OF FISH TO WATER.--All persons taking food fish
2196 from any of the waters of this state by use of seines, nets, or
2197 other fishing devices and not using any of such fish because of
2198 size or other reasons shall immediately release and return such
2199 fish alive to the water from which taken and no such fish may be
2200 placed or deposited on any bank, shore, beach or other place out
2201 of the water.

2202 (5) THROWING EXPLOSIVES OR USE OF FIREARMS IN WATER FOR
2203 PURPOSE OF KILLING FOOD FISH PROHIBITED.--No person may throw or
2204 cause to be thrown, into any of the waters of this state, any
2205 dynamite, lime, other explosives or discharge any firearms
2206 whatsoever for the purpose of killing food fish therein. The
2207 landing ashore or possession on the water by any person of any
2208 food fish that has been damaged by explosives or the landing of

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2209 headless jewfish or grouper, if the grouper is taken for
2210 commercial use, is prima facie evidence of violation of this
2211 section.

2212 (6) SEINES, POCKET BUNTS.--In any counties where seines
2213 are not prohibited on the open gulf or Atlantic Ocean, such
2214 seines may have a pocket bunt on the middle of the seine of a
2215 mesh size less than that provided by law.

2216 (7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

2217 (a) It is unlawful for any person to place poisons, drugs,
2218 or other chemicals in the marine waters of this state unless
2219 that person has first obtained a special activity license for
2220 such use pursuant to s. 379.740 ~~370.06~~ from the Fish and
2221 Wildlife Conservation Commission.

2222 (b) Upon application on forms furnished by the commission,
2223 the commission may issue a license to use poisons, drugs, or
2224 other chemicals in the marine waters of this state for the
2225 purpose of capturing live marine species. The application and
2226 license shall specify the area in which collecting will be done;
2227 the drugs, chemicals, or poisons to be used; and the maximum
2228 amounts and concentrations at each sampling.

2229 (8) PENALTIES.--A commercial harvester who violates this
2230 section shall be punished under s. 379.830 ~~370.021~~. Any other
2231 person who violates this section commits a Level Two violation
2232 under s. 379.810 ~~372.83~~.

2233 Section 60. Section 370.093, Florida Statutes, is
2234 renumbered as section 379.3131, Florida Statutes, and amended to
2235 read:

2236 379.3131 ~~370.093~~ Illegal use of nets.--

2237 (1) It is unlawful to take or harvest, or to attempt to
 2238 take or harvest, any marine life in Florida waters with any net
 2239 that is not consistent with the provisions of s. 16, Art. X of
 2240 the State Constitution.

2241 (2)(a) Beginning July 1, 1998, it is also unlawful to take
 2242 or harvest, or to attempt to take or harvest, any marine life in
 2243 Florida waters with any net, as defined in subsection (3) and
 2244 any attachments to such net, that combined are larger than 500
 2245 square feet and have not been expressly authorized for such use
 2246 by rule of the Fish and Wildlife Conservation Commission. The
 2247 use of currently legal shrimp trawls and purse seines outside
 2248 nearshore and inshore Florida waters shall continue to be legal
 2249 until the commission implements rules regulating those types of
 2250 gear.

2251 (b) The use of gill or entangling nets of any size is
 2252 prohibited, as such nets are defined in s. 16, Art. X of the
 2253 State Constitution. Any net constructed wholly or partially of
 2254 monofilament or multistrand monofilament material, other than a
 2255 hand thrown cast net, or a handheld landing or dip net, shall be
 2256 considered to be an entangling net within the prohibition of s.
 2257 16, Art. X of the State Constitution unless specifically
 2258 authorized by rule of the commission. Multistrand monofilament
 2259 material shall not be defined to include nets constructed of
 2260 braided or twisted nylon, cotton, linen twine, or polypropylene
 2261 twine.

2262 (c) This subsection shall not be construed to apply to
 2263 aquaculture activities licenses issued pursuant to s. 379.871
 2264 ~~370.26~~.

2265 (3) As used in s. 16, Art. X of the State Constitution and
 2266 this subsection, the term "net" or "netting" must be broadly
 2267 construed to include all manner or combination of mesh or
 2268 webbing or any other solid or semisolid fabric or other material
 2269 used to comprise a device that is used to take or harvest marine
 2270 life.

2271 (4) Upon the arrest of any person for violation of this
 2272 subsection, the arresting officer shall seize the nets illegally
 2273 used. Upon conviction of the offender, the arresting authority
 2274 shall destroy the nets.

2275 (5) Any person who violates this section shall be punished
 2276 as provided in s. 379.830(3) ~~370.021(3)~~.

2277 (6) The Fish and Wildlife Conservation Commission is
 2278 granted authority to adopt rules pursuant to s. 379.301 ~~370.025~~
 2279 implementing this section and the prohibitions and restrictions
 2280 of s. 16, Art. X of the State Constitution.

2281 Section 61. Section 370.092, Florida Statutes, is
 2282 renumbered as section 379.3132, Florida Statutes, and amended to
 2283 read:

2284 379.3132 ~~370.092~~ Carriage of proscribed nets across
 2285 Florida waters.--

2286 (1) This section applies to all vessels containing or
 2287 otherwise transporting in or on Florida waters any gill net or
 2288 other entangling net and to all vessels containing or otherwise

2289 transporting in or on Florida waters any net containing more
 2290 than 500 square feet of mesh area the use of which is restricted
 2291 or prohibited by s. 16, Art. X of the State Constitution. This
 2292 section does not apply to vessels containing or otherwise
 2293 transporting in or on Florida waters dry nets which are rolled,
 2294 folded, or otherwise properly stowed in sealed containers so as
 2295 to make their immediate use as fishing implements impracticable.

2296 (2) Every vessel containing or otherwise transporting in
 2297 or on Florida waters any gill net or other entangling net and
 2298 every vessel containing or otherwise transporting in or on
 2299 nearshore and inshore Florida waters any net containing more
 2300 than 500 square feet of mesh area shall proceed as directly,
 2301 continuously, and expeditiously as possible from the place where
 2302 the vessel is regularly docked, moored, or otherwise stored to
 2303 waters where the use of said nets is lawful and from waters
 2304 where the use of said nets is lawful back to the place where the
 2305 vessel is regularly docked, moored, or otherwise stored or back
 2306 to the licensed wholesale dealer where the catch is to be sold.
 2307 Exceptions shall be provided for docked vessels, for vessels
 2308 which utilize nets in a licensed aquaculture operation, and for
 2309 vessels containing trawl nets as long as the trawl's doors or
 2310 frame are not deployed in the water. Otherwise, hovering,
 2311 drifting, and other similar activities inconsistent with the
 2312 direct, continuous, and expeditious transit of such vessels
 2313 shall be evidence of the unlawful use of such nets. The presence
 2314 of fish in such a net is not evidence of the unlawful use of the
 2315 net if the vessel is otherwise in compliance with this section.

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2316 (3) Notwithstanding subsections (1) and (2), unless
2317 authorized by rule of the Fish and Wildlife Conservation
2318 Commission, it is a major violation under this section,
2319 punishable as provided in s. 379.830(3) ~~370.021(3)~~, for any
2320 person, firm, or corporation to possess any gill or entangling
2321 net, or any seine net larger than 500 square feet in mesh area,
2322 on any airboat or on any other vessel less than 22 feet in
2323 length and on any vessel less than 25 feet if primary power of
2324 the vessel is mounted forward of the vessel center point. Gill
2325 or entangling nets shall be as defined in s. 16, Art. X of the
2326 State Constitution, s. 379.3131(2)(b) ~~370.093(2)(b)~~, or in a
2327 rule of the Fish and Wildlife Conservation Commission
2328 implementing s. 16, Art. X of the State Constitution. Vessel
2329 length shall be determined in accordance with current United
2330 States Coast Guard regulations specified in the Code of Federal
2331 Regulations or as titled by the State of Florida. The Marine
2332 Fisheries Commission is directed to initiate by July 1, 1998,
2333 rulemaking to adjust by rule the use of gear on vessels longer
2334 than 22 feet where the primary power of the vessel is mounted
2335 forward of the vessel center point in order to prevent the
2336 illegal use of gill and entangling nets in state waters and to
2337 provide reasonable opportunities for the use of legal net gear
2338 in adjacent federal waters.

2339 (4) The Fish and Wildlife Conservation Commission shall
2340 adopt rules to prohibit the possession and sale of mullet taken
2341 in illegal gill or entangling nets. Violations of such rules
2342 shall be punishable as provided in s. 379.830(3) ~~370.021(3)~~.

2343 (5) The commission has authority to adopt rules pursuant
 2344 to ss. 120.536(1) and 120.54 to implement the provisions of this
 2345 section.

2346 Section 62. Section 370.0821, Florida Statutes, is
 2347 renumbered as section 379.3133, Florida Statutes, and amended to
 2348 read:

2349 379.3133 ~~370.0821~~ St. Johns County; use of nets.--

2350 (1) In addition to all other restrictions imposed by this
 2351 section, the use of any type of net or seine, other than a
 2352 common cast net or a recreational net as hereafter defined, is
 2353 prohibited in the salt waters of St. Johns County, and within
 2354 1/4 mile seaward of the beaches and coast thereof, between May 1
 2355 and September 15 each year. During the remainder of the year,
 2356 the use of nets or seines, other than common cast nets or
 2357 recreational nets as hereafter defined, is prohibited on
 2358 Saturdays, Sundays, and all legal holidays designated as such by
 2359 the Department of Management Services.

2360 (2) In addition to all other restrictions imposed by this
 2361 section, the use of any net or seine, including a recreational
 2362 net as hereafter defined, other than a common cast net, is
 2363 prohibited in the following areas of St. Johns County and
 2364 adjacent salt waters:

2365 (a) Within a 1-mile, 360-degree radius of a point situated
 2366 in the center of the A1A bridge across Matanzas Inlet.

2367 (b) In the waters of Salt Run, St. Augustine Inlet, the
 2368 Matanzas River, North River, or the Intercoastal Waterway, or
 2369 water adjacent to any of the aforementioned waters, lying north

2370 of the Mickler-O'Connell Bridge, south of the Vilano Beach
 2371 Bridge across the Intercoastal Waterway (North River), and
 2372 inland of a line drawn from headland to headland across the
 2373 mouth of St. Augustine Inlet.

2374 (c) On the Atlantic Ocean beaches, and beach areas, within
 2375 1 mile north and 1 mile south of the center of St. Augustine
 2376 Inlet, and within 1 mile seaward of such beaches, and a line
 2377 drawn from headland to headland across the mouth of St.
 2378 Augustine Inlet.

2379 (d) On the Atlantic Ocean beaches, and beach areas, within
 2380 2 miles north and 2 miles south of the center of the St.
 2381 Augustine Beach Pier, and within 1 mile seaward of such beaches
 2382 and beach areas.

2383 (3) No person, firm, or corporation shall use, or cause to
 2384 be used, any manner of seine net, other than a recreational net
 2385 as hereafter defined, in the salt waters of St. Johns County, or
 2386 within 1 mile seaward of the Atlantic Ocean beaches and coast
 2387 thereof, without a permit issued by the Fish and Wildlife
 2388 Conservation Commission. Applications for such permits shall be
 2389 made on forms to be supplied by the commission, which shall
 2390 require the applicant to furnish such information as may be
 2391 deemed pertinent to the best interests of saltwater
 2392 conservation. The fee for such permits shall be \$250 per year.
 2393 Each permit shall entitle the holder thereof to use no more than
 2394 one seine net at any one time, subject to the provisions of
 2395 subsections (1) and (2). The commission may refuse to grant any
 2396 permit when it is apparent that the best interests of saltwater

2397 conservation will be served by such denial. All permits granted
 2398 shall be in the holder's possession whenever the holder is
 2399 engaged in using a seine net. Each permit is subject to
 2400 immediate revocation upon conviction of a violation of any
 2401 provision of this section or when it is apparent that the best
 2402 interests of saltwater conservation will be served by such
 2403 revocation.

2404 (4) (a) The term "recreational net" means a seine or
 2405 similar net not exceeding 100 feet in length set and hauled
 2406 solely by hand and without use of any motor-driven boat or
 2407 vehicle.

2408 (b)1. No recreational net may be set or hauled within 100
 2409 feet of any other recreational or commercial net.

2410 2. No recreational net shall be used after the hours of
 2411 sunset and before sunrise between May 1 and September 15 of each
 2412 year.

2413 3. Unless the user of a recreational net is also a holder
 2414 of a permit specified in subsection (3), no user of a
 2415 recreational net shall retain on the beach, in a vehicle on the
 2416 beach, or in a boat, during the time that such net is in use,
 2417 more than one bushel container of fish per net in use. All fish
 2418 in excess of one bushel container per net and all unwanted
 2419 species taken shall be returned alive to the waters when caught.

2420 (5) Any nets, boats, vehicles, or paraphernalia used in
 2421 violation of the provisions of this section may be seized and,
 2422 upon conviction of the offender, may be confiscated or destroyed
 2423 by order of the court as provided by s. 379.619 ~~370.061~~.

2424 Section 63. Section 370.1105, Florida Statutes, is
 2425 renumbered as section 379.314, Florida Statutes, and amended to
 2426 read:

2427 379.314 ~~370.1105~~ Saltwater finfish; fishing traps
 2428 regulated.--

2429 (1) It is unlawful for any person, firm, or corporation to
 2430 set, lay, place, or otherwise attempt to fish for saltwater
 2431 finfish with any trap other than:

2432 (a) A crab, spiny lobster, or shrimp trap specifically
 2433 permitted under s. 379.334, s. 379.335, s. 379.742, or s.
 2434 379.743 ~~s. 370.13, s. 370.135, s. 370.14, or s. 370.15;~~

2435 (b) A pinfish trap not exceeding 2 feet in any dimension,
 2436 with a throat or entrance not exceeding 3 inches in height by
 2437 three-quarters of an inch in width; or

2438 (c) A black sea bass trap which has a biodegradable panel
 2439 and a throat or entrance, the narrowest point of which is not
 2440 more than 5 inches in height by 2 inches in width and the outer
 2441 dimensions of which do not exceed 2 feet in height, 2 feet in
 2442 width, and 2 feet in depth. However, such traps may be used only
 2443 north of latitude 27° N.

2444 (2) It is unlawful for any person, firm, or corporation to
 2445 possess any fish trap other than a trap specified in paragraph
 2446 (1) (a), paragraph (1) (b), or paragraph (1) (c) or to land, take,
 2447 sell, or offer to sell any saltwater finfish caught by any trap
 2448 other than a trap specified in paragraph (1) (a), paragraph
 2449 (1) (b), or paragraph (1) (c).

2450 (3) Any vessel, vehicle, or equipment used in violation of
 2451 this section, and any fish caught with a trap in violation of
 2452 this section, shall be seized and may be forfeited.

2453 (4) A commercial harvester who violates this section shall
 2454 be punished under s. 379.830 ~~370.021~~. Any other person who
 2455 violates this section commits a Level Two violation under s.
 2456 379.810 ~~372.83~~.

2457 Section 64. Section 370.143, Florida Statutes, is
 2458 renumbered as section 379.315, Florida Statutes, to read:
 2459 379.315 ~~370.143~~ Retrieval of spiny lobster, stone crab,
 2460 blue crab, and black sea bass traps during closed season;
 2461 commission authority; fees.--

2462 (1) The Fish and Wildlife Conservation Commission is
 2463 authorized to implement a trap retrieval program for retrieval
 2464 of spiny lobster, stone crab, blue crab, and black sea bass
 2465 traps remaining in the water during the closed season for each
 2466 species. The commission is authorized to contract with outside
 2467 agents for the program operation.

2468 (2) A retrieval fee of \$10 per trap retrieved shall be
 2469 assessed trap owners. However, for each person holding a spiny
 2470 lobster endorsement, a stone crab endorsement, or a blue crab
 2471 endorsement issued under rule of the commission, the retrieval
 2472 fee shall be waived for the first five traps retrieved. Traps
 2473 recovered under this program shall become the property of the
 2474 commission or its contract agent, as determined by the
 2475 commission, and shall be either destroyed or resold to the
 2476 original owner. Revenue from retrieval fees shall be deposited

2477 in the Marine Resources Conservation Trust Fund and used solely
 2478 for operation of the trap retrieval program.

2479 (3) Payment of all assessed retrieval fees shall be
 2480 required prior to renewal of the trap owner's saltwater products
 2481 license. Retrieval fees assessed under this program shall stand
 2482 in lieu of other penalties imposed for such trap violations.

2483 (4) In the event of a major natural disaster, such as a
 2484 hurricane or major storm, that causes massive trap losses within
 2485 an area declared by the Governor to be a disaster emergency
 2486 area, the commission shall waive trap retrieval fees.

2487 Section 65. Section 370.172, Florida Statutes, is
 2488 renumbered as section 379.316, Florida Statutes, to read:

2489 379.316 ~~370.172~~ Spearfishing; definition; limitations;
 2490 penalty.--

2491 (1) For the purposes of this section, "spearfishing" means
 2492 the taking of any saltwater fish through the instrumentality of
 2493 a spear, gig, or lance operated by a person swimming at or below
 2494 the surface of the water.

2495 (2) (a) Spearfishing is prohibited within the boundaries of
 2496 the John Pennekamp Coral Reef State Park, the waters of Collier
 2497 County, and the area in Monroe County known as Upper Keys, which
 2498 includes all salt waters under the jurisdiction of the Fish and
 2499 Wildlife Conservation Commission beginning at the county line
 2500 between Dade and Monroe Counties and running south, including
 2501 all of the keys down to and including Long Key.

2502 (b) For the purposes of this subsection, the possession in
 2503 the water of a spear, gig, or lance by a person swimming at or

2504 below the surface of the water in a prohibited area is prima
 2505 facie evidence of a violation of the provisions of this
 2506 subsection regarding spearfishing.

2507 (3) The Fish and Wildlife Conservation Commission shall
 2508 have the power to establish restricted areas when it is
 2509 determined that safety hazards exist or when needs are
 2510 determined by biological findings. Restricted areas shall be
 2511 established only after an investigation has been conducted and
 2512 upon application by the governing body of the county or
 2513 municipality in which the restricted areas are to be located and
 2514 one publication in a local newspaper of general circulation in
 2515 said county or municipality in addition to any other notice
 2516 required by law. Prior to promulgation of regulations, the local
 2517 governing body of the area affected shall agree to post and
 2518 maintain notices in the area affected.

2519 Section 66. Section 370.12, Florida Statutes, is
 2520 renumbered as section 379.320, Florida Statutes, and amended to
 2521 read:

2522 379.320 ~~370.12~~ Marine animals; regulation.--

2523 (1) PROTECTION OF MARINE TURTLES.--

2524 (a) This subsection may be cited as the "Marine Turtle
 2525 Protection Act."

2526 (b) The Legislature intends, pursuant to the provisions of
 2527 this subsection, to ensure that the Fish and Wildlife
 2528 Conservation Commission has the appropriate authority and
 2529 resources to implement its responsibilities under the recovery

2530 plans of the United States Fish and Wildlife Service for the
 2531 following species of marine turtle:

- 2532 1. Atlantic loggerhead turtle (*Caretta caretta*).
- 2533 2. Atlantic green turtle (*Chelonia mydas*).
- 2534 3. Leatherback turtle (*Dermochelys coriacea*).
- 2535 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*).
- 2536 5. Atlantic ridley turtle (*Lepidochelys kempfi*).

2537 (c) As used in this subsection, the following phrases have
 2538 the following meanings:

- 2539 1. A "properly accredited person" is:
 - 2540 a. Students of colleges or universities whose studies with
 - 2541 saltwater animals are under the direction of their teacher or
 - 2542 professor; or
 - 2543 b. Scientific or technical faculty of public or private
 - 2544 colleges or universities; or
 - 2545 c. Scientific or technical employees of private research
 - 2546 institutions and consulting firms; or
 - 2547 d. Scientific or technical employees of city, county,
 - 2548 state, or federal research or regulatory agencies; or
 - 2549 e. Members in good standing or recognized and properly
 - 2550 chartered conservation organizations, the Audubon Society, or
 - 2551 the Sierra Club; or
 - 2552 f. Persons affiliated with aquarium facilities or museums,
 - 2553 or contracted as an agent therefor, which are open to the public
 - 2554 with or without an admission fee; or
 - 2555 g. Persons without specific affiliations listed above, but
 - 2556 who are recognized by the commission for their contributions to

2557 marine conservation such as scientific or technical
 2558 publications, or through a history of cooperation with the
 2559 commission in conservation programs such as turtle nesting
 2560 surveys, or through advanced educational programs such as high
 2561 school marine science centers.

2562 2. "Take" means an act that actually kills or injures
 2563 marine turtles, and includes significant habitat modification or
 2564 degradation that kills or injures marine turtles by
 2565 significantly impairing essential behavioral patterns, such as
 2566 breeding, feeding, or sheltering.

2567 (d) Except as authorized in this paragraph, or unless
 2568 otherwise provided by the Federal Endangered Species Act or its
 2569 implementing regulations, a person, firm, or corporation may
 2570 not:

2571 1. Knowingly possess the eggs of any marine turtle species
 2572 described in this subsection.

2573 2. Knowingly take, disturb, mutilate, destroy, cause to be
 2574 destroyed, transfer, sell, offer to sell, molest, or harass any
 2575 marine turtles or the eggs or nest of any marine turtles
 2576 described in this subsection.

2577 3. The commission may issue a special permit or loan
 2578 agreement to any person, firm, or corporation, to enable the
 2579 holder to possess a marine turtle or parts thereof, including
 2580 nests, eggs, or hatchlings, for scientific, education, or
 2581 exhibition purposes, or for conservation activities such as the
 2582 relocation of nests, eggs, or marine turtles away from
 2583 construction sites. Notwithstanding other provisions of law, the

2584 commission may issue such special permit or loan agreement to
 2585 any properly accredited person as defined in paragraph (c) for
 2586 the purposes of marine turtle conservation.

2587 4. The commission shall have the authority to adopt rules
 2588 pursuant to chapter 120 to prescribe terms, conditions, and
 2589 restrictions for marine turtle conservation, and to permit the
 2590 possession of marine turtles or parts thereof.

2591 (e)1. Any person, firm, or corporation that commits any
 2592 act prohibited in paragraph (d) involving any egg of any marine
 2593 turtle species described in this subsection shall pay a penalty
 2594 of \$100 per egg in addition to other penalties provided in this
 2595 paragraph.

2596 2. Any person, firm, or corporation that illegally
 2597 possesses 11 or fewer of any eggs of any marine turtle species
 2598 described in this subsection commits a first degree misdemeanor,
 2599 punishable as provided in ss. 775.082 and 775.083.

2600 3. For a second or subsequent violation of subparagraph
 2601 2., any person, firm, or corporation that illegally possesses 11
 2602 or fewer of any eggs of any marine turtle species described in
 2603 this subsection commits a third degree felony, punishable as
 2604 provided in s. 775.082, s. 775.083, or s. 775.084.

2605 4. Any person, firm, or corporation that illegally
 2606 possesses more than 11 of any eggs of any marine turtle species
 2607 described in this subsection commits a third degree felony,
 2608 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2609 5. Any person, firm, or corporation that illegally takes,
 2610 disturbs, mutilates, destroys, causes to be destroyed,

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2611 transfers, sells, offers to sell, molests, or harasses any
2612 marine turtle species, or the eggs or nest of any marine turtle
2613 species as described in this subsection, commits a third degree
2614 felony, punishable as provided in s. 775.082, s. 775.083, or s.
2615 775.084.

2616 6. Notwithstanding s. 777.04, any person, firm, or
2617 corporation that solicits or conspires with another person,
2618 firm, or corporation, to commit an act prohibited by this
2619 subsection commits a felony of the third degree, punishable as
2620 provided in s. 775.082, s. 775.083, or s. 775.084.

2621 7. The proceeds from the penalties assessed pursuant to
2622 this paragraph shall be deposited into the Marine Resources
2623 Conservation Trust Fund.

2624 (f) Any application for a Department of Environmental
2625 Protection permit or other type of approval for an activity that
2626 affects marine turtles or their nests or habitat shall be
2627 subject to conditions and requirements for marine turtle
2628 protection as part of the permitting or approval process.

2629 (g) The Department of Environmental Protection may
2630 condition the nature, timing, and sequence of construction of
2631 permitted activities to provide protection to nesting marine
2632 turtles and hatchlings and their habitat pursuant to the
2633 provisions of s. 161.053(5). When the department is considering
2634 a permit for a beach restoration, beach renourishment, or inlet
2635 sand transfer project and the applicant has had an active marine
2636 turtle nest relocation program or the applicant has agreed to
2637 and has the ability to administer a program, the department must

2638 not restrict the timing of the project. Where appropriate, the
2639 department, in accordance with the applicable rules of the Fish
2640 and Wildlife Conservation Commission, shall require as a
2641 condition of the permit that the applicant relocate and monitor
2642 all turtle nests that would be affected by the beach
2643 restoration, beach renourishment, or sand transfer activities.
2644 Such relocation and monitoring activities shall be conducted in
2645 a manner that ensures successful hatching. This limitation on
2646 the department's authority applies only on the Atlantic coast of
2647 Florida.

2648 (h) The department shall recommend denial of a permit
2649 application if the activity would result in a "take" as defined
2650 in this subsection, unless, as provided for in the federal
2651 Endangered Species Act and its implementing regulations, such
2652 taking is incidental to, and not the purpose of, the carrying
2653 out of an otherwise lawful activity.

2654 (i) The department shall give special consideration to
2655 beach preservation and beach nourishment projects that restore
2656 habitat of endangered marine turtle species. Nest relocation
2657 shall be considered for all such projects in urbanized areas.
2658 When an applicant for a beach restoration, beach renourishment,
2659 or inlet sand transfer project has had an active marine turtle
2660 nest relocation program or the applicant has agreed to have and
2661 has the ability to administer a program, the department in
2662 issuing a permit for a project must not restrict the timing of
2663 the project. Where appropriate, the department, in accordance
2664 with the applicable rules of the Fish and Wildlife Conservation

2665 Commission, shall require as a condition of the permit that the
 2666 applicant relocate and monitor all turtle nests that would be
 2667 affected by the beach restoration, beach renourishment, or sand
 2668 transfer activities. Such relocation and monitoring activities
 2669 shall be conducted in a manner that ensures successful hatching.
 2670 This limitation on the department's authority applies only on
 2671 the Atlantic coast of Florida.

2672 (2) PROTECTION OF MANATEES OR SEA COWS.--

2673 (a) This subsection shall be known and may be cited as the
 2674 "Florida Manatee Sanctuary Act."

2675 (b) The State of Florida is hereby declared to be a refuge
 2676 and sanctuary for the manatee, the "Florida state marine
 2677 mammal." The protections extended to and authorized on behalf of
 2678 the manatee by this act are independent of, and therefore are
 2679 not contingent upon, its status as a state or federal listed
 2680 species.

2681 (c) Whenever the Fish and Wildlife Conservation Commission
 2682 is satisfied that the interest of science will be subserved, and
 2683 that the application for a permit to possess a manatee or sea
 2684 cow (*Trichechus manatus*) is for a scientific or propagational
 2685 purpose and should be granted, and after concurrence by the
 2686 United States Department of the Interior, the commission may
 2687 grant to any person making such application a special permit to
 2688 possess a manatee or sea cow, which permit shall specify the
 2689 exact number which shall be maintained in captivity.

2690 (d) Except as may be authorized by the terms of a valid
 2691 state permit issued pursuant to paragraph (c) or by the terms of

2692 a valid federal permit, it is unlawful for any person at any
 2693 time, by any means, or in any manner intentionally or
 2694 negligently to annoy, molest, harass, or disturb or attempt to
 2695 molest, harass, or disturb any manatee; injure or harm or
 2696 attempt to injure or harm any manatee; capture or collect or
 2697 attempt to capture or collect any manatee; pursue, hunt, wound,
 2698 or kill or attempt to pursue, hunt, wound, or kill any manatee;
 2699 or possess, literally or constructively, any manatee or any part
 2700 of any manatee.

2701 (e) Any gun, net, trap, spear, harpoon, boat of any kind,
 2702 aircraft, automobile of any kind, other motorized vehicle,
 2703 chemical, explosive, electrical equipment, scuba or other
 2704 subaquatic gear, or other instrument, device, or apparatus of
 2705 any kind or description used in violation of any provision of
 2706 paragraph (d) may be forfeited upon conviction. The foregoing
 2707 provisions relating to seizure and forfeiture of vehicles,
 2708 vessels, equipment, or supplies do not apply when such vehicles,
 2709 vessels, equipment, or supplies are owned by, or titled in the
 2710 name of, innocent parties; and such provisions shall not vitiate
 2711 any valid lien, retain title contract, or chattel mortgage on
 2712 such vehicles, vessels, equipment, or supplies if such lien,
 2713 retain title contract, or chattel mortgage is property of public
 2714 record at the time of the seizure.

2715 (f)1. Except for emergency rules adopted under s. 120.54,
 2716 all proposed rules of the commission for which a notice of
 2717 intended agency action is filed proposing to govern the speed
 2718 and operation of motorboats for purposes of manatee protection

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2719 shall be submitted to the counties in which the proposed rules
 2720 will take effect for review by local rule review committees.

2721 2. No less than 60 days prior to filing a notice of rule
 2722 development in the Florida Administrative Weekly, as provided in
 2723 s. 120.54(3)(a), the commission shall notify the counties for
 2724 which a rule to regulate the speed and operation of motorboats
 2725 for the protection of manatees is proposed. A county so notified
 2726 shall establish a rule review committee or several counties may
 2727 combine rule review committees.

2728 3. The county commission of each county in which a rule to
 2729 regulate the speed and operation of motorboats for the
 2730 protection of manatees is proposed shall designate a rule review
 2731 committee. The designated voting membership of the rule review
 2732 committee must be comprised of waterway users, such as fishers,
 2733 boaters, water skiers, other waterway users, as compared to the
 2734 number of manatee and other environmental advocates. A county
 2735 commission may designate an existing advisory group as the rule
 2736 review committee. With regard to each committee, fifty percent
 2737 of the voting members shall be manatee advocates and other
 2738 environmental advocates, and fifty percent of the voting members
 2739 shall be waterway users.

2740 4. The county shall invite other state, federal, county,
 2741 municipal, or local agency representatives to participate as
 2742 nonvoting members of the local rule review committee.

2743 5. The county shall provide logistical and administrative
 2744 staff support to the local rule review committee and may request
 2745 technical assistance from commission staff.

2746 6. Each local rule review committee shall elect a chair
2747 and recording secretary from among its voting members.

2748 7. Commission staff shall submit the proposed rule and
2749 supporting data used to develop the rule to the local rule
2750 review committees.

2751 8. The local rule review committees shall have 60 days
2752 from the date of receipt of the proposed rule to submit a
2753 written report to commission members and staff. The local rule
2754 review committees may use supporting data supplied by the
2755 commission, as well as public testimony which may be collected
2756 by the committee, to develop the written report. The report may
2757 contain recommended changes to proposed manatee protection zones
2758 or speed zones, including a recommendation that no rule be
2759 adopted, if that is the decision of the committee.

2760 9. Prior to filing a notice of proposed rulemaking in the
2761 Florida Administrative Weekly as provided in s. 120.54(3)(a),
2762 the commission staff shall provide a written response to the
2763 local rule review committee reports to the appropriate counties,
2764 to the commission members, and to the public upon request.

2765 10. In conducting a review of the proposed manatee
2766 protection rule, the local rule review committees may address
2767 such factors as whether the best available scientific
2768 information supports the proposed rule, whether seasonal zones
2769 are warranted, and such other factors as may be necessary to
2770 balance manatee protection and public access to and use of the
2771 waters being regulated under the proposed rule.

2772 11. The written reports submitted by the local rule review
2773 committees shall contain a majority opinion. If the majority
2774 opinion is not unanimous, a minority opinion shall also be
2775 included.

2776 12. The members of the commission shall fully consider any
2777 timely submitted written report submitted by a local rule review
2778 committee prior to authorizing commission staff to move forward
2779 with proposed rulemaking and shall fully consider any timely
2780 submitted subsequent reports of the committee prior to adoption
2781 of a final rule. The written reports of the local rule review
2782 committees and the written responses of the commission staff
2783 shall be part of the rulemaking record and may be submitted as
2784 evidence regarding the committee's recommendations in any
2785 proceeding relating to a rule proposed or adopted pursuant to
2786 this subsection.

2787 13. The commission is relieved of any obligations
2788 regarding the local rule review committee process created in
2789 this paragraph if a timely noticed county commission fails to
2790 timely designate the required rule review committee.

2791 (g) In order to protect manatees or sea cows from harmful
2792 collisions with motorboats or from harassment, the Fish and
2793 Wildlife Conservation Commission is authorized, in addition to
2794 all other authority, to provide a permitting agency with
2795 comments regarding the expansion of existing, or the
2796 construction of new, marine facilities and mooring or docking
2797 slips, by the addition or construction of five or more powerboat
2798 slips. The commission shall adopt rules under chapter 120

2799 | regulating the operation and speed of motorboat traffic only
 2800 | where manatee sightings are frequent and the best available
 2801 | scientific information, as well as other available, relevant,
 2802 | and reliable information, which may include but is not limited
 2803 | to, manatee surveys, observations, available studies of food
 2804 | sources, and water depths, supports the conclusions that
 2805 | manatees inhabit these areas on a regular basis:

2806 | 1. In Lee County: the entire Orange River, including the
 2807 | Tice Florida Power and Light Corporation discharge canal and
 2808 | adjoining waters of the Caloosahatchee River within 1 mile of
 2809 | the confluence of the Orange and Caloosahatchee Rivers.

2810 | 2. In Brevard County: those portions of the Indian River
 2811 | within three-fourths of a mile of the Orlando Utilities
 2812 | Commission Delespine power plant effluent and the Florida Power
 2813 | and Light Frontenac power plant effluents.

2814 | 3. In Indian River County: the discharge canals of the
 2815 | Vero Beach Municipal Power Plant and connecting waters within
 2816 | 11/4 miles thereof.

2817 | 4. In St. Lucie County: the discharge of the Henry D. King
 2818 | Municipal Electric Station and connecting waters within 1 mile
 2819 | thereof.

2820 | 5. In Palm Beach County: the discharges of the Florida
 2821 | Power and Light Riviera Beach power plant and connecting waters
 2822 | within 11/2 miles thereof.

2823 | 6. In Broward County: the discharge canal of the Florida
 2824 | Power and Light Port Everglades power plant and connecting
 2825 | waters within 11/2 miles thereof and the discharge canal of the

2826 Florida Power and Light Fort Lauderdale power plant and
 2827 connecting waters within 2 miles thereof. For purposes of
 2828 ensuring the physical safety of boaters in a sometimes turbulent
 2829 area, the area from the easternmost edge of the authorized
 2830 navigation project of the intracoastal waterway east through the
 2831 Port Everglades Inlet is excluded from this regulatory zone.

2832 7. In Citrus County: headwaters of the Crystal River,
 2833 commonly referred to as King's Bay, and the Homosassa River.

2834 8. In Volusia County: Blue Springs Run and connecting
 2835 waters of the St. Johns River within 1 mile of the confluence of
 2836 Blue Springs and the St. Johns River; and Thompson Creek,
 2837 Strickland Creek, Dodson Creek, and the Tomoka River.

2838 9. In Hillsborough County: that portion of the Alafia
 2839 River from the main shipping channel in Tampa Bay to U.S.
 2840 Highway 41.

2841 10. In Sarasota County: the Venice Inlet and connecting
 2842 waters within 1 mile thereof, including Lyons Bay, Donna Bay,
 2843 Roberts Bay, and Hatchett Creek, excluding the waters of the
 2844 intracoastal waterway and the right-of-way bordering the
 2845 centerline of the intracoastal waterway.

2846 11. In Collier County: within the Port of Islands, within
 2847 section 9, township 52 south, range 28 east, and certain
 2848 unsurveyed lands, all east-west canals and the north-south
 2849 canals to the southerly extent of the intersecting east-west
 2850 canals which lie southerly of the centerline of U.S. Highway 41.

2851 12. In Manatee County: that portion of the Manatee River
 2852 east of the west line of section 17, range 19 east, township 34

2853 south; the Braden River south of the north line and east of the
 2854 west line of section 29, range 18 east, township 34 south; Terra
 2855 Ceia Bay and River, east of the west line of sections 26 and 35
 2856 of range 17 east, township 33 south, and east of the west line
 2857 of section 2, range 17 east, township 34 south; and Bishop
 2858 Harbor east of the west line of section 13, range 17 east,
 2859 township 33 south.

2860 13. In Miami-Dade County: those portions of Black Creek
 2861 lying south and east of the water control dam, including all
 2862 boat basins and connecting canals within 1 mile of the dam.

2863 (h) The Fish and Wildlife Conservation Commission shall
 2864 adopt rules pursuant to chapter 120 regulating the operation and
 2865 speed of motorboat traffic only where manatee sightings are
 2866 frequent and the best available scientific information, as well
 2867 as other available, relevant, and reliable information, which
 2868 may include but is not limited to, manatee surveys,
 2869 observations, available studies of food sources, and water
 2870 depths, supports the conclusion that manatees inhabit these
 2871 areas on a regular basis within that portion of the Indian River
 2872 between the St. Lucie Inlet in Martin County and the Jupiter
 2873 Inlet in Palm Beach County and within the Loxahatchee River in
 2874 Palm Beach and Martin Counties, including the north and
 2875 southwest forks thereof.

2876 (i) The commission shall adopt rules pursuant to chapter
 2877 120 regulating the operation and speed of motorboat traffic only
 2878 where manatee sightings are frequent and the best available
 2879 scientific information, as well as other available, relevant,

2880 and reliable information, which may include but is not limited
 2881 to, manatee surveys, observations, available studies of food
 2882 sources, and water depths, supports the conclusion that manatees
 2883 inhabit these areas on a regular basis within the Withlacoochee
 2884 River and its tributaries in Citrus and Levy Counties. The
 2885 specific areas to be regulated include the Withlacoochee River
 2886 and the U.S. 19 bridge westward to a line between U.S. Coast
 2887 Guard markers number 33 and number 34 at the mouth of the river,
 2888 including all side channels and coves along that portion of the
 2889 river; Bennets' Creek from its beginning to its confluence with
 2890 the Withlacoochee River; Bird's Creek from its beginning to its
 2891 confluence with the Withlacoochee River; and the two dredged
 2892 canal systems on the north side of the Withlacoochee River
 2893 southwest of Yankeetown.

2894 (j) If any new power plant is constructed or other source
 2895 of warm water discharge is discovered within the state which
 2896 attracts a concentration of manatees or sea cows, the commission
 2897 is directed to adopt rules pursuant to chapter 120 regulating
 2898 the operation and speed of motorboat traffic within the area of
 2899 such discharge. Such rules shall designate a zone which is
 2900 sufficient in size, and which shall remain in effect for a
 2901 sufficient period of time, to protect the manatees or sea cows.

2902 (k) It is the intent of the Legislature to allow the Fish
 2903 and Wildlife Conservation Commission to post and regulate boat
 2904 speeds only where the best available scientific information, as
 2905 well as other available, relevant, and reliable information,
 2906 which may include but is not limited to, manatee surveys,

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2907 observations, available studies of food sources, and water
2908 depth, supports the conclusion that manatees inhabit these areas
2909 on a periodic basis. It is not the intent of the Legislature to
2910 permit the commission to post and regulate boat speeds generally
2911 throughout the waters of the state, thereby unduly interfering
2912 with the rights of fishers, boaters, and water skiers using the
2913 areas for recreational and commercial purposes. The Legislature
2914 further intends that the commission may identify and designate
2915 limited lanes or corridors providing for reasonable motorboat
2916 speeds within waters of the state whenever such lanes and
2917 corridors are consistent with manatee protection.

2918 (1) The commission shall adopt rules pursuant to chapter
2919 120 regulating the operation and speed of motorboat traffic all
2920 year around within Turkey Creek and its tributaries and within
2921 Manatee Cove in Brevard County. The specific areas to be
2922 regulated consist of:

2923 1. A body of water which starts at Melbourne-Tillman
2924 Drainage District structure MS-1, section 35, township 28 south,
2925 range 37 east, running east to include all natural waters and
2926 tributaries of Turkey Creek, section 26, township 28 south,
2927 range 37 east, to the confluence of Turkey Creek and the Indian
2928 River, section 24, township 28 south, range 37 east, including
2929 all lagoon waters of the Indian River bordered on the west by
2930 Palm Bay Point, the north by Castaway Point, the east by the
2931 four immediate spoil islands, and the south by Cape Malabar,
2932 thence northward along the shoreline of the Indian River to Palm
2933 Bay Point.

2934 2. A triangle-shaped body of water forming a cove
2935 (commonly referred to as Manatee Cove) on the east side of the
2936 Banana River, with northern boundaries beginning and running
2937 parallel to the east-west cement bulkhead located 870 feet south
2938 of SR 520 Relief Bridge in Cocoa Beach and with western
2939 boundaries running in line with the City of Cocoa Beach channel
2940 markers 121 and 127 and all waters east of these boundaries in
2941 section 34, township 24 south, range 37 east; the center
2942 coordinates of this cove are 28°20'14" north, 80°35'17" west.

2943 (m) The commission shall promulgate regulations pursuant
2944 to chapter 120 relating to the operation and speed of motor boat
2945 traffic in port waters with due regard to the safety
2946 requirements of such traffic and the navigational hazards
2947 related to the movement of commercial vessels.

2948 (n) The commission may designate by rule adopted pursuant
2949 to chapter 120 other portions of state waters where manatees are
2950 frequently sighted and the best available scientific
2951 information, as well as other available, relevant, and reliable
2952 information, which may include but is not limited to, manatee
2953 surveys, observations, available studies of food sources, and
2954 water depths, supports the conclusion that manatees inhabit such
2955 waters periodically. Upon designation of such waters, the
2956 commission shall adopt rules pursuant to chapter 120 to regulate
2957 motorboat speed and operation which are necessary to protect
2958 manatees from harmful collisions with motorboats and from
2959 harassment. The commission may adopt rules pursuant to chapter
2960 120 to protect manatee habitat, such as seagrass beds, within

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2961 such waters from destruction by boats or other human activity.
2962 Such rules shall not protect noxious aquatic plants subject to
2963 control under s. 369.20.

2964 (o) The commission may designate, by rule adopted pursuant
2965 to chapter 120, limited areas as a safe haven for manatees to
2966 rest, feed, reproduce, give birth, or nurse undisturbed by human
2967 activity. Access by motor boat to private residences, boat
2968 houses, and boat docks through these areas by residents, and
2969 their authorized guests, who must cross one of these areas to
2970 have water access to their property is permitted when the
2971 motorboat is operated at idle speed, no wake.

2972 (p) Except in the marked navigation channel of the Florida
2973 Intracoastal Waterway as defined in s. 327.02 and the area
2974 within 100 feet of such channel, a local government may
2975 regulate, by ordinance, motorboat speed and operation on waters
2976 within its jurisdiction where the best available scientific
2977 information, as well as other available, relevant, and reliable
2978 information, which may include but is not limited to, manatee
2979 surveys, observations, available studies of food sources, and
2980 water depths, supports the conclusion that manatees inhabit
2981 these areas on a regular basis. However, such an ordinance may
2982 not take effect until it has been reviewed and approved by the
2983 commission. If the commission and a local government disagree on
2984 the provisions of an ordinance, a local manatee protection
2985 committee must be formed to review the technical data of the
2986 commission and the United States Fish and Wildlife Service, and

- 2987 | to resolve conflicts regarding the ordinance. The manatee
 2988 | protection committee must be comprised of:
- 2989 | 1. A representative of the commission;
 - 2990 | 2. A representative of the county;
 - 2991 | 3. A representative of the United States Fish and Wildlife
 2992 | Service;
 - 2993 | 4. A representative of a local marine-related business;
 - 2994 | 5. A representative of the Save the Manatee Club;
 - 2995 | 6. A local fisher;
 - 2996 | 7. An affected property owner; and
 - 2997 | 8. A representative of the Florida Marine Patrol.

2998 |
 2999 | If local and state regulations are established for the same
 3000 | area, the more restrictive regulation shall prevail.

3001 | (q) The commission shall evaluate the need for use of
 3002 | fenders to prevent crushing of manatees between vessels (100' or
 3003 | larger) and bulkheads or wharves in counties where manatees have
 3004 | been crushed by such vessels. For areas in counties where
 3005 | evidence indicates that manatees have been crushed between
 3006 | vessels and bulkheads or wharves, the commission shall:

- 3007 | 1. Adopt rules pursuant to chapter 120 requiring use of
 3008 | fenders for construction of future bulkheads or wharves; and
- 3009 | 2. Implement a plan and time schedule to require
 3010 | retrofitting of existing bulkheads or wharves consistent with
 3011 | port bulkhead or wharf repair or replacement schedules.

3012 |

3013 The fenders shall provide sufficient standoff from the bulkhead
 3014 or wharf under maximum operational compression to ensure that
 3015 manatees cannot be crushed between the vessel and the bulkhead
 3016 or wharf.

3017 (r) Any violation of a restricted area established by this
 3018 subsection, or established by rule pursuant to chapter 120 or
 3019 ordinance pursuant to this subsection, shall be considered a
 3020 violation of the boating laws of this state and shall be charged
 3021 on a uniform boating citation as provided in s. 327.74, except
 3022 as otherwise provided in paragraph (s). Any person who refuses
 3023 to post a bond or accept and sign a uniform boating citation
 3024 shall, as provided in s. 327.73(3), be guilty of a misdemeanor
 3025 of the second degree, punishable as provided in s. 775.082 or s.
 3026 775.083.

3027 (s) Except as otherwise provided in this paragraph, any
 3028 person violating the provisions of this subsection or any rule
 3029 or ordinance adopted pursuant to this subsection commits a
 3030 misdemeanor, punishable as provided in s. 379.830(1)(a) or (b)
 3031 ~~370.021(1)(a) or (b)~~.

3032 1. Any person operating a vessel in excess of a posted
 3033 speed limit shall be guilty of a civil infraction, punishable as
 3034 provided in s. 327.73, except as provided in subparagraph 2.

3035 2. This paragraph does not apply to persons violating
 3036 restrictions governing "No Entry" zones or "Motorboat
 3037 Prohibited" zones, who, if convicted, shall be guilty of a
 3038 misdemeanor, punishable as provided in s. 379.830(1)(a) or (b)
 3039 ~~370.021(1)(a) or (b)~~, or, if such violation demonstrates blatant

3040 or willful action, may be found guilty of harassment as
 3041 described in paragraph (d).

3042 3. A person may engage in any activity otherwise
 3043 prohibited by this subsection or any rule or ordinance adopted
 3044 pursuant to this subsection if the activity is reasonably
 3045 necessary in order to prevent the loss of human life or a vessel
 3046 in distress due to weather conditions or other reasonably
 3047 unforeseen circumstances, or in order to render emergency
 3048 assistance to persons or a vessel in distress.

3049 (t)1. In order to protect manatees and manatee habitat,
 3050 the counties identified in the Governor and Cabinet's October
 3051 1989 Policy Directive shall develop manatee protection plans
 3052 consistent with commission criteria based upon "Schedule K" of
 3053 the directive, and shall submit such protection plans for review
 3054 and approval by the commission. Any manatee protection plans not
 3055 submitted by July 1, 2004, and any plans not subsequently
 3056 approved by the commission shall be addressed pursuant to
 3057 subparagraph 2.

3058 2. No later than January 1, 2005, the Fish and Wildlife
 3059 Conservation Commission shall designate any county it has
 3060 identified as a substantial risk county for manatee mortality as
 3061 a county that must complete a manatee protection plan by July 1,
 3062 2006. The commission is authorized to adopt rules pursuant to s.
 3063 120.54 for identifying substantial risk counties and
 3064 establishing criteria for approval of manatee protection plans
 3065 for counties so identified. Manatee protection plans shall
 3066 include the following elements at a minimum: education about

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3067 manatees and manatee habitat; boater education; an assessment of
3068 the need for new or revised manatee protection speed zones;
3069 local law enforcement; and a boat facility siting plan to
3070 address expansion of existing and the development of new
3071 marinas, boat ramps, and other multislip boating facilities.

3072 3. Counties required to adopt manatee protection plans
3073 under this paragraph shall incorporate the boating facility
3074 siting element of those protection plans within their respective
3075 comprehensive plans.

3076 4. Counties that have already adopted approved manatee
3077 protection plans, or that adopt subsequently approved manatee
3078 protection plans by the effective date of this act, are in
3079 compliance with the provisions of this paragraph so long as they
3080 incorporate their approved boat facility siting plan into the
3081 appropriate element of their local comprehensive plan no later
3082 than July 1, 2003.

3083 (u)1. Existing state manatee protection rules shall be
3084 given great weight in determining whether additional rules are
3085 necessary in a region where the measurable goals developed
3086 pursuant to s. 379.270 ~~372.072~~ have been achieved. However, the
3087 commission may amend existing rules or adopt new rules to
3088 address risks or circumstances in a particular area or waterbody
3089 to protect manatees.

3090 2. As used in this paragraph, the term "region" means one
3091 of the four geographic areas defined by the United States Fish
3092 and Wildlife Service in the Florida Manatee Recovery Plan, 3rd
3093 revision (October 30, 2001).

3094 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It is
 3095 unlawful to catch, attempt to catch, molest, injure, kill, or
 3096 annoy, or otherwise interfere with the normal activity and well-
 3097 being of, mammalian dolphins (porpoises), except as may be
 3098 authorized by a federal permit.

3099 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

3100 (a) Each fiscal year the Save the Manatee Trust Fund shall
 3101 be available to fund an impartial scientific benchmark census of
 3102 the manatee population in the state. Weather permitting, the
 3103 study shall be conducted annually by the Fish and Wildlife
 3104 Conservation Commission and the results shall be made available
 3105 to the President of the Senate, the Speaker of the House of
 3106 Representatives, and the Governor and Cabinet for use in the
 3107 evaluation and development of manatee protection measures. In
 3108 addition, the Save the Manatee Trust Fund shall be available for
 3109 annual funding of activities of public and private organizations
 3110 and those of the commission intended to provide manatee and
 3111 marine mammal protection and recovery effort; manufacture and
 3112 erection of informational and regulatory signs; production,
 3113 publication, and distribution of educational materials;
 3114 participation in manatee and marine mammal research programs,
 3115 including carcass salvage and other programs; programs intended
 3116 to assist the recovery of the manatee as an endangered species,
 3117 assist the recovery of the endangered or threatened marine
 3118 mammals, and prevent the endangerment of other species of marine
 3119 mammals; and other similar programs intended to protect and

3120 enhance the recovery of the manatee and other species of marine
 3121 mammals.

3122 (b) By December 1 each year, the Fish and Wildlife
 3123 Conservation Commission shall provide the President of the
 3124 Senate and the Speaker of the House of Representatives a written
 3125 report, enumerating the amounts and purposes for which all
 3126 proceeds in the Save the Manatee Trust Fund for the previous
 3127 fiscal year are expended, in a manner consistent with those
 3128 recovery tasks enumerated within the manatee recovery plan as
 3129 required by the Endangered Species Act.

3130 (c) When the federal and state governments remove the
 3131 manatee from status as an endangered or threatened species, the
 3132 annual allocation may be reduced.

3133 (d) Up to 10 percent of the annual use fee deposited in
 3134 the Save the Manatee Trust Fund from the sale of the manatee
 3135 license plate authorized in s. 320.08058 may be used to promote
 3136 and market the license plate issued by the Department of Highway
 3137 Safety and Motor Vehicles after June 30, 2007.

3138 (e) During the 2007-2008 fiscal year, the annual use fee
 3139 deposited into the Save the Manatee Trust Fund from the sale of
 3140 the manatee license plate authorized in s. 320.08058 may be used
 3141 by the commission to buy back any manatee license plates not
 3142 issued by the Department of Highway Safety and Motor Vehicles.
 3143 This paragraph expires July 1, 2008.

3144 Section 67. Section 370.1201, Florida Statutes, is
 3145 renumbered as section, 379.3201, Florida Statutes, to read:

3146 379.3201 ~~370.1201~~ Manatee protection; intent; conduct of
 3147 studies; initiatives and plans.--It is the intent of the
 3148 Legislature that the commission request the necessary funding
 3149 and staffing through a general revenue budget request to ensure
 3150 that manatees receive the maximum protection possible. The
 3151 Legislature recognizes that strong manatee protection depends
 3152 upon consistently achieving a high degree of compliance with
 3153 existing and future rules. The commission shall conduct
 3154 standardized studies to determine levels of public compliance
 3155 with manatee protection rules, and shall use the results of the
 3156 studies, together with other relevant information, to develop
 3157 and implement strategic law enforcement initiatives and boater
 3158 education plans. Drawing upon information obtained from the
 3159 compliance studies and the implementation of enforcement
 3160 initiatives together with boater education plans, the commission
 3161 shall identify any impediments in consistently achieving high
 3162 levels of compliance, and adjust their enforcement and boater
 3163 education efforts accordingly.

3164 Section 68. Section 370.1202, Florida Statutes, is
 3165 renumbered as section 379.3202, Florida Statutes, to read:

3166 379.3202 ~~370.1202~~ Enhanced manatee protection study.--

3167 (1) The Fish and Wildlife Conservation Commission shall
 3168 implement and administer an enhanced manatee protection study
 3169 designed to increase knowledge of the factors that determine the
 3170 size and distribution of the manatee population in the waters of
 3171 the state. The enhanced study shall be used by the commission in
 3172 its mission to provide manatees with the maximum protection

3173 possible, while also allowing maximum recreational use of the
3174 state's waterways. The goal of the enhanced study is to collect
3175 data that will enable resource managers and state and local
3176 policymakers, in consultation with the public, to develop and
3177 implement sound science-based policies to improve manatee
3178 habitat, establish manatee protection zones, and maximize the
3179 size of safe boating areas for recreational use of state waters
3180 without endangering the manatee population.

3181 (2) (a) As part of the enhanced manatee protection study,
3182 the Legislature intends that the commission shall contract with
3183 Mote Marine Laboratory to conduct a manatee habitat and
3184 submerged aquatic vegetation assessment that specifically
3185 considers:

3186 1. Manatee populations that congregate in the warm water
3187 discharge sites at power plants in the state and the potential
3188 risks for disease resulting from increased congregation of
3189 manatees at these sites;

3190 2. Development of research, monitoring, and submerged
3191 aquatic vegetation restoration priorities for manatee habitat in
3192 and near the warm water discharge sites at power plants in the
3193 state; and

3194 3. The potential impacts on manatees and manatee habitat
3195 if power plants that provide warm water discharge sites where
3196 manatees congregate are closed, including how closure will
3197 affect the size and health of submerged aquatic vegetation
3198 areas.

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3199 (b) The Mote Marine Laboratory must submit an interim
3200 report on the manatee habitat and submerged aquatic vegetation
3201 assessment to the Governor, the Legislature, and the commission
3202 by September 1, 2006. The interim report must detail the
3203 progress of the assessment. The final report, due to the
3204 Governor, the Legislature, and the commission by January 1,
3205 2007, must detail the results of the assessment and include
3206 recommendations for protection of manatee habitat in warm water
3207 discharge sites at power plants in the state.

3208 (c) The commission shall ensure that funds allocated to
3209 implement the manatee habitat and submerged aquatic vegetation
3210 assessment are expended in a manner that is consistent with the
3211 requirements of this subsection. The commission may require an
3212 annual audit of the expenditures made by Mote Marine Laboratory.
3213 Copies of any audit requested under this subsection must be
3214 provided to the appropriate substantive and appropriations
3215 committees of the Senate and the House of Representatives as
3216 they become available.

3217 (3) As part of the enhanced manatee protection study, the
3218 Legislature intends that the commission must conduct a signage
3219 and boat speed assessment to evaluate the effectiveness of
3220 manatee protection signs and sign placement and to assess boat
3221 speeds. The commission shall evaluate existing data on manatee
3222 mortality before and after existing manatee protection zones
3223 were established, boater compliance and comprehension of
3224 regulatory signs and buoys, changes in boating traffic patterns,
3225 and manatee distribution and behavior. The commission shall also

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3226 provide recommendations on innovative marker designs that are in
3227 compliance with the federal aids to navigation system. The
3228 signage and boat speed assessment must address:

3229 (a) The effectiveness of signs and buoys to warn boaters
3230 of manatee slow-speed zones, with a goal of developing federally
3231 approved standards for marking manatee protection zones;

3232 (b) A determination of where buoys may be used in place of
3233 pilings for boating safety purposes; and

3234 (c) An evaluation of higher speed travel corridors in
3235 manatee zones to determine the most effective speed to balance
3236 safe boating, recreational use, vessel operating
3237 characteristics, and manatee protection.

3238
3239 The commission shall complete its signage and boat speed
3240 assessment by January 1, 2007, and must submit a report of its
3241 findings to the Governor, the President of the Senate, and the
3242 Speaker of the House of Representatives by February 1, 2007. The
3243 report must detail the results of the assessment and identify
3244 specific recommendations for developing state and local policies
3245 relating to the appropriate placement of signs, including
3246 innovative markers, in manatee slow-speed zones.

3247 (4) The commission is authorized to develop and implement
3248 the use of genetic tagging to improve its ability to assess the
3249 status and health of the manatee population, including the
3250 health and reproductive capacity of manatees, estimating annual
3251 survival rates through mark recapture studies, determining
3252 migration patterns, and determining maternity and paternity. The

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3253 development and use of genetic tagging may be done in
3254 cooperation with federal agencies or other entities, such as
3255 genetic laboratories at schools within the State University
3256 System.

3257 Section 69. Section 370.081, Florida Statutes, is
3258 renumbered as section 379.330, Florida Statutes, and amended to
3259 read:

3260 379.330 ~~370.081~~ Illegal importation or possession of
3261 nonindigenous marine plants and animals; rules and regulations.-

3262 -

3263 (1) It is unlawful to import or possess any marine plant
3264 or marine animal, not indigenous to the state, which, due to the
3265 stimulating effect of the waters of the state on procreation,
3266 may endanger or infect the marine resources of the state or pose
3267 a human health hazard, except as provided in this section.

3268 (2) Marine animals not to be imported shall include, but
3269 are not limited to, all species of the following:

3270 (a) Sea snakes (Family Hydrophiidae), except as provided
3271 in subsection (4);

3272 (b) Weeverfishes (Family Trachinidae); and

3273 (c) Stonefishes (Genus Synanceja).

3274 (3) The Fish and Wildlife Conservation Commission is
3275 authorized to adopt, pursuant to chapter 120, rules and
3276 regulations to include any additional marine plant or marine
3277 animal which may endanger or infect the marine resources of the
3278 state or pose a human health hazard.

3279 (4) A zoological park and aquarium may import sea snakes
 3280 of the family Hydrophiidae for exhibition purposes only under
 3281 the following conditions:

3282 (a) Only male sea snakes may be possessed.

3283 (b) A zoological park and aquarium possessing sea snakes
 3284 shall not be located in a coastal county and shall have no
 3285 contiguous connection with any waters of the state.

3286 (c) Each zoological park and aquarium possessing sea
 3287 snakes shall provide quarterly reports to the department
 3288 regarding the number of each species of sea snakes on the
 3289 premises and any changes in inventory resulting from death or
 3290 additions by importation.

3291 (d) Sea snakes shall not be released into the waters of
 3292 the state.

3293 (e) Each zoological park and aquarium possessing sea
 3294 snakes shall post with the commission a \$1 million letter of
 3295 credit. The letter of credit shall be in favor of the State of
 3296 Florida, Fish and Wildlife Conservation Commission, for use by
 3297 the commission to remove any sea snake accidentally or
 3298 intentionally introduced into waters of the state. The letter of
 3299 credit shall be written in the form determined by the
 3300 commission. The letter of credit shall provide that the
 3301 zoological park and aquarium is responsible for the sea snakes
 3302 within that facility and shall be in effect at all times that
 3303 the zoological park and aquarium possesses sea snakes.

3304 (f) A zoological park and aquarium shall not barter, sell,
 3305 or trade sea snakes within this state.

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3306 (g) A zoological park and aquarium that imports sea snakes
 3307 may bring the sea snakes into this state only by airplane that
 3308 may only land at an airport located in a noncoastal county
 3309 within this state.

3310 (h) A zoological park and aquarium possessing sea snakes
 3311 shall abide by all statutory and regulatory requirements of the
 3312 Fish and Wildlife Conservation Commission with respect to
 3313 venomous reptiles.

3314 (5) It is unlawful to release into the waters of the state
 3315 any nonindigenous saltwater species whether or not included in
 3316 subsection (2) or prohibited by rules and regulations adopted
 3317 pursuant to subsection (3) or authorized by subsection (4).

3318 (6) Any person who violates this section commits a Level
 3319 Three violation under s. 379.810 ~~372.83~~.

3320 Section 70. Section 370.10, Florida Statutes, is
 3321 renumbered as section 379.331, Florida Statutes, to read:

3322 379.331 ~~370.10~~ Crustacea, marine animals, fish;
 3323 regulations; general provisions.--

3324 (1) OWNERSHIP OF FISH, SPONGES, ETC.--All fish, shellfish,
 3325 sponges, oysters, clams, and crustacea found within the rivers,
 3326 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets,
 3327 and other bodies of water within the jurisdiction of the state,
 3328 and within the Gulf of Mexico and the Atlantic Ocean within the
 3329 jurisdiction of the state, excluding all privately owned
 3330 enclosed fish ponds not exceeding 150 acres, are the property of
 3331 the state and may be taken and used by its citizens and persons
 3332 not citizens, subject to the reservations and restrictions

3333 imposed by these statutes. No water bottoms owned by the state
 3334 shall ever be sold, transferred, dedicated, or otherwise
 3335 conveyed without reserving in the people the absolute right to
 3336 fish thereon, except as otherwise provided in these statutes.

3337 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
 3338 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.--
 3339 Notwithstanding any other provisions of general or special law
 3340 to the contrary, the Fish and Wildlife Conservation Commission
 3341 may authorize, upon such terms, conditions, and restrictions as
 3342 it may prescribe by rule, any properly accredited person to
 3343 harvest or possess indigenous or nonindigenous saltwater species
 3344 for experimental, scientific, education, and exhibition purposes
 3345 or to harvest or possess reasonable quantities of aquacultural
 3346 species for brood stock. Such authorizations may allow
 3347 collection of specimens without regard to, and not limited to,
 3348 size, seasonal closure, collection method, reproductive state,
 3349 or bag limit. Authorizations issued under the provisions of this
 3350 section may be suspended or revoked by the Fish and Wildlife
 3351 Conservation Commission if it finds that the person has violated
 3352 this section, Fish and Wildlife Conservation Commission rules or
 3353 orders, or terms or conditions of the authorization or has
 3354 submitted false or inaccurate information in his or her
 3355 application.

3356 Section 71. Section 370.1405, Florida Statutes, is
 3357 renumbered as section 379.332, Florida Statutes, and amended to
 3358 read:

3359 379.332 ~~370.1405~~ Spiny lobster reports by dealers during
 3360 closed season required.--

3361 (1) Within 3 days after the commencement of the closed
 3362 season for the taking of spiny lobster, each and every seafood
 3363 dealer, either retail or wholesale, intending to possess whole
 3364 spiny lobster, spiny lobster tails, or spiny lobster meat during
 3365 closed season shall submit to the Fish and Wildlife Conservation
 3366 Commission, on forms provided by the commission, a sworn report
 3367 of the quantity, in pounds, of whole spiny lobster, spiny
 3368 lobster tails, and spiny lobster meat in the dealer's name or
 3369 possession as of the date the season closed. This report shall
 3370 state the location and number of pounds of whole spiny lobster,
 3371 spiny lobster tails, and spiny lobster meat. The commission
 3372 shall not accept any reports not delivered or postmarked by
 3373 midnight of the 3rd calendar day after the commencement of the
 3374 closed season, and any stocks of spiny lobster reported therein
 3375 are declared a nuisance and may be seized by the commission.

3376 (2) Failure to submit a report as described in subsection
 3377 (1) or reporting a greater or lesser amount of whole spiny
 3378 lobster, spiny lobster tails, or spiny lobster meat than is
 3379 actually in the dealer's possession or name is a major violation
 3380 of this chapter, punishable as provided in s. 379.741(6)(b), s.
 3381 379.830(1), s. 370.021(1), s. 370.07(6)(b), or both. The
 3382 commission shall seize the entire supply of unreported or
 3383 falsely reported whole spiny lobster, spiny lobster tails, or
 3384 spiny lobster meat, and shall carry the same before the court
 3385 for disposal. The dealer shall post a cash bond in the amount of

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3386 the fair value of the entire quantity of unreported or falsely
3387 reported spiny lobster as determined by the judge. After posting
3388 the cash bond, the dealer shall have 24 hours to transport said
3389 products outside the limits of Florida for sale as provided by
3390 s. 379.619 ~~370.061~~. Otherwise, the product shall be declared a
3391 nuisance and disposed of by the commission according to law.

3392 (3) All dealers having reported stocks of spiny lobster
3393 may sell or offer to sell such stocks of spiny lobster; however,
3394 such dealers shall submit an additional report on the last day
3395 of each month during the duration of the closed season. Reports
3396 shall be made on forms supplied by the commission. Each dealer
3397 shall state on this report the number of pounds brought forward
3398 from the previous report period, the number of pounds sold
3399 during the report period, the number of pounds, if any, acquired
3400 from a licensed wholesale dealer during the report period, and
3401 the number of pounds remaining on hand. In every case, the
3402 amount of spiny lobster sold plus the amount reported on hand
3403 shall equal the amount acquired plus the amount reported
3404 remaining on hand in the last submitted report. Copies of
3405 records or invoices documenting the number of pounds acquired
3406 during the closed season must be maintained by the wholesale or
3407 retail dealer and shall be kept available for inspection by the
3408 commission for a period not less than 3 years from the date of
3409 the recorded transaction. Reports postmarked later than midnight
3410 on the 3rd calendar day of each month during the duration of the
3411 closed season will not be accepted by the commission. Dealers
3412 for which late supplementary reports are not accepted by the

3413 commission must show just cause why their entire stock of whole
 3414 spiny lobster, spiny lobster tails, or spiny lobster meat should
 3415 not be seized by the commission. Whenever a dealer fails to
 3416 timely submit the monthly supplementary report as described in
 3417 this subsection, the dealer may be subject to the following
 3418 civil penalties:

3419 (a) For a first violation, the commission shall assess a
 3420 civil penalty of \$500.

3421 (b) For a second violation within the same spiny lobster
 3422 closed season, the commission shall assess a civil penalty of
 3423 \$1,000.

3424 (c) For a third violation within the same spiny lobster
 3425 closed season, the commission shall assess a civil penalty of
 3426 \$2,500 and may seize said dealer's entire stock of whole spiny
 3427 lobster, spiny lobster tails, or spiny lobster meat and carry
 3428 the same before the court for disposal. The dealer shall post a
 3429 cash bond in the amount of the fair value of the entire
 3430 remaining quantity of spiny lobster as determined by the judge.
 3431 After posting the cash bond, a dealer shall have 24 hours to
 3432 transport said products outside the limits of Florida for sale
 3433 as provided by s. 379.619 ~~370.061~~. Otherwise, the product shall
 3434 be declared a nuisance and disposed of by the commission
 3435 according to law.

3436 (4) All seafood dealers shall at all times during the
 3437 closed season make their stocks of whole spiny lobster, spiny
 3438 lobster tails, or spiny lobster meat available for inspection by
 3439 the commission.

3440 (5) Each wholesale and retail dealer in whole spiny
 3441 lobster, spiny lobster tails, or spiny lobster meat shall keep
 3442 throughout the period of the spiny lobster closed season copies
 3443 of the bill of sale or invoice covering each transaction
 3444 involving whole spiny lobster, spiny lobster tails, or spiny
 3445 lobster meat. Such invoices and bills shall be kept available at
 3446 all times for inspection by the commission.

3447 (6) The Fish and Wildlife Conservation Commission may
 3448 adopt rules incorporating by reference such forms as are
 3449 necessary to administer this section.

3450 Section 72. Section 370.1121, Florida Statutes, is
 3451 renumbered as section 379.333, Florida Statutes, and amended to
 3452 read:

3453 379.333 ~~370.1121~~ Bonefish; regulation.--

3454 (1) It is unlawful to take or attempt to take any bonefish
 3455 (Albula vulpes) from any of the waters of the state for the
 3456 purpose of sale or exchange while fishing with any net, seine,
 3457 or similar device.

3458 (2) It is unlawful for any wholesale or retail fish dealer
 3459 to possess, buy, sell, or store any bonefish or permit any
 3460 bonefish to be possessed, sold, or stored on, in, or about the
 3461 premises where such wholesale or retail fish business is carried
 3462 on or conducted. It shall be unlawful for any person, firm, or
 3463 corporation to buy or sell bonefish in any form.

3464 (3) A commercial harvester or wholesale or retail
 3465 saltwater products dealer who violates this section shall be
 3466 punished under s. 379.830 ~~370.021~~. Any other person who violates

3467 | this section commits a Level Two violation under s. 379.810
 3468 | ~~372.83~~.

3469 | Section 73. Section 370.15, Florida Statutes, is
 3470 | renumbered as section 379.334, Florida Statutes, and amending to
 3471 | read:

3472 | 379.334 ~~370.15~~ Shrimp; regulation.--

3473 | (1) GENERAL AUTHORITY; CONSERVATION.--The commission has
 3474 | authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 3475 | to implement the provisions of this section. The commission
 3476 | shall encourage the production of the maximum sustained yield
 3477 | consistent with the preservation and protection of breeding
 3478 | stock, taking into consideration the recommendations of the
 3479 | various marine laboratories, as well as those of interested and
 3480 | experienced groups of private citizens. Rules shall control the
 3481 | method, manner, and equipment used in the taking of shrimp or
 3482 | prawn, as well as limiting and defining the areas where taken.

3483 | (2) CATCHING SHRIMP AT NIGHT.--It is unlawful to catch or
 3484 | attempt to catch shrimp or prawn in the territorial waters of
 3485 | the state in any county whose coastal boundary borders solely on
 3486 | the Atlantic Ocean, by use of trawl nets during night hours
 3487 | except during the months of June, July, and August.

3488 | (3) SHRIMP TRAPS.--

3489 | (a) It is unlawful for any person, firm, or corporation to
 3490 | take or attempt to take shrimp by the use of any trap which:

3491 | 1. Exceeds the following dimensions: 36 inches long (from
 3492 | rear of the heart to the leading edge of the trap), by 24 inches

3493 wide (between the leading edges of the trap, or heart opening),
 3494 by 12 inches high; or

3495 2. Has external or unattached wings, weirs, or other
 3496 devices intended to funnel shrimp to the trap heart.

3497 (b) This subsection shall not be construed to restrict the
 3498 allowable shape or configuration of any shrimp trap so long as
 3499 the trap, together with all of its parts, conforms to the
 3500 specifications of paragraph (a).

3501 (c) Any shrimp trap which conforms to the specifications
 3502 of paragraph (a) shall not be considered a pound net.

3503 (d) The user of any trap shall affix his or her name and
 3504 address securely to each trap. Any such trap not having proper
 3505 identification is subject to confiscation by the commission. No
 3506 person, firm, or corporation shall have more than four traps in
 3507 use at any time. The commission shall have the authority to
 3508 inspect such traps when being used in or on the waters of the
 3509 state.

3510 (e) The presence of unattended shrimp traps on or attached
 3511 to beaches, causeways, seawalls, bridges, or any other
 3512 structures open for use by the public is hereby declared to be a
 3513 nuisance. Any such trap which is not attended by the person
 3514 whose name is affixed to the trap is subject to confiscation by
 3515 the commission.

3516 (4) SHRIMP TRAWLING.--All persons, firms, and corporations
 3517 desiring to trawl for shrimp within areas in which trawling is
 3518 permitted shall purchase a saltwater products license issued to
 3519 a valid boat registration or in the name of an individual

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3520 pursuant to s. 379.740 ~~370.06~~. The saltwater products license
3521 shall remain on board at all times and is subject to immediate
3522 revocation upon conviction for violation of this section or when
3523 it becomes apparent that the best interests of saltwater
3524 conservation will be served by such action. Due to the varied
3525 habitats and types of bottoms and hydrographic conditions
3526 embraced by the open fishing area, the commission shall have the
3527 authority to specify and regulate the types of gear that may be
3528 used in the different sections of the open areas.

3529 (5) CLOSED AREA IN SANTA ROSA SOUND.--

3530 (a) It is unlawful to take or catch shrimp, other than
3531 live bait shrimp with any type net or other method, in the
3532 following area: That portion of Santa Rosa Sound lying in
3533 Escambia, Santa Rosa, and Okaloosa Counties and between Brooks
3534 Bridge as the east boundary and Bascule Bridge in Santa Rosa
3535 County as the west boundary.

3536 (b) A third or any subsequent violation by any person of
3537 this subsection within a 3-year period is a felony of the third
3538 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3539 775.084.

3540 (6) CLOSED AREA FOR SHRIMPING.--

3541 (a) No shrimping except for live bait shrimp shall be
3542 permitted in all waters within the following described area:
3543 Begin at a point of latitude 24°41'54" North and longitude
3544 81°40'30" West near Snipe Point in Monroe County; thence go
3545 North 35°53'16" West approximately 9 nautical miles to a point
3546 of approximate latitude 24°41'55" North and longitude 81°46'15"

3547 West, 3 marine leagues seaward of Snipe Point; thence easterly
3548 and northerly following a line which is 3 marine leagues seaward
3549 of the mean low-water line of the seawardmost points in Florida
3550 Bay and the Gulf of Mexico to a point at latitude 26°00'00"
3551 North and approximate longitude 81°56'30" West; thence east to a
3552 point on the mean high-water line at latitude 26°00'00" North
3553 and approximate longitude 81°44'06" West; thence southerly and
3554 easterly along the mean high-water line of the Florida mainland
3555 to its intersection with the westerly right-of-way of the U.S.
3556 Highway 1 bridge in Long Sound; thence follow the westerly and
3557 northern right-of-way of U.S. Highway 1 to a point on
3558 Saddlebunch Key latitude 24°37'06" North and approximate
3559 longitude 81°36'42" West; thence on a straight line to the point
3560 of beginning.

3561 (b) A second or any subsequent violation by any person of
3562 this subsection is a felony of the third degree, punishable as
3563 provided in s. 775.082 or s. 775.083.

3564 Section 74. Section 370.151, Florida Statutes, is
3565 renumbered as section 379.3341, Florida Statutes, to read:

3566 379.3341 ~~370.151~~ Tortugas shrimp beds; penalties.--

3567 (1) It is the intention of the Legislature that action
3568 should be taken to conserve the supply of shrimp in the large
3569 shrimp beds which lie in and around the coast of the Lower Keys
3570 of Florida and in the vicinity of the islands of Dry Tortugas in
3571 the Florida Keys, hereinafter referred to as the "Tortugas
3572 Shrimp Bed," and which furnish more than 50 percent of the
3573 shrimp in waters adjacent to the coast of Florida. It is further

3574 the sense of this Legislature that the shrimp industry is a
3575 valuable industry to the economy of this state and deserves
3576 adequate protection.

3577 (2) (a) The Fish and Wildlife Conservation Commission is
3578 authorized to take title in the name of the state to any vessel
3579 or vessels suitable for use in carrying out the inspection and
3580 patrol of the Tortugas Bed which may be offered as a gift to the
3581 state by any person, firm, corporation, or association in the
3582 shrimp industry for the purpose of carrying out the provisions
3583 of this section. In the event such title is taken to such vessel
3584 or vessels, the commission is authorized to operate and keep
3585 said vessel or vessels in proper repair.

3586 (b) The commission is further authorized to accept the
3587 temporary loan of any vessel or vessels, suitable for use in
3588 carrying out the provisions of this section, for periods not
3589 exceeding 1 year. However, the state shall not assume any
3590 liability to the owner or owners of said vessels for any damage
3591 done by said vessels to other vessels, persons, or property. In
3592 the operation of said loaned vessels, upkeep and repair shall
3593 consist only of minor repairs and routine maintenance. The owner
3594 or owners shall carry full marine insurance coverage on said
3595 loaned vessel or vessels for the duration of the period during
3596 which said vessels are operated by the state.

3597 (3) The owner or master of any vessel not equipped with
3598 live shrimp bait tanks dragging shrimp nets in the above-defined
3599 area without a live bait shrimping license for this area is
3600 guilty of a violation of this section. A third or any subsequent

3601 violation by any person under this subsection within a 3-year
 3602 period shall be a felony of the third degree, punishable as
 3603 provided in ss. 775.082 and 775.083.

3604 Section 75. Section 370.153, Florida Statutes, is
 3605 renumbered as section 379.3342, Florida Statutes, and amended to
 3606 read:

3607 379.3342 ~~370.153~~ Regulation of shrimp fishing; Clay,
 3608 Duval, Nassau, Putnam, Flagler, and St. Johns Counties.--

3609 (1) DEFINITIONS.--When used in this section, unless the
 3610 context clearly requires otherwise:

3611 (a) "Inland waters" means all creeks, rivers, bayous,
 3612 bays, inlets, and canals.

3613 (b) "Sample" means one or more shrimp taken from an
 3614 accurately defined part of the area defined.

3615 (c) "Series" means 10 or more samples taken within a
 3616 period of not more than 1 week, each sample being taken at a
 3617 different station within the pattern.

3618 (d) "Pattern" means 10 or more stations.

3619 (e) "Station" means a single location on the water of the
 3620 areas defined.

3621 (f) "Licensed live bait shrimp producer" means any
 3622 individual licensed by the Fish and Wildlife Conservation
 3623 Commission to employ the use of any trawl for the taking of live
 3624 bait shrimp within the inland waters of Nassau, Duval, St.
 3625 Johns, Putnam, Flagler, or Clay Counties.

3626 (g) "Licensed dead shrimp producer" means any individual
 3627 licensed by the Fish and Wildlife Conservation Commission to

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3628 employ the use of any trawl for the taking of shrimp within the
 3629 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
 3630 Clay Counties.

3631 (2) SHRIMPING PROHIBITED.--It is unlawful to employ the
 3632 use of any trawl or other net, except a common cast net,
 3633 designed for or capable of taking shrimp, within the inland
 3634 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
 3635 Counties, except as hereinafter provided.

3636 (3) LIVE BAIT SHRIMP PRODUCTION.--

3637 (a) A live bait shrimp production license shall be issued
 3638 by the Fish and Wildlife Conservation Commission upon the
 3639 receipt of an application by a person intending to use a boat,
 3640 not to exceed 35 feet in length in Duval, St. Johns, Putnam,
 3641 Flagler, and Clay Counties and not to exceed 45 feet in length
 3642 in Nassau County, for live shrimp production within the inland
 3643 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
 3644 Counties and the payment of a fee of \$250. The annual fee of
 3645 \$250 shall be collected by the commission for the issuance of
 3646 the license during a 60-day period beginning June 1 of each
 3647 year. The design of the application and permit shall be
 3648 determined by the commission. The proceeds of the fee imposed by
 3649 this paragraph shall be used by the Fish and Wildlife
 3650 Conservation Commission for the purposes of enforcement of
 3651 marine resource laws.

3652 (b) The Executive Director of the Fish and Wildlife
 3653 Conservation Commission, or his or her designated
 3654 representative, may by order close certain areas to live bait

3655 shrimp production when sampling procedures justify the closing
3656 based upon sound conservation practices. The revocation of any
3657 order to close has the effect of opening the area.

3658 (c)1. Each licensed live bait shrimp producer who stores
3659 his or her catch for sale or sells his or her catch shall
3660 either:

3661 a. Maintain onshore facilities which have been annually
3662 checked and approved by the local commission office to assure
3663 the facilities' ability to maintain the catch alive when the
3664 live bait shrimp producer produces for his or her own facility;
3665 or

3666 b. Sell his or her catch only to persons who have onshore
3667 facilities that have been annually checked and approved by the
3668 local commission office to assure the facilities' ability to
3669 maintain the catch alive, when the producer sells his or her
3670 catch to an onshore facility. The producer shall provide the
3671 commission with the wholesale number of the facility to which
3672 the shrimp have been sold and shall submit this number on a form
3673 designed and approved by the commission.

3674 2. All persons who maintain onshore facilities as
3675 described in this paragraph, whether the facilities are
3676 maintained by the licensed live bait shrimp producer or by
3677 another party who purchases shrimp from live bait shrimp
3678 producers, shall keep records of their transactions in
3679 conformance with the provisions of s. 379.741(6) ~~370.07(6)~~.

3680 (d) All commercial trawling in Clay, Duval, and St. Johns
3681 Counties shall be restricted to the inland waters of the St.

3682 Johns River proper in the area north of the Acosta Bridge in
 3683 Jacksonville and at least 100 yards from the nearest shoreline.

3684 (e) A live shrimp producer must also be a licensed
 3685 wholesale dealer. Such person shall not sell live bait shrimp
 3686 unless he or she produces a live bait shrimp production license
 3687 at the time of sale.

3688 (f) The commission shall rename the Live Bait Shrimp
 3689 Production License as the Commercial Live Shrimp Production
 3690 License.

3691 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as a
 3692 commercial dead shrimp producer provided that:

3693 (a) A dead shrimp production permit is procured from the
 3694 Fish and Wildlife Conservation Commission upon the receipt by
 3695 the commission of a properly filled out and approved application
 3696 by a person intending to use a boat, not to exceed 35 feet in
 3697 length in Duval, St. Johns, Putnam, and Clay Counties, and not
 3698 to exceed 45 feet in length in Nassau County, for dead shrimp
 3699 production within the inland waters of Nassau County and the
 3700 inland waters of the St. Johns River of Duval, Putnam, St.
 3701 Johns, Flagler, or Clay Counties, which permit shall cost \$250
 3702 and shall be required for each vessel used for dead shrimp
 3703 production. The design of the application and permit shall be
 3704 determined by the Fish and Wildlife Conservation Commission. The
 3705 proceeds of the fees imposed by this paragraph shall be
 3706 deposited into the account of the Marine Resources Conservation
 3707 Trust Fund to be used by the commission for the purpose of
 3708 enforcement of marine resource laws.

3709 (b) All commercial trawling in the St. Johns River proper
 3710 shall be restricted to the area north of the Acosta Bridge in
 3711 Jacksonville and at least 100 yards from the nearest shoreline.

3712 (c) All commercial shrimping activities shall be allowed
 3713 during daylight hours from Tuesday through Friday each week.

3714 (d) No person holding a dead shrimp production permit
 3715 issued pursuant to this subsection shall simultaneously hold a
 3716 permit for noncommercial trawling under the provisions of
 3717 subsection (5). The number of permits issued by the commission
 3718 for commercial trawling or dead shrimp production in any one
 3719 year shall be limited to those active in the base year, 1976,
 3720 and renewed annually since 1976. All permits for dead shrimp
 3721 production issued pursuant to this section shall be inheritable
 3722 or transferable to an immediate family member and annually
 3723 renewable by the holder thereof. Such inheritance or transfer
 3724 shall be valid upon being registered with the commission. Each
 3725 permit not renewed shall expire and shall not be renewed under
 3726 any circumstances.

3727 (e) It is illegal for any person to sell dead shrimp
 3728 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
 3729 St. Johns Counties, unless the seller is in possession of a dead
 3730 shrimp production license issued pursuant to this subsection.

3731 (f) It is illegal for any person to purchase shrimp for
 3732 consumption or bait from any seller (with respect to shrimp
 3733 caught in the inland waters of Nassau, Duval, Clay, Putnam, and
 3734 St. Johns Counties (St. Johns River)) who does not produce his

3735 or her dead shrimp production license prior to the sale of the
3736 shrimp.

3737 (g) In addition to any other penalties provided for in
3738 this section, any person who violates the provisions of this
3739 subsection shall have his or her license revoked by the
3740 commission.

3741 (h) The commission shall rename the Dead Shrimp Production
3742 License as the Commercial Food Shrimp Production License.

3743 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling is
3744 authorized by the Fish and Wildlife Conservation Commission, any
3745 person may trawl for shrimp in the St. Johns River for his or
3746 her own use as food under the following conditions:

3747 (a) Each person who desires to trawl for shrimp for use as
3748 food shall obtain a noncommercial trawling permit from the local
3749 office of the Fish and Wildlife Conservation Commission upon
3750 filling out an application on a form prescribed by the
3751 commission and upon paying a fee for the permit, which shall
3752 cost \$50.

3753 (b) All trawling shall be restricted to the confines of
3754 the St. Johns River proper in the area north of the Acosta
3755 Bridge in Jacksonville and at least 100 yards from the nearest
3756 shoreline.

3757 (c) No shrimp caught by a person licensed under the
3758 provisions of this subsection may be sold or offered for sale.

3759 (6) SAMPLING PROCEDURE.--

3760 (a) The Executive Director of the Fish and Wildlife
3761 Conservation Commission shall have samples taken at established
3762 stations within patterns at frequent intervals.

3763 (b) No area may be closed to live bait shrimp production
3764 unless a series of samples has been taken and it has been
3765 determined that the shrimp are undersized or that continued
3766 shrimping in this area would have an adverse effect on
3767 conservation. Standards for size may be established by rule of
3768 the commission.

3769 (c) No area may be opened to dead shrimp production unless
3770 a series of samples has been taken and it has been determined
3771 that the shrimp are of legal size. Legal-sized shrimp shall be
3772 defined as not more than 47 shrimp with heads on, or 70 shrimp
3773 with heads off, per pound.

3774 (7) LICENSE POSSESSION.--The operator of a boat employing
3775 the use of any trawl for shrimp production must be in possession
3776 of a current shrimp production license issued to him or her
3777 pursuant to the provisions of this section.

3778 (8) USE OF TRAWL; LIMITATION.--

3779 (a) The use of a trawl by either a live bait shrimp
3780 producer or dead shrimp producer shall be limited to the
3781 daylight hours, and the taking of dead shrimp shall not take
3782 place on Saturdays, Sundays, or legal state holidays.

3783 (b) The use of a trawl by either a live bait shrimp
3784 producer or dead shrimp producer within 100 yards of any
3785 shoreline is prohibited. The Fish and Wildlife Conservation

3786 Commission, by rule or order, may define the area or areas where
 3787 this subsection shall apply.

3788 (c)1. It is unlawful to employ the use of any trawl
 3789 designed for, or capable of, taking shrimp within 1/4 mile of
 3790 any natural or manmade inlet in Duval County or St. Johns
 3791 County.

3792 2. It is unlawful for anyone to trawl in the Trout River
 3793 west of the bridge on U.S. 17 in Duval County.

3794 (9) CREDITS.--Fees paid pursuant to paragraphs (3)(a) and
 3795 (4)(a) of this section shall be credited against the saltwater
 3796 products license fee.

3797 Section 76. Section 370.154, Florida Statutes, is
 3798 renumbered as section 379.3343, Florida Statutes, and amended to
 3799 read:

3800 379.3343 ~~370.154~~ Shrimp regulations; closed areas;
 3801 suspension of license, etc.--Any person convicted of taking
 3802 shrimp in a closed area who is punishable under s. 379.334(5)
 3803 ~~370.15(5)~~ shall, in addition to the penalties set forth therein,
 3804 have his or her permit and the permit of the boat involved in
 3805 the violation, issued pursuant to s. 379.334(4) ~~370.15(4)~~,
 3806 revoked, if the person holds such a permit, and he or she shall
 3807 be ineligible to make application for such a permit for a period
 3808 of 2 years from the date of such conviction. If a person not
 3809 having a permit is convicted hereunder, that person and the boat
 3810 involved in the violation shall not be eligible for such a
 3811 permit for 5 years.

3812 Section 77. Section 370.155, Florida Statutes, is
 3813 renumbered as section 379.3344, Florida Statutes, to read:
 3814 379.3344 ~~370.155~~ Regulation of shrimp fishing in a
 3815 designated area.--It shall be unlawful to catch or take, or
 3816 attempt to catch or take, with nets in excess of 18 feet on the
 3817 cork line, in excess of 24 feet on the lead line, and in excess
 3818 of 3 feet on the leg line with trawl doors or otter boards which
 3819 exceed 36 inches in length by 18 inches in width, shrimp from
 3820 April 1 to June 15 of each year in the following area, to wit:
 3821 Beginning at a central point on Cape San Blas, proceeding thence
 3822 180 degrees to a point 3 miles seaward, thence southeasterly
 3823 along a meandering line 3 miles from the shoreline to a point 3
 3824 miles due south of Cape St. George, proceeding thence zero
 3825 degrees to Cape St. George, thence follow the shoreline
 3826 bordering the Gulf of Mexico to the point of beginning. It is
 3827 unlawful for any person to have in his or her boat at one time
 3828 more than one net of the permissible size to take shrimp in the
 3829 area herein defined.

3830 Section 78. Section 370.13, Florida Statutes, is
 3831 renumbered as section 379.335, Florida Statutes, and amended to
 3832 read:

3833 379.335 ~~370.13~~ Stone crab; regulation.--

3834 (1) FEES AND EQUITABLE RENT.--

3835 (a) Endorsement fee.--The fee for a stone crab endorsement
 3836 for the taking of stone crabs, as required by rule of the Fish
 3837 and Wildlife Conservation Commission, is \$125, \$25 of which must
 3838 be used solely for trap retrieval under s. 379.315 ~~370.143~~.

3839 (b) Certificate fees.--

3840 1. For each trap certificate issued by the commission
3841 under the requirements of the stone crab trap limitation program
3842 established by commission rule, there is an annual fee of 50
3843 cents per certificate. Replacement tags for lost or damaged tags
3844 cost 50 cents each plus the cost of shipping. In the event of a
3845 major natural disaster, such as a hurricane or major storm, that
3846 causes massive trap losses within an area declared by the
3847 Governor to be a disaster emergency area, the commission may
3848 temporarily defer or waive replacement tag fees.

3849 2. The fee for transferring trap certificates is \$1 per
3850 certificate transferred, except that the fee for eligible crew
3851 members is 50 cents per certificate transferred. Eligible crew
3852 members shall be determined according to criteria established by
3853 rule of the commission. Payment must be made by money order or
3854 cashier's check, submitted with the certificate transfer form
3855 developed by the commission.

3856 3. In addition to the transfer fee, a surcharge of \$1 per
3857 certificate transferred, or 25 percent of the actual value of
3858 the transferred certificate, whichever is greater, will be
3859 assessed the first time a certificate is transferred outside the
3860 original holder's immediate family.

3861 4. Transfer fees and surcharges only apply to the actual
3862 number of certificates received by the purchaser. A transfer of
3863 a certificate is not effective until the commission receives a
3864 notarized copy of the bill of sale as proof of the actual value

3865 of the transferred certificate or certificates, which must also
3866 be submitted with the transfer form and payment.

3867 5. A transfer fee will not be assessed or required when
3868 the transfer is within a family as a result of the death or
3869 disability of the certificate owner. A surcharge will not be
3870 assessed for any transfer within an individual's immediate
3871 family.

3872 (c) Incidental take endorsement.--The cost of an
3873 incidental take endorsement, as established by commission rule,
3874 is \$25.

3875 (d) Equitable rent.--The commission may establish by rule
3876 an amount of equitable rent per trap certificate that may be
3877 recovered as partial compensation to the state for the enhanced
3878 access to its natural resources. In determining whether to
3879 establish such a rent and the amount thereof, the commission may
3880 consider the amount of revenues annually generated by
3881 endorsement fees, trap certificate fees, transfer fees,
3882 surcharges, replacement trap tag fees, trap retrieval fees,
3883 incidental take endorsement fees, and the continued economic
3884 viability of the commercial stone crab industry. A rule
3885 establishing an amount of equitable rent shall become effective
3886 only after approval by the Legislature.

3887 (e) Disposition of fees, surcharges, civil penalties and
3888 fines, and equitable rent.--Endorsement fees, trap certificate
3889 fees, transfer fees, civil penalties and fines, surcharges,
3890 replacement trap tag fees, trap retrieval fees, incidental take
3891 endorsement fees, and equitable rent, if any, must be deposited

3892 in the Marine Resources Conservation Trust Fund. Up to 50
3893 percent of the revenues generated under this section may be used
3894 for operation and administration of the stone crab trap
3895 limitation program. All remaining revenues so generated must be
3896 used for trap retrieval, management of the stone crab fishery,
3897 public education activities, evaluation of the impact of trap
3898 reductions on the stone crab fishery, and enforcement activities
3899 in support of the stone crab trap limitation program.

3900 (f) Program to be self-supporting.--The stone crab trap
3901 limitation program is intended to be a self-supporting program
3902 funded from proceeds generated under this section.

3903 (g) No vested rights.--The stone crab trap limitation
3904 program does not create any vested rights for endorsement or
3905 certificateholders and may be altered or terminated by the
3906 commission as necessary to protect the stone crab resource, the
3907 participants in the fishery, or the public interest.

3908 (2) PENALTIES.--For purposes of this subsection,
3909 conviction is any disposition other than acquittal or dismissal,
3910 regardless of whether the violation was adjudicated under any
3911 state or federal law.

3912 (a) It is unlawful to violate commission rules regulating
3913 stone crab trap certificates and trap tags. No person may use an
3914 expired tag or a stone crab trap tag not issued by the
3915 commission or possess or use a stone crab trap in or on state
3916 waters or adjacent federal waters without having a trap tag
3917 required by the commission firmly attached thereto.

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3918 1. In addition to any other penalties provided in s.
3919 379.830 ~~370.021~~, for any commercial harvester who violates this
3920 paragraph, the following administrative penalties apply.

3921 a. For a first violation, the commission shall assess an
3922 administrative penalty of up to \$1,000.

3923 b. For a second violation that occurs within 24 months of
3924 any previous such violation, the commission shall assess an
3925 administrative penalty of up to \$2,000 and the stone crab
3926 endorsement under which the violation was committed may be
3927 suspended for 12 calendar months.

3928 c. For a third violation that occurs within 36 months of
3929 any previous two such violations, the commission shall assess an
3930 administrative penalty of up to \$5,000 and the stone crab
3931 endorsement under which the violation was committed may be
3932 suspended for 24 calendar months.

3933 d. A fourth violation that occurs within 48 months of any
3934 three previous such violations, shall result in permanent
3935 revocation of all of the violator's saltwater fishing
3936 privileges, including having the commission proceed against the
3937 endorsement holder's saltwater products license in accordance
3938 with s. 379.830 ~~370.021~~.

3939 2. Any other person who violates the provisions of this
3940 paragraph commits a Level Two violation under s. 379.810 ~~372.83~~.

3941
3942 Any commercial harvester assessed an administrative penalty
3943 under this paragraph shall, within 30 calendar days after
3944 notification, pay the administrative penalty to the commission,

3945 or request an administrative hearing under ss. 120.569 and
 3946 120.57. The proceeds of all administrative penalties collected
 3947 under this paragraph shall be deposited in the Marine Resources
 3948 Conservation Trust Fund.

3949 (b) It is unlawful for any commercial harvester to remove
 3950 the contents of another harvester's stone crab trap or take
 3951 possession of such without the express written consent of the
 3952 trap owner available for immediate inspection. Unauthorized
 3953 possession of another's trap gear or removal of trap contents
 3954 constitutes theft.

3955 1. Any commercial harvester convicted of theft of or from
 3956 a trap pursuant to this subsection or s. 379.812 ~~370.1107~~ shall,
 3957 in addition to the penalties specified in s. 379.830 ~~370.021~~ and
 3958 the provisions of this section, permanently lose all saltwater
 3959 fishing privileges, including saltwater products licenses, stone
 3960 crab or incidental take endorsements, and all trap certificates
 3961 allotted to such commercial harvester by the commission. In such
 3962 cases, trap certificates and endorsements are nontransferable.

3963 2. In addition, any commercial harvester convicted of
 3964 violating the prohibitions referenced in this paragraph shall
 3965 also be assessed an administrative penalty of up to \$5,000.
 3966 Immediately upon receiving a citation for a violation involving
 3967 theft of or from a trap and until adjudicated for such a
 3968 violation, or, upon receipt of a judicial disposition other than
 3969 dismissal or acquittal on such a violation, the violator is
 3970 prohibited from transferring any stone crab or spiny lobster
 3971 certificates.

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3972 3. Any other person who violates the provisions of this
 3973 paragraph commits a Level Two violation under s. 379.810 ~~372.83~~.

3974 (c)1. It is unlawful to violate commission rules that
 3975 prohibit any of the following:

3976 a. The willful molestation of any stone crab trap, line,
 3977 or buoy that is the property of any licenseholder, without the
 3978 permission of that licenseholder.

3979 b. The bartering, trading, or sale, or conspiring or
 3980 aiding in such barter, trade, or sale, or supplying, agreeing to
 3981 supply, aiding in supplying, or giving away stone crab trap tags
 3982 or certificates unless the action is duly authorized by the
 3983 commission as provided by commission rules.

3984 c. The making, altering, forging, counterfeiting, or
 3985 reproducing of stone crab trap tags.

3986 d. Possession of forged, counterfeit, or imitation stone
 3987 crab trap tags.

3988 e. Engaging in the commercial harvest of stone crabs
 3989 during the time either of the endorsements is under suspension
 3990 or revocation.

3991 2. Any commercial harvester who violates this paragraph
 3992 commits a felony of the third degree, punishable as provided in
 3993 s. 775.082, s. 775.083, or s. 775.084.

3994 3. Any other person who violates this paragraph commits a
 3995 Level Four violation under s. 379.810 ~~372.83~~.

3996

3997 In addition, any commercial harvester convicted of violating
 3998 this paragraph shall also be assessed an administrative penalty

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3999 of up to \$5,000, and the incidental take endorsement and/or the
4000 stone crab endorsement under which the violation was committed
4001 may be suspended for up to 24 calendar months. Immediately upon
4002 receiving a citation involving a violation of this paragraph and
4003 until adjudicated for such a violation, or if convicted of such
4004 a violation, the person, firm, or corporation committing the
4005 violation is prohibited from transferring any stone crab
4006 certificates or endorsements.

4007 (d) For any commercial harvester convicted of fraudulently
4008 reporting the actual value of transferred stone crab
4009 certificates, the commission may automatically suspend or
4010 permanently revoke the seller's or the purchaser's stone crab
4011 endorsements. If the endorsement is permanently revoked, the
4012 commission shall also permanently deactivate the endorsement
4013 holder's stone crab certificate accounts. Whether an endorsement
4014 is suspended or revoked, the commission may also levy a fine
4015 against the holder of the endorsement of up to twice the
4016 appropriate surcharge to be paid based on the fair market value
4017 of the transferred certificates.

4018 (e) During any period of suspension or revocation of an
4019 endorsement holder's endorsement, he or she shall remove all
4020 traps subject to that endorsement from the water within 15 days
4021 after notice provided by the commission. Failure to do so will
4022 extend the period of suspension or revocation for an additional
4023 6 calendar months.

4024 (f) An endorsement will not be renewed until all fees and
4025 administrative penalties imposed under this section are paid.

4026 (3) DEPREDATION PERMITS.--The Fish and Wildlife
 4027 Conservation Commission shall issue a depredation permit upon
 4028 request to any marine aquaculture producer, as defined in s.
 4029 379.871 ~~370.26~~, engaged in the culture of shellfish, which shall
 4030 entitle the aquaculture producer to possess and use up to 75
 4031 stone crab traps and up to 75 blue crab traps for the sole
 4032 purpose of taking destructive or nuisance stone crabs or blue
 4033 crabs within 1 mile of the producer's aquaculture shellfish
 4034 beds. Stone crabs or blue crabs taken under this subsection may
 4035 not be sold, bartered, exchanged, or offered for sale, barter,
 4036 or exchange.

4037 (4) For the 2006-2007 fiscal year only, the trap tag fees
 4038 required by this section shall be waived by the commission. This
 4039 subsection expires July 1, 2007.

4040 Section 79. Section 370.17, Florida Statutes, is
 4041 renumbered as section 379.336, Florida Statutes, and amended to
 4042 read:

4043 379.336 ~~370.17~~ Sponges; regulation.--

4044 (1) NONRESIDENT LICENSE; SPONGE FISHING.--Any nonresident
 4045 of the state, who desires to engage in the business or
 4046 occupation of sponge fishing, either for that person or any
 4047 other person, shall, before entering into said business or
 4048 occupation, procure a nonresident saltwater products license
 4049 issued in the name of an individual or to a valid boat
 4050 registration pursuant to s. 379.740 ~~370.06~~.

4051 (2) USE AND SIZE OF HOOKS.--Any person engaged in
 4052 gathering sponges by use of a hook shall use a hook 5 inches

4053 wide for the purpose of removing sponges from the bottom, and no
 4054 hook of other dimensions may be used.

4055 (3) TAKING, POSSESSING COMMERCIAL; SIZE.--

4056 (a) No person may take, by any means or method, from the
 4057 waters of the Gulf of Mexico, the straits of this state or the
 4058 other waters within the territorial limits of this state, any
 4059 commercial sponges, measuring, when wet, less than 5 inches in
 4060 their maximum diameter.

4061 (b) To make effective the foregoing subsection it is
 4062 further provided that no person may land, cure, deliver, offer
 4063 for sale, sell, or have in his or her possession, within the
 4064 territorial limits of this state, or upon any boat, vessel, or
 4065 vehicle, other than those operated interstate by common
 4066 carriers, within the territorial limits of this state, any
 4067 commercial sponges measuring, when wet, less than 5 inches in
 4068 their maximum diameter.

4069 (c) The presence of commercial sponges within the
 4070 territorial limits of this state, or upon any boat, vessel, or
 4071 vehicle, other than those operated interstate by common
 4072 carriers, within the territorial limits of this state,
 4073 measuring, when wet, less than 5 inches in their maximum
 4074 diameter, shall be evidence that the person having such sponges
 4075 in his or her possession has violated this section.

4076 (4) POWERS OF THE COMMISSION.--The commission is
 4077 authorized and empowered to make, promulgate, and put into
 4078 effect all rules and regulations which the commission may
 4079 consider and decide to be necessary to accomplish the purpose of

4080 this chapter for the taking and cultivation of sponges,
 4081 including the power and authority to determine and fix, in its
 4082 discretion, the seasons and period of time within which public
 4083 state grounds may be closed to the taking, possessing, buying,
 4084 selling, or transporting of sponges from the sponge cultivation
 4085 districts herein provided for and to regulate and prescribe the
 4086 means and methods to be employed in the harvesting thereof;
 4087 however, notice of all rules, regulations, and orders, and all
 4088 revisions and amendments thereto, prescribing closed seasons or
 4089 prescribing the means and methods of harvesting sponges adopted
 4090 by the commission shall be published in a newspaper of general
 4091 circulation in the conservation district affected within 10 days
 4092 from the adoption thereof, in addition to any notice required by
 4093 chapter 120.

4094 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
 4095 SERVICE.--The commission shall cooperate with the United States
 4096 Fish and Wildlife Service, under existing federal laws, rules
 4097 and regulations, and is authorized to accept donations, grants
 4098 and matching funds from said federal government under such
 4099 conditions as are reasonable and proper, for the purposes of
 4100 carrying out this chapter, and the commission is further
 4101 authorized to accept any and all donations including funds and
 4102 loan of vessels.

4103 (6) PENALTY.--Any person violating any of the foregoing
 4104 provisions shall, for the second offense, be guilty of a felony
 4105 of the third degree, punishable as provided in s. 775.082, s.

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4106 775.083, or s. 775.084, and by the confiscation of all boats,
4107 tackle and equipment used in the commission of such violation.

4108 Section 80. Section 370.027, Florida Statutes, is
4109 renumbered as section 379.3371, Florida Statutes, to read:

4110 379.3371 ~~370.027~~ Rulemaking authority with respect to
4111 marine life.--Marine aquaculture producers shall be regulated by
4112 the Department of Agriculture and Consumer Services. The Fish
4113 and Wildlife Conservation Commission shall adopt rules, by March
4114 1, 2000, to regulate the sale of farmed red drum and spotted sea
4115 trout. These rules shall specifically provide for the protection
4116 of the wild resource, without restricting a certified
4117 aquaculture producer pursuant to s. 597.004 from being able to
4118 sell farmed fish. To that extent, these rules must only require
4119 that farmed fish be kept separate from wild fish and be fed
4120 commercial feed; that farmed fish be placed in sealed
4121 containers; that these sealed containers must have the name,
4122 address, telephone number and aquaculture certificate number,
4123 issued pursuant to s. 597.004, of the farmer clearly and
4124 indelibly placed on the container; and that this information
4125 must accompany the fish to the ultimate point of sale. Marine
4126 aquaculture products produced by a marine aquaculture producer,
4127 certified pursuant to s. 597.004, are exempt from Fish and
4128 Wildlife Conservation Commission resource management rules, with
4129 the exception of such rules governing any fish of the genus
4130 *Centropomus* (snook). By July 1, 2000, the Fish and Wildlife
4131 Conservation Commission shall develop procedures to allow
4132 persons possessing a valid aquaculture certificate of

4133 registration to sell and transport live snook produced in
 4134 private ponds or private hatcheries as brood stock, to stock
 4135 private ponds, or for aquarium display consistent with the
 4136 provisions of rule 39-23.009, Florida Administrative Code.

4137 Section 81. Section 370.16, Florida Statutes, is
 4138 renumbered as section 379.3372, Florida Statutes, and amended to
 4139 read:

4140 379.3372 ~~370.16~~ Noncultured shellfish harvesting.--

4141 (1) PROTECTION OF SHELLFISH AQUACULTURE PRODUCTS.--

4142 (a) The Fish and Wildlife Conservation Commission shall
 4143 assist in protecting shellfish aquaculture products produced on
 4144 leased or granted reefs in the hands of lessees or grantees from
 4145 the state. Harvesting shellfish is prohibited within a distance
 4146 of 25 feet outside lawfully marked lease boundaries or within
 4147 setback and access corridors within specifically designated
 4148 high-density aquaculture lease areas and aquaculture use zones.

4149 (b) The department, in cooperation with the commission,
 4150 shall provide the Legislature with recommendations as needed for
 4151 the development and the proper protection of the rights of the
 4152 state and private holders therein with respect to the oyster and
 4153 clam business.

4154 (2) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
 4155 REEFS; LICENSES, ETC., PENALTY.--

4156 (a) It is unlawful to use a dredge or any means or
 4157 implement other than hand tongs in removing oysters from the
 4158 natural or artificial state reefs. This restriction shall apply
 4159 to all areas of Apalachicola Bay for all shellfish harvesting,

4160 | excluding private grounds leased or granted by the state prior
 4161 | to July 1, 1989, if the lease or grant specifically authorizes
 4162 | the use of implements other than hand tongs for harvesting.
 4163 | Except in Apalachicola Bay, upon the payment of \$25 annually,
 4164 | for each vessel or boat using a dredge or machinery in the
 4165 | gathering of clams or mussels, a special activity license may be
 4166 | issued by the Fish and Wildlife Conservation Commission pursuant
 4167 | to s. 379.740 ~~370.06~~ for such use to such person.

4168 | (b) The use of any mechanical harvesting device other than
 4169 | ordinary hand tongs for taking shellfish for any purpose from
 4170 | public shellfish beds in Apalachicola Bay shall be unlawful.

4171 | (c) The possession of any mechanical harvesting device on
 4172 | the waters of Apalachicola Bay from 5 p.m. until sunrise shall
 4173 | be unlawful.

4174 | (d) Each vessel used for the transport or deployment of a
 4175 | dredge or scrape shall prominently display the lease or grant
 4176 | number or numbers, in numerals which are at least 12 inches high
 4177 | and 6 inches wide, in such a manner that the lease or grant
 4178 | number or numbers are readily identifiable from both the air and
 4179 | the water.

4180 | (e) Oysters may be harvested from natural or public
 4181 | grounds by common hand tongs or by hand, by scuba diving, free
 4182 | diving, leaning from vessels, or wading. In the Apalachicola
 4183 | Bay, this provision shall apply to all shellfish.

4184 |
 4185 | The commission shall apply other statutes, rules, or conditions
 4186 | necessary to protect the environment and natural resources from

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4187 improper transport, deployment, and operation of a dredge or
4188 scrape. Any violation of this subsection or of any other
4189 statutes, rules, or conditions referenced in the special
4190 activity license shall be considered a violation of the license
4191 and shall result in revocation of the license and forfeiture of
4192 the bond submitted to the commission as a prerequisite to the
4193 issuance of this license.

4194 (3) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.--Each
4195 packer, canner, corporation, firm, commission person, or dealer
4196 in fish shall, on the first day of each month, make a return
4197 under oath to the Fish and Wildlife Conservation Commission, as
4198 to the number of oysters, clams, and shellfish purchased,
4199 caught, or handled during the preceding month. Whoever is found
4200 guilty of making any false affidavit to any such report is
4201 guilty of perjury and punished as provided by law, and any
4202 person who fails to make such report shall be punished by a fine
4203 not exceeding \$500 or by imprisonment in the county jail not
4204 exceeding 6 months.

4205 (4) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND
4206 CLAM LAWS, ETC.--Vessels, with their cargoes, violating the
4207 provisions of the laws relating to oysters and clams may be
4208 seized by anyone duly and lawfully authorized to make arrests
4209 under this section or by any sheriff or the sheriff's deputies,
4210 and taken into custody, and when not arrested by the sheriff or
4211 the sheriff's deputies, delivered to the sheriff of the county
4212 in which the seizure is made, and shall be liable to forfeiture,
4213 on appropriate proceedings being instituted by the Fish and

4214 Wildlife Conservation Commission, before the courts of that
 4215 county. In such case the cargo shall at once be disposed of by
 4216 the sheriff, for account of whom it may concern. Should the
 4217 master or any of the crew of said vessel be found guilty of
 4218 using dredges or other instruments in fishing oysters on natural
 4219 reefs contrary to law, or fishing on the natural oyster or clam
 4220 reefs out of season, or unlawfully taking oysters or clams
 4221 belonging to a lessee, such vessel shall be declared forfeited
 4222 by the court, and ordered sold and the proceeds of the sale
 4223 shall be deposited with the Chief Financial Officer to the
 4224 credit of the General Revenue Fund; any person guilty of such
 4225 violations shall not be permitted to have any license provided
 4226 for in this chapter within a period of 1 year from the date of
 4227 conviction. Pending proceedings such vessel may be released upon
 4228 the owner furnishing bond, with good and solvent security in
 4229 double the value of the vessel, conditioned upon its being
 4230 returned in good condition to the sheriff to abide the judgment
 4231 of the court.

4232 (5) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging of
 4233 dead shell deposits is prohibited in the state.

4234 (6) REQUIREMENTS FOR OYSTER VESSELS.--All vessels used for
 4235 the harvesting, gathering, or transporting of noncultured
 4236 oysters for commercial use shall be constructed and maintained
 4237 to prevent contamination or deterioration of oysters. To this
 4238 end, all such vessels shall be provided with false bottoms and
 4239 bulkheads fore and aft to prevent oysters from coming in contact
 4240 with any bilge water. No dogs or other animals shall be allowed

4241 at any time on vessels used to harvest or transport oysters. A
 4242 violation of any provision of this subsection shall result in at
 4243 least the revocation of the violator's license.

4244 Section 82. Section 370.25, Florida Statutes, is
 4245 renumbered as section 379.338, Florida Statutes, to read:

4246 379.338 ~~370.25~~ Artificial reef program; grants and
 4247 financial and technical assistance to local governments.--

4248 (1) An artificial reef program is created within the
 4249 commission to enhance saltwater opportunities and to promote
 4250 proper management of fisheries resources associated with
 4251 artificial reefs for the public interest. Under the program, the
 4252 commission may provide grants and financial and technical
 4253 assistance to coastal local governments, state universities, and
 4254 nonprofit corporations qualified under s. 501(c)(3) of the
 4255 Internal Revenue Code for the siting and development of
 4256 artificial reefs as well as for monitoring and evaluating such
 4257 reefs and their recreational, economic, and biological
 4258 effectiveness. The commission is authorized to accept title, on
 4259 behalf of the state, to vessels for use in the artificial reef
 4260 program as offshore artificial reefs. The program may be funded
 4261 from state, federal, and private contributions.

4262 (2) The commission may adopt by rule procedures for
 4263 submitting an application for financial assistance and criteria
 4264 for allocating available funds.

4265 (3) The commission may adopt by rule criteria for siting,
 4266 constructing, managing, and evaluating the effectiveness of
 4267 artificial reefs placed in state or adjacent federal waters and

4268 criteria implementing the transfer of vessel titles to the state
4269 for use as an offshore artificial reef.

4270 (4) The commission may adopt by rule criteria for
4271 determining the eligibility of nonprofit corporations qualified
4272 under s. 501(c)(3) of the Internal Revenue Code to apply for and
4273 receive funds available for artificial reef development or
4274 evaluation. The criteria must include, but are not limited to,
4275 the following:

4276 (a) The corporation must show proof that it is a nonprofit
4277 corporation qualified under s. 501(c)(3) of the Internal Revenue
4278 Code.

4279 (b) The corporation must state in its articles of
4280 incorporation or bylaws that one of its objectives is the
4281 development or monitoring of artificial reefs.

4282 (5) The commission's artificial reef program shall track
4283 all artificial-reef-development activities statewide, and
4284 maintain a computer database of these activities for the public
4285 interest and to facilitate long-range planning and coordination
4286 within the commission and among local governments.

4287 (6) It is unlawful for any person to:

4288 (a) Place artificial-reef-construction materials in state
4289 waters outside zones permitted under the terms and conditions
4290 defined in any artificial-reef permits issued by the United
4291 States Army Corps of Engineers or by the Department of
4292 Environmental Protection.

4293 (b) Store, possess, or transport on or across state waters
4294 any materials reasonably suited for artificial-reef construction

4295 and stored in a manner providing ready access for use and
4296 placement as an artificial reef, unless a valid cargo manifest
4297 issued by the commission or a commission-certified inspector is
4298 onboard the transporting vessel. The manifest will serve as
4299 authorization to use a valid permitted site or land-based
4300 staging area, will validate that the type of artificial-reef
4301 construction material being transported is permissible for use
4302 at the permitted site, and will describe and quantify the
4303 artificial-reef material being transported. The manifest will
4304 also include the latitude and longitude coordinates of the
4305 proposed deployment location, the valid permit number, and a
4306 copy of the permit conditions for the permitted site. The
4307 manifest must be available for inspection by any authorized law
4308 enforcement officer or commission employee.

4309 (7) (a) An initial violation of subsection (6) is a
4310 misdemeanor of the first degree, punishable as provided in s.
4311 775.082 or s. 775.083. A subsequent violation of subsection (6)
4312 which is committed within 12 months after a previous violation
4313 of that subsection is a felony of the third degree, punishable
4314 as provided in s. 775.082, s. 775.083, or s. 775.084.

4315 (b) If a violation of subsection (6) occurs, a law
4316 enforcement officer may terminate a vessel's voyage and order
4317 the vessel operator to return immediately to port. Failure or
4318 refusal to comply with an order to return to port constitutes a
4319 felony of the third degree, punishable as provided in s.
4320 775.082, s. 775.083, or s. 775.084. The vessel operator must

4321 immediately dispose of the materials on shore according to
 4322 applicable waste disposal laws.

4323 (c) If, at the time of the violation, the vessel that is
 4324 involved in the violation:

4325 1. Is moored at a land-based facility, the registered
 4326 owner of the vessel is responsible for the violation.

4327 2. Is underway or anchored, the captain or operator of the
 4328 vessel and the registered owner of the vessel are jointly
 4329 responsible for the violation.

4330 (d) In addition to the penalties imposed in this
 4331 subsection, the commission shall assess civil penalties of up to
 4332 \$5,000 against any person convicted of violating subsection (6)
 4333 and may seek the suspension or revocation of the vessel
 4334 registration, existing reef-construction permits, or other state
 4335 marine licenses held by the violator. For the purposes of this
 4336 section, conviction includes any judicial disposition other than
 4337 acquittal or dismissal.

4338 Section 83. Section 370.18, Florida Statutes, is
 4339 renumbered as section 379.339, Florida Statutes, to read:

4340 379.339 ~~370.18~~ Compacts and agreements; generally.--The
 4341 Fish and Wildlife Conservation Commission may enter into
 4342 agreements of reciprocity with the fish commissioners or other
 4343 departments or other proper officials of other states, whereby
 4344 the citizens of the state may be permitted to take or catch
 4345 shrimp or prawn from the waters under the jurisdiction of such
 4346 other states, upon similar agreements to allow such nonresidents

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4347 | or aliens to fish for or catch seafood products within the
 4348 | jurisdiction of the state regardless of residence.

4349 | Section 84. Section 370.19, Florida Statutes, is
 4350 | renumbered as section 379.3391, Florida Statutes, to read:

4351 | 379.3391 ~~370.19~~ Atlantic States Marine Fisheries Compact;
 4352 | implementing legislation.--

4353 | (1) FORM.--The Governor of this state is hereby authorized
 4354 | and directed to execute a compact on behalf of the State of
 4355 | Florida with any one or more of the States of Maine, New
 4356 | Hampshire, Massachusetts, Rhode Island, Connecticut, New York,
 4357 | New Jersey, Delaware, Maryland, Virginia, North Carolina, South
 4358 | Carolina, and Georgia, and with such other states as may enter
 4359 | into the compact, legally joining therein in the form
 4360 | substantially as follows:

4361 |
 4362 |
 4363 | ATLANTIC STATES MARINE FISHERIES
 4364 | COMPACT

4366 | The contracting states solemnly agree:

4369 | ARTICLE I

4371 | The purpose of this compact is to promote the better
 4372 | utilization of the fisheries, marine, shell, and anadromous, of
 4373 | the Atlantic seaboard by the development of a joint program for

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4374 | the promotion and protection of such fisheries, and by the
 4375 | prevention of the physical waste of the fisheries from any
 4376 | cause. It is not the purpose of this compact to authorize the
 4377 | states joining herein to limit the production of fish or fish
 4378 | products for the purpose of establishing or fixing the price
 4379 | thereof, or creating and perpetuating a monopoly.

4380

4381

4382 | ARTICLE II

4383

4384 | This agreement shall become operative immediately as to
 4385 | those states executing it whenever any two or more of the States
 4386 | of Maine, New Hampshire, Massachusetts, Rhode Island,
 4387 | Connecticut, New York, New Jersey, Delaware, Maryland, Virginia,
 4388 | North Carolina, South Carolina, Georgia and Florida have
 4389 | executed it in the form that is in accordance with the laws of
 4390 | the executing state and the Congress has given its consent. Any
 4391 | state contiguous with any of the aforementioned states and
 4392 | riparian upon waters frequented by anadromous fish, flowing into
 4393 | waters under the jurisdiction of any of the aforementioned
 4394 | states, may become a party hereto as hereinafter provided.

4395

4396

4397 | ARTICLE III

4398

4399 | Each state joining herein shall appoint three
 4400 | representatives to a commission hereby constituted and

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4401 designated as the Atlantic States Marine Fisheries Commission.
4402 One shall be the executive officer of the administrative agency
4403 of such state charged with the conservation of the fisheries
4404 resources to which this compact pertains or, if there be more
4405 than one officer or agency, the official of that state named by
4406 the governor thereof. The second shall be a member of the
4407 legislature of such state designated by such legislature or, in
4408 the absence of such designation, such legislator shall be
4409 designated by the governor thereof, provided that if it is
4410 constitutionally impossible to appoint a legislator as a
4411 commissioner from such state, the second member shall be
4412 appointed in such manner as is established by law. The third
4413 shall be a citizen who shall have a knowledge of and interest in
4414 the marine fisheries problem to be appointed by the governor.
4415 This commission shall be a body corporate with the powers and
4416 duties set forth herein.

4417
4418
4419 ARTICLE IV

4420
4421 The duty of the said commission shall be to make inquiry
4422 and ascertain from time to time such methods, practices,
4423 circumstances and conditions as may be disclosed for bringing
4424 about the conservation and the prevention of the depletion and
4425 physical waste of the fisheries, marine, shell and anadromous,
4426 of the Atlantic seaboard. The commission shall have power to
4427 recommend the coordination of the exercise of the police powers

4428 of the several states within their respective jurisdictions to
 4429 promote the preservation of those fisheries and their protection
 4430 against overfishing, waste, depletion or any abuse whatsoever
 4431 and to assure a continuing yield from the fisheries resources of
 4432 the aforementioned states.

4433 To that end the commission shall draft and, after
 4434 consultation with the advisory committee hereinafter authorized,
 4435 recommend to the governors and legislatures of the various
 4436 signatory states legislation dealing with the conservation of
 4437 the marine, shell and anadromous fisheries of the Atlantic
 4438 seaboard. The commission shall, more than one month prior to any
 4439 regular meeting of the legislature in any signatory state,
 4440 present to the governor of the state its recommendations
 4441 relating to enactments to be made by the legislature of that
 4442 state in furthering the intents and purposes of this compact.

4443 The commission shall consult with and advise the pertinent
 4444 administrative agencies in the states party hereto with regard
 4445 to problems connected with the fisheries and recommend the
 4446 adoption of such regulations as it deems advisable.

4447 The commission shall have power to recommend to the states
 4448 party hereto the stocking of the waters of such states with fish
 4449 and fish eggs or joint stocking by some or all of the states
 4450 party hereto and when two or more of the states shall jointly
 4451 stock waters the commission shall act as the coordinating agency
 4452 for such stocking.

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4455 ARTICLE V

4456

4457 The commission shall elect from its number a chair and a
 4458 vice chair and shall appoint and at its pleasure remove or
 4459 discharge such officers and employees as may be required to
 4460 carry the provisions of this compact into effect and shall fix
 4461 and determine their duties, qualifications and compensation.
 4462 Said commission shall adopt rules and regulations for the
 4463 conduct of its business. It may establish and maintain one or
 4464 more offices for the transaction of its business and may meet at
 4465 any time or place but must meet at least once a year.

4466

4467

4468 ARTICLE VI

4469

4470 No action shall be taken by the commission in regard to its
 4471 general affairs except by the affirmative vote of a majority of
 4472 the whole number of compacting states present at any meeting. No
 4473 recommendation shall be made by the commission in regard to any
 4474 species of fish except by the affirmative vote of a majority of
 4475 the compacting states which have an interest in such species.
 4476 The commission shall define what shall be an interest.

4477

4478

4479 ARTICLE VII

4480

4481 The Fish and Wildlife Service of the Department of the
 4482 Interior of the Government of the United States shall act as the
 4483 primary research agency of the Atlantic States Marine Fisheries
 4484 Commission cooperating with the research agencies in each state
 4485 for that purpose. Representatives of the said Fish and Wildlife
 4486 Service shall attend the meetings of the commission.

4487 An advisory committee to be representative of the
 4488 commercial fishers and the saltwater anglers and such other
 4489 interests of each state as the commission deems advisable shall
 4490 be established by the commission as soon as practicable for the
 4491 purpose of advising the commission upon such recommendations as
 4492 it may desire to make.

4493

4494

4495 ARTICLE VIII

4496

4497 When any state other than those named specifically in
 4498 Article II of this compact shall become a party thereto for the
 4499 purpose of conserving its anadromous fish in accordance with the
 4500 provisions of Article II the participation of such state in the
 4501 action of the commission shall be limited to such species of
 4502 anadromous fish.

4503

4504

4505 ARTICLE IX

4506

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4507 Nothing in this compact shall be construed to limit the
4508 powers of any signatory state or to repeal or prevent the
4509 enactment of any legislation or the enforcement of any
4510 requirement by any signatory state imposing additional
4511 conditions to conserve its fisheries.

4512

4513

4514 ARTICLE X

4515

4516 Continued absence of representation or of any
4517 representative on the commission from any state party hereto
4518 shall be brought to the attention of the governor thereof.

4519

4520

4521 ARTICLE XI

4522

4523 The states party hereto agree to make annual appropriations
4524 to the support of the commission in proportion to the primary
4525 market value of the products of their fisheries, exclusive of
4526 cod and haddock, as recorded in the most recent published
4527 reports of the Fish and Wildlife Service of the United States
4528 Department of the Interior, provided no state shall contribute
4529 less than \$200 per annum and the annual contribution of each
4530 state above the minimum shall be figured to the nearest \$100.

4531 The compacting states agree to appropriate initially the
4532 annual amounts scheduled below, which amounts are calculated in
4533 the manner set forth herein, on the basis of the catch record of

4534 1938. Subsequent budgets shall be recommended by a majority of
 4535 the commission and the cost thereof allocated equitably among
 4536 the states in accordance with their respective interests and
 4537 submitted to the compacting states.

4538
 4539
 4540 Schedule of Initial Annual
 4541 State Contributions

- 4542 Maine....\$700
- 4543 New Hampshire....200
- 4544 Massachusetts....2,300
- 4545 Rhode Island....300
- 4546 Connecticut....400
- 4547 New York....1,300
- 4548 New Jersey....800
- 4549 Delaware....200
- 4550 Maryland....700
- 4551 Virginia....1,300
- 4552 North Carolina....600
- 4553 South Carolina....200
- 4554 Georgia....200
- 4555 Florida....1,500

4556
 4557
 4558 ARTICLE XII
 4559

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4560 This compact shall continue in force and remain binding
4561 upon each compacting state until renounced by it. Renunciation
4562 of this compact must be preceded by sending 6 months' notice in
4563 writing of intention to withdraw from the compact to the other
4564 states party hereto.

4565 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In pursuance
4566 of Article III of said compact there shall be three members
4567 (hereinafter called commissioners) of the Atlantic States Marine
4568 Fisheries Commission (hereinafter called commission) from this
4569 state. The first commissioner from this state shall be the
4570 Executive Director of the Fish and Wildlife Conservation
4571 Commission, ex officio, and the term of any such ex officio
4572 commissioner shall terminate at the time he or she ceases to
4573 hold said office of Executive Director of the Fish and Wildlife
4574 Conservation Commission, and his or her successor as
4575 commissioner shall be his or her successor as executive
4576 director. The second commissioner from this state shall be a
4577 legislator appointed on a rotating basis by the President of the
4578 Senate or the Speaker of the House of Representatives, beginning
4579 with the appointment of a member of the Senate, and the term of
4580 any such commissioner shall terminate at the time he or she
4581 ceases to hold said legislative office. The Governor (subject to
4582 confirmation by the Senate), shall appoint a citizen as a third
4583 commissioner who shall have a knowledge of, and interest in, the
4584 marine fisheries problem. The term of said commissioner shall be
4585 3 years and the commissioner shall hold office until a successor
4586 shall be appointed and qualified. Vacancies occurring in the

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4587 office of such commissioner from any reason or cause shall be
4588 filled by appointment by the Governor (subject to confirmation
4589 by the Senate), for the unexpired term. The Executive Director
4590 of the Fish and Wildlife Conservation Commission as ex officio
4591 commissioner may delegate, from time to time, to any deputy or
4592 other subordinate in his or her department or office, the power
4593 to be present and participate, including voting, as his or her
4594 representative or substitute at any meeting of or hearing by or
4595 other proceeding of the commission. The terms of each of the
4596 initial three members shall begin at the date of the appointment
4597 of the appointive commissioner, provided the said compact shall
4598 then have gone into effect in accordance with Article II of the
4599 compact; otherwise, they shall begin upon the date upon which
4600 said compact shall become effective in accordance with said
4601 Article II. Any commissioner may be removed from office by the
4602 Governor upon charges and after a hearing.

4603 (3) POWERS OF COMMISSION AND COMMISSIONERS.--There is
4604 hereby granted to the commission and the commissioners thereof
4605 all the powers provided for in the said compact and all the
4606 powers necessary or incidental to the carrying out of said
4607 compact in every particular. All officers of the State of
4608 Florida are hereby authorized and directed to do all things
4609 falling within their respective provinces and jurisdiction
4610 necessary or incidental to the carrying out of said compact in
4611 every particular; it being hereby declared to be the policy of
4612 the State of Florida to perform and carry out the said compact
4613 and to accomplish the purposes thereof. All officers, bureaus,

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4614 departments and persons of and in the state government or
4615 administration of the State of Florida are hereby authorized and
4616 directed at convenient times and upon request of the said
4617 commission to furnish the said commission with information and
4618 data possessed by them or any of them and to aid said commission
4619 by loan of personnel or other means lying within their legal
4620 rights respectively.

4621 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
4622 granted to the commission shall be regarded as in aid of and
4623 supplemental to and in no case a limitation upon any of the
4624 powers vested in said commission by other laws of the State of
4625 Florida or by the laws of the States of Maine, New Hampshire,
4626 Massachusetts, Connecticut, Rhode Island, New York, New Jersey,
4627 Delaware, Maryland, Virginia, North Carolina, South Carolina,
4628 Georgia and Florida or by the Congress or the terms of said
4629 compact.

4630 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--

4631 (a) The commission shall keep accurate accounts of all
4632 receipts and disbursements and shall report to the Governor and
4633 the Legislature of the State of Florida on or before the 10th
4634 day of December in each year, setting forth in detail the
4635 transactions conducted by it during the 12 months preceding
4636 December 1 of that year and shall make recommendations for any
4637 legislative action deemed by it advisable, including amendments
4638 to the statutes of the State of Florida which may be necessary
4639 to carry out the intent and purposes of the compact between the
4640 signatory states.

4641 (b) The Department of Financial Services is authorized and
 4642 empowered from time to time to examine the accounts and books of
 4643 the commission, including its receipts, disbursements and such
 4644 other items referring to its financial standing as such
 4645 department deems proper and to report the results of such
 4646 examination to the governor of such state.

4647 (6) APPROPRIATION FOR EXPENSES OF COMMISSION.--The sum of
 4648 \$600, annually, or so much thereof as may be necessary, is
 4649 hereby appropriated out of any moneys in the State Treasury not
 4650 otherwise appropriated, for the expenses of the commission
 4651 created by the compact authorized by this law. The moneys hereby
 4652 appropriated shall be paid out of the State Treasury on the
 4653 audit and warrant of the Chief Financial Officer upon vouchers
 4654 certified by the chair of the commission in the manner
 4655 prescribed by law.

4656 Section 85. Section 370.20, Florida Statutes, is
 4657 renumbered as section 379.3392, Florida Statutes, to read:

4658 379.3392 ~~370.20~~ Gulf States Marine Fisheries Compact;
 4659 implementing legislation.--

4660 (1) FORM.--The Governor of this state is hereby authorized
 4661 and directed to execute the compact on behalf of the State of
 4662 Florida with any one or more of the States of Alabama,
 4663 Mississippi, Louisiana and Texas, and with such other state as
 4664 may enter into a compact, legal joining therein in the form
 4665 substantially as follows:

4666
 4667

4668 GULF STATES MARINE FISHERIES

4669 COMPACT

4670

4671 The contracting states solemnly agree:

4672

4673

4674 ARTICLE I

4675

4676 Whereas the gulf coast states have the proprietary interest
 4677 in and jurisdiction over fisheries in the waters within their
 4678 respective boundaries, it is the purpose of this compact to
 4679 promote the better utilization of the fisheries, marine, shell
 4680 and anadromous, of the seaboard of the Gulf of Mexico, by the
 4681 development of a joint program for the promotion and protection
 4682 of such fisheries and the prevention of the physical waste of
 4683 the fisheries from any cause.

4684

4685

4686 ARTICLE II

4687

4688 This compact shall become operative immediately as to those
 4689 states ratifying it whenever any two or more of the States of
 4690 Florida, Alabama, Mississippi, Louisiana and Texas have ratified
 4691 it and the Congress has given its consent subject to article I,
 4692 s. 10 of the Constitution of the United States. Any state
 4693 contiguous to any of the aforementioned states or riparian upon
 4694 waters which flow into waters under the jurisdiction of any of

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4695 the aforementioned states and which are frequented by anadromous
 4696 fish or marine species may become a party hereto as hereinafter
 4697 provided.

4698

4699

4700 ARTICLE III

4701

4702 Each state joining herein shall appoint three
 4703 representatives to a commission hereby constituted and
 4704 designated as the Gulf States Marine Fisheries Commission. One
 4705 shall be the head of the administrative agency of such state
 4706 charged with the conservation of the fishery resources to which
 4707 this compact pertains or, if there be more than one officer or
 4708 agency, the official of that state named by the governor
 4709 thereof. The second shall be a member of the legislature of such
 4710 state designated by such legislature or in the absence of such
 4711 designation, such legislator shall be designated by the governor
 4712 thereof, provided that if it is constitutionally impossible to
 4713 appoint a legislator as a commissioner from such state, the
 4714 second member shall be appointed in such manner as may be
 4715 established by law. The third shall be a citizen who shall have
 4716 a knowledge of and interest in the marine fisheries, to be
 4717 appointed by the governor. This commission shall be a body
 4718 corporate with the powers and duties set forth herein.

4719

4720

4721 ARTICLE IV

4722
4723 The duty of the said commission shall be to make inquiry
4724 and ascertain from time to time such methods, practices,
4725 circumstances and conditions as may be disclosed for bringing
4726 about the conservation and the prevention of the depletion and
4727 physical waste of the fisheries, marine, shell and anadromous,
4728 of the gulf coast. The commission shall have power to recommend
4729 the coordination of the exercise of the police powers of the
4730 several states within their respective jurisdiction to promote
4731 the preservation of these fisheries and their protection against
4732 overfishing, waste, depletion or any abuse whatsoever and to
4733 assure a continuing yield from the fishery resources of the
4734 aforementioned states.

4735 To that end the commission shall draft and recommend to the
4736 governors and the legislatures of the various signatory states,
4737 legislation dealing with the conservation of the marine, shell
4738 and anadromous fisheries of the gulf seaboard. The commission
4739 shall from time to time present to the governor of each
4740 compacting state its recommendations relating to enactments to
4741 be presented to the legislature of the state in furthering the
4742 interest and purposes of this compact.

4743 The commission shall consult with and advise the pertinent
4744 administrative agencies in the states party hereto with regard
4745 to problems connected with the fisheries and recommend the
4746 adoption of such regulations as it deems advisable.

4747 The commission shall have power to recommend to the states
4748 party hereto the stocking of the waters of such states with fish

4749 and fish eggs or joint stocking by some or all of the states
 4750 party hereto and when two or more states shall jointly stock
 4751 waters the commission shall act as the coordinating agency for
 4752 such stocking.

4753
 4754
 4755 ARTICLE V

4756
 4757 The commission shall elect from its number a chair and vice
 4758 chair and shall appoint and at its pleasure remove or discharge
 4759 such officers and employees as may be required to carry the
 4760 provisions of this compact into effect and shall fix and
 4761 determine their duties, qualifications and compensation. Said
 4762 commission shall adopt rules and regulations for the conduct of
 4763 its business. It may establish and maintain one or more offices
 4764 for the transaction of its business and may meet at any time or
 4765 place but must meet at least once a year.

4766
 4767
 4768 ARTICLE VI

4769
 4770 No action shall be taken by the commission in regard to its
 4771 general affairs except by the affirmative vote of a majority of
 4772 the whole number of compacting states. No recommendation shall
 4773 be made by the commission in regard to any species of fish
 4774 except by the affirmative vote of a majority of the compacting

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4775 states which have an interest in such species. The commission
4776 shall define which shall be an interest.

4777

4778

4779 ARTICLE VII

4780

4781 The Fish and Wildlife Service of the Department of the
4782 Interior of the Government of the United States shall act as the
4783 primary research agency of the Gulf States Marine Fisheries
4784 Commission cooperating with the research agencies in each state
4785 for that purpose. Representatives of the said fish and wildlife
4786 service shall attend the meetings of the commission. An advisory
4787 committee to be representative of the commercial salt water
4788 fishers and the salt water anglers and such other interests of
4789 each state as the commissioners deem advisable may be
4790 established by the commissioners from each state for the purpose
4791 of advising those commissioners upon such recommendations as it
4792 may desire to make.

4793

4794

4795 ARTICLE VIII

4796

4797 When any state other than those named specifically in
4798 article II of this compact shall become a party hereto for the
4799 purpose of conserving its anadromous fish or marine species in
4800 accordance with the provisions of article II, the participation

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4801 of such state in the action of the commission shall be limited
 4802 to such species of fish.

4803
 4804

4805 ARTICLE IX

4806

4807 Nothing in this compact shall be construed to limit the
 4808 powers or the proprietary interest of any signatory state or to
 4809 repeal or prevent the enactment of any legislation or the
 4810 enforcement of any requirement by a signatory state imposing
 4811 additional conditions and restrictions to conserve its
 4812 fisheries.

4813
 4814

4815 ARTICLE X

4816

4817 It is agreed that any two or more states party hereto may
 4818 further amend this compact by acts of their respective
 4819 legislatures subject to approval of Congress as provided in
 4820 article I, s. 10, of the Constitution of the United States, to
 4821 designate the Gulf States Marine Fisheries Commission as a joint
 4822 regulating authority for the joint regulation of specific
 4823 fisheries affecting only such states as shall be compact, and at
 4824 their joint expense. The representatives of such states shall
 4825 constitute a separate section of the Gulf States Marine
 4826 Fisheries Commission for the exercise of the additional powers
 4827 so granted but the creation of such section shall not be deemed

4828 to deprive the states so compacting of any of their privileges
 4829 or powers in the Gulf States Marine Fisheries Commission as
 4830 constituted under the other articles of this compact.

4831

4832

4833 ARTICLE XI

4834

4835 Continued absence of representation or of any
 4836 representative on the commission from any state party hereto
 4837 shall be brought to the attention of the governor thereof.

4838

4839

4840 ARTICLE XII

4841

4842 The operating expenses of the Gulf States Marine Fisheries
 4843 Commission shall be borne by the states party hereto. Such
 4844 initial appropriations as are set forth below shall be made
 4845 available yearly until modified as hereinafter provided:

4846	Florida....\$3,500
4847	Alabama....1,000
4848	Mississippi....1,000
4849	Louisiana....5,000
4850	Texas....2,500
4851	Total....\$13,000

4852

4853 The proration and total cost per annum of \$13,000, above-
 4854 mentioned, is estimated only, for initial operations, and may be

4855 | changed when found necessary by the commission and approved by
 4856 | the legislatures of the respective states. Each state party
 4857 | hereto agrees to provide in the manner most acceptable to it,
 4858 | the travel costs and necessary expenses of its commissioners and
 4859 | other representatives to and from meetings of the commission or
 4860 | its duly constituted sections or committees.

4861 |

4862 |

4863 | ARTICLE XIII

4864 |

4865 | This compact shall continue in force and remain binding
 4866 | upon each compacting state until renounced by act of the
 4867 | legislature of such state, in such form as it may choose;
 4868 | provided that such renunciation shall not become effective until
 4869 | 6 months after the effective date of the action taken by the
 4870 | legislature. Notice of such renunciation shall be given to the
 4871 | other states party hereto by the secretary of state of the
 4872 | compacting state so renouncing upon passage of the act.

4873 | (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In pursuance
 4874 | of article III of said compact, there shall be three members
 4875 | (hereinafter called commissioners) of the Gulf States Marine
 4876 | Fisheries Commission (hereafter called commission) from the
 4877 | State of Florida. The first commissioner from the State of
 4878 | Florida shall be the Executive Director of the Fish and Wildlife
 4879 | Conservation Commission, ex officio, and the term of any such ex
 4880 | officio commissioner shall terminate at the time he or she
 4881 | ceases to hold said office of Executive Director of the Fish and

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4882 Wildlife Conservation Commission, and his or her successor as
 4883 commissioner shall be his or her successor as executive
 4884 director. The second commissioner from the State of Florida
 4885 shall be a legislator appointed on a rotating basis by the
 4886 President of the Senate or the Speaker of the House of
 4887 Representatives, beginning with the appointment of a member of
 4888 the House of Representatives, and the term of any such
 4889 commissioner shall terminate at the time he or she ceases to
 4890 hold said legislative office. The Governor (subject to
 4891 confirmation by the Senate) shall appoint a citizen as a third
 4892 commissioner who shall have a knowledge of and interest in the
 4893 marine fisheries problem. The term of said commissioner shall be
 4894 3 years and the commissioner shall hold office until a successor
 4895 shall be appointed and qualified. Vacancies occurring in the
 4896 office of such commissioner from any reason or cause shall be
 4897 filled by appointment by the Governor (subject to confirmation
 4898 by the Senate) for the unexpired term. The Executive Director of
 4899 the Fish and Wildlife Conservation Commission, as ex officio
 4900 commissioner, may delegate, from time to time, to any deputy or
 4901 other subordinate in his or her department or office, the power
 4902 to be present and participate, including voting, as his or her
 4903 representative or substitute at any meeting of or hearing by or
 4904 other proceeding of the commission. The terms of each of the
 4905 initial three members shall begin at the date of the appointment
 4906 of the appointive commissioner, provided the said compact shall
 4907 then have gone into effect in accordance with article II of the
 4908 compact; otherwise they shall begin upon the date upon which

4909 | said compact shall become effective in accordance with said
 4910 | article II.

4911 | Any commissioner may be removed from office by the Governor
 4912 | upon charges and after a hearing.

4913 | (3) COMMISSION; POWERS.--There is hereby granted to the
 4914 | commission and the commissioners thereof all the powers provided
 4915 | for in the said compact and all the powers necessary or
 4916 | incidental to the carrying out of said compact in every
 4917 | particular. All officers of the State of Florida are hereby
 4918 | authorized and directed to do all things falling within their
 4919 | respective provinces and jurisdiction necessary or incidental to
 4920 | the carrying out of said compact in every particular; it being
 4921 | hereby declared to be the policy of the State of Florida to
 4922 | perform and carry out the said compact and to accomplish the
 4923 | purposes thereof. All officers, bureaus, departments and persons
 4924 | of and in the state government or administration of the State of
 4925 | Florida are hereby authorized and directed at convenient times
 4926 | and upon request of the said commission to furnish the said
 4927 | commission with information and data possessed by them or any of
 4928 | them and to aid said commission by loan of personnel or other
 4929 | means lying within their legal rights respectively.

4930 | (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein
 4931 | granted to the commissioner shall be regarded as in aid of and
 4932 | supplemental to and in no case a limitation upon any of the
 4933 | powers vested in said commission by other laws of the State of
 4934 | Florida or by the laws of the States of Alabama, Mississippi,

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4935 Louisiana, Texas and Florida or by the Congress or the terms of
4936 said compact.

4937 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--The
4938 commission shall keep accurate accounts of all receipts and
4939 disbursements and shall report to the Governor and the
4940 Legislature of the State of Florida on or before the 10th day of
4941 December in each year, setting forth in detail the transactions
4942 conducted by it during the 12 months preceding December 1 of
4943 that year and shall make recommendations for any legislative
4944 action deemed by it advisable, including amendments to the
4945 statutes of the State of Florida which may be necessary to carry
4946 out the intent and purposes of the compact between the signatory
4947 states.

4948 The Department of Financial Services is authorized and
4949 empowered from time to time to examine the accounts and books of
4950 the commission, including its receipts, disbursements and such
4951 other items referring to its financial standing as such
4952 department deems proper and to report the results of such
4953 examination to the governor of such state.

4954 Section 86. . Part III of chapter 379, Florida Statutes,
4955 consisting of sections 379.410 through 379.412, is created to
4956 read:

4957 PART III

4958 FRESHWATER AQUATIC LIFE

4959
4960 Section 87. Section 372.0225, Florida Statutes, is
4961 renumbered as section 379.410, Florida Statutes, to read:

4962 379.410 ~~372.0225~~ Freshwater organisms.--

4963 (1) The Fish and Wildlife Conservation Commission, in
 4964 order to manage the promotion, marketing, and quality control of
 4965 all freshwater organisms produced in Florida and utilized
 4966 commercially so that such organisms shall be used to produce the
 4967 optimum sustained yield consistent with the protection of the
 4968 breeding stock, is directed and charged with the responsibility
 4969 of:

4970 (a) Providing for the regulation of the promotion,
 4971 marketing, and quality control of freshwater organisms produced
 4972 in Florida and utilized commercially.

4973 (b) Regulating the processing of commercial freshwater
 4974 organisms on the water or on the shore.

4975 (c) Providing documentation standards and statistical
 4976 record requirements with respect to commercial freshwater
 4977 organism catches.

4978 (d) Conducting scientific, economic, and other studies and
 4979 research on all freshwater organisms produced in the state and
 4980 used commercially.

4981 (2) The responsibility with which the commission is
 4982 charged under subsection (1) shall in no way supersede or
 4983 duplicate the responsibilities of the Department of Agriculture
 4984 and Consumer Services under chapter 500, the Florida Food Safety
 4985 Act, chapter 597, the Florida Aquaculture Policy Act, and the
 4986 rules adopted thereunder.

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4987 Section 88. Section 372.26, Florida Statutes, is
 4988 renumbered as section 379.411, Florida Statutes, and amended to
 4989 read:

4990 379.411 ~~372.26~~ Imported fish.--

4991 (1) No person shall import into the state or place in any
 4992 of the fresh waters of the state any freshwater fish of any
 4993 species without having first obtained a permit from the Fish and
 4994 Wildlife Conservation Commission. The commission is authorized
 4995 to issue or deny such a permit upon the completion of studies of
 4996 the species made by it to determine any detrimental effect the
 4997 species might have on the ecology of the state.

4998 (2) A person who violates this section commits a Level
 4999 Three violation under s. 379.810 ~~372.83~~.

5000 Section 89. . Section 372.27, Florida Statutes, is
 5001 renumbered as section 379.412, Florida Statutes, to read:

5002 379.412 ~~372.27~~ Silver Springs and Rainbow Springs, etc.,
 5003 closed to all fishing.--It is unlawful for any person to take
 5004 any fish within Marion County, from the waters of Rainbow
 5005 Springs and Rainbow River (formerly known as Blue Springs and
 5006 Blue Springs River) within that portion of Rainbow Springs State
 5007 Park lying within a radius of 1,700 feet from the head of
 5008 Rainbow Springs, or from the waters of Silver Springs or Silver
 5009 Springs Run from the head of Silver Springs to its junction with
 5010 the Oklawaha River. However, the Fish and Wildlife Conservation
 5011 Commission may remove or cause to be removed any gar, mud fish,
 5012 or other predatory fish from either spring or river when in its
 5013 judgment their removal is desirable.

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5014 Section 90. Part IV of chapter 379, Florida Statutes,
 5015 consisting of sections 379.510 through 379.522, is created to
 5016 read:

5017 PART IV

5018 WILDLIFE

5019
 5020 Section 91. Section 372.0025, Florida Statutes, is
 5021 renumbered as section 379.510, Florida Statutes, to read:

5022 379.510 ~~372.0025~~ No net loss of hunting lands.--

5023 (1) As used in this section, the term:

5024 (a) "Commission" means the Fish and Wildlife Conservation
 5025 Commission.

5026 (b) "Commission-managed lands" means those lands owned by
 5027 the commission, those lands owned by the state over which the
 5028 commission holds management authority, or those privately owned
 5029 lands that are leased or managed by the commission.

5030 (c) "Hunting" means the lawful pursuit, trapping,
 5031 shooting, capture, collection, or killing of wildlife or the
 5032 lawful attempt to pursue, trap, shoot, capture, collect, or kill
 5033 wildlife.

5034 (2) Commission-managed lands shall be open to access and
 5035 use for hunting except as limited by the commission for reasons
 5036 of public safety, fish or wildlife management, or homeland
 5037 security or as otherwise limited by law.

5038 (3) The commission, in exercising its authority under the
 5039 State Constitution and statutes, shall exercise its authority,
 5040 consistent with subsection (2), in a manner that supports,

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5041 promotes, and enhances hunting opportunities to the extent
5042 authorized by state law.

5043 (4) Commission land management decisions and actions,
5044 including decisions made by private owners to close hunting land
5045 managed by the commission, shall not result in any net loss of
5046 habitat land acreage available for hunting opportunities on
5047 commission-managed lands that exists on the effective date of
5048 this act. The commission shall expeditiously find replacement
5049 acreage for hunting to compensate for closures of any existing
5050 hunting land. Replacement lands shall, to the greatest extent
5051 possible, be located within the same administrative region of
5052 the commission and shall be consistent with the hunting
5053 discipline that the commission allowed on the closed land.

5054 (5) Any state agency or water management district that
5055 owns or manages lands shall assist and coordinate and cooperate
5056 with the commission to allow hunting on such lands if such lands
5057 are determined by the commission to be suitable for hunting. To
5058 ensure no net loss of land acreage available for hunting, state
5059 agencies and water management districts shall cooperate with the
5060 commission to open new, additional hunting lands to replace lost
5061 hunting acreage. However, lands officially designated as units
5062 within the state park system may not be considered for
5063 replacement hunting lands and may only be opened for hunting
5064 when necessary as a wildlife control or management tool as
5065 determined by the Division of Recreation and Parks in the
5066 Department of Environmental Protection.

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5067 (6) By October 1 of each year, the executive director of
 5068 the commission shall submit to the Legislature a written report
 5069 describing:

5070 (a) The acreage managed by the commission that was closed
 5071 to hunting during the previous fiscal year and the reasons for
 5072 the closures.

5073 (b) The acreage managed by the commission that was opened
 5074 to hunting to compensate for closures of existing land pursuant
 5075 to subsection (4).

5076 (7) By October 1 of each year, any state agency or water
 5077 management district that owns or manages lands shall submit a
 5078 written report to the commission and the Legislature that
 5079 includes:

5080 (a) A list of properties that were open for hunting during
 5081 the previous fiscal year.

5082 (b) A list of properties that were not open for hunting
 5083 during the previous fiscal year.

5084 (c) The acreage for each property and the county where
 5085 each property is located, except for right-of-way lands and
 5086 parcels under 50 acres.

5087 Section 92. Section 372.023, Florida Statutes, is
 5088 renumbered as section 379.511, Florida Statutes, to read:

5089 379.511 ~~372.023~~ J. W. Corbett and Cecil M. Webb Wildlife
 5090 Management Areas.--

5091 (1) The Fish and Wildlife Conservation Commission of this
 5092 state is neither authorized nor empowered to do the following as
 5093 to the J. W. Corbett Wildlife Management Area in Palm Beach

5094 County or the Cecil M. Webb Wildlife Management Area without the
 5095 approval of the Board of Trustees of the Internal Improvement
 5096 Trust Fund that such action is in the best interest of orderly
 5097 and economical development of said area, viz.:

5098 (a) To trade, barter, lease, or exchange lands therein for
 5099 lands of greater acreage contiguous to said wildlife management
 5100 areas.

5101 (b) To grant easements for construction and maintenance of
 5102 roads, railroads, canals, ditches, dikes, and utilities,
 5103 including but not limited to telephone, telegraph, oil, gas,
 5104 electric power, water, and sewers.

5105 (c) To convey or release all rights in and to the
 5106 phosphate, minerals, metals, and petroleum that is or may be in,
 5107 on or under any lands traded, bartered, leased, or exchanged
 5108 pursuant to paragraph (a).

5109 (2) The Board of Trustees of the Internal Improvement
 5110 Trust Fund and the State Board of Education and all and every
 5111 board, state department or state agency of the state having any
 5112 title, right and interest in or to the land including oil and
 5113 mineral rights in the lands to be traded, bartered, leased or
 5114 exchanged within the J. W. Corbett Wildlife Management Area in
 5115 Palm Beach County, is authorized and empowered to convey this
 5116 interest of whatsoever nature to the record owner.

5117 (3) Moneys received from the sale of lands within either
 5118 wildlife management area, less reasonable expenses incident to
 5119 the sale, shall be used by the Fish and Wildlife Conservation
 5120 Commission to acquire acreage contiguous to the wildlife

5121 management area or lands of equal wildlife value. The sale shall
 5122 be made directly to the state, notwithstanding the procedures of
 5123 s. 270.08 to the contrary.

5124 Section 93. Section 372.5717, Florida Statutes, is
 5125 renumbered as section 379.5121, Florida Statutes, and amended to
 5126 read:

5127 379.5121 ~~372.5717~~ Hunter safety course; requirements;
 5128 penalty.--

5129 (1) This section may be cited as the Senator Joe Carlucci
 5130 Hunter Safety Act.

5131 (2) (a) Except as provided in paragraph (b), a person born
 5132 on or after June 1, 1975, may not be issued a license to take
 5133 wild animal life with the use of a firearm, gun, bow, or
 5134 crossbow in this state without having first successfully
 5135 completed a hunter safety course as provided in this section,
 5136 and without having in his or her personal possession a hunter
 5137 safety certification card, as provided in this section.

5138 (b) A person born on or after June 1, 1975, who has not
 5139 successfully completed a hunter safety course may apply to the
 5140 commission for a special authorization to hunt under
 5141 supervision. The special authorization for supervised hunting
 5142 shall be designated on any license or permit required under this
 5143 chapter for a person to take game or fur-bearing animals and
 5144 shall be valid for not more than 1 year. A special authorization
 5145 for supervised hunting may not be issued more than once to the
 5146 person applying for such authorization. A person issued a
 5147 license with a special authorization to hunt under supervision

5148 must hunt under the supervision of, and in the presence of, a
5149 person 21 years or age or older who is licensed to hunt pursuant
5150 to s. 379.722 ~~372.57~~ or who is exempt from licensing
5151 requirements or eligible for a free license pursuant to s.
5152 379.721 ~~372.562~~.

5153 (3) The Fish and Wildlife Conservation Commission shall
5154 institute and coordinate a statewide hunter safety course that
5155 must be offered in every county and consist of not more than 16
5156 hours of instruction including, but not limited to, instruction
5157 in the competent and safe handling of firearms, conservation,
5158 and hunting ethics.

5159 (4) The commission shall issue a permanent hunter safety
5160 certification card to each person who successfully completes the
5161 hunter safety course. The commission shall maintain records of
5162 hunter safety certification cards issued and shall establish
5163 procedures for replacing lost or destroyed cards.

5164 (5) A hunter safety certification card issued by a
5165 wildlife agency of another state, or any Canadian province,
5166 which shows that the holder of the card has successfully
5167 completed a hunter safety course approved by the commission is
5168 an acceptable substitute for the hunter safety certification
5169 card issued by the commission.

5170 (6) All persons subject to the requirements of subsection
5171 (2) must have in their personal possession proof of compliance
5172 with this section, while taking or attempting to take wildlife
5173 with the use of a firearm, gun, bow, or crossbow, and must,
5174 unless the requirement to complete a hunter safety course is

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5175 deferred pursuant to this section, display a valid hunter safety
5176 certification card in order to purchase a Florida hunting
5177 license. After the issuance of such a license, the license
5178 itself shall serve as proof of compliance with this section. A
5179 holder of a lifetime license whose license does not indicate on
5180 the face of the license that a hunter safety course has been
5181 completed must have in his or her personal possession a hunter
5182 safety certification card, as provided by this section, while
5183 attempting to take wild animal life with the use of a firearm,
5184 gun, bow, or crossbow.

5185 (7) The hunter safety requirements of this section do not
5186 apply to persons for whom licenses are not required under s.
5187 379.721(2) ~~372.562(2)~~.

5188 (8) A person who violates this section commits a Level One
5189 violation under s. 379.810 ~~372.83~~.

5190 Section 94. Section 372.5718, Florida Statutes, is
5191 renumbered as section 379.5122, Florida Statutes, and amended to
5192 read:

5193 379.5122 ~~372.5718~~ Hunter safety course for juveniles.--The
5194 Fish and Wildlife Conservation Commission shall develop a hunter
5195 safety course for juveniles who are at least 5 years of age but
5196 less than 16 years of age. The course must include, but is not
5197 limited to, instruction in the competent and safe handling of
5198 firearms, conservation, and hunting ethics. The course must be
5199 appropriate for the ages of the students. The course is
5200 voluntary and must be offered in each county in the state at

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5201 | least annually. The course is in addition to, and not in lieu
 5202 | of, the hunter safety course prescribed in s. 379.5121 ~~372.5717~~.

5203 | Section 95. Section ~~372.988~~, Florida Statutes, is
 5204 | renumbered as section 379.5123, Florida Statutes, and amended to
 5205 | read:

5206 | 379.5123 ~~372.988~~ Required clothing for persons hunting
 5207 | deer.--It is a Level One violation under s. 379.810 ~~372.83~~ for
 5208 | any person to hunt deer, or for any person to accompany another
 5209 | person hunting deer, during the open season for the taking of
 5210 | deer on public lands unless each person shall wear a total of at
 5211 | least 500 square inches of daylight fluorescent orange material
 5212 | as an outer garment. Such clothing shall be worn above the
 5213 | waistline and may include a head covering. The provisions of
 5214 | this section shall not apply to any person hunting deer with a
 5215 | bow and arrow during seasons restricted to hunting with a bow
 5216 | and arrow.

5217 | Section 96. Section ~~372.7016~~, Florida Statutes, is
 5218 | renumbered as section 379.513, Florida Statutes, and amended to
 5219 | read:

5220 | 379.513 ~~372.7016~~ Voluntary Authorized Hunter
 5221 | Identification Program.--

5222 | (1) There is created the "Voluntary Authorized Hunter
 5223 | Identification Program" to assist landowners and law enforcement
 5224 | officials in better controlling trespass and illegal or
 5225 | unauthorized hunting. Landowners wishing to participate in the
 5226 | program shall:

5227 (a) Annually notify the sheriff's office in the county in
 5228 which the land is situated and the respective area supervisor of
 5229 the Fish and Wildlife Conservation Commission by letter of their
 5230 desire to participate in the program, and provide a description
 5231 of their property which they wish to have in the program by
 5232 township, range, section, partial section, or other geographical
 5233 description.

5234 (b) Provide a means of identifying authorized hunters as
 5235 provided in subsection (2).

5236 (2) Any person hunting on private land enrolled in the
 5237 Voluntary Authorized Hunter Identification Program shall have
 5238 readily available on the land at all times when hunting on the
 5239 property written authorization from the owner or his or her
 5240 authorized representative to be on the land for the purpose of
 5241 hunting. The written authorization shall be presented on demand
 5242 to any law enforcement officer, the owner, or the authorized
 5243 agent of the owner.

5244 (a) For purposes of this section, the term "hunting" means
 5245 to be engaged in or reasonably equipped to engage in the pursuit
 5246 or taking by any means of any animal described in s. 379.100
 5247 (19) or (20) ~~372.001(10) or (11)~~, and the term "written
 5248 authorization" means a card, letter, or other written instrument
 5249 which shall include, but need not be limited to, the name of the
 5250 person or entity owning the property, the name and signature of
 5251 the person granting the authorization, a description by
 5252 township, range, section, partial section, or other geographical
 5253 description of the land to which the authorization applies, and

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5254 a statement of the time period during which the authorization is
5255 valid.

5256 (b) Failure by any person hunting on private land enrolled
5257 in the program to present written authorization to hunt on said
5258 land to any law enforcement officer or the owner or
5259 representative thereof within 7 days of demand shall be prima
5260 facie evidence of violation of s. 810.09(2)(c), punishable as
5261 provided in s. 775.082, s. 775.083, or s. 775.084. However, such
5262 evidence may be contradicted or rebutted by other evidence.

5263 Section 97. Section 372.6671, Florida Statutes, is
5264 renumbered as section 379.5141, Florida Statutes, and amended to
5265 read:

5266 379.5141 ~~372.6671~~ Alligator trapping program;
5267 definitions.--Unless otherwise provided by a specific section or
5268 the context otherwise requires, as used in ss. 379.5141,
5269 379.5142, 379.770 and 379.771 ~~372.6671-372.6674~~, the following
5270 definitions shall apply:

5271 (1) "Alligator" means a member of the species of alligator
5272 (*Alligator mississippiensis*) but does not mean its eggs.

5273 (2) "Alligator hatchling" means a juvenile alligator as
5274 more specifically defined by commission rule.

5275 (3) "Process" or "processing" means the skinning,
5276 butchering, or possession of alligators.

5277 Section 98. Section 372.6672, Florida Statutes, is
5278 renumbered as section 379.5142, Florida Statutes, to read:

5279 379.5142 ~~372.6672~~ Alligator management and trapping
5280 program implementation; commission authority.--

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5281 (1) In any alligator management and trapping program that
5282 the Fish and Wildlife Conservation Commission shall establish,
5283 the commission shall have the authority to adopt all rules
5284 necessary for full and complete implementation of such alligator
5285 management and trapping program, and, in order to ensure its
5286 lawful, safe, and efficient operation in accordance therewith,
5287 may:

5288 (a) Regulate the marketing and sale of alligators, their
5289 hides, eggs, meat, and byproducts, including the development and
5290 maintenance of a state-sanctioned sale.

5291 (b) Regulate the handling and processing of alligators,
5292 their eggs, hides, meat, and byproducts, for the lawful, safe,
5293 and sanitary handling and processing of same.

5294 (c) Regulate commercial alligator farming facilities and
5295 operations for the captive propagation and rearing of alligators
5296 and their eggs.

5297 (d) Provide hide-grading services by two or more
5298 individuals pursuant to state-sanctioned sales if rules are
5299 first promulgated by the commission governing:

5300 1. All grading-related services to be provided pursuant to
5301 this section;

5302 2. Criteria for qualifications of persons to serve as
5303 hide-graders for grading services to be provided pursuant to
5304 this section; and

5305 3. The certification process by which hide-graders
5306 providing services pursuant to this section will be certified.

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5307 (e) Provide sales-related services by contract pursuant to
5308 state-sanctioned sales if rules governing such services are
5309 first promulgated by the commission.

5310 (2) All contractors of the commission for the grading,
5311 marketing, and sale of alligators and their hides, eggs, meat,
5312 and byproducts shall not engage in any act constituting a
5313 conflict of interest under part III of chapter 112.

5314 (3) The powers and duties of the commission hereunder
5315 shall not be construed so as to supersede the regulatory
5316 authority or lawful responsibility of the Department of
5317 Agriculture and Consumer Services, the Department of Health, or
5318 any local governmental entity regarding the processing or
5319 handling of food products, but shall be deemed supplemental
5320 thereto.

5321 Section 99. Section 372.6678, Florida Statutes, is
5322 renumbered as section 379.5143, Florida Statutes, to read:

5323 379.5143 ~~372.6678~~ Alligator study requirements.--The
5324 commission shall conduct studies of all areas of the state which
5325 it intends to open to alligator collection permits. The study
5326 shall include individual wet areas, lakes, and rivers, or
5327 reasonable numbers of wet areas, lakes, and rivers that may be
5328 logically grouped. The studies shall determine the safe yield of
5329 alligators for which collection permits may be issued. The
5330 studies shall be based upon the best biological information that
5331 indicates the number of alligators which can be removed from the
5332 system without long-term adverse impacts on population levels.

5333 Section 100. Section 372.662, Florida Statutes, is
 5334 renumbered as section 379.5144, Florida Statutes, to read:
 5335 379.5144 ~~372.662~~ Unlawful sale, possession, or
 5336 transporting of alligators or alligator skins.--Whenever the
 5337 sale, possession, or transporting of alligators or alligator
 5338 skins is prohibited by any law of this state, or by the rules,
 5339 regulations, or orders of the Fish and Wildlife Conservation
 5340 Commission adopted pursuant to s. 9, Art. IV of the State
 5341 Constitution, the sale, possession, or transporting of
 5342 alligators or alligator skins is a Level Three violation under
 5343 s. 372.83.

5344 Section 101. Section 372.664, Florida Statutes, is
 5345 renumbered as section 379.5145, Florida Statutes, to read:
 5346 379.5145 ~~372.664~~ Prima facie evidence of intent to violate
 5347 laws protecting alligators.--Except as otherwise provided by
 5348 rule of the Fish and Wildlife Conservation Commission for the
 5349 purpose of the limited collection of alligators in designated
 5350 areas, the display or use of a light in a place where alligators
 5351 might be known to inhabit in a manner capable of disclosing the
 5352 presence of alligators, together with the possession of
 5353 firearms, spear guns, gigs, and harpoons customarily used for
 5354 the taking of alligators, during the period between 1 hour after
 5355 sunset and 1 hour before sunrise shall be prima facie evidence
 5356 of an intent to violate the provisions of law regarding the
 5357 protection of alligators.

5358 Section 102. Section 372.6645, Florida Statutes, is
 5359 renumbered as section 379.5146, Florida Statutes, to read:

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5360 379.5146 ~~372.6645~~ Unlawful to sell alligator products;
 5361 penalty.--

5362 (1) It is unlawful for any person to sell any alligator
 5363 product manufactured in the form of a stuffed baby alligator or
 5364 other baby crocodilia.

5365 (2) No person shall sell any alligator product
 5366 manufactured from a species which has been declared to be
 5367 endangered by the United States Fish and Wildlife Service or the
 5368 Fish and Wildlife Conservation Commission.

5369 (3) Any person who violates this section is guilty of a
 5370 misdemeanor of the first degree, punishable as provided in s.
 5371 775.082 or s. 775.083.

5372 Section 103. Section 372.665, Florida Statutes, is
 5373 renumbered as section 379.5147, Florida Statutes, to read:

5374 379.5147 ~~372.665~~ Word "alligator" or "gator" not to be
 5375 used in certain sales.--It is unlawful for any person to use the
 5376 word "gator" or "alligator" in connection with the sale of any
 5377 product derived or made from the skins of other crocodilia or in
 5378 connection with the sale of other crocodilia. Any person
 5379 violating this section shall, upon conviction, be guilty of a
 5380 misdemeanor.

5381 Section 104. Section 372.667, Florida Statutes, is
 5382 renumbered as section 379.5148, Florida Statutes, to read:

5383 379.5148 ~~372.667~~ Feeding or enticement of alligators or
 5384 crocodiles unlawful; penalty.--

5385 (1) No person shall intentionally feed, or entice with
 5386 feed, any wild American alligator (*Alligator mississippiensis*)

5387 or American crocodile (*Crocodylus acutus*). However, the
 5388 provisions of this section shall not apply to:

5389 (a) Those persons feeding alligators or crocodiles
 5390 maintained in protected captivity for educational, scientific,
 5391 commercial, or recreational purposes.

5392 (b) Fish and Wildlife Conservation Commission personnel,
 5393 persons licensed or otherwise authorized by the commission, or
 5394 county or municipal animal control personnel when relocating
 5395 alligators or crocodiles by baiting or enticement.

5396 (2) For the purposes of this section, the term "maintained
 5397 in protected captivity" means held in captivity under a permit
 5398 issued by the Fish and Wildlife Conservation Commission pursuant
 5399 to s. 379.780 ~~372.921~~ or s. 379.781 ~~372.922~~.

5400 (3) Any person who violates this section commits a Level
 5401 Two violation under s. 379.810 ~~372.83~~.

5402 Section 105. Section 372.981, Florida Statutes, is
 5403 renumbered as section 379.515, Florida Statutes, to read:
 5404 379.515 ~~372.981~~ Regulation of importation of caiman.--The
 5405 Fish and Wildlife Conservation Commission shall promulgate
 5406 regulations to control the importation of caiman.

5407 Section 106. Section 372.92, Florida Statutes, is
 5408 renumbered as section 379.516, Florida Statutes, and amended to
 5409 read:

5410 379.516 ~~372.92~~ Rules and regulations; penalties.--

5411 (1) The Fish and Wildlife Conservation Commission may
 5412 prescribe such other rules and regulations as it may deem
 5413 necessary to prevent the escape of venomous reptiles or reptiles

5414 of concern, either in connection of construction of such cages
 5415 or otherwise to carry out the intent of ss. 379.760-379.762
 5416 ~~372.86-372.88~~.

5417 (2) A person who knowingly releases a nonnative venomous
 5418 reptile or reptile of concern to the wild or who through gross
 5419 negligence allows a nonnative venomous reptile or reptile of
 5420 concern to escape commits a Level Three violation, punishable as
 5421 provided in s. 379.811 ~~372.935~~.

5422 Section 107. Section ~~372.673~~, Florida Statutes, is
 5423 renumbered as section 379.520, Florida Statutes, to read:
 5424 379.520 ~~372.673~~ Florida Panther Technical Advisory
 5425 Council.--

5426 (1) The Florida Panther Technical Advisory Council is
 5427 established within the Fish and Wildlife Conservation
 5428 Commission. The council shall be appointed by the Governor and
 5429 shall consist of seven members with technical knowledge and
 5430 expertise in the research and management of large mammals.

5431 (a) Two members shall represent state or federal agencies
 5432 responsible for management of endangered species; two members,
 5433 who must have specific experience in the research and management
 5434 of large felines or large mammals, shall be appointed from
 5435 universities, colleges, or associated institutions; and three
 5436 members, with similar expertise, shall be appointed from the
 5437 public at large.

5438 (b) As soon as practicable after July 1, 1983, one member
 5439 representing a state or federal agency and one member appointed
 5440 from a university, college, or associated institution shall be

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5441 appointed for terms ending August 1, 1985, and the remaining
 5442 members shall be appointed for terms ending August 1, 1987.
 5443 Thereafter, all appointments shall be for 4-year terms. If a
 5444 vacancy occurs, a member shall be appointed for the remainder of
 5445 the unexpired term. A member whose term has expired shall
 5446 continue sitting on the council with full rights until a
 5447 replacement has been appointed.

5448 (c) Council members shall be reimbursed pursuant to s.
 5449 112.061 but shall receive no additional compensation or
 5450 honorarium.

5451 (2) The purposes of the council are:

5452 (a) To serve in an advisory capacity to the Fish and
 5453 Wildlife Conservation Commission on technical matters of
 5454 relevance to the Florida panther recovery program, and to
 5455 recommend specific actions that should be taken to accomplish
 5456 the purposes of this act.

5457 (b) To review and comment on research and management
 5458 programs and practices to identify potential harm to the Florida
 5459 panther population.

5460 (c) To provide a forum for technical review and discussion
 5461 of the status and development of the Florida panther recovery
 5462 program.

5463 Section 108. Section 372.5714, Florida Statutes, is
 5464 renumbered as section 379.521, Florida Statutes, and amended to
 5465 read:

5466 379.521 ~~372.5714~~ Waterfowl Advisory Council.--

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5467 (1) There is created a Waterfowl Advisory Council
5468 consisting of three members, one appointed by the Governor, one
5469 appointed by the Speaker of the House of Representatives, and
5470 one appointed by the President of the Senate. Members may be
5471 representative of appropriate state agencies, private
5472 conservation groups, or private citizens and shall possess
5473 knowledge and experience in the area of waterfowl management and
5474 protection. Members shall be appointed for 4-year, staggered
5475 terms and shall be eligible for reappointment. A vacancy shall
5476 be filled by appointment for the remainder of the unexpired
5477 term.

5478 (2) The council shall meet at least once a year either in
5479 person or by a telephone conference call, shall elect a chair
5480 annually to preside over its meetings and perform any other
5481 duties directed by the council, and shall maintain minutes of
5482 each meeting. All records of council activities shall be kept on
5483 file with the Fish and Wildlife Conservation Commission and
5484 shall be made available to any interested person. The Fish and
5485 Wildlife Conservation Commission shall provide such staff
5486 support as is necessary to the council to carry out its duties.
5487 Members of the council shall serve without compensation, but
5488 shall be reimbursed for per diem and travel expenses as provided
5489 in s. 112.061 when carrying out the official business of the
5490 council.

5491 (3) It shall be the duty of the council to advise the
5492 commission regarding the administration of revenues generated by
5493 the sale of the Florida waterfowl permit provided for by s.

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5494 | 379.223 ~~372.5712~~. In particular, the council shall consult with
 5495 | and advise the commission with respect to the establishment and
 5496 | operation of projects for the protection and propagation of
 5497 | migratory waterfowl and the development, restoration,
 5498 | maintenance, and preservation of wetlands within the state, to
 5499 | be financed by such revenues as specified in said section.

5500 | Section 109. Section 372.992, Florida Statutes, is
 5501 | renumbered as section 379.522, Florida Statutes, to read:

5502 | 379.522 ~~372.992~~ Nongame Wildlife Advisory Council.--

5503 | (1) There is created the Nongame Wildlife Advisory
 5504 | Council, which shall consist of the following 11 members
 5505 | appointed by the Governor: one representative each from the Fish
 5506 | and Wildlife Conservation Commission, the Department of
 5507 | Environmental Protection, and the United States Fish and
 5508 | Wildlife Services; the director of the Florida Museum of Natural
 5509 | History or her or his designee; one representative from a
 5510 | professional wildlife organization; one representative from a
 5511 | private wildlife institution; one representative from a Florida
 5512 | university or college who has expertise in nongame biology; one
 5513 | representative of business interests from a private consulting
 5514 | firm who has expertise in nongame biology; one representative of
 5515 | a statewide organization of landowner interests; and two members
 5516 | from conservation organizations. All appointments shall be for
 5517 | 4-year terms. Members shall be eligible for reappointment.

5518 | (2) The council shall recommend to the commission
 5519 | policies, objectives, and specific actions for nongame wildlife
 5520 | research and management.

5521 (3) Members of the council shall receive no compensation
 5522 but shall be entitled to receive per diem and travel expenses as
 5523 provided in s. 112.061, while carrying out official business
 5524 with the council, from funds provided under s. 379.210 ~~372.991~~.

5525 Section 110. Part V of chapter 379, Florida Statutes,
 5526 consisting of sections 379.610 through 379.627, is created to
 5527 read:

5528 PART V
 5529 LAW ENFORCEMENT

5530
 5531 Section 111. Section 370.028, Florida Statutes, is
 5532 renumbered as section 379.610, Florida Statutes, and amended to
 5533 read:

5534 379.610 ~~370.028~~ Enforcement of commission rules; penalties
 5535 for violation of rule.--Rules of the Fish and Wildlife
 5536 Conservation Commission shall be enforced by any law enforcement
 5537 officer certified pursuant to s. 943.13. Except as provided
 5538 under s. 379.810 ~~372.83~~, any person who violates or otherwise
 5539 fails to comply with any rule adopted by the commission shall be
 5540 punished pursuant to s. 379.830 (1) ~~370.021(1)~~.

5541 Section 112. Section 372.07, Florida Statutes, is
 5542 renumbered as section 379.611, Florida Statutes, to read:

5543 379.611 ~~372.07~~ Police powers of commission and its
 5544 agents.--

5545 (1) The Fish and Wildlife Conservation Commission, the
 5546 executive director and the executive director's assistants
 5547 designated by her or him, and each wildlife officer are

5548 constituted peace officers with the power to make arrests for
5549 violations of the laws of this state when committed in the
5550 presence of the officer or when committed on lands under the
5551 supervision and management of the commission. The general laws
5552 applicable to arrests by peace officers of this state shall also
5553 be applicable to said director, assistants, and wildlife
5554 officers. Such persons may enter upon any land or waters of the
5555 state for performance of their lawful duties and may take with
5556 them any necessary equipment, and such entry shall not
5557 constitute a trespass.

5558 (2) Such officers shall have power and authority to
5559 enforce throughout the state all laws relating to game, nongame
5560 birds, fish, and fur-bearing animals and all rules and
5561 regulations of the Fish and Wildlife Conservation Commission
5562 relating to wild animal life, marine life, and freshwater
5563 aquatic life, and in connection with said laws, rules, and
5564 regulations, in the enforcement thereof and in the performance
5565 of their duties thereunder, to:

5566 (a) Go upon all premises, posted or otherwise;

5567 (b) Execute warrants and search warrants for the violation
5568 of said laws;

5569 (c) Serve subpoenas issued for the examination,
5570 investigation, and trial of all offenses against said laws;

5571 (d) Carry firearms or other weapons, concealed or
5572 otherwise, in the performance of their duties;

5573 (e) Arrest upon probable cause without warrant any person
5574 found in the act of violating any of the provisions of said laws

5575 or, in pursuit immediately following such violations, to examine
 5576 any person, boat, conveyance, vehicle, game bag, game coat, or
 5577 other receptacle for wild animal life, marine life, or
 5578 freshwater aquatic life, or any camp, tent, cabin, or roster, in
 5579 the presence of any person stopping at or belonging to such
 5580 camp, tent, cabin, or roster, when said officer has reason to
 5581 believe, and has exhibited her or his authority and stated to
 5582 the suspected person in charge the officer's reason for
 5583 believing, that any of the aforesaid laws have been violated at
 5584 such c

5585 (f) Secure and execute search warrants and in pursuance
 5586 thereof to enter any building, enclosure, or car and to break
 5587 open, when found necessary, any apartment, chest, locker, box,
 5588 trunk, crate, basket, bag, package, or container and examine the
 5589 contents thereof;

5590 (g) Seize and take possession of all wild animal life,
 5591 marine life, or freshwater aquatic life taken or in possession
 5592 or under control of, or shipped or about to be shipped by, any
 5593 person at any time in any manner contrary to said laws.

5594 (3) It is unlawful for any person to resist an arrest
 5595 authorized by this section or in any manner to interfere, either
 5596 by abetting, assisting such resistance, or otherwise interfering
 5597 with said executive director, assistants, or wildlife officers
 5598 while engaged in the performance of the duties imposed upon them
 5599 by law or regulation of the Fish and Wildlife Conservation
 5600 Commission.

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5601 (4) Upon final disposition of any alleged offense for
5602 which a citation for any violation of this chapter or the rules
5603 of the commission has been issued, the court shall, within 10
5604 days after the final disposition of the action, certify the
5605 disposition to the commission.

5606 Section 113. Section 372.071, Florida Statutes, is
5607 renumbered as section 379.612, Florida Statutes, and amended to
5608 read:

5609 379.612 ~~372.071~~ Powers of arrest by agents of Department
5610 of Environmental Protection or Fish and Wildlife Conservation
5611 Commission.--Any certified law enforcement officer of the
5612 Department of Environmental Protection or the Fish and Wildlife
5613 Conservation Commission, upon receiving information, relayed to
5614 her or him from any law enforcement officer stationed on the
5615 ground, on the water, or in the air, that a driver, operator, or
5616 occupant of any vehicle, boat, or airboat has violated any
5617 section of chapter 327, chapter 328, ~~chapter 370~~, or this
5618 chapter, or s. 597.010 or s. 597.020, may arrest the driver,
5619 operator, or occupant for violation of said laws when reasonable
5620 and proper identification of the vehicle, boat, or airboat and
5621 reasonable and probable grounds to believe that the driver,
5622 operator, or occupant has committed or is committing any such
5623 offense have been communicated to the arresting officer by the
5624 other officer stationed on the ground, on the water, or in the
5625 air.

5626 Section 114. Section 372.70, Florida Statutes, is
5627 renumbered as section 379.613, Florida Statutes, to read:

5628 | 379.613 ~~372.70~~ Prosecutions; state attorney to represent
 5629 | state.--

5630 | (1) The prosecuting officers of the several courts of
 5631 | criminal jurisdiction of this state shall investigate and
 5632 | prosecute all violations of the laws relating to game,
 5633 | freshwater fish, nongame birds, and fur-bearing animals which
 5634 | may be brought to their attention by the commission or its
 5635 | conservation officers, or which may otherwise come to their
 5636 | knowledge.

5637 | (2) The state attorney shall represent the state in any
 5638 | forfeiture proceeding under this chapter. The Department of
 5639 | Legal Affairs shall represent the state in all appeals from
 5640 | judgments of forfeiture to the Supreme Court. The state may
 5641 | appeal any judgment denying forfeiture in whole or in part that
 5642 | may be otherwise adverse to the state.

5643 | Section 115. Section 372.701, Florida Statutes, is
 5644 | renumbered as section 379.614, Florida Statutes, to read:

5645 | 372.614 Arrest by officers of the Fish and Wildlife
 5646 | Conservation Commission; recognizance; cash bond; citation.--

5647 | (1) In all cases of arrest by officers of the Fish and
 5648 | Wildlife Conservation Commission and the Department of
 5649 | Environmental Protection, the person arrested shall be delivered
 5650 | forthwith by said officer to the sheriff of the county, or shall
 5651 | obtain from such person arrested a recognizance or, if deemed
 5652 | necessary, a cash bond or other sufficient security conditioned
 5653 | for her or his appearance before the proper tribunal of such

5654 county to answer the charge for which the person has been
 5655 arrested.

5656 (2) All officers of the commission and the department are
 5657 hereby directed to deliver all bonds accepted and approved by
 5658 them to the sheriff of the county in which the offense is
 5659 alleged to have been committed.

5660 (3) Any person so arrested and released on her or his own
 5661 recognizance by an officer and who shall fail to appear or
 5662 respond to the proper citation to appear, shall, in addition to
 5663 the charge relating to wildlife or freshwater fish, be charged
 5664 with that offense of failing to respond to such citation and,
 5665 upon conviction, be punished as for a misdemeanor. A written
 5666 warning to this effect shall be given at the time of arrest of
 5667 such person.

5668 Section 116. Section 372.76, Florida Statutes, is
 5669 renumbered as section 379.615, Florida Statutes, to read:

5670 379.615 ~~372.76~~ Search and seizure authorized and limited.-
 5671 -The Fish and Wildlife Conservation Commission and its
 5672 conservation officers shall have authority when they have
 5673 reasonable and probable cause to believe that the provisions of
 5674 this chapter have been violated, to board any vessel, boat, or
 5675 vehicle or to enter any fishhouse or warehouse or other
 5676 building, exclusive of residence, in which game, hides, fur-
 5677 bearing animals, fish, or fish nets are kept and to search for
 5678 and seize any such game, hides, fur-bearing animals, fish, or
 5679 fish nets had or held therein in violation of law. Provided,
 5680 however, that no search without warrant shall be made under any

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5681 of the provisions of this chapter, unless the officer making
5682 such search has such information from a reliable source as would
5683 lead a prudent and cautious person to believe that some
5684 provision of this chapter is being violated.

5685 Section 117. Section 372.761, Florida Statutes, is
5686 renumbered as section 379.616, Florida Statutes, amended to
5687 read:

5688 379.616 ~~372.761~~ Issuance of warrant for search of private
5689 dwelling.--

5690 (1) A search warrant may be issued on application by a
5691 commissioned officer of the Fish and Wildlife Conservation
5692 Commission to search any private dwelling occupied as such when
5693 it is being used for the unlawful sale or purchase of wildlife
5694 or freshwater fish being unlawfully kept therein. The term
5695 "private dwelling" shall be construed to include the room or
5696 rooms used and occupied, not transiently but solely as a
5697 residence, in an apartment house, hotel, boardinghouse, or
5698 lodginghouse. No warrant for the search of any private dwelling
5699 shall be issued except upon probable cause supported by sworn
5700 affidavit of some creditable witness that she or he has reason
5701 to believe that the said conditions exist, which affidavit shall
5702 set forth the facts on which such reason for belief is based.

5703 (2) This section shall not be construed as being in
5704 conflict with, but is supplemental to, chapter 933.

5705 Section 118. Section 370.22, Florida Statutes, is
5706 renumbered as section 379.617, Florida Statutes, to read:

5707 379.617 ~~370.22~~ Venue for proceedings against citizens and
 5708 residents charged with violations outside state boundaries.--

5709 (1) In any proceeding against a resident or citizen of the
 5710 state to enforce the provisions of this chapter with respect to
 5711 alleged violations occurring beyond the territorial waters of
 5712 the state, the proper venue shall be the county within the state
 5713 which is nearest the site of the violation.

5714 (2) For the purpose of this section, any person having
 5715 embarked from, or having docked his or her vessel in, a port
 5716 within this state who violates any provision of this chapter
 5717 with respect to the unlawful landing of saltwater life, whether
 5718 or not outside the territorial waters of the state, shall be
 5719 considered a citizen of the state for the purpose of subjecting
 5720 that person to the police powers of the state.

5721 Section 119. Section 370.23, Florida Statutes, is
 5722 renumbered as section 379.618, Florida Statutes, to read:

5723 379.618 ~~370.23~~ Sale of unlawfully landed product;
 5724 jurisdiction.--It is unlawful for any person to bring to port,
 5725 sell, or offer to sell any saltwater life landed in violation of
 5726 the provisions of this chapter. Any person committing such a
 5727 violation and docking his or her vessel at any port in the
 5728 state, whether or not such product was landed in the territorial
 5729 waters of the state, shall be deemed to have submitted himself
 5730 or herself to the jurisdiction of the courts of this state for
 5731 the purpose of the enforcement of the provisions of this
 5732 chapter.

5733 Section 120. Section 370.061, Florida Statutes, is
 5734 renumbered as section 379.619, Florida Statutes, and amended to
 5735 read:

5736 379.619 ~~370.061~~ Confiscation, seizure, and forfeiture of
 5737 property and products.--

5738 (1) SEIZURE, FORFEITURE; PROCEDURE.--Nothing in this
 5739 subsection affects the commission's authority to confiscate in
 5740 any case illegal saltwater products, illegally taken saltwater
 5741 products, or illegal fishing gear in accordance with this
 5742 section.

5743 (a) Property used in connection with a violation resulting
 5744 in a conviction for the illegal taking, or attempted taking,
 5745 sale, possession, or transportation of saltwater products is
 5746 subject to seizure and forfeiture as part of the commission's
 5747 efforts to protect the state's marine life. Saltwater products
 5748 and seines, nets, boats, motors, other fishing devices or
 5749 equipment, and vehicles or other means of transportation used or
 5750 attempted to be used in connection with, as an instrumentality
 5751 of, or in aiding and abetting such illegal taking or attempted
 5752 taking are hereby declared to be nuisances.

5753 (b) Upon a conviction of a person in whose possession the
 5754 property was found, the court having jurisdiction over the
 5755 criminal offense, notwithstanding any jurisdictional limitations
 5756 on the amount in controversy, may make a finding that the
 5757 property was used in connection with a saltwater products
 5758 violation and may order such property forfeited to the
 5759 commission.

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5760 (c) For purposes of this section, a conviction, except
5761 with respect to a first time offender under this chapter for
5762 whom adjudication is withheld, is any disposition other than
5763 acquittal or dismissal.

5764 (2) SEIZURE, FORFEITURE; NOTICE.--The requirement for a
5765 conviction before forfeiture of property establishes to the
5766 exclusion of any reasonable doubt that the property was used in
5767 connection with the violation resulting in conviction. Prior to
5768 the issuance of a forfeiture order for any vessel, vehicle, or
5769 other property under subsection (1), the commission shall seize
5770 the property and notify the registered owner, if any, that the
5771 property has been seized by the commission. Except as provided
5772 in subsection (6), the procedures of chapter 932 do not apply to
5773 any seizure or forfeiture of property under this section.

5774 (a) Notification of property seized under this section
5775 must be sent by certified mail to a registered owner within 14
5776 days after seizure. If the commission, after diligent inquiry,
5777 cannot ascertain the registered owner, the notice requirement is
5778 satisfied.

5779 (b) Upon a first conviction for a violation under this
5780 chapter, the property seized under this section shall be
5781 returned to the registered owner if the commission fails to
5782 prove by a preponderance of the evidence before the court having
5783 jurisdiction over the criminal offense that the registered owner
5784 aided in, abetted in, participated in, gave consent to, knew of,
5785 or had reason to know of the violation.

5786 (c) Upon a second or subsequent conviction for a violation
 5787 under this chapter, the burden shall be on the registered owner
 5788 to prove by a preponderance of the evidence before the court
 5789 having jurisdiction over the criminal offense that the
 5790 registered owner in no way aided in, abetted in, participated
 5791 in, knew of, or had reason to know of the second or subsequent
 5792 violation which resulted in seizure of the lawful property.

5793 (d) Any request for a hearing from a registered owner
 5794 asserting innocence to recover property seized under these
 5795 provisions must be sent to the commission's Division of Law
 5796 Enforcement within 21 days after the registered owner's receipt
 5797 of the notice of seizure. If a request for a hearing is not
 5798 timely received, the court shall forfeit to the commission the
 5799 right to, title to, and interest in the property seized, subject
 5800 only to the rights and interests of bona fide lienholders.

5801 (e) If a motor vehicle is seized under this section and is
 5802 subject to any existing liens recorded under s. 319.27, all
 5803 further proceedings shall be governed by the expressed intent of
 5804 the Legislature not to divest any innocent person, firm, or
 5805 corporation holding such a recorded lien of any of its
 5806 reversionary rights in such motor vehicle or of any of its
 5807 rights as prescribed in s. 319.27, and upon any default by the
 5808 violator purchaser, the lienholder may foreclose its lien and
 5809 take possession of the motor vehicle involved.

5810 (3) COURT ORDER OF FORFEITURE.--When any illegal or
 5811 illegally used seine, net, trap, or other fishing device or
 5812 equipment, or illegally taken, possessed, or transported

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5813 saltwater products, are found and taken into custody, and the
5814 owner thereof is not known to the officer finding the item or
5815 items, such officer shall immediately procure from the county
5816 court judge of the county wherein the item or items were found
5817 an order forfeiting the illegally used or illegally taken
5818 saltwater products, seines, nets, traps, boats, motors, or other
5819 fishing devices to the commission.

5820 (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property
5821 forfeited under this section may be destroyed, used by the
5822 commission, disposed of by gift to charitable or state
5823 institutions, or sold, with the proceeds derived from the sale
5824 deposited into the Marine Resources Conservation Trust Fund to
5825 be used for law enforcement purposes, or into the commission's
5826 Federal Law Enforcement Trust Fund as provided in s. 379.205
5827 ~~372.107~~, as applicable.

5828 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
5829 PRODUCTS; PROCEDURE.--

5830 (a) When an arrest is made pursuant to the provisions of
5831 this chapter and illegal, perishable saltwater products or
5832 saltwater products illegally taken or landed are confiscated,
5833 the defendant may post bond or cash deposit in an amount
5834 determined by the judge to be the fair value of such confiscated
5835 products. The defendant shall have 24 hours to transport the
5836 products outside the limits of Florida for sale or other
5837 disposition. Should no bond or cash deposit be given within the
5838 time fixed by the judge, the judge shall order the sale of the

5839 confiscated saltwater products at the highest price obtainable.
 5840 When feasible, at least three bids shall be requested.

5841 (b) Moneys received from the sale of confiscated saltwater
 5842 products, either by the defendant or by order of the court,
 5843 shall be received by the judge and shall be remitted to the
 5844 commission to be deposited into a special escrow account in the
 5845 State Treasury to be held in trust pending the outcome of the
 5846 trial of the defendant. If bond is posted by the defendant, it
 5847 shall also be remitted to the commission to be held in escrow
 5848 pending the outcome of the trial of the defendant.

5849 (c) In the event of acquittal, the proceeds of a sale or
 5850 the bond or cash deposit required by this subsection shall be
 5851 returned to the defendant. In the event of a conviction, the
 5852 proceeds of a sale or the bond or cash deposit required by this
 5853 subsection shall be deposited into the Marine Resources
 5854 Conservation Trust Fund to be used for law enforcement purposes
 5855 or into the commission's Federal Law Enforcement Trust Fund as
 5856 provided in s. 379.205 ~~372.107~~, as applicable. Such deposit into
 5857 the Marine Resources Conservation Trust Fund or the Federal Law
 5858 Enforcement Trust Fund shall constitute confiscation.

5859 (d) For purposes of confiscation under this subsection,
 5860 the term "saltwater products" has the meaning set out in s.
 5861 379.100(36) ~~370.01(27)~~, except that the term does not include
 5862 saltwater products harvested under the authority of a
 5863 recreational license unless the amount of such harvested
 5864 products exceeds three times the applicable recreational bag
 5865 limit for trout, snook, or redfish.

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5866 (6) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
 5867 FUNDING.--

5868 (a) Any municipal or county law enforcement agency that
 5869 enforces or assists the commission in enforcing the provisions
 5870 of this chapter, which results in a forfeiture of property as
 5871 provided in this section, shall be entitled to receive all or a
 5872 share of any property based upon its participation in such
 5873 enforcement.

5874 (b) If a municipal or county law enforcement agency has a
 5875 marine enforcement unit, any property delivered to any municipal
 5876 or county law enforcement agency as provided in paragraph (a)
 5877 may be retained or sold by the municipal or county law
 5878 enforcement agency, and the property or proceeds shall be used
 5879 to enforce the provisions of this chapter and chapters 327 and
 5880 328. If a municipal or county law enforcement agency does not
 5881 have a marine enforcement unit, such property or proceeds shall
 5882 be disposed of under the provisions of chapter 932.

5883 (c) Any funds received by a municipal or county law
 5884 enforcement agency pursuant to this subsection shall be
 5885 supplemental funds and may not be used as replacement funds by
 5886 the municipality or county.

5887 Section 121. Section 372.73, Florida Statutes, is
 5888 renumbered as section 379.620, Florida Statutes, to read:

5889 379.620 ~~372.73~~ Confiscation and disposition of illegally
 5890 taken game.--All game and freshwater fish seized under the
 5891 authority of this chapter shall, upon conviction of the offender
 5892 or sooner if the court so orders, be forfeited and given to some

5893 hospital or charitable institution and receipt therefor sent to
 5894 the Fish and Wildlife Conservation Commission. All furs or hides
 5895 or fur-bearing animals seized under the authority of this
 5896 chapter shall, upon conviction of the offender, be forfeited and
 5897 sent to the commission, which shall sell the same and deposit
 5898 the proceeds of such sale to the credit of the State Game Trust
 5899 Fund or into the commission's Federal Law Enforcement Trust Fund
 5900 as provided in s. 379.205 ~~372.107~~, as applicable. If any such
 5901 hides or furs are seized and the offender is unknown, the court
 5902 shall order such hides or furs sent to the Fish and Wildlife
 5903 Conservation Commission, which shall sell such hides and furs
 5904 and deposit the proceeds of such sale to the credit of the State
 5905 Game Trust Fund or into the commission's Federal Law Enforcement
 5906 Trust Fund as provided in s. 379.205 ~~372.107~~, as applicable.

5907 Section 122. Section ~~372.9901~~, Florida Statutes, is
 5908 renumbered as section 379.621, Florida Statutes, and amended to
 5909 read:

5910 379.621 ~~372.9901~~ Seizure of illegal hunting devices;
 5911 disposition; notice; forfeiture.--In order to protect the
 5912 state's wildlife resources, any vehicle, vessel, animal, gun,
 5913 light, or other hunting device used or attempted to be used in
 5914 connection with, as an instrumentality of, or in aiding and
 5915 abetting in the commission of an offense prohibited by s.
 5916 379.814 ~~372.99~~ is subject to seizure and forfeiture. The
 5917 provisions of chapter 932 do not apply to any seizure or
 5918 forfeiture under this section. For purposes of this section, a
 5919 conviction is any disposition other than acquittal or dismissal.

5920 (1) (a) Upon a first conviction of the person in whose
 5921 possession the property was found, the court having jurisdiction
 5922 over the criminal offense, notwithstanding any jurisdictional
 5923 limitations on the amount in controversy, may make a finding
 5924 that the property was used in connection with a violation of s.
 5925 379.814 ~~372.99~~. Upon such finding, the court may order the
 5926 property forfeited to the commission.

5927 (b) Upon a second or subsequent conviction of a person in
 5928 whose possession the property was found for a violation of s.
 5929 379.814 ~~372.99~~, the court shall order the forfeiture to the
 5930 commission of any property used in connection with that
 5931 violation.

5932 (2) The requirement for a conviction before forfeiture
 5933 establishes, to the exclusion of any reasonable doubt, that the
 5934 property was used in connection with that violation. Prior to
 5935 the issuance of a forfeiture order for any vessel, vehicle, or
 5936 other property under subsection (1), the commission shall seize
 5937 the property and notify the registered owner, if any, that the
 5938 property has been seized by the commission.

5939 (3) Notification of property seized under this section
 5940 must be sent by certified mail to a registered owner within 14
 5941 days after seizure. If the commission, after diligent inquiry,
 5942 cannot ascertain the registered owner, the notice requirement is
 5943 satisfied.

5944 (4) (a) For a first conviction of an offense under s.
 5945 379.814 ~~372.99~~, property seized by the commission shall be
 5946 returned to the registered owner if the commission fails to

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5947 | prove by a preponderance of the evidence before the court having
5948 | jurisdiction over the criminal offense that the registered owner
5949 | aided in, abetted in, participated in, gave consent to, knew of,
5950 | or had reason to know of the offense.

5951 | (b) Upon a second or subsequent conviction for an offense
5952 | under s. 379.814 ~~372.99~~, the burden shall be on the registered
5953 | owner to prove by a preponderance of the evidence before the
5954 | court having jurisdiction over the criminal offense that the
5955 | registered owner in no way aided in, abetted in, participated
5956 | in, knew of, or had reason to know of the second offense which
5957 | resulted in seizure of the lawful property.

5958 | (c) Any request for a hearing from a registered owner
5959 | asserting innocence to recover property seized under these
5960 | provisions must be sent to the commission's Division of Law
5961 | Enforcement within 21 days after the registered owner's receipt
5962 | of the notice of seizure. If a request for a hearing is not
5963 | timely received, the court shall forfeit to the commission the
5964 | right to, title to, and interest in the property seized, subject
5965 | only to the rights and interests of bona fide lienholders.

5966 | (5) All amounts received from the sale or other
5967 | disposition of the property shall be paid into the State Game
5968 | Trust Fund or into the commission's Federal Law Enforcement
5969 | Trust Fund as provided in s. 379.205 ~~372.107~~, as applicable. If
5970 | the property is not sold or converted, it shall be delivered to
5971 | the executive director of the commission.

5972 Section 123. Section 372.9904, Florida Statutes, is
 5973 renumbered as section 379.622, Florida Statutes, and amended to
 5974 read:

5975 379.622 ~~372.9904~~ Seizure of illegal transportation
 5976 devices; disposition; appraisal; forfeiture.--

5977 (1) Any vehicle, vessel, or other transportation device
 5978 used in the commission of the offense prohibited by s. 379.821
 5979 ~~372.9903~~, except a vehicle, vessel, or other transportation
 5980 device duly registered as a common carrier and operated in
 5981 lawful transaction of business as such carrier, shall be seized
 5982 by the arresting officer, who shall promptly make return of the
 5983 seizure and deliver the property to the director of the Fish and
 5984 Wildlife Conservation Commission. The return shall describe the
 5985 property seized and recite in detail the facts and circumstances
 5986 under which it was seized, together with the reason that the
 5987 property was subject to seizure. The return shall also contain
 5988 the names of all persons known to the officer to be interested
 5989 in the property.

5990 (2) The commission, upon receipt of the property, shall
 5991 promptly fix its value and make return thereof to the clerk of
 5992 the circuit court of the county wherein the article was seized;
 5993 after which, on proper showing of ownership of the property by
 5994 someone other than the person arrested, the property shall be
 5995 returned by the court to the said owner.

5996 (3) Upon conviction of the violator, the property, if
 5997 owned by the person convicted, shall be forfeited to the state
 5998 under the procedure set forth in ss. 379.741 and 379.619 ~~370.061~~

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5999 | and ~~370.07~~, when not inconsistent with this section. All amounts
 6000 | received from the sale or other disposition of the property
 6001 | shall be paid into the State Game Trust Fund or into the
 6002 | commission's Federal Law Enforcement Trust Fund as provided in
 6003 | s. 379.205 ~~372.107~~, as applicable. If the property is not sold
 6004 | or converted, it shall be delivered to the director of the Fish
 6005 | and Wildlife Conservation Commission.

6006 | Section 124. Section 372.99021, Florida Statutes, is
 6007 | renumbered as section 379.623, Florida Statutes, to read:

6008 | 379.623 ~~372.99021~~ Disposition of illegal fishing devices;
 6009 | exercise of police power.--

6010 | (1) In all cases of arrest and conviction for use of
 6011 | illegal nets or traps or fishing devices, as provided in this
 6012 | chapter, such illegal net, trap, or fishing device is declared
 6013 | to be a nuisance and shall be seized and carried before the
 6014 | court having jurisdiction of such offense and said court shall
 6015 | order such illegal trap, net, or fishing device forfeited to the
 6016 | commission immediately after trial and conviction of the person
 6017 | in whose possession they were found. When any illegal net, trap,
 6018 | or fishing device is found in the fresh waters of the state, and
 6019 | the owner of same shall not be known to the officer finding the
 6020 | same, such officer shall immediately procure from the county
 6021 | court judge an order forfeiting said illegal net, trap, or
 6022 | fishing device to the commission. The commission may destroy
 6023 | such illegal net, trap, or fishing device, if in its judgment
 6024 | said net, trap, or fishing device is not of value in the work of
 6025 | the department.

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6026 (2) When any nets, traps, or fishing devices are found
 6027 being used illegally as provided in this chapter, the same shall
 6028 be seized and forfeited to the commission as provided in this
 6029 chapter.

6030 (3) This section is necessary for the more efficient and
 6031 proper enforcement of the statutes and laws of this state
 6032 prohibiting the illegal use of nets, traps, or fishing devices
 6033 and is a lawful exercise of the police power of the state for
 6034 the protection of the public welfare, health, and safety of the
 6035 people of the state. All the provisions of this section shall be
 6036 liberally construed for the accomplishment of these purposes.

6037 Section 125. Section 372.9905, Florida Statutes, is
 6038 renumbered as section 379.624, Florida Statutes, to read:

6039 379.624 ~~372.9905~~ Applicability of ss. 379.621, 379.622,
 6040 379.814, and 379.821 ~~372.99, 372.9901, 372.9903, and 372.9904.~~--
 6041 The provisions of ss. 379.621, 379.622, 379.814, and 379.821
 6042 ~~372.99, 372.9901, 372.9903, and 372.9904~~ relating to seizure and
 6043 forfeiture of animals or of vehicles, vessels, or other
 6044 transportation devices do not vitiate any valid lien, retain
 6045 title contract, or chattel mortgage on such animals or vehicles,
 6046 vessels, or other transportation devices if such lien, retain
 6047 title contract, or chattel mortgage is properly of public record
 6048 at the time of the seizure.

6049 Section 126. Section 372.0715, Florida Statutes, is
 6050 renumbered as section 379.630, Florida Statutes, to read:

6051 379.630 ~~372.0715~~ Rewards.--The Fish and Wildlife
 6052 Conservation Commission is authorized to offer rewards in

6053 amounts of up to \$500 to any person furnishing information
 6054 leading to the arrest and conviction of any person who has
 6055 inflicted or attempted to inflict bodily injury upon any
 6056 wildlife officer engaged in the enforcement of the provisions of
 6057 this chapter or the rules and regulations of the Fish and
 6058 Wildlife Conservation Commission.

6059 Section 127. Section 370.21, Florida Statutes, is
 6060 renumbered as section 379.641, Florida Statutes, and amended to
 6061 read:

6062 379.641 ~~370.21~~ Florida Territorial Waters Act; alien-owned
 6063 commercial fishing vessels; prohibited acts; enforcement.--

6064 (1) This act may be known and cited as the "Florida
 6065 Territorial Waters Act."

6066 (2) It is the purpose of this act to exercise and exert
 6067 full sovereignty and control of the territorial waters of the
 6068 state.

6069 (3) No license shall be issued by the Fish and Wildlife
 6070 Conservation Commission under s. 379.740 ~~370.06~~, to any vessel
 6071 owned in whole or in part by any alien power, which subscribes
 6072 to the doctrine of international communism, or any subject or
 6073 national thereof, who subscribes to the doctrine of
 6074 international communism, or any individual who subscribes to the
 6075 doctrine of international communism, or who shall have signed a
 6076 treaty of trade, friendship and alliance or a nonaggression pact
 6077 with any communist power. The commission shall grant or withhold
 6078 said licenses where other alien vessels are involved on the
 6079 basis of reciprocity and retorsion, unless the nation concerned

6080 shall be designated as a friendly ally or neutral by a formal
6081 suggestion transmitted to the Governor of Florida by the
6082 Secretary of State of the United States. Upon the receipt of
6083 such suggestion licenses shall be granted under s. 379.740
6084 ~~370.06~~, without regard to reciprocity and retorsion, to vessels
6085 of such nations.

6086 (4) It is unlawful for any unlicensed alien vessel to take
6087 by any means whatsoever, attempt to take, or having so taken to
6088 possess, any natural resource of the state's territorial waters,
6089 as such waters are described by Art. II of the State
6090 Constitution.

6091 (5) It is the duty of all harbormasters of the state to
6092 prevent the use of any port facility in a manner which they
6093 reasonably suspect may assist in the violation of this act.
6094 Harbormasters shall endeavor by all reasonable means, which may
6095 include the inspection of nautical logs, to ascertain from
6096 masters of newly arrived vessels of all types other than
6097 warships of the United States, the presence of alien commercial
6098 fishing vessels within the territorial waters of the state, and
6099 shall transmit such information promptly to the Fish and
6100 Wildlife Conservation Commission and such law enforcement
6101 agencies of the state as the situation may indicate.

6102 Harbormasters shall request assistance from the United States
6103 Coast Guard in appropriate cases to prevent unauthorized
6104 departure from any port facility.

6105 (6) All licensed harbor pilots are required to promptly
6106 transmit any knowledge coming to their attention regarding

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6107 possible violations of this act to the harbormaster of the port
6108 or the appropriate law enforcement officials.

6109 (7) All law enforcement agencies of the state, including
6110 but not limited to sheriffs and officers of the Fish and
6111 Wildlife Conservation Commission, are empowered and directed to
6112 arrest the masters and crews of vessels who are reasonably
6113 believed to be in violation of this law, and to seize and detain
6114 such vessels, their equipment and catch. Such arresting officers
6115 shall take the offending crews or property before the court
6116 having jurisdiction of such offenses. All such agencies are
6117 directed to request assistance from the United States Coast
6118 Guard in the enforcement of this act when having knowledge of
6119 vessels operating in violation or probable violation of this act
6120 within their jurisdictions when such agencies are without means
6121 to effectuate arrest and restraint of vessels and their crews.

6122 (8) The fine or imprisonment of persons and confiscation
6123 proceedings against vessels, gear and catch prescribed for
6124 violations of this chapter, shall be imposed for violation of
6125 this act; provided that nothing herein shall authorize the
6126 repurchase of property for a nominal sum by the owner upon proof
6127 of lack of complicity in the violation or undertaking.

6128 (9) No crew member or master seeking bona fide political
6129 asylum shall be fined or imprisoned hereunder.

6130 (10) Harbormasters and law enforcement agencies are
6131 authorized to request assistance from the Civil Air Patrol in
6132 the surveillance of suspect vessels. Aircraft of the Division of
6133 Forestry of the Department of Agriculture and Consumer Services

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6134 or other state or county agencies which are conveniently located
 6135 and not otherwise occupied may be similarly utilized.

6136 Section 128. Section 370.103, Florida Statutes, is
 6137 renumbered as section 379.642, Florida Statutes, to read:

6138 379.642 ~~370.103~~ Agreements with Federal Government for the
 6139 preservation of saltwater fisheries; authority of commission.--
 6140 The Fish and Wildlife Conservation Commission is authorized and
 6141 empowered to enter into cooperative agreements with the Federal
 6142 Government or agencies thereof for the purpose of preserving
 6143 saltwater fisheries within and without state waters and for the
 6144 purpose of protecting against overfishing, waste, depletion, or
 6145 any abuse whatsoever. Such authority includes the authority to
 6146 enter into cooperative agreements whereby officers of the Fish
 6147 and Wildlife Conservation Commission are empowered to enforce
 6148 federal statutes and rules pertaining to fisheries management.
 6149 When differences between state and federal laws occur, state
 6150 laws shall take precedence.

6151 Section 129. Part VI of chapter 379, Florida Statutes,
 6152 consisting of sections 379.711 through 379.781, is created to
 6153 read:

6154 PART VI
 6155 LICENSES

6156
 6157 Section 130. Section 372.5711, Florida Statutes, is
 6158 renumbered as section 379.710, Florida Statutes, to read:

6159 379.710 ~~372.5711~~ Review of fees for licenses and permits;
 6160 review of exemptions.--The fees for licenses and permits

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6161 established under this chapter, and exemptions thereto, shall be
 6162 reviewed by the Legislature during its regular session every 5
 6163 years beginning in 2000.

6164 Section 131. . Section 372.571, Florida Statutes, is
 6165 renumbered as section 379.711, Florida Statutes, and amended to
 6166 read:

6167 379.711 ~~372.571~~ Expiration of licenses and permits.--Each
 6168 license or permit issued under this chapter must be dated when
 6169 issued. Each license or permit issued under this chapter remains
 6170 valid for 12 months after the date of issuance, except for a
 6171 lifetime license issued pursuant to s. 379.722 ~~372.57~~ which is
 6172 valid from the date of issuance until the death of the
 6173 individual to whom the license is issued unless otherwise
 6174 revoked in accordance with s. 379.810 ~~372.83~~ or s. 379.814
 6175 ~~372.99~~, or a 5-year license issued pursuant to s. 379.722 ~~372.57~~
 6176 which is valid for 5 consecutive years from the date of purchase
 6177 unless otherwise revoked in accordance with s. 379.810 ~~372.83~~ or
 6178 s. 379.814 ~~372.99~~, or a license issued pursuant to s.
 6179 379.722(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.
 6180 ~~372.57(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.,~~
 6181 which is valid for the period specified on the license. A
 6182 resident lifetime license or a resident 5-year license that has
 6183 been purchased by a resident of this state and who subsequently
 6184 resides in another state shall be honored for activities
 6185 authorized by that license.

6186 Section 132. Section 372.59, Florida Statutes, is
 6187 renumbered as section 379.712, Florida Statutes, to read:

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6188 379.712 ~~372.59~~ License and permit not transferable.--A
6189 person may not alter or change in any manner, or loan or
6190 transfer to another, any license or permit issued pursuant to
6191 the provisions of this chapter, nor may any other person, other
6192 than the person to whom it is issued, use the same.

6193 Section 133. Section 372.58, Florida Statutes, is
6194 renumbered as section 379.713, Florida Statutes, and amended to
6195 read:

6196 379.713 ~~372.58~~ False statement in application for license
6197 or permit.--Any person who swears or affirms to any false
6198 statement in any application for license or permit provided by
6199 this chapter, is guilty of violating this chapter, and shall be
6200 subject to the penalty provided in s. 379.810 ~~372.83~~, and any
6201 false statement contained in any application for such license or
6202 permit renders the license or permit void.

6203 Section 134. Section 372.581, Florida Statutes, is
6204 renumbered as section 379.714, Florida Statutes, and amended to
6205 read:

6206 379.714 ~~372.581~~ Entering false information on licenses or
6207 permits.--Whoever knowingly and willfully enters false
6208 information on, or allows or causes false information to be
6209 entered on or shown upon any license or permit issued under the
6210 provisions of this chapter in order to avoid prosecution or to
6211 assist another to avoid prosecution, or for any other wrongful
6212 purpose shall be punished as provided in s. 379.810 ~~372.83~~.

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6213 Section 135. Section 372.574, Florida Statutes, is
6214 renumbered as section 379.715, Florida Statutes, and amended to
6215 read:

6216 379.715 ~~372.574~~ Appointment of subagents for the sale of
6217 hunting, fishing, and trapping licenses and permits.--

6218 (1) Subagents shall serve at the pleasure of the
6219 commission. The commission may establish, by rule, procedures
6220 for the selection and appointment of subagents. The following
6221 are requirements for subagents so appointed:

6222 (a) The commission may require each subagent to post an
6223 appropriate bond as determined by the commission, using an
6224 insurance company acceptable to the commission. In lieu of the
6225 bond, the commission may purchase blanket bonds covering all or
6226 selected subagents or may allow a subagent to post other
6227 security as required by the commission.

6228 (b) A subagent may sell licenses and permits as authorized
6229 by the commission at specific locations within the county and in
6230 states as will best serve the public interest and convenience in
6231 obtaining licenses and permits. The commission may prohibit
6232 subagents from selling certain licenses or permits.

6233 (c) It is unlawful for any person to handle licenses or
6234 permits for a fee or compensation of any kind unless he or she
6235 has been appointed as a subagent.

6236 (d) Any person who willfully violates any of the
6237 provisions of this section commits a misdemeanor of the second
6238 degree, punishable as provided in s. 775.082 or s. 775.083.

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6239 (e) A subagent may charge and receive as his or her
6240 compensation 50 cents for each license or permit sold. This
6241 charge is in addition to the sum required by law to be collected
6242 for the sale and issuance of each license or permit.

6243 (f) A subagent shall submit payment for and report the
6244 sale of licenses and permits to the commission as prescribed by
6245 the commission.

6246 (2) The Fish and Wildlife Conservation Commission or any
6247 other law enforcement agency may carry out any investigation
6248 necessary to secure information required to carry out and
6249 enforce this section.

6250 (3) All social security numbers that are provided pursuant
6251 to ss. 379.720 and 379.722 ~~372.561 and 372.57~~ and are contained
6252 in records of any subagent appointed under this section are
6253 confidential as provided in those sections.

6254 Section 136. Section 372.551, Florida Statutes, is
6255 renumbered as section 379.716, Florida Statutes, to read:

6256 379.716 ~~372.551~~ Competitive bidding for certain sale of
6257 licenses and permits and the issuance of authorization numbers.-
6258 -The commission is authorized to establish the following, using
6259 competitive bidding procedures:

6260 (1) A process and a vendor fee for the sale of licenses
6261 and permits, and the issuance of authorization numbers, over the
6262 telephone.

6263 (2) A process and a vendor fee for the electronic sale of
6264 licenses and permits and for the electronic issuance of
6265 authorization numbers.

6266 Section 137. Section 372.561, Florida Statutes, is
 6267 renumbered as section 379.720, Florida Statutes, and amended to
 6268 read:

6269 379.720 ~~372.561~~ Recreational licenses, permits, and
 6270 authorization numbers to take wild animal life, freshwater
 6271 aquatic life, and marine life; issuance; costs; reporting.--

6272 (1) This section applies to all recreational licenses and
 6273 permits and to any authorization numbers issued by the
 6274 commission for the use of such recreational licenses or permits.

6275 (2) The commission shall establish forms for the issuance
 6276 of recreational licenses and permits.

6277 (3) The commission shall issue a license, permit, or
 6278 authorization number to take wild animal life, freshwater
 6279 aquatic life, or marine life when an applicant provides proof
 6280 that she or he is entitled to such license, permit, or
 6281 authorization number. Each applicant for a recreational license,
 6282 permit, or authorization number shall provide her or his social
 6283 security number on the application form. Disclosure of social
 6284 security numbers obtained through this requirement shall be
 6285 limited to the purposes of administration of the Title IV-D
 6286 program for child support enforcement, use by the commission,
 6287 and as otherwise provided by law.

6288 (4) Licenses and permits to take wild animal life,
 6289 freshwater aquatic life, or marine life may be sold by the
 6290 commission, by any tax collector in the state, or by any
 6291 subagent authorized under s. 379.715 ~~372.574~~.

6292 (5) In addition to any license or permit fee, the sum of
 6293 \$1.50 shall be charged for each license or management area
 6294 permit, except for replacement licenses, to cover the cost of
 6295 issuing such license or permit.

6296 (6) (a) The fee established pursuant to subsection (5)
 6297 shall be distributed as follows:

6298 1. For each hunting license and freshwater fishing license
 6299 sold by a tax collector, including the combination freshwater
 6300 fishing and hunting license, the sportsman's license, and the
 6301 gold sportsman's license, a tax collector may retain \$1.00.

6302 2. For each management area permit sold by a tax
 6303 collector, a tax collector may retain \$1.00.

6304 3. For each saltwater fishing tag and saltwater fishing
 6305 license sold by a tax collector, including the combination
 6306 saltwater fishing and freshwater fishing license and the
 6307 combination saltwater fishing, freshwater fishing, and hunting
 6308 license, a tax collector may retain \$1.50.

6309 4. For licenses and management area permits sold by
 6310 subagents, a tax collector may retain 50 cents for each license
 6311 sold in the tax collector's county.

6312 5. Any and all remaining fees shall be deposited in the
 6313 State Game Trust Fund and shall be used to support an automated
 6314 license system and administration of the license program.

6315 (b) Tax collectors shall remit license and permit revenue
 6316 to the commission weekly.

6317 (7) (a) The sum of \$10 shall be charged for each
 6318 replacement lifetime license and \$2 for all other replacement

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6319 licenses and permits. A tax collector may retain \$1.00 for each
6320 replacement license.

6321 (b) Fees collected from the issuance of replacement
6322 licenses shall be deposited in the State Game Trust Fund.

6323 (8) At each location where hunting, fishing, or trapping
6324 licenses or permits are sold, voter registration applications
6325 shall be displayed and made available to the public. Subagents
6326 shall ask each person who applies for a hunting, fishing, or
6327 trapping license or permit if he or she would like a voter
6328 registration application and may provide such application to the
6329 license or permit applicant but shall not assist such persons
6330 with voter registration applications or collect complete or
6331 incomplete voter registration applications.

6332 (9) Except as provided in subsections (8) and (12), each
6333 person who applies for a hunting, fishing, or trapping license
6334 or permit shall be asked if he or she would like the appropriate
6335 supervisor of elections to provide a voter registration
6336 application to the applicant at a later date. If at the time a
6337 license is purchased the applicant indicates that he or she
6338 would like to receive a voter registration application, the
6339 commission shall, within 7 days, make the request available to
6340 the appropriate supervisor of elections or voter registration
6341 agency so that an application may be sent to the applicant.
6342 Supervisors of elections shall mail an application to each
6343 person requesting such application within 5 business days after
6344 receipt of the request.

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6345 (10) The commission may satisfy the requirements of
6346 subsection (9) by providing access to an Internet site with the
6347 voter registration information included thereon.

6348 (11) When acting in its official capacity pursuant to this
6349 section, neither the commission nor a subagent is deemed a
6350 third-party registration organization, as defined in s.
6351 97.021(36), or a voter registration agency, as defined in s.
6352 97.021(40), and is not authorized to solicit, accept, or collect
6353 voter registration applications or provide voter registration
6354 services.

6355 (12) Each person who applies for a hunting, fishing, or
6356 trapping license or permit on the Internet shall be provided a
6357 link to the Department of State's online uniform statewide voter
6358 registration application.

6359 (13) The commission, any tax collector in this state, or
6360 any subagent authorized to sell licenses and permits under s.
6361 379.715 ~~372.574~~ may request and collect donations when selling a
6362 recreational license or permit authorized under s. 379.722
6363 ~~372.57~~. All donations collected under this subsection shall be
6364 deposited into the State Game Trust Fund to be used solely for
6365 the purpose of enhancing youth hunting and youth freshwater and
6366 saltwater fishing programs. By January 1, the commission shall
6367 provide a complete and detailed annual report on the status of
6368 its youth programs and activities performed under this
6369 subsection to the Governor, the President of the Senate, and the
6370 Speaker of the House of Representatives.

6371 (14) The commission is authorized to adopt rules pursuant
 6372 to ss. 120.536(1) and 120.54 to implement the provisions of this
 6373 section.

6374 Section 138. Section 372.562, Florida Statutes, is
 6375 renumbered as section 379.721, Florida Statutes, and amended to
 6376 read:

6377 379.721 ~~372.562~~ Recreational licenses and permits;
 6378 exemptions from fees and requirements.--

6379 (1) Hunting, freshwater fishing, and saltwater fishing
 6380 licenses and permits shall be issued without fee to any resident
 6381 who is certified or determined:

6382 (a) To be totally and permanently disabled for purposes of
 6383 workers' compensation under chapter 440 as verified by an order
 6384 of a judge of compensation claims or written confirmation by the
 6385 carrier providing workers' compensation benefits, or to be
 6386 totally and permanently disabled by the Railroad Retirement
 6387 Board, by the United States Department of Veterans Affairs or
 6388 its predecessor, or by any branch of the United States Armed
 6389 Forces, or who holds a valid identification card issued under
 6390 the provisions of s. 295.17, upon proof of same. Any license
 6391 issued under this paragraph after January 1, 1997, expires after
 6392 5 years and must be reissued, upon request, every 5 years
 6393 thereafter.

6394 (b) To be disabled by the United States Social Security
 6395 Administration, upon proof of same. Any license issued under
 6396 this paragraph after October 1, 1999, expires after 2 years and

6397 must be reissued, upon proof of certification of disability,
 6398 every 2 years thereafter.

6399
 6400 A disability license issued after July 1, 1997, and before July
 6401 1, 2000, retains the rights vested thereunder until the license
 6402 has expired.

6403 (2) A hunting, freshwater fishing, or saltwater fishing
 6404 license or permit is not required for:

6405 (a) Any child under 16 years of age, except as otherwise
 6406 provided in this chapter.

6407 (b) Any person hunting or freshwater fishing on her or his
 6408 homestead property, or on the homestead property of the person's
 6409 spouse or minor child; or any minor child hunting or freshwater
 6410 fishing on the homestead property of her or his parent.

6411 (c) Any resident who is a member of the United States
 6412 Armed Forces and not stationed in this state, when home on leave
 6413 for 30 days or less, upon submission of orders.

6414 (d) Any resident freshwater fishing for recreational
 6415 purposes only, within her or his county of residence with live
 6416 or natural bait, using poles or lines not equipped with a
 6417 fishing line retrieval mechanism. This exemption does not apply
 6418 to residents fishing in a legally established fish management
 6419 area.

6420 (e) Any person freshwater fishing in a fish pond of 20
 6421 acres or less that is located entirely within the private
 6422 property of the fish pond owner.

6423 (f) Any person freshwater fishing in a fish pond that is
 6424 licensed in accordance with s. 379.734 ~~372.5705~~.

6425 (g) Any person fishing who has been accepted as a client
 6426 for developmental disabilities services by the Department of
 6427 Children and Family Services, provided the department furnishes
 6428 proof thereof.

6429 (h) Any resident saltwater fishing from land or from a
 6430 structure fixed to the land.

6431 (i) Any person saltwater fishing from a vessel licensed
 6432 pursuant to s. 379.722(7) ~~372.57(7)~~.

6433 (j) Any person saltwater fishing from a vessel the
 6434 operator of which is licensed pursuant to s. 379.722(7)
 6435 ~~372.57(7)~~.

6436 (k) Any person saltwater fishing who holds a valid
 6437 saltwater products license issued under s. 379.740(2) ~~370.06(2)~~.

6438 (l) Any person saltwater fishing for recreational purposes
 6439 from a pier licensed under s. 379.722 ~~372.57~~.

6440 (m) Any resident fishing for a saltwater species in fresh
 6441 water from land or from a structure fixed to land.

6442 (n) Any resident fishing for mullet in fresh water who has
 6443 a valid Florida freshwater fishing license.

6444 (o) Any resident 65 years of age or older who has in her
 6445 or his possession proof of age and residency. A no-cost license
 6446 under this paragraph may be obtained from any tax collector's
 6447 office upon proof of age and residency and must be in the
 6448 possession of the resident during hunting, freshwater fishing,
 6449 and saltwater fishing activities.

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6450 (p) Any employee of the commission who takes freshwater
6451 fish, saltwater fish, or game as part of employment with the
6452 commission, or any other person authorized by commission permit
6453 to take freshwater fish, saltwater fish, or game for scientific
6454 or educational purposes.

6455 (q) Any resident recreationally freshwater fishing who
6456 holds a valid commercial fishing license issued under s.
6457 379.730(1)(a) ~~372.65(1)(a)~~.

6458 Section 139. Section 372.57, Florida Statutes, is
6459 renumbered as section 379.722, Florida Statutes, and amended to
6460 read:

6461 379.722 ~~372.57~~ Recreational licenses, permits, and
6462 authorization numbers; fees established.--

6463 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.--
6464 Except as provided in s. 379.721 ~~372.562~~, no person shall take
6465 game, freshwater or saltwater fish, or fur-bearing animals
6466 within this state without having first obtained a license,
6467 permit, or authorization number and paid the fees set forth in
6468 this chapter. Such license, permit, or authorization number
6469 shall authorize the person to whom it is issued to take game,
6470 freshwater or saltwater fish, or fur-bearing animals, and
6471 participate in outdoor recreational activities in accordance
6472 with the laws of the state and rules of the commission.

6473 (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.--

6474 (a) Licenses, permits, and authorization numbers issued
6475 under this chapter are not transferable. Each license and permit
6476 must bear on its face in indelible ink the name of the person to

6477 | whom it is issued and other information as deemed necessary by
 6478 | the commission. Licenses issued to the owner, operator, or
 6479 | custodian of a vessel that directly or indirectly collects fees
 6480 | for taking or attempting to take or possess saltwater fish for
 6481 | noncommercial purposes must include the vessel registration
 6482 | number or federal documentation number.

6483 | (b) The lifetime licenses and 5-year licenses authorized
 6484 | in this section shall be embossed with the name, date of birth,
 6485 | date of issuance, and other pertinent information as deemed
 6486 | necessary by the commission. A certified copy of the applicant's
 6487 | birth certificate shall accompany each application for a
 6488 | lifetime license for a resident 12 years of age or younger.

6489 | (c) A positive form of identification is required when
 6490 | using a free license, a lifetime license, a 5-year license, or
 6491 | an authorization number issued under this chapter, or when
 6492 | otherwise required by a license or permit.

6493 | (3) PERSONAL POSSESSION REQUIRED.--Each license, permit,
 6494 | or authorization number must be in the personal possession of
 6495 | the person to whom it is issued while such person is taking,
 6496 | attempting to take, or possessing game, freshwater or saltwater
 6497 | fish, or fur-bearing animals. Any person taking, attempting to
 6498 | take, or possessing game, freshwater or saltwater fish, or fur-
 6499 | bearing animals who fails to produce a license, permit, or
 6500 | authorization number at the request of a commission law
 6501 | enforcement officer commits a violation of the law.

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6502 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
6503 and fees for residents participating in hunting and fishing
6504 activities in this state are as follows:

6505 (a) Annual freshwater fishing license, \$15.50.

6506 (b) Annual saltwater fishing license, \$15.50.

6507 (c) Annual hunting license to take game, \$15.50.

6508 (d) Annual combination hunting and freshwater fishing
6509 license, \$31.

6510 (e) Annual combination freshwater fishing and saltwater
6511 fishing license, \$31.

6512 (f) Annual combination hunting, freshwater fishing, and
6513 saltwater fishing license, \$46.50.

6514 (g) Annual license to take fur-bearing animals, \$25.

6515 However, a resident with a valid hunting license or a no-cost
6516 license who is taking fur-bearing animals for noncommercial
6517 purposes using guns or dogs only, and not traps or other
6518 devices, is not required to purchase this license. Also, a
6519 resident 65 years of age or older is not required to purchase
6520 this license.

6521 (h) Annual sportsman's license, \$79, except that an annual
6522 sportsman's license for a resident 64 years of age or older is
6523 \$12. A sportsman's license authorizes the person to whom it is
6524 issued to take game and freshwater fish, subject to the state
6525 and federal laws, rules, and regulations, including rules of the
6526 commission, in effect at the time of the taking. Other
6527 authorized activities include activities authorized by a
6528 management area permit, a muzzle-loading gun season permit, a

6529 crossbow season permit, a turkey permit, a Florida waterfowl
 6530 permit, and an archery season permit.

6531 (i) Annual gold sportsman's license, \$98.50. The gold
 6532 sportsman's license authorizes the person to whom it is issued
 6533 to take freshwater fish, saltwater fish, and game, subject to
 6534 the state and federal laws, rules, and regulations, including
 6535 rules of the commission, in effect at the time of taking. Other
 6536 authorized activities include activities authorized by a
 6537 management area permit, a muzzle-loading gun season permit, a
 6538 crossbow season permit, a turkey permit, a Florida waterfowl
 6539 permit, an archery season permit, a snook permit, and a spiny
 6540 lobster permit.

6541 (j) Annual military gold sportsman's license, \$18.50. The
 6542 gold sportsman's license authorizes the person to whom it is
 6543 issued to take freshwater fish, saltwater fish, and game,
 6544 subject to the state and federal laws, rules, and regulations,
 6545 including rules of the commission, in effect at the time of
 6546 taking. Other authorized activities include activities
 6547 authorized by a management area permit, a muzzle-loading gun
 6548 season permit, a crossbow season permit, a turkey permit, a
 6549 Florida waterfowl permit, an archery season permit, a snook
 6550 permit, and a spiny lobster permit. Any resident who is an
 6551 active or retired member of the United States Armed Forces, the
 6552 United States Armed Forces Reserve, the National Guard, the
 6553 United States Coast Guard, or the United States Coast Guard
 6554 Reserve is eligible to purchase the military gold sportsman's

6555 license upon submission of a current military identification
6556 card.

6557 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The
6558 licenses and fees for nonresidents participating in hunting and
6559 fishing activities in the state are as follows:

6560 (a) Freshwater fishing license to take freshwater fish for
6561 3 consecutive days, \$15.50.

6562 (b) Freshwater fishing license to take freshwater fish for
6563 7 consecutive days, \$28.50.

6564 (c) Saltwater fishing license to take saltwater fish for 3
6565 consecutive days, \$15.50.

6566 (d) Saltwater fishing license to take saltwater fish for 7
6567 consecutive days, \$28.50.

6568 (e) Annual freshwater fishing license, \$45.50.

6569 (f) Annual saltwater fishing license, \$45.50.

6570 (g) Hunting license to take game for 10 consecutive days,
6571 \$45.

6572 (h) Annual hunting license to take game, \$150.

6573 (i) Annual license to take fur-bearing animals, \$25.

6574 However, a nonresident with a valid Florida hunting license who
6575 is taking fur-bearing animals for noncommercial purposes using
6576 guns or dogs only, and not traps or other devices, is not
6577 required to purchase this license.

6578 (6) PIER LICENSE.--A pier license for any pier fixed to
6579 land for the purpose of taking or attempting to take saltwater
6580 fish is \$500 per year. The pier license may be purchased at the

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6581 option of the owner, operator, or custodian of such pier and
6582 must be available for inspection at all times.

6583 (7) VESSEL LICENSES.--

6584 (a) No person may operate any vessel wherein a fee is
6585 paid, either directly or indirectly, for the purpose of taking,
6586 attempting to take, or possessing any saltwater fish for
6587 noncommercial purposes unless she or he has obtained a license
6588 for each vessel for that purpose, and has paid the license fee
6589 pursuant to paragraphs (b) and (c) for such vessel.

6590 (b) A license for any person who operates any vessel
6591 licensed to carry more than 10 customers, wherein a fee is paid,
6592 either directly or indirectly, for the purpose of taking or
6593 attempting to take saltwater fish, is \$800 per year. The license
6594 must be kept aboard the vessel at all times.

6595 (c)1. A license for any person who operates any vessel
6596 licensed to carry no more than 10 customers, or for any person
6597 licensed to operate any vessel carrying 6 or fewer customers,
6598 wherein a fee is paid, either directly or indirectly, for the
6599 purpose of taking or attempting to take saltwater fish, is \$400
6600 per year.

6601 2. A license for any person licensed to operate any vessel
6602 carrying 6 or fewer customers but who operates a vessel carrying
6603 4 or fewer customers, wherein a fee is paid, either directly or
6604 indirectly, for the purpose of taking or attempting to take
6605 saltwater fish, is \$200 per year. The license must be kept
6606 aboard the vessel at all times.

6607 3. A person who operates a vessel required to be licensed
 6608 pursuant to paragraph (b) or this paragraph may obtain a license
 6609 in her or his own name, and such license shall be transferable
 6610 and apply to any vessel operated by the purchaser, provided that
 6611 the purchaser has paid the appropriate license fee.

6612 (d) A license for a recreational vessel not for hire and
 6613 for which no fee is paid, either directly or indirectly, by
 6614 guests for the purpose of taking or attempting to take saltwater
 6615 fish noncommercially is \$2,000 per year. The license may be
 6616 purchased at the option of the vessel owner and must be kept
 6617 aboard the vessel at all times. A log of species taken and the
 6618 date the species were taken shall be maintained and a copy of
 6619 the log filed with the commission at the time of renewal of the
 6620 license.

6621 (e) The owner, operator, or custodian of a vessel the
 6622 operator of which has been licensed pursuant to paragraph (a)
 6623 must maintain and report such statistical data as required by,
 6624 and in a manner set forth in, the rules of the commission.

6625 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
 6626 PERMITS.--In addition to any license required under this
 6627 chapter, the following permits and fees for specified hunting,
 6628 fishing, and recreational uses and activities are required:

6629 (a) An annual Florida waterfowl permit for a resident or
 6630 nonresident to take wild ducks or geese within the state or its
 6631 coastal waters is \$3.

6632 (b)1. An annual Florida turkey permit for a resident to
 6633 take wild turkeys within the state is \$5.

6634 2. An annual Florida turkey permit for a nonresident to
 6635 take wild turkeys within the state is \$100.

6636 (c) An annual snook permit for a resident or nonresident
 6637 to take or possess any snook from any waters of the state is \$2.
 6638 Revenue generated from the sale of snook permits shall be used
 6639 exclusively for programs to benefit the snook population.

6640 (d) An annual spiny lobster permit for a resident or
 6641 nonresident to take or possess any spiny lobster for
 6642 recreational purposes from any waters of the state is \$2.
 6643 Revenue generated from the sale of spiny lobster permits shall
 6644 be used exclusively for programs to benefit the spiny lobster
 6645 population.

6646 (e) A \$5 fee is imposed for each of the following permits:

6647 1. An annual archery season permit for a resident or
 6648 nonresident to hunt within the state during any archery season
 6649 authorized by the commission.

6650 2. An annual crossbow season permit for a resident or
 6651 nonresident to hunt within the state during any crossbow season
 6652 authorized by the commission.

6653 3. An annual muzzle-loading gun season permit for a
 6654 resident or nonresident to hunt within the state during any
 6655 muzzle-loading gun season authorized by the commission.

6656 (f) A special use permit for a resident or nonresident to
 6657 participate in limited entry hunting or fishing activities as
 6658 authorized by commission rule shall not exceed \$100 per day or
 6659 \$250 per week. Notwithstanding any other provision of this
 6660 chapter, there are no exclusions, exceptions, or exemptions from

6661 | this permit fee. In addition to the permit fee, the commission
 6662 | may charge each special use permit applicant a nonrefundable
 6663 | application fee not to exceed \$10.

6664 | (g)1. A management area permit for a resident or
 6665 | nonresident to hunt on, fish on, or otherwise use for outdoor
 6666 | recreational purposes land owned, leased, or managed by the
 6667 | commission, or by the state for the use and benefit of the
 6668 | commission, shall not exceed \$25 per year.

6669 | 2. Permit fees for short-term use of land that is owned,
 6670 | leased, or managed by the commission may be established by rule
 6671 | of the commission for activities on such lands. Such permits may
 6672 | be in lieu of, or in addition to, the annual management area
 6673 | permit authorized in subparagraph 1.

6674 | 3. Other than for hunting or fishing, the provisions of
 6675 | this paragraph shall not apply on any lands not owned by the
 6676 | commission, unless the commission has obtained the written
 6677 | consent of the owner or primary custodian of such lands.

6678 | (h)1. A recreational user permit is required to hunt on,
 6679 | fish on, or otherwise use for outdoor recreational purposes land
 6680 | leased by the commission from private nongovernmental owners,
 6681 | except for those lands located directly north of the
 6682 | Apalachicola National Forest, east of the Ochlocknee River until
 6683 | the point the river meets the dam forming Lake Talquin, and
 6684 | south of the closest federal highway. The fee for a recreational
 6685 | user permit shall be based upon the economic compensation
 6686 | desired by the landowner, game population levels, desired hunter
 6687 | density, and administrative costs. The permit fee shall be set

6688 by commission rule on a per-acre basis. The recreational user
6689 permit fee, less administrative costs of up to \$25 per permit,
6690 shall be remitted to the landowner as provided in the lease
6691 agreement for each area.

6692 2. One minor dependent under 16 years of age may hunt
6693 under the supervision of the permittee and is exempt from the
6694 recreational user permit requirements. The spouse and dependent
6695 children of a permittee are exempt from the recreational user
6696 permit requirements when engaged in outdoor recreational
6697 activities other than hunting and when accompanied by a
6698 permittee. Notwithstanding any other provision of this chapter,
6699 no other exclusions, exceptions, or exemptions from the
6700 recreational user permit fee are authorized.

6701 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

6702 (a) Five-year licenses are available for residents only,
6703 as follows:

6704 1. A 5-year freshwater fishing or saltwater fishing
6705 license is \$77.50 for each type of license and authorizes the
6706 person to whom the license is issued to take or attempt to take
6707 or possess freshwater fish or saltwater fish consistent with the
6708 state and federal laws and regulations and rules of the
6709 commission in effect at the time of taking.

6710 2. A 5-year hunting license is \$77.50 and authorizes the
6711 person to whom it is issued to take or attempt to take or
6712 possess game consistent with the state and federal laws and
6713 regulations and rules of the commission in effect at the time of
6714 taking.

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6715 3. The commission is authorized to sell the hunting,
6716 fishing, and recreational activity permits authorized in
6717 subsection (8) for a 5-year period to match the purchase of 5-
6718 year fishing and hunting licenses. The fee for each permit
6719 issued under this paragraph shall be five times the annual cost
6720 established in subsection (8).

6721 (b) Proceeds from the sale of all 5-year licenses and
6722 permits shall be deposited into the Dedicated License Trust
6723 Fund, to be distributed in accordance with the provisions of s.
6724 379.203 ~~372.106~~.

6725 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
6726 LICENSES.--

6727 (a) Lifetime freshwater fishing licenses or saltwater
6728 fishing licenses are available for residents only, as follows,
6729 for:

- 6730 1. Persons 4 years of age or younger, for a fee of \$125.
- 6731 2. Persons 5 years of age or older, but under 13 years of
6732 age, for a fee of \$225.
- 6733 3. Persons 13 years of age or older, for a fee of \$300.

6734 (b) The following activities are authorized by the
6735 purchase of a lifetime freshwater fishing license:

- 6736 1. Taking, or attempting to take or possess, freshwater
6737 fish consistent with the state and federal laws and regulations
6738 and rules of the commission in effect at the time of the taking.
- 6739 2. All activities authorized by a management area permit,
6740 excluding hunting.

6741 (c) The following activities are authorized by the
 6742 purchase of a lifetime saltwater fishing license:

6743 1. Taking, or attempting to take or possess, saltwater
 6744 fish consistent with the state and federal laws and regulations
 6745 and rules of the commission in effect at the time of the taking.

6746 2. All activities authorized by a snook permit and a spiny
 6747 lobster permit.

6748 3. All activities for which an additional license, permit,
 6749 or fee is required to take or attempt to take or possess
 6750 saltwater fish, which additional license, permit, or fee was
 6751 imposed subsequent to the date of the purchase of the lifetime
 6752 saltwater fishing license.

6753 (11) RESIDENT LIFETIME HUNTING LICENSES.--

6754 (a) Lifetime hunting licenses are available to residents
 6755 only, as follows, for:

6756 1. Persons 4 years of age or younger, for a fee of \$200.
 6757 2. Persons 5 years of age or older, but under 13 years of
 6758 age, for a fee of \$350.
 6759 3. Persons 13 years of age or older, for a fee of \$500.

6760 (b) The following activities are authorized by the
 6761 purchase of a lifetime hunting license:

6762 1. Taking, or attempting to take or possess, game
 6763 consistent with the state and federal laws and regulations and
 6764 rules of the commission in effect at the time of the taking.

6765 2. All activities authorized by a muzzle-loading gun
 6766 season permit, a crossbow season permit, a turkey permit, an

6767 archery season permit, a Florida waterfowl permit, and a
 6768 management area permit, excluding fishing.

6769 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

6770 (a) Lifetime sportsman's licenses are available to
 6771 residents only, as follows, for:

6772 1. Persons 4 years of age or younger, for a fee of \$400.

6773 2. Persons 5 years of age or older, but under 13 years of
 6774 age, for a fee of \$700.

6775 3. Persons 13 years of age or older, for a fee of \$1,000.

6776 (b) The following activities are authorized by the
 6777 purchase of a lifetime sportsman's license:

6778 1. Taking, or attempting to take or possess, freshwater
 6779 and saltwater fish, and game, consistent with the state and
 6780 federal laws and regulations and rules of the commission in
 6781 effect at the time of taking.

6782 2. All activities authorized by a management area permit,
 6783 a muzzle-loading gun season permit, a crossbow season permit, a
 6784 turkey permit, an archery season permit, a Florida waterfowl
 6785 permit, a snook permit, and a spiny lobster permit.

6786 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The
 6787 proceeds from the sale of all lifetime licenses authorized in
 6788 this section shall be deposited into the Lifetime Fish and
 6789 Wildlife Trust Fund, to be distributed as provided in s. 379.208
 6790 ~~372.105~~.

6791 (14) RECIPROCAL FEE AGREEMENTS.--The commission is
 6792 authorized to reduce the fees for licenses and permits under
 6793 this section for residents of those states with which the

6794 | commission has entered into reciprocal agreements with respect
 6795 | to such fees.

6796 | (15) FREE FISHING DAYS.--The commission may designate by
 6797 | rule no more than 2 consecutive or nonconsecutive days in each
 6798 | year as free freshwater fishing days and no more than 2
 6799 | consecutive or nonconsecutive days in each year as free
 6800 | saltwater fishing days. Notwithstanding any other provision of
 6801 | this chapter, any person may take freshwater fish for
 6802 | noncommercial purposes on a free freshwater fishing day and may
 6803 | take saltwater fish for noncommercial purposes on a free
 6804 | saltwater fishing day, without obtaining or possessing a license
 6805 | or permit or paying a license or permit fee as prescribed in
 6806 | this section. A person who takes freshwater or saltwater fish on
 6807 | a free fishing day must comply with all laws, rules, and
 6808 | regulations governing the holders of a fishing license or permit
 6809 | and all other conditions and limitations regulating the taking
 6810 | of freshwater or saltwater fish as are imposed by law or rule.

6811 | (16) PROHIBITED LICENSES OR PERMITS.--A person may not
 6812 | make, forge, counterfeit, or reproduce a license or permit
 6813 | required under this section, except for those persons authorized
 6814 | by the commission to make or reproduce such a license or permit.
 6815 | A person may not knowingly possess a forgery, counterfeit, or
 6816 | unauthorized reproduction of such a license or permit. A person
 6817 | who violates this subsection commits a Level Four violation
 6818 | under s. 379.810 ~~372.83~~.

6819 | (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
 6820 | game, freshwater fish, saltwater fish, or fur-bearing animals

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6821 within this state if a license issued to such person as required
6822 under this section or a privilege granted to such person under
6823 s. 379.721 ~~372.562~~ is suspended or revoked. A person who
6824 violates this subsection commits a Level Three violation under
6825 s. 379.810 ~~372.83~~.

6826 Section 140. Section 372.65, Florida Statutes, is
6827 renumbered as section 379.730, Florida Statutes, and amended to
6828 read:

6829 379.730 ~~372.65~~ Freshwater fish dealer's license.--

6830 (1) No person shall engage in the business of taking for
6831 sale or selling any frogs or freshwater fish, including live
6832 bait, of any species or size, or importing any exotic or
6833 nonindigenous fish, until such person has obtained a license and
6834 paid the fee therefor as set forth herein. The license issued
6835 shall be in the possession of the person to whom issued while
6836 such person is engaging in the business of taking for sale or
6837 selling freshwater fish or frogs, is not transferable, shall
6838 bear on its face in indelible ink the name of the person to whom
6839 it is issued, and shall be affixed to a license identification
6840 card issued by the commission. Such license is not valid unless
6841 it bears the name of the person to whom it is issued and is so
6842 affixed. The failure of such person to exhibit such license to
6843 the commission or any of its wildlife officers when such person
6844 is found engaging in such business is a violation of law. The
6845 license fees and activities permitted under particular licenses
6846 are as follows:

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6847 (a) The fee for a resident commercial fishing license,
6848 which permits a resident to take freshwater fish or frogs by any
6849 lawful method prescribed by the commission and to sell such fish
6850 or frogs, shall be \$25. The license provided for in this
6851 paragraph shall also allow noncommercial fishing as provided by
6852 law and commission rules, and the license in s. 379.722(4)(a)
6853 ~~372.57(4)(a)~~ shall not be required.

6854 (b) The fee for a resident freshwater fish dealer's
6855 license, which permits a resident to import, export, or sell
6856 freshwater fish or frogs, including live bait, shall be \$40.

6857 (c) The fee for a nonresident commercial fishing license,
6858 which permits a nonresident to take freshwater fish or frogs as
6859 provided in paragraph (a), shall be \$100.

6860 (d) The fee for a nonresident retail fish dealer's
6861 license, which permits a nonresident to sell freshwater fish or
6862 frogs to a consumer, shall be \$100.

6863 (e) The fee for a nonresident wholesale fish dealer's
6864 license, which permits a nonresident to sell freshwater fish or
6865 frogs within the state, and to buy freshwater fish or frogs for
6866 resale, shall be \$500.

6867 (f) The fee for a nonresident wholesale fish buyer's
6868 license, which permits a nonresident who does not sell
6869 freshwater fish or frogs in Florida to buy freshwater fish or
6870 frogs from resident fish dealers for resale outside the state,
6871 shall be \$50.

6872 (g) Any individual or business issued an aquaculture
6873 certificate, pursuant to s. 597.004, shall be exempt from the

6874 requirements of this chapter with respect to aquaculture
6875 products authorized under such certificate.

6876 (h) There is levied, in addition to any other license fee
6877 thereon, an annual gear license fee of \$50 upon each person
6878 fishing with trawl seines used in the fresh waters of the state.

6879 (i) There is levied, in addition to any other license fee
6880 thereon, an annual gear license fee of \$100 upon each person
6881 fishing with haul seines used in the fresh waters of the state.

6882 (2) Each boat engaged in commercial fishing shall have at
6883 least one licensed commercial fisher on board.

6884 (3) It shall be unlawful for any resident freshwater fish
6885 dealer, or any nonresident wholesale or nonresident retail fish
6886 dealer, or any nonresident wholesale fish buyer to buy
6887 freshwater fish or frogs from any unlicensed person.

6888 Section 141. Section 372.651, Florida Statutes, is
6889 renumbered as section 379.731, Florida Statutes, to read:

6890 379.731 ~~372.651~~ Haul seine and trawl permits; freshwater
6891 lakes in excess of 500 square miles; fees.--

6892 (1) The Fish and Wildlife Conservation Commission is
6893 authorized to issue permits for each haul seine or trawl used in
6894 freshwater lakes in the state having an area in excess of 500
6895 square miles.

6896 (2) The commission may charge an annual fee for the
6897 issuance of such permits which shall not exceed:

6898 (a) For a resident trawl permit, \$50.

6899 (b) For a resident haul seine permit, \$100.

6900 (c) For a nonresident or alien trawl or haul seine permit,
 6901 \$500.

6902 Section 142. Section 372.653, Florida Statutes, is
 6903 renumbered as section 379.732, Florida Statutes, to read:

6904 379.732 ~~372.653~~ Required tagging of fish; lakes in excess
 6905 of 500 square miles; tag fee; game fish taken in lakes of 500
 6906 square miles or less.--

6907 (1)(a) No game fish taken from, or caught in, a lake in
 6908 this state the area of which is in excess of 500 square miles
 6909 shall be sold for consumption in this state unless it is tagged
 6910 in the manner required by the Fish and Wildlife Conservation
 6911 Commission. Bass or pickerel taken by any method other than hook
 6912 and line shall be returned immediately to the water. Trawls and
 6913 haul seines shall not be operated within 1 mile of rooted
 6914 aquatic vegetation.

6915 (b) In order that such program of tagging be self-
 6916 sufficient, the Fish and Wildlife Conservation Commission is
 6917 authorized to assess a fee of not more than 5 cents per tag,
 6918 payable at the time of delivery of the tag.

6919 (2) No freshwater game fish shall be taken from a lake in
 6920 this state the area of which is 500 square miles or less other
 6921 than with pole and line; rod and reel; or plug, bob, spinner,
 6922 spoon, or other artificial bait or lure.

6923 (3) No freshwater game fish taken from a lake in this
 6924 state the area of which is 500 square miles or less shall be
 6925 offered for sale or sold.

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6926 Section 143. Section 370.063, Florida Statutes, is
6927 renumbered as section 379.733, Florida Statutes, and amended to
6928 read:

6929 379.733 ~~370.063~~ Special recreational spiny lobster
6930 license.--There is created a special recreational spiny lobster
6931 license, to be issued to qualified persons as provided by this
6932 section for the recreational harvest of spiny lobster beginning
6933 August 5, 1994.

6934 (1) The special recreational spiny lobster license shall
6935 be available to any individual spiny lobster trap number holder
6936 who also possesses a saltwater products license during the 1993-
6937 1994 license year. A person issued a special recreational spiny
6938 lobster license may not also possess a trap number.

6939 (2) The special recreational spiny lobster license is
6940 required in order to harvest spiny lobster from state
6941 territorial waters in quantities in excess of the regular
6942 recreational bag limit but not in excess of a special bag limit
6943 as established by the Marine Fisheries Commission for these
6944 harvesters before the 1994-1995 license year. Such special bag
6945 limit does not apply during the 2-day sport season established
6946 by the Fish and Wildlife Conservation Commission.

6947 (3) The holder of a special recreational spiny lobster
6948 license must also possess the recreational spiny lobster permit
6949 required by s. 379.722(8)(d) ~~372.57(8)(d)~~.

6950 (4) As a condition precedent to the issuance of a special
6951 recreational spiny lobster license, the applicant must agree to
6952 file quarterly reports with the Fish and Wildlife Conservation

6953 Commission in such form as the commission requires, detailing
6954 the amount of the licenseholder's spiny lobster harvest in the
6955 previous quarter, including the harvest of other recreational
6956 harvesters aboard the licenseholder's vessel.

6957 (5) The Fish and Wildlife Conservation Commission shall
6958 issue special recreational spiny lobster licenses. The fee for
6959 each such license is \$100 per year. Each license issued in any
6960 license year must be renewed by June 30 of each subsequent year
6961 by the initial individual holder thereof. Noncompliance with the
6962 reporting requirement in subsection (4) or with the special
6963 recreational bag limit established under subsection (6)
6964 constitutes grounds for which the commission may refuse to renew
6965 the license for a subsequent license year. The number of such
6966 licenses outstanding in any one license year may not exceed the
6967 number issued for the 1994-1995 license year. A license is not
6968 transferable by any method. Licenses that are not renewed expire
6969 and may be reissued by the commission in the subsequent license
6970 year to new applicants otherwise qualified under this section.

6971 (6) To promote conservation of the spiny lobster resource,
6972 consistent with equitable distribution and availability of the
6973 resource, the commission shall establish a spiny lobster
6974 management plan incorporating the special recreational spiny
6975 lobster license, including, but not limited to, the
6976 establishment of a special recreational bag limit for the
6977 holders of such license as required by subsection (2). Such
6978 special recreational bag limit must not be less than twice the
6979 higher of the daily recreational bag limits.

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6980 (7) The proceeds of the fees collected under this section
 6981 must be deposited in the Marine Resources Conservation Trust
 6982 Fund and used as follows:

6983 (a) Thirty-five percent for research and the development
 6984 of reliable recreational catch statistics for the spiny lobster
 6985 fishery.

6986 (b) Twenty percent for administration of this section.

6987 (c) Forty-five percent to be used for enforcement of this
 6988 section.

6989 (8) Any person who violates this section commits a Level
 6990 One violation under s. 379.810 ~~372.83~~.

6991 Section 144. Section 372.5705, Florida Statutes, is
 6992 renumbered as section 379.734, Florida Statutes, to read:

6993 379.734 ~~372.5705~~ Fish pond license.--The owner of a fish
 6994 pond of more than 20 acres which is located entirely within her
 6995 or his property may obtain a license from the commission for
 6996 such pond at a fee of \$3 per surface acre, and no fishing
 6997 license shall be required of any person fishing in such licensed
 6998 pond.

6999 Section 145. Section 370.06, Florida Statutes, is
 7000 renumbered as section 379.740, Florida Statutes, and amended to
 7001 read:

7002 379.740 ~~370.06~~ Licenses.--

7003 (1) LICENSE ON PURSE SEINES.--There is levied, in addition
 7004 to any other taxes thereon, an annual license tax of \$25 upon
 7005 each purse seine used in the waters of this state. This license
 7006 fee shall be collected in the manner provided in this section.

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7007 (2) SALTWATER PRODUCTS LICENSE.--

7008 (a) Every person, firm, or corporation that sells, offers
7009 for sale, barter, or exchanges for merchandise any saltwater
7010 products, or which harvests saltwater products with certain gear
7011 or equipment as specified by law, must have a valid saltwater
7012 products license, except that the holder of an aquaculture
7013 certificate under s. 597.004 is not required to purchase and
7014 possess a saltwater products license in order to possess,
7015 transport, or sell marine aquaculture products. Each saltwater
7016 products license allows the holder to engage in any of the
7017 activities for which the license is required. The license must
7018 be in the possession of the licenseholder or aboard the vessel
7019 and is subject to inspection at any time that harvesting
7020 activities for which a saltwater products license is required
7021 are being conducted.

7022 (b)1. A restricted species endorsement on the saltwater
7023 products license is required to sell to a licensed wholesale
7024 dealer those species which the state, by law or rule, has
7025 designated as "restricted species." This endorsement may be
7026 issued only to a person who is at least 16 years of age, or to a
7027 firm certifying that over 25 percent of its income or \$5,000 of
7028 its income, whichever is less, is attributable to the sale of
7029 saltwater products pursuant to a saltwater products license
7030 issued under this paragraph or a similar license from another
7031 state. This endorsement may also be issued to a for-profit
7032 corporation if it certifies that at least \$5,000 of its income
7033 is attributable to the sale of saltwater products pursuant to a

7034 saltwater products license issued under this paragraph or a
7035 similar license from another state. However, if at least 50
7036 percent of the annual income of a person, firm, or for-profit
7037 corporation is derived from charter fishing, the person, firm,
7038 or for-profit corporation must certify that at least \$2,500 of
7039 the income of the person, firm, or corporation is attributable
7040 to the sale of saltwater products pursuant to a saltwater
7041 products license issued under this paragraph or a similar
7042 license from another state, in order to be issued the
7043 endorsement. Such income attribution must apply to at least 1 of
7044 the last 3 years. For the purpose of this section, "income"
7045 means that income that is attributable to work, employment,
7046 entrepreneurship, pensions, retirement benefits, and social
7047 security benefits.

7048 2. To renew an existing restricted species endorsement, a
7049 marine aquaculture producer possessing a valid saltwater
7050 products license with a restricted species endorsement may apply
7051 income from the sale of marine aquaculture products to licensed
7052 wholesale dealers.

7053 3. The commission is authorized to require verification of
7054 such income for all restricted species endorsements issued
7055 pursuant to this paragraph. Acceptable proof of income earned
7056 from the sale of saltwater products shall be:

7057 a. Copies of trip ticket records generated pursuant to
7058 this subsection (marine fisheries information system),
7059 documenting qualifying sale of saltwater products;

7060 b. Copies of sales records from locales other than Florida
7061 documenting qualifying sale of saltwater products;

7062 c. A copy of the applicable federal income tax return,
7063 including Form 1099 attachments, verifying income earned from
7064 the sale of saltwater products;

7065 d. Crew share statements verifying income earned from the
7066 sale of saltwater products; or

7067 e. A certified public accountant's notarized statement
7068 attesting to qualifying source and amount of income.

7069
7070 Notwithstanding any other provision of law, any person who owns
7071 a retail seafood market or restaurant at a fixed location for at
7072 least 3 years, who has had an occupational license for 3 years
7073 prior to January 1, 1990, who harvests saltwater products to
7074 supply his or her retail store, and who has had a saltwater
7075 products license for 1 of the past 3 license years prior to
7076 January 1, 1990, may provide proof of his or her verification of
7077 income and sales value at the person's retail seafood market or
7078 restaurant and in his or her saltwater products enterprise by
7079 affidavit and shall thereupon be issued a restricted species
7080 endorsement.

7081 4. Exceptions from income requirements shall be as
7082 follows:

7083 a. A permanent restricted species endorsement shall be
7084 available to those persons age 62 and older who have qualified
7085 for such endorsement for at least 3 of the last 5 years.

7086 b. Active military duty time shall be excluded from
7087 consideration of time necessary to qualify and shall not be
7088 counted against the applicant for purposes of qualifying.

7089 c. Upon the sale of a used commercial fishing vessel owned
7090 by a person, firm, or corporation possessing or eligible for a
7091 restricted species endorsement, the purchaser of such vessel
7092 shall be exempted from the qualifying income requirement for the
7093 purpose of obtaining a restricted species endorsement for a
7094 period of 1 year after purchase of the vessel.

7095 d. Upon the death or permanent disablement of a person
7096 possessing a restricted species endorsement, an immediate family
7097 member wishing to carry on the fishing operation shall be
7098 exempted from the qualifying income requirement for the purpose
7099 of obtaining a restricted species endorsement for a period of 1
7100 year after the death or disablement.

7101 e. A restricted species endorsement may be issued on an
7102 individual saltwater products license to a person age 62 or
7103 older who documents that at least \$2,500 of such person's income
7104 is attributable to the sale of saltwater products.

7105 f. A permanent restricted species endorsement may also be
7106 issued on an individual saltwater products license to a person
7107 age 70 or older who has held a saltwater products license for at
7108 least 3 of the last 5 license years.

7109 g. Any resident who is certified to be totally and
7110 permanently disabled by the Railroad Retirement Board, by the
7111 United States Department of Veterans Affairs or its predecessor,
7112 or by any branch of the United States Armed Forces, or who holds

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7113 a valid identification card issued by the Department of
7114 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
7115 or any resident certified to be disabled by the United States
7116 Social Security Administration or a licensed physician, upon
7117 proof of the same, shall be exempted from the income
7118 requirements if he or she also has held a saltwater products
7119 license for at least 3 of the last 5 license years prior to the
7120 date of the disability. A restricted species endorsement issued
7121 under this paragraph may be issued only on an individual
7122 saltwater products license.

7123 (c) At least one saltwater products license bearing a
7124 restricted species endorsement shall be aboard any vessel
7125 harvesting restricted species in excess of any bag limit or when
7126 fishing under a commercial quota or in commercial quantities,
7127 and such vessel shall have a commercial vessel registration.
7128 This subsection does not apply to any person, firm, or
7129 corporation licensed under s. 379.741(1)(a)1. or (b)
7130 ~~370.07(1)(a)1. or (b)~~ for activities pursuant to such licenses.

7131 (d) A saltwater products license may be issued in the name
7132 of an individual or a valid commercial vessel registration
7133 number. However, a firm or corporation may only receive a
7134 license issued to a valid commercial vessel registration number.
7135 A saltwater products license may not be transferred by the
7136 licenseholder to another individual, firm, or corporation. A
7137 decal shall be issued with each saltwater products license
7138 issued to a valid commercial vessel registration number. The
7139 saltwater products license decal shall be the same color as the

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7140 vessel registration decal issued each year pursuant to s.
7141 328.48(5) and shall indicate the period of time such license is
7142 valid. The saltwater products license decal shall be placed
7143 beside the vessel registration decal and, in the case of an
7144 undocumented vessel, shall be placed so that the vessel
7145 registration decal lies between the commercial vessel
7146 registration number and the saltwater products license decal.
7147 Any saltwater products license decal for a previous year shall
7148 be removed from a vessel operating on the waters of the state.

7149 (e) The annual fee for a saltwater products license is:

7150 1. For a license issued in the name of an individual which
7151 authorizes only that individual to engage in commercial fishing
7152 activities from the shore or a vessel: a resident must pay \$50;
7153 a nonresident must pay \$200; or an alien must pay \$300.

7154 2. For a license issued in the name of an individual which
7155 authorizes that named individual to engage in commercial fishing
7156 activities from the shore or a vessel and also authorizes each
7157 person who is fishing with the named individual aboard a vessel
7158 to engage in such activities: a resident must pay \$150; a
7159 nonresident must pay \$600; or an alien must pay \$900.

7160 3. For a license issued to a valid commercial vessel
7161 registration number which authorizes each person aboard such
7162 registered vessel to engage in commercial fishing activities: a
7163 resident, or a resident firm or corporation, must pay \$100; a
7164 nonresident, or a nonresident firm or corporation, must pay
7165 \$400; or an alien, or an alien firm or corporation, must pay
7166 \$600. For purposes of this subparagraph, a resident firm or

7167 corporation means a firm or corporation formed under the laws of
 7168 this state; a nonresident firm or corporation means a firm or
 7169 corporation formed under the laws of any state other than
 7170 Florida; and an alien firm or corporation means a firm or
 7171 corporation organized under any laws other than laws of the
 7172 United States, any United States territory or possession, or any
 7173 state of the United States.

7174 (f) Any person who sells saltwater products pursuant to a
 7175 saltwater products license may sell only to a licensed wholesale
 7176 dealer. A saltwater products license must be presented to the
 7177 licensed wholesale dealer each time saltwater products are sold,
 7178 and an imprint made thereof. The wholesale dealer shall keep
 7179 records of each transaction in such detail as may be required by
 7180 rule of the commission not in conflict with s. 379.741(6)
 7181 ~~370.07(6)~~, and shall provide the holder of the saltwater
 7182 products license with a copy of the record. It is unlawful for
 7183 any licensed wholesale dealer to buy saltwater products from any
 7184 unlicensed person under the provisions of this section, except
 7185 that a licensed wholesale dealer may buy from another licensed
 7186 wholesale dealer. It is unlawful for any licensed wholesale
 7187 dealer to buy saltwater products designated as "restricted
 7188 species" from any person, firm, or corporation not possessing a
 7189 restricted species endorsement on his or her saltwater products
 7190 license under the provisions of this section, except that a
 7191 licensed wholesale dealer may buy from another licensed
 7192 wholesale dealer. For purposes of this subsection, any saltwater

7193 products received by a wholesale dealer are presumed to have
 7194 been purchased.

7195 (g) The commission shall be the licensing agency, may
 7196 contract with private persons or entities to implement aspects
 7197 of the licensing program, and shall establish by rule a marine
 7198 fisheries information system in conjunction with the licensing
 7199 program to gather fisheries data.

7200 (h) Any person who sells, offers for sale, barter, or
 7201 exchanges for merchandise saltwater products must have a method
 7202 of catch preservation which meets the requirements and standards
 7203 of the seafood quality control code promulgated by the
 7204 commission.

7205 (i) A saltwater products license is required to harvest
 7206 commercial quantities of saltwater products. Any vessel from
 7207 which commercial quantities of saltwater products are harvested
 7208 must have a commercial vessel registration. Commercial
 7209 quantities of saltwater products shall be defined as:

7210 1. With respect to those species for which no bag limit
 7211 has been established, more than 100 pounds per person per day,
 7212 provided that the harvesting of two fish or less per person per
 7213 day shall not be considered commercial quantities regardless of
 7214 aggregate weight; and

7215 2. With respect to those species for which a bag limit has
 7216 been established, more than the bag limit allowed by law or
 7217 rule.

7218 (j)1. In addition to the saltwater products license, a
 7219 marine life fishing endorsement is required for the harvest of

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7220 marine life species as defined by rule of the Fish and Wildlife
7221 Conservation Commission. This endorsement may be issued only to
7222 a person who is at least 16 years of age or older or to a
7223 corporation holding a valid restricted species endorsement.

7224 2.a. Effective July 1, 1998, and until July 1, 2002, a
7225 marine life endorsement may not be issued under this paragraph,
7226 except that those endorsements that are active during the 1997-
7227 1998 fiscal year may be renewed.

7228 b. In 1998 persons or corporations holding a marine life
7229 endorsement that was active in the 1997-1998 fiscal year or an
7230 immediate family member of that person must request renewal of
7231 the marine life endorsement before December 31, 1998.

7232 c. In subsequent years and until July 1, 2002, a marine
7233 life endorsement holder or member of his or her immediate family
7234 must request renewal of the marine life endorsement before
7235 September 30 of each year.

7236 d. If a person or corporation holding an active marine
7237 life fishing endorsement or a member of that person's immediate
7238 family does not request renewal of the endorsement before the
7239 applicable dates specified in this paragraph, the commission
7240 shall deactivate that marine life fishing endorsement.

7241 e. In the event of the death or disability of a person
7242 holding an active marine life fishing endorsement, the
7243 endorsement may be transferred by the person to a member of his
7244 or her immediate family or may be renewed by any person so
7245 designated by the executor of the person's estate.

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7246 f. Persons or corporations who hold saltwater product
7247 licenses with marine life fishing endorsements issued to their
7248 vessel registration numbers and who subsequently replace their
7249 existing vessels with new vessels may transfer the existing
7250 marine life fishing endorsement to the new boat registration
7251 numbers.

7252 g. Persons or corporations who hold saltwater product
7253 licenses with marine life fishing endorsements issued to their
7254 name and who subsequently incorporate or unincorporate may
7255 transfer the existing marine life fishing endorsement to the new
7256 corporation or person.

7257 3. The fee for a marine life fishery endorsement on a
7258 saltwater products license shall be \$75. These license fees
7259 shall be collected and deposited in the Marine Resources
7260 Conservation Trust Fund and used for the purchase and
7261 installation of vessel mooring buoys at coral reef sites and for
7262 research related to marine fisheries.

7263 (3) NET LICENSES.--Except for cast nets and bait seines
7264 which are 100 feet in length or less and which have a mesh that
7265 is 3/8 inch or less, all nets used to take finfish, including,
7266 but not limited to, gill nets, trammel nets, and beach seines,
7267 must be licensed or registered. Each net used to take finfish
7268 for commercial purposes, or by a nonresident, must be licensed
7269 under a saltwater products license issued pursuant to subsection
7270 (2) and must bear the number of such license.

7271 (4) SPECIAL ACTIVITY LICENSES.--

7272 (a) A special activity license is required for any person
 7273 to use gear or equipment not authorized in this chapter or rule
 7274 of the Fish and Wildlife Conservation Commission for harvesting
 7275 saltwater species. In accordance with this chapter, s. 16, Art.
 7276 X of the State Constitution, and rules of the commission, the
 7277 commission may issue special activity licenses for the use of
 7278 nonconforming gear or equipment, including, but not limited to,
 7279 trawls, seines and entangling nets, traps, and hook and line
 7280 gear, to be used in harvesting saltwater species for scientific
 7281 and governmental purposes, and, where allowable, for innovative
 7282 fisheries. The commission may prescribe by rule application
 7283 requirements and terms, conditions, and restrictions to be
 7284 incorporated into each special activity license. This subsection
 7285 does not apply to gear or equipment used by certified marine
 7286 aquaculturists as provided for in s. 597.004 to harvest marine
 7287 aquaculture products.

7288 (b) The Fish and Wildlife Conservation Commission is
 7289 authorized to issue special activity licenses in accordance with
 7290 this section and s. 379.872 ~~370.31~~, to permit the importation
 7291 and possession of wild anadromous sturgeon. The commission is
 7292 also authorized to issue special activity licenses, in
 7293 accordance with this section and s. 379.872 ~~370.31~~, to permit
 7294 the importation, possession, and aquaculture of native and
 7295 nonnative anadromous sturgeon until best-management practices
 7296 are implemented for the cultivation of anadromous sturgeon
 7297 pursuant to s. 597.004. The special activity license shall

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7298 provide for specific management practices to protect indigenous
7299 populations of saltwater species.

7300 (c) The conditions and specific management practices
7301 established in this section shall be incorporated into permits
7302 and authorizations issued pursuant to chapter 253, ~~chapter 373,~~
7303 chapter 403, or this chapter, when incorporating such provisions
7304 is in accordance with the aquaculture permit consolidation
7305 procedures. No separate issuance of a special activity license
7306 is required when conditions and specific management practices
7307 are incorporated into permits or authorizations under this
7308 paragraph. Implementation of this section to consolidate
7309 permitting actions does not constitute rules within the meaning
7310 of s. 120.52.

7311 (d) The commission is authorized to issue special activity
7312 licenses in accordance with s. 379.310 ~~370.101~~ and this section;
7313 aquaculture permit consolidation procedures in s. 379.871(2)
7314 ~~370.26(2)~~; and rules of the commission to permit the capture and
7315 possession of saltwater species protected by law and used as
7316 stock for artificial cultivation and propagation.

7317 (e) The commission is authorized to adopt rules to govern
7318 the administration of special activities licenses as provided in
7319 this chapter and rules of the commission. Such rules may
7320 prescribe application requirements and terms, conditions, and
7321 restrictions for any such special activity license requested
7322 pursuant to this section.

7323 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

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- 7324 (a) For purposes of this section, the following
7325 definitions shall apply:
- 7326 1. "Person" means an individual.
- 7327 2. "Resident" means any person who has:
- 7328 a. Continuously resided in this state for 6 months
7329 immediately preceding the making of his or her application for
7330 an Apalachicola Bay oyster harvesting license; or
- 7331 b. Established a domicile in this state and evidenced that
7332 domicile as provided in s. 222.17.
- 7333 (b) No person shall harvest oysters from the Apalachicola
7334 Bay without a valid Apalachicola Bay oyster harvesting license
7335 issued by the Department of Agriculture and Consumer Services.
7336 This requirement shall not apply to anyone harvesting
7337 noncommercial quantities of oysters in accordance with chapter
7338 46-27, Florida Administrative Code, or to any person less than
7339 18 years old.
- 7340 (c) Any person wishing to obtain an Apalachicola Bay
7341 oyster harvesting license shall submit an annual fee for the
7342 license during a 45-day period from May 17 to June 30 of each
7343 year preceding the license year for which the license is valid.
7344 Failure to pay the annual fee within the required time period
7345 shall result in a \$500 late fee being imposed before issuance of
7346 the license.
- 7347 (d) The Department of Agriculture and Consumer Services
7348 shall collect an annual fee of \$100 from residents and \$500 from
7349 nonresidents for the issuance of an Apalachicola Bay oyster
7350 harvesting license. The license year shall begin on July 1 of

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7351 each year and end on June 30 of the following year. The license
7352 shall be valid only for the licensee. Only bona fide residents
7353 of Florida may obtain a resident license pursuant to this
7354 subsection.

7355 (e) Each person who applies for an Apalachicola Bay oyster
7356 harvesting license shall, before receiving the license for the
7357 first time, attend an educational seminar of not more than 16
7358 hours length, developed and conducted jointly by the Department
7359 of Environmental Protection's Apalachicola National Estuarine
7360 Research Reserve, the Division of Law Enforcement of the Fish
7361 and Wildlife Conservation Commission, and the Department of
7362 Agriculture and Consumer Services' Apalachicola District
7363 Shellfish Environmental Assessment Laboratory. The seminar shall
7364 address, among other things, oyster biology, conservation of the
7365 Apalachicola Bay, sanitary care of oysters, small business
7366 management, and water safety. The seminar shall be offered five
7367 times per year, and each person attending shall receive a
7368 certificate of participation to present when obtaining an
7369 Apalachicola Bay oyster harvesting license. The educational
7370 seminar is not required for renewal of an Apalachicola Bay
7371 oyster harvesting license.

7372 (f) Each person, while harvesting oysters in Apalachicola
7373 Bay, shall have in possession a valid Apalachicola Bay oyster
7374 harvesting license, or proof of having applied for a license
7375 within the required time period, and shall produce such license
7376 or proof of application upon request of any law enforcement
7377 officer.

7378 (g) Each person who obtains an Apalachicola Bay oyster
 7379 harvesting license shall prominently display the license number
 7380 upon any vessel the person owns which is used for the taking of
 7381 oysters, in numbers which are at least 10 inches high and 1 inch
 7382 wide, so that the permit number is readily identifiable from the
 7383 air and water. Only one vessel displaying a given number may be
 7384 used at any time. A licensee may harvest oysters from the vessel
 7385 of another licensee.

7386 (h) Any person holding an Apalachicola Bay oyster
 7387 harvesting license shall receive credit for the license fee
 7388 against the saltwater products license fee.

7389 (i) The proceeds from Apalachicola Bay oyster harvesting
 7390 license fees shall be deposited in the General Inspection Trust
 7391 Fund and, less reasonable administrative costs, shall be used or
 7392 distributed by the Department of Agriculture and Consumer
 7393 Services for the following purposes in Apalachicola Bay:

- 7394 1. Relaying and transplanting live oysters.
- 7395 2. Shell planting to construct or rehabilitate oyster
 7396 bars.
- 7397 3. Education programs for licensed oyster harvesters on
 7398 oyster biology, aquaculture, boating and water safety,
 7399 sanitation, resource conservation, small business management,
 7400 marketing, and other relevant subjects.
- 7401 4. Research directed toward the enhancement of oyster
 7402 production in the bay and the water management needs of the bay.

7403 (j) Any person who violates any of the provisions of
 7404 paragraphs (b) and (d)-(g) commits a misdemeanor of the second

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7405 degree, punishable as provided in ss. 775.082 and 775.083.
7406 Nothing in this subsection shall limit the application of
7407 existing penalties.

7408 (k) Any oyster harvesting license issued pursuant to this
7409 subsection must be in compliance with the rules of the Fish and
7410 Wildlife Conservation Commission regulating gear or equipment,
7411 harvest seasons, size and bag limits, and the taking of
7412 saltwater species.

7413 (6) LICENSE YEAR.--The license year on all licenses
7414 relating to saltwater products dealers, seafood dealers, aliens,
7415 residents, and nonresidents, unless otherwise provided, shall
7416 begin on July 1 of each year and end on June 30 of the next
7417 succeeding year. All licenses shall be so dated. However, if the
7418 commission determines that it is in the best interest of the
7419 state to issue a license required under this chapter to an
7420 individual on the birthday of the applicant, the commission may
7421 establish by rule a procedure to do so. This section does not
7422 apply to licenses and permits when their use is confined to an
7423 open season.

7424 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;
7425 EXCEPTION.--Licenses of every kind and nature granted under the
7426 provisions of the fish and game laws of this state are at all
7427 times subject to inspection by the police officers of this state
7428 and the officers of the Fish and Wildlife Conservation
7429 Commission. Such licenses are not transferable unless otherwise
7430 provided by law.

7431 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
 7432 provided by law, all license taxes or fees provided for in this
 7433 chapter shall be collected by the commission or its duly
 7434 authorized agents or deputies to be deposited by the Chief
 7435 Financial Officer in the Marine Resources Conservation Trust
 7436 Fund. The commission may by rule establish a reasonable
 7437 processing fee for any free license or permit required under
 7438 this chapter. The commission is authorized to accept payment by
 7439 credit card for fees, fines, and civil penalties levied pursuant
 7440 to this chapter.

7441 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The commission
 7442 shall deny the renewal or issuance of any saltwater products
 7443 license, wholesale dealer license, or retail dealer license to
 7444 anyone that has unpaid fees, civil assessments, or fines owed to
 7445 the commission.

7446 Section 146. Section 370.07, Florida Statutes, is
 7447 renumbered as section 379.741, Florida Statutes, and amended to
 7448 read:

7449 379.741 ~~370.07~~ Wholesale and retail saltwater products
 7450 dealers; regulation.--

7451 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license or
 7452 privilege taxes are hereby levied and imposed upon dealers in
 7453 the state in saltwater products. It is unlawful for any person,
 7454 firm, or corporation to deal in any such products without first
 7455 paying for and procuring the license required by this section.
 7456 Application for all licenses shall be made to the Fish and
 7457 Wildlife Conservation Commission on blanks to be furnished by

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7458 it. All licenses shall be issued by the commission upon payment
7459 to it of the license tax. The licenses are defined as:

7460 (a)1. "Wholesale county dealer" is any person, firm, or
7461 corporation which sells saltwater products to any person, firm,
7462 or corporation except to the consumer and who may buy saltwater
7463 products in the county designated on the wholesale license from
7464 any person licensed pursuant to s. 379.740(2) ~~370.06(2)~~ or from
7465 any licensed wholesale dealer.

7466 2. "Wholesale state dealer" is a person, firm, or
7467 corporation which sells saltwater products to any person, firm,
7468 or corporation except to the consumer and who may buy saltwater
7469 products in any county of the state from any person licensed
7470 pursuant to s. 379.740(2) ~~370.06(2)~~ or from any licensed
7471 wholesale dealer.

7472 3. "Wholesale dealer" is either a county or a state
7473 dealer.

7474 (b) A "retail dealer" is any person, firm, or corporation
7475 which sells saltwater products directly to the consumer, but no
7476 license is required of a dealer in merchandise who deals in or
7477 sells saltwater products consumed on the premises or prepared
7478 for immediate consumption and sold to be taken out of any
7479 restaurant licensed by the Division of Hotels and Restaurants of
7480 the Department of Business and Professional Regulation.

7481
7482 Any person, firm, or corporation which is both a wholesale
7483 dealer and a retail dealer shall obtain both a wholesale
7484 dealer's license and a retail dealer's license. If a wholesale

7485 dealer has more than one place of business, the annual license
 7486 tax shall be effective for all places of business, provided that
 7487 the wholesale dealer supplies to the commission a complete list
 7488 of additional places of business upon application for the annual
 7489 license tax.

7490 (2) LICENSES; AMOUNT, TRUST FUND.--

7491 (a) A resident wholesale county seafood dealer is required
 7492 to pay an annual license tax of \$300.

7493 (b) A resident wholesale state dealer is required to pay
 7494 an annual license tax of \$450.

7495 (c) A nonresident wholesale county dealer is required to
 7496 pay an annual license tax of \$500.

7497 (d) A nonresident wholesale state dealer is required to
 7498 pay an annual license tax of \$1,000.

7499 (e) An alien wholesale county dealer is required to pay an
 7500 annual license tax of \$1,000.

7501 (f) An alien wholesale state dealer is required to pay an
 7502 annual license tax of \$1,500.

7503 (g) A resident retail dealer is required to pay an annual
 7504 license tax of \$25; however, if such a dealer has more than one
 7505 place of business, the dealer shall designate one place of
 7506 business as a central place of business, shall pay an annual
 7507 license tax of \$25 for such place of business, and shall pay an
 7508 annual license tax of \$10 for each other place of business.

7509 (h) A nonresident retail dealer is required to pay an
 7510 annual license tax of \$200; however, if such a dealer has more
 7511 than one place of business, the dealer shall designate one place

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7512 of business as a central place of business, shall pay an annual
7513 license tax of \$200 for such place of business, and shall pay an
7514 annual license tax of \$25 for each other place of business.

7515 (i) An alien retail dealer is required to pay an annual
7516 license tax of \$250; however, if such a dealer has more than one
7517 place of business, the dealer shall designate one place of
7518 business as a central place of business, shall pay an annual
7519 license tax of \$250 for such place of business, and shall pay an
7520 annual license tax of \$50 for each other place of business.

7521 (j) License or privilege taxes, together with any other
7522 funds derived from the Federal Government or from any other
7523 source, shall be deposited in a Florida Saltwater Products
7524 Promotion Trust Fund to be administered by the Department of
7525 Agriculture and Consumer Services for the sole purpose of
7526 promoting all fish and saltwater products produced in this
7527 state, except that 4 percent of the total wholesale and retail
7528 saltwater products dealer's license fees collected shall be
7529 deposited into the Marine Resources Conservation Trust Fund
7530 administered by the Fish and Wildlife Conservation Commission
7531 for the purpose of processing wholesale and retail saltwater
7532 products dealer's licenses.

7533 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.--The
7534 Department of Agriculture and Consumer Services shall use or
7535 distribute funds paid into the State Treasury to the credit of
7536 the General Inspection Trust Fund pursuant to s. 201.15(11),
7537 less reasonable costs of administration, to fund the following

7538 oyster management and restoration programs in Apalachicola Bay
 7539 and other oyster harvest areas in the state:

7540 (a) The relaying and transplanting of live oysters.

7541 (b) Shell planting to construct or rehabilitate oyster
 7542 bars.

7543 (c) Education programs for licensed oyster harvesters on
 7544 oyster biology, aquaculture, boating and water safety,
 7545 sanitation, resource conservation, small business management,
 7546 and other relevant subjects.

7547 (d) Research directed toward the enhancement of oyster
 7548 production in the bay and the water management needs of the bay.

7549 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

7550 (a) A person transporting in this state saltwater products
 7551 that were produced in this state, regardless of destination,
 7552 shall have in his or her possession invoices, bills of lading,
 7553 or other similar instruments showing the number of packages,
 7554 boxes, or containers and the number of pounds of each species
 7555 and the name, physical address, and the Florida wholesale dealer
 7556 number of the dealer of origin.

7557 (b) A person transporting in this state saltwater products
 7558 that were produced outside this state to be delivered to a
 7559 destination in this state shall have in his or her possession
 7560 invoices, bills of lading, or other similar instruments showing
 7561 the number of packages, boxes, or containers and the number of
 7562 pounds of each species, the name and physical address of the
 7563 dealer of origin, and the name, physical address, and Florida

7564 wholesale dealer number of the Florida dealer to whom the
7565 shipment is to be delivered.

7566 (c) A person transporting in this state saltwater products
7567 that were produced outside this state which are to be delivered
7568 to a destination outside this state shall have in his or her
7569 possession invoices, bills of lading, or other similar
7570 instruments showing the number of packages, boxes, or containers
7571 and the number of pounds of each species, the name and physical
7572 address of the dealer of origin, and the name and physical
7573 address of the dealer to whom the shipment is to be delivered.

7574 (d) If the saltwater products in transit come from more
7575 than one dealer, distributor, or producer, each lot from each
7576 dealer shall be covered by invoices, bills of lading, and other
7577 similar instruments showing the number of boxes or containers
7578 and the number of pounds of each species. Each invoice, bill of
7579 lading, and other similar instrument shall display the wholesale
7580 dealer license number and the name and physical address of the
7581 dealer, distributor, or producer of the lot covered by the
7582 instrument.

7583 (e) It is unlawful to sell, deliver, ship, or transport,
7584 or to possess for the purpose of selling, delivering, shipping,
7585 or transporting, any saltwater products without all invoices
7586 concerning the products having thereon the wholesale dealer
7587 license number in the form prescribed under this subsection and
7588 the rules of the commission. Any saltwater products found in the
7589 possession of any person who is in violation of this paragraph

7590 | may be seized by the commission and disposed of in the manner
 7591 | provided by law.

7592 | (f) Nothing contained in this subsection may be construed
 7593 | to apply to the sale and delivery to a consumer of saltwater
 7594 | products in an ordinary retail transaction by a licensed retail
 7595 | dealer who has purchased such products from a licensed wholesale
 7596 | dealer, or to the sale and delivery of the catch or products of
 7597 | a saltwater products licensee to a Florida-licensed wholesale
 7598 | dealer.

7599 | (g) Wholesale dealers' licenses shall be issued only to
 7600 | applicants who furnish to the commission satisfactory evidence
 7601 | of law-abiding reputation and who pledge themselves to
 7602 | faithfully observe all of the laws, rules, and regulations of
 7603 | this state relating to the conservation of, dealing in, or
 7604 | taking, selling, transporting, or possession of saltwater
 7605 | products, and to cooperate in the enforcement of all such laws
 7606 | to every reasonable extent. This pledge may be included in the
 7607 | application for license.

7608 | (h) A wholesale dealer, retail dealer, or restaurant
 7609 | facility shall not purchase or sell for public consumption any
 7610 | saltwater products known to be taken illegally, or known to be
 7611 | taken in violation of s. 16, Art. X of the State Constitution,
 7612 | or any rule or statute implementing its provisions.

7613 | (i) Any person who violates the provisions of this
 7614 | subsection commits a misdemeanor of the first degree, punishable
 7615 | as provided in s. 775.082 or s. 775.083.

7616 | (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7617 (a) A license issued to a wholesale or retail dealer is
 7618 good only to the person to whom issued and named therein and is
 7619 not transferable. The commission may revoke, suspend, or deny
 7620 the renewal of the license of any licensee:

7621 1. Upon the conviction of the licensee of any violation of
 7622 the laws or regulations designed for the conservation of
 7623 saltwater products;

7624 2. Upon conviction of the licensee of knowingly dealing
 7625 in, buying, selling, transporting, possessing, or taking any
 7626 saltwater product, at any time and from any waters, in violation
 7627 of the laws of this state; or

7628 3. Upon satisfactory evidence of any violation of the laws
 7629 or any regulations of this state designed for the conservation
 7630 of saltwater products or of any of the laws of this state
 7631 relating to dealing in, buying, selling, transporting,
 7632 possession, or taking of saltwater products.

7633 (b) Upon revocation of such license, no other or further
 7634 license may be issued to the dealer within 3 years from the date
 7635 of revocation except upon special order of the commission. After
 7636 revocation, it is unlawful for such dealer to exercise any of
 7637 the privileges of a licensed wholesale or retail dealer.

7638 (c) In addition to, or in lieu of, the penalty imposed
 7639 pursuant to this subsection, the commission may impose penalties
 7640 pursuant to s. 379.830 ~~370.021~~.

7641 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

7642 (a) Wholesale dealers shall be required by the commission
 7643 to make and preserve a record of the names and addresses of

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7644 persons from whom or to whom saltwater products are purchased or
7645 sold, the quantity so purchased or sold from or to each vendor
7646 or purchaser, and the date of each such transaction. Retail
7647 dealers shall be required to make and preserve a record from
7648 whom all saltwater products are purchased. Such record shall be
7649 open to inspection at all times by the commission. A report
7650 covering the sale of saltwater products shall be made monthly or
7651 as often as required by rule to the commission by each wholesale
7652 dealer. All reports required under this subsection are
7653 confidential and shall be exempt from the provisions of s.
7654 119.07(1) except that, pursuant to authority related to
7655 interstate fishery compacts as provided by ss. 379.3391(3) and
7656 379.3392(3) ~~370.19(3) and 370.20(3)~~, reports may be shared with
7657 another state if that state is a member of an interstate
7658 fisheries compact, and if that state has signed a Memorandum of
7659 Agreement or a similar instrument agreeing to preserve
7660 confidentiality as established by Florida law.

7661 (b) The commission may revoke, suspend, or deny the
7662 renewal of the license of any dealer for failure to make and
7663 keep required records, for failure to make required reports, for
7664 failure or refusal to permit the examination of required
7665 records, or for falsifying any such record. In addition to, or
7666 in lieu of, the penalties imposed pursuant to this paragraph and
7667 s. 379.830 ~~370.021~~, the commission may impose against any
7668 person, firm, or corporation who is determined to have violated
7669 any provision of this paragraph or any provisions of any

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7670 commission rules adopted pursuant to s. 379.3011 ~~370.0607~~, the
 7671 following additional penalties:

7672 1. For the first violation, a civil penalty of up to
 7673 \$1,000;

7674 2. For a second violation committed within 24 months of
 7675 any previous violation, a civil penalty of up to \$2,500; and

7676 3. For a third or subsequent violation committed within 36
 7677 months of any previous two violations, a civil penalty of up to
 7678 \$5,000.

7679
 7680 The proceeds of all civil penalties collected pursuant to this
 7681 subsection shall be deposited into the Marine Resources
 7682 Conservation Trust Fund and shall be used for administration,
 7683 auditing, and law enforcement purposes.

7684 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY LOCATION.-
 7685 -Wholesale dealers purchasing saltwater products pursuant to s.
 7686 379.740(2) ~~370.06(2)~~ at any site other than a site located in a
 7687 county where the dealer has a permanent address must notify the
 7688 Fish and Wildlife Conservation Commission of the location of the
 7689 temporary site of business for each day business is to be
 7690 conducted at such site.

7691 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
 7692 unlawful for any licensed retail dealer or any restaurant
 7693 licensed by the Division of Hotels and Restaurants of the
 7694 Department of Business and Professional Regulation to buy
 7695 saltwater products from any person other than a licensed
 7696 wholesale or retail dealer. For purposes of this subsection, any

7697 saltwater products received by a retail dealer or a restaurant
 7698 are presumed to have been purchased.

7699 Section 147. Section 370.135, Florida Statutes, is
 7700 renumbered as section 379.742, Florida Statutes, and amended to
 7701 read:

7702 379.742 ~~370.135~~ Blue crab; regulation.--

7703 (1) No commercial harvester shall transport on the water,
 7704 fish with or cause to be fished with, set, or place any trap
 7705 designed for taking blue crabs unless such commercial harvester
 7706 holds a valid saltwater products license and restricted species
 7707 endorsement issued under s. 379.740 ~~370.06~~ and a blue crab
 7708 endorsement issued under this section. Each trap shall have the
 7709 harvester's blue crab endorsement number permanently affixed to
 7710 it. Each buoy attached to such a trap shall also have the
 7711 harvester's blue crab endorsement number permanently attached to
 7712 the buoy. The blue crab endorsement number shall be affixed in
 7713 legible figures at least 2 inches high on each buoy used. The
 7714 saltwater products license must be on board the boat, and both
 7715 the license and the crabs shall be subject to inspection at all
 7716 times. This subsection shall not apply to an individual fishing
 7717 with no more than five traps.

7718 (2) No person shall harvest blue crabs with more than five
 7719 traps, harvest blue crabs in commercial quantities, or sell blue
 7720 crabs unless such person holds a valid saltwater products
 7721 license with a restricted species endorsement issued under s.
 7722 379.740 ~~370.06~~ and a blue crab endorsement issued under this
 7723 section.

7724 (a) In the event of the death or disability of a person
 7725 holding an active blue crab endorsement, the endorsement may be
 7726 transferred by the person to a member of his or her immediate
 7727 family or may be renewed by any person so designated by the
 7728 executor of the person's estate.

7729 (b) A commercial harvester who holds a saltwater products
 7730 license and a blue crab endorsement that is issued to the
 7731 commercial harvester's vessel registration number and who
 7732 replaces an existing vessel with a new vessel may transfer the
 7733 existing blue crab endorsement to the saltwater products license
 7734 of the new vessel.

7735 (3) (a) Endorsement fees.--

7736 1. The fee for a hard-shell blue crab endorsement for the
 7737 taking of hard-shell blue crabs, as authorized by rule of the
 7738 commission, is \$125, \$25 of which must be used solely for the
 7739 trap retrieval program authorized under s. 379.315 ~~370.143~~ and
 7740 in commission rules.

7741 2. The fee for a soft-shell blue crab endorsement for the
 7742 taking of soft-shell blue crabs, as authorized by rule of the
 7743 commission, is \$250, \$25 of which must be used solely for the
 7744 trap retrieval program authorized under s. 379.315 ~~370.143~~ and
 7745 in commission rules.

7746 3. The fee for a nontransferable hard-shell blue crab
 7747 endorsement for the taking of hard-shell blue crabs, as
 7748 authorized by rule of the commission, is \$125, \$25 of which must
 7749 be used solely for the trap retrieval program authorized under
 7750 s. 379.315 ~~370.143~~ and in commission rules.

7751 4. The fee for an incidental take blue crab endorsement
 7752 for the taking of blue crabs as bycatch in shrimp trawls and
 7753 stone crab traps is \$25, as authorized in commission rules.

7754 (b) Trap tag fees.--The annual fee for each trap tag
 7755 issued by the commission under the requirements of the blue crab
 7756 effort management program established by rule of the commission
 7757 is 50 cents per tag. The fee for replacement tags for lost or
 7758 damaged tags is 50 cents per tag plus the cost of shipping. In
 7759 the event of a major natural disaster, such as a hurricane or
 7760 major storm, that causes massive trap losses within an area
 7761 declared by the Governor to be a disaster emergency area, the
 7762 commission may temporarily defer or waive replacement tag fees.

7763 (c) Equitable rent.--The commission may establish by rule
 7764 an amount of equitable rent that may be recovered as partial
 7765 compensation to the state for the enhanced access to its natural
 7766 resources. In determining whether to establish such a rent and
 7767 the amount thereof, the commission may consider the amount of
 7768 revenues annually generated by endorsement fees, trap tag fees,
 7769 replacement trap tag fees, trap retrieval fees, and the
 7770 continued economic viability of the commercial blue crab
 7771 industry. A rule establishing an amount of equitable rent shall
 7772 become effective only upon approval by act of the Legislature.

7773 (d) Disposition of moneys generated from fees and
 7774 administrative penalties.--Moneys generated from the sale of
 7775 blue crab endorsements, trap tags, and replacement trap tags or
 7776 from the assessment of administrative penalties by the
 7777 commission under this section shall be deposited into the Marine

7778 Resources Conservation Trust Fund. Up to 50 percent of the
 7779 moneys generated from the sale of endorsements and trap tags and
 7780 the assessment of administrative penalties may be used for the
 7781 operation and administration of the blue crab effort management
 7782 program. The remaining moneys generated from the sale of
 7783 endorsements and trap tags and the assessment of administrative
 7784 penalties may be used for trap retrieval; management of the blue
 7785 crab fishery; and public education activities, research, and
 7786 enforcement activities in support of the blue crab effort
 7787 management program.

7788 (e) Waiver of fees.--For the 2007-2008 license year, the
 7789 commission shall waive all fees under this subsection for all
 7790 persons who qualify by September 30, 2007, to participate in the
 7791 blue crab effort management program established by commission
 7792 rule.

7793 (4) (a) Untagged trap penalties.--By July 1, 2008, the
 7794 commission shall adopt by rule the administrative penalties
 7795 authorized by this subsection. In addition to any other
 7796 penalties provided in s. 379.830 ~~370.021~~ for any blue crab
 7797 endorsement holder who violates commission rules requiring the
 7798 placement of trap tags for traps used for the directed harvest
 7799 of blue crabs, the following administrative penalties apply:

7800 1. For a first violation, the commission shall assess an
 7801 administrative penalty of up to \$1,000.

7802 2. For a second violation that occurs within 24 months
 7803 after any previous such violation, the commission shall assess
 7804 an administrative penalty of up to \$2,000, and the blue crab

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7805 endorsement holder's blue crab fishing privileges may be
7806 suspended for 12 calendar months.

7807 3. For a third violation that occurs within 36 months
7808 after any two previous such violations, the commission shall
7809 assess an administrative penalty of up to \$5,000, and the blue
7810 crab endorsement holder's blue crab fishing privileges may be
7811 suspended for 24 calendar months.

7812 4. A fourth violation that occurs within 48 months after
7813 any three previous such violations shall result in permanent
7814 revocation of all of the violator's saltwater fishing
7815 privileges, including having the commission proceed against the
7816 endorsement holder's saltwater products license in accordance
7817 with s. 379.830 ~~370.021~~.

7818
7819 Any blue crab endorsement holder assessed an administrative
7820 penalty under this paragraph shall, within 30 calendar days
7821 after notification, pay the administrative penalty to the
7822 commission or request an administrative hearing under ss.
7823 120.569 and 120.57.

7824 (b) Trap theft; prohibitions and penalties.--It is
7825 unlawful for any person to remove or take possession of the
7826 contents of another harvester's blue crab trap without the
7827 express written consent of the trap owner, which must be
7828 available for immediate inspection. Unauthorized possession of
7829 another harvester's blue crab trap gear or removal of trap
7830 contents constitutes theft.

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7831 | 1. Any commercial harvester receiving a judicial
7832 | disposition other than dismissal or acquittal on a charge of
7833 | theft of or from a trap as prohibited by this paragraph shall,
7834 | in addition to the penalties specified in s. 379.830 ~~370.021~~ and
7835 | this section, permanently lose all saltwater fishing privileges,
7836 | including any saltwater products licenses, blue crab
7837 | endorsements, and blue crab trap tags allotted to him or her by
7838 | the commission. In such cases, endorsements are nontransferable.

7839 | 2. In addition, any commercial harvester receiving a
7840 | judicial disposition other than dismissal or acquittal for
7841 | violating this paragraph shall also be assessed an
7842 | administrative penalty of up to \$5,000. Immediately upon receipt
7843 | of a citation for a violation involving theft of or from a trap
7844 | and until adjudicated for such a violation, or upon receipt of a
7845 | judicial disposition other than dismissal or acquittal for such
7846 | a violation, the commercial harvester committing the violation
7847 | is prohibited from transferring any blue crab endorsements.

7848 | 3. A commercial harvester who violates this paragraph
7849 | shall be punished under s. 379.830 ~~370.021~~. Any other person who
7850 | violates this paragraph commits a Level Two violation under s.
7851 | 379.810 ~~372.83~~.

7852 | (c) Criminal activities prohibited.--

7853 | 1. It is unlawful for any commercial harvester or any
7854 | other person to:

7855 | a. Willfully molest any blue crab trap, line, or buoy that
7856 | is the property of any licenseholder without the permission of
7857 | that licenseholder.

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7858 | b. Barter, trade, lease, or sell a blue crab trap tag or
7859 | conspire or aid in such barter, trade, lease, or sale unless
7860 | duly authorized by commission rules.

7861 | c. Supply, agree to supply, aid in supplying, or give away
7862 | a blue crab trap tag unless duly authorized by commission rules.

7863 | d. Make, alter, forge, counterfeit, or reproduce a blue
7864 | crab trap tag.

7865 | e. Possess an altered, forged, counterfeit, or imitation
7866 | blue crab trap tag.

7867 | f. Possess a number of original trap tags or replacement
7868 | trap tags, the sum of which exceeds by 1 percent the number of
7869 | traps allowed by commission rules.

7870 | g. Engage in the commercial harvest of blue crabs while
7871 | the blue crab endorsements of the licenseholder are under
7872 | suspension or revocation.

7873 | 2. Immediately upon receiving a citation involving a
7874 | violation of this paragraph and until adjudicated for such a
7875 | violation, a commercial harvester is prohibited from
7876 | transferring any blue crab endorsement.

7877 | 3. A commercial harvester convicted of violating this
7878 | paragraph commits a felony of the third degree, punishable as
7879 | provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
7880 | assessed an administrative penalty of up to \$5,000, and is
7881 | immediately prohibited from transferring any blue crab
7882 | endorsement. All blue crab endorsements issued to a commercial
7883 | harvester convicted of violating this paragraph may be suspended
7884 | for up to 24 calendar months.

7885 4. Any other person convicted of violating this paragraph
7886 commits a Level Four violation under s. 379.810 ~~372.83~~.

7887 (d) Endorsement transfers; fraudulent reports; penalties.-
7888 -For a commercial harvester convicted of fraudulently reporting
7889 the actual value of transferred blue crab endorsements, the
7890 commission may automatically suspend or permanently revoke the
7891 seller's or the purchaser's blue crab endorsements. If the
7892 endorsement is permanently revoked, the commission shall also
7893 permanently deactivate the endorsement holder's blue crab trap
7894 tag accounts.

7895 (e) Prohibitions during endorsement suspension and
7896 revocation.--During any period of suspension or after revocation
7897 of a blue crab endorsement holder's endorsements, he or she
7898 shall, within 15 days after notice provided by the commission,
7899 remove from the water all traps subject to that endorsement.
7900 Failure to do so shall extend the period of suspension for an
7901 additional 6 calendar months.

7902 (5) For purposes of this section, a conviction is any
7903 disposition other than acquittal or dismissal.

7904 (6) A blue crab endorsement may not be renewed until all
7905 fees and administrative penalties imposed under this section are
7906 paid.

7907 (7) Subsections (3), (4), (5), and (6) shall expire on
7908 July 1, 2009, unless reenacted by the Legislature during the
7909 2009 Regular Session.

7910 Section 148. Section 370.14, Florida Statutes, is
 7911 renumbered as section 379.743, Florida Statutes, and amended to
 7912 read:

7913 379.743 ~~370.14~~ Spiny lobster; regulation.--

7914 (1) It is the intent of the Legislature to maintain the
 7915 spiny lobster industry for the economy of the state and to
 7916 conserve the stocks supplying this industry. The provisions of
 7917 this act regulating the taking of spiny lobster are for the
 7918 purposes of ensuring and maintaining the highest possible
 7919 production of spiny lobster.

7920 (2) (a) 1. Each commercial harvester taking or attempting to
 7921 take spiny lobster with a trap in commercial quantities or for
 7922 commercial purposes shall obtain and exhibit a spiny lobster
 7923 endorsement number, as required by the Fish and Wildlife
 7924 Conservation Commission. The annual fee for a spiny lobster
 7925 endorsement is \$125. This endorsement may be issued by the
 7926 commission upon the receipt of application by the commercial
 7927 harvester when accompanied by the payment of the fee. The design
 7928 of the applications and of the trap tag shall be determined by
 7929 the commission. Any trap or device used in taking or attempting
 7930 to take spiny lobster, other than a trap with the endorsement
 7931 number, shall be seized and destroyed by the commission. The
 7932 proceeds of the fees imposed by this paragraph shall be
 7933 deposited and used as provided in paragraph (b). The commission
 7934 may adopt rules to carry out the intent of this section.

7935 2. Each commercial harvester taking or attempting to take
 7936 spiny lobster in commercial quantities or for commercial

7937 | purposes by any method, other than with a trap having a spiny
 7938 | lobster endorsement number issued by the commission, must pay an
 7939 | annual fee of \$100.

7940 | (b) Twenty-five dollars of the \$125 fee for a spiny
 7941 | lobster endorsement required under subparagraph (a)1. must be
 7942 | used only for trap retrieval as provided in s. 379.315 ~~370.143~~.
 7943 | The remainder of the fees collected under paragraph (a) shall be
 7944 | deposited as follows:

7945 | 1. Fifty percent of the fees collected shall be deposited
 7946 | in the Marine Resources Conservation Trust Fund for use in
 7947 | enforcing the provisions of paragraph (a) through aerial and
 7948 | other surveillance and trap retrieval.

7949 | 2. Fifty percent of the fees collected shall be deposited
 7950 | as provided in s. 379.7431(5) ~~370.142(5)~~.

7951 | (3) The spiny lobster endorsement must be on board the
 7952 | boat, and both the endorsement and the harvested spiny lobster
 7953 | shall be subject to inspection at all times. Only one
 7954 | endorsement shall be issued for each boat. The spiny lobster
 7955 | endorsement number must be prominently displayed above the
 7956 | topmost portion of the boat so as to be easily and readily
 7957 | identified.

7958 | (4) (a) It is unlawful for any person willfully to molest
 7959 | any spiny lobster traps, lines, or buoys belonging to another
 7960 | without permission of the licenseholder.

7961 | (b) A commercial harvester who violates this subsection
 7962 | commits a felony of the third degree, punishable as provided in
 7963 | s. 775.082 or s. 775.083. Any other person who violates this

7964 subsection commits a Level Four violation under s. 379.810
7965 ~~372.83~~.

7966 (5) Any spiny lobster licenseholder, upon selling licensed
7967 spiny lobster traps, shall furnish the commission notice of such
7968 sale of all or part of his or her interest within 15 days
7969 thereof. Any holder of said license shall also notify the
7970 commission within 15 days if his or her address no longer
7971 conforms to the address appearing on the license and shall, as a
7972 part of such notification, furnish the commission with his or
7973 her new address.

7974 (6) (a) By a special permit granted by the commission, a
7975 Florida-licensed seafood dealer may lawfully import, process,
7976 and package spiny lobster or uncooked tails of the species
7977 *Panulirus argus* during the closed season. However, spiny lobster
7978 landed under special permit shall not be sold in the state.

7979 (b) The licensed seafood dealer importing any such spiny
7980 lobster under the permit shall, 12 hours prior to the time the
7981 seagoing vessel or airplane delivering such imported spiny
7982 lobster enters the state, notify the commission as to the
7983 seagoing vessel's name or the airplane's registration number and
7984 its captain, location, and point of destination.

7985 (c) At the time the spiny lobster cargo is delivered to
7986 the permit holder's place of business, the spiny lobster cargo
7987 shall be weighed and shall be available for inspection by the
7988 commission. A signed receipt of such quantity in pounds shall be
7989 forwarded to the commission within 48 hours after shipment
7990 weigh-in completion. If requested by the commission, the weigh-

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7991 in process will be delayed up to 4 hours to allow for a
7992 commission representative to be present during the process.

7993 (d) Within 48 hours after shipment weigh-in completion,
7994 the permit holder shall submit to the commission, on forms
7995 provided by the commission, a sworn report of the quantity in
7996 pounds of the spiny lobster received, which report shall include
7997 the location of said spiny lobster and a sworn statement that
7998 said spiny lobster were taken at least 50 miles from Florida's
7999 shoreline. The landing of spiny lobster or spiny lobster tails
8000 from which the eggs, swimmerettes, or pleopods have been
8001 removed; the falsification of information as to area from which
8002 spiny lobster were obtained; or the failure to file the report
8003 called for in this section shall be grounds to revoke the
8004 permit.

8005 (e) Each permit holder shall keep throughout the period of
8006 the closed season copies of the bill of sale or invoices
8007 covering each transaction involving spiny lobster imported under
8008 this permit. Such invoices and bills shall be kept available at
8009 all times for inspection by the commission.

8010 (7)(a) A Florida-licensed seafood dealer may obtain a
8011 special permit to import, process, and package uncooked tails of
8012 spiny lobster upon the payment of the sum of \$100 to the
8013 commission.

8014 (b) A special permit must be obtained by any airplane or
8015 seagoing vessel other than a common carrier used to transport
8016 spiny lobster or spiny lobster tails for purchase by licensed

8017 seafood dealers for purposes as provided herein upon the payment
8018 of \$50.

8019 (c) All special permits issued under this subsection are
8020 nontransferable.

8021 (8) No common carrier or employee of said carrier may
8022 carry, knowingly receive for carriage, or permit the carriage of
8023 any spiny lobster of the species *Panulirus argus*, regardless of
8024 where taken, during the closed season, except of the species
8025 *Panulirus argus* lawfully imported from a foreign country for
8026 reshipment outside of the territorial limits of the state under
8027 United States Customs bond or in accordance with paragraph
8028 (7) (a).

8029 Section 149. Section 370.142, Florida Statutes, is
8030 renumbered as section 379.7431, Florida Statutes, and amended to
8031 read:

8032 379.7431 ~~370.142~~ Spiny lobster trap certificate program.--

8033 (1) INTENT.--Due to rapid growth, the spiny lobster
8034 fishery is experiencing increased congestion and conflict on the
8035 water, excessive mortality of undersized lobsters, a declining
8036 yield per trap, and public concern over petroleum and debris
8037 pollution from existing traps. In an effort to solve these and
8038 related problems, the Legislature intends to develop pursuant to
8039 the provisions of this section a spiny lobster trap certificate
8040 program, the principal goal of which is to stabilize the fishery
8041 by reducing the total number of traps, which should increase the
8042 yield per trap and therefore maintain or increase overall catch
8043 levels. The Legislature seeks to preserve as much flexibility in

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8044 the program as possible for the fishery's various constituents
8045 and ensure that any reduction in total trap numbers will be
8046 proportioned equally on a percentage basis among all users of
8047 traps in the fishery.

8048 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
8049 PENALTIES.--The Fish and Wildlife Conservation Commission shall
8050 establish a trap certificate program for the spiny lobster
8051 fishery of this state and shall be responsible for its
8052 administration and enforcement as follows:

8053 (a) Transferable trap certificates.--Each holder of a
8054 saltwater products license who uses traps for taking or
8055 attempting to take spiny lobsters shall be required to have a
8056 certificate on record for each trap possessed or used therefor,
8057 except as otherwise provided in this section.

8058 1. Trap certificates are transferable on a market basis
8059 and may be transferred from one licenseholder to another for a
8060 fair market value agreed upon between the transferor and
8061 transferee. Each such transfer shall, within 72 hours thereof,
8062 be recorded on a notarized form provided for that purpose by the
8063 Fish and Wildlife Conservation Commission and hand delivered or
8064 sent by certified mail, return receipt requested, to the
8065 commission for recordkeeping purposes. In order to cover the
8066 added administrative costs of the program and to recover an
8067 equitable natural resource rent for the people of the state, a
8068 transfer fee of \$2 per certificate transferred shall be assessed
8069 against the purchasing licenseholder and sent by money order or
8070 cashier's check with the certificate transfer form. Also, in

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8071 addition to the transfer fee, a surcharge of \$5 per certificate
8072 transferred or 25 percent of the actual market value, whichever
8073 is greater, given to the transferor shall be assessed the first
8074 time a certificate is transferred outside the original
8075 transferor's immediate family. No transfer of a certificate
8076 shall be effective until the commission receives the notarized
8077 transfer form and the transfer fee, including any surcharge, is
8078 paid. The commission may establish by rule an amount of
8079 equitable rent per trap certificate that shall be recovered as
8080 partial compensation to the state for the enhanced access to its
8081 natural resources. A rule establishing an amount of equitable
8082 rent shall become effective only after approval by the
8083 Legislature. In determining whether to establish such a rent
8084 and, if so, the amount thereof, the commission shall consider
8085 the amount of revenues annually generated by certificate fees,
8086 transfer fees, surcharges, trap license fees, and sales taxes,
8087 the demonstrated fair market value of transferred certificates,
8088 and the continued economic viability of the commercial lobster
8089 industry. All proceeds of equitable rent recovered shall be
8090 deposited in the Marine Resources Conservation Trust Fund and
8091 used by the commission for research, management, and protection
8092 of the spiny lobster fishery and habitat. A transfer fee may not
8093 be assessed or required when the transfer is within a family as
8094 a result of the death or disability of the certificate owner. A
8095 surcharge will not be assessed for any transfer within an
8096 individual's immediate family.

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8097 2. No person, firm, corporation, or other business entity
8098 may control, directly or indirectly, more than 1.5 percent of
8099 the total available certificates in any license year.

8100 3. The commission shall maintain records of all
8101 certificates and their transfers and shall annually provide each
8102 licenseholder with a statement of certificates held.

8103 4. The number of trap tags issued annually to each
8104 licenseholder shall not exceed the number of certificates held
8105 by the licenseholder at the time of issuance, and such tags and
8106 a statement of certificates held shall be issued simultaneously.

8107 5. It is unlawful for any person to lease spiny lobster
8108 trap tags or certificates.

8109 (b) Trap tags.--Each trap used to take or attempt to take
8110 spiny lobsters in state waters or adjacent federal waters shall,
8111 in addition to the spiny lobster endorsement number required by
8112 s. 379.743(2) ~~370.14(2)~~, have affixed thereto an annual trap tag
8113 issued by the commission. Each such tag shall be made of durable
8114 plastic or similar material and shall, based on the number of
8115 certificates held, have stamped thereon the owner's license
8116 number. To facilitate enforcement and recordkeeping, such tags
8117 shall be issued each year in a color different from that of each
8118 of the previous 3 years. The annual certificate fee shall be \$1
8119 per certificate. Replacement tags for lost or damaged tags may
8120 be obtained as provided by rule of the commission. In the event
8121 of a major natural disaster, such as a hurricane or major storm,
8122 that causes massive trap losses within an area declared by the

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8123 Governor to be a disaster emergency area, the commission may
8124 temporarily defer or waive replacement tag fees.

8125 (c) Prohibitions; penalties.--

8126 1. It is unlawful for a person to possess or use a spiny
8127 lobster trap in or on state waters or adjacent federal waters
8128 without having affixed thereto the trap tag required by this
8129 section. It is unlawful for a person to possess or use any other
8130 gear or device designed to attract and enclose or otherwise aid
8131 in the taking of spiny lobster by trapping that is not a trap as
8132 defined by commission rule.

8133 2. It is unlawful for a person to possess or use spiny
8134 lobster trap tags without having the necessary number of
8135 certificates on record as required by this section.

8136 3. It is unlawful for any person to willfully molest, take
8137 possession of, or remove the contents of another harvester's
8138 spiny lobster trap without the express written consent of the
8139 trap owner available for immediate inspection. Unauthorized
8140 possession of another's trap gear or removal of trap contents
8141 constitutes theft.

8142 a. A commercial harvester who violates this subparagraph
8143 shall be punished under ss. 379.743 and 379.830 ~~370.021 and~~
8144 ~~370.14~~. Any commercial harvester receiving a judicial
8145 disposition other than dismissal or acquittal on a charge of
8146 theft of or from a trap pursuant to this subparagraph or s.
8147 379.812 ~~370.1107~~ shall, in addition to the penalties specified
8148 in ss. 379.743 and 379.830 ~~370.021 and 370.14~~ and the provisions
8149 of this section, permanently lose all his or her saltwater

8150 fishing privileges, including his or her saltwater products
 8151 license, spiny lobster endorsement, and all trap certificates
 8152 allotted to him or her through this program. In such cases, trap
 8153 certificates and endorsements are nontransferable.

8154 b. Any commercial harvester receiving a judicial
 8155 disposition other than dismissal or acquittal on a charge of
 8156 willful molestation of a trap, in addition to the penalties
 8157 specified in ss. 379.743 and 379.830 ~~370.021 and 370.14~~, shall
 8158 lose all saltwater fishing privileges for a period of 24
 8159 calendar months.

8160 c. In addition, any commercial harvester charged with
 8161 violating this subparagraph and receiving a judicial disposition
 8162 other than dismissal or acquittal for violating this
 8163 subparagraph or s. 379.812 ~~370.1107~~ shall also be assessed an
 8164 administrative penalty of up to \$5,000.

8165
 8166 Immediately upon receiving a citation for a violation involving
 8167 theft of or from a trap, or molestation of a trap, and until
 8168 adjudicated for such a violation or, upon receipt of a judicial
 8169 disposition other than dismissal or acquittal of such a
 8170 violation, the commercial harvester committing the violation is
 8171 prohibited from transferring any spiny lobster trap certificates
 8172 and endorsements.

8173 4. In addition to any other penalties provided in s.
 8174 379.830 ~~370.021~~, a commercial harvester who violates the
 8175 provisions of this section or commission rules relating to spiny
 8176 lobster traps shall be punished as follows:

8177 a. If the first violation is for violation of subparagraph
 8178 1. or subparagraph 2., the commission shall assess an additional
 8179 administrative penalty of up to \$1,000. For all other first
 8180 violations, the commission shall assess an additional
 8181 administrative penalty of up to \$500.

8182 b. For a second violation of subparagraph 1. or
 8183 subparagraph 2. which occurs within 24 months of any previous
 8184 such violation, the commission shall assess an additional
 8185 administrative penalty of up to \$2,000 and the spiny lobster
 8186 endorsement issued under s. 379.743(2) or (6) ~~370.14(2) or (6)~~
 8187 may be suspended for the remainder of the current license year.

8188 c. For a third or subsequent violation of subparagraph 1.,
 8189 subparagraph 2., or subparagraph 3. which occurs within 36
 8190 months of any previous two such violations, the commission shall
 8191 assess an additional administrative penalty of up to \$5,000 and
 8192 may suspend the spiny lobster endorsement issued under s.
 8193 379.743(2) or (6) ~~370.14(2) or (6)~~ for a period of up to 24
 8194 months or may revoke the spiny lobster endorsement and, if
 8195 revoking the spiny lobster endorsement, may also proceed against
 8196 the licenseholder's saltwater products license in accordance
 8197 with the provisions of s. 379.830(2)(h) ~~370.021(2)(h)~~.

8198 d. Any person assessed an additional administrative
 8199 penalty pursuant to this section shall within 30 calendar days
 8200 after notification:

- 8201 (I) Pay the administrative penalty to the commission; or
- 8202 (II) Request an administrative hearing pursuant to the
- 8203 provisions of ss. 120.569 and 120.57.

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8204 e. The commission shall suspend the spiny lobster
8205 endorsement issued under s. 379.743(2) or (6) ~~370.14(2) or (6)~~
8206 for any person failing to comply with the provisions of sub-
8207 subparagraph d.

8208 5.a. It is unlawful for any person to make, alter, forge,
8209 counterfeit, or reproduce a spiny lobster trap tag or
8210 certificate.

8211 b. It is unlawful for any person to knowingly have in his
8212 or her possession a forged, counterfeit, or imitation spiny
8213 lobster trap tag or certificate.

8214 c. It is unlawful for any person to barter, trade, sell,
8215 supply, agree to supply, aid in supplying, or give away a spiny
8216 lobster trap tag or certificate or to conspire to barter, trade,
8217 sell, supply, aid in supplying, or give away a spiny lobster
8218 trap tag or certificate unless such action is duly authorized by
8219 the commission as provided in this chapter or in the rules of
8220 the commission.

8221 6.a. Any commercial harvester who violates the provisions
8222 of subparagraph 5., or any commercial harvester who engages in
8223 the commercial harvest, trapping, or possession of spiny lobster
8224 without a spiny lobster endorsement as required by s. 379.743(2)
8225 or (6) ~~370.14(2) or (6)~~ or during any period while such spiny
8226 lobster endorsement is under suspension or revocation, commits a
8227 felony of the third degree, punishable as provided in s.
8228 775.082, s. 775.083, or s. 775.084.

8229 b. In addition to any penalty imposed pursuant to sub-
8230 subparagraph a., the commission shall levy a fine of up to twice

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8231 the amount of the appropriate surcharge to be paid on the fair
8232 market value of the transferred certificates, as provided in
8233 subparagraph (a)1., on any commercial harvester who violates the
8234 provisions of sub-subparagraph 5.c.

8235 c. In addition to any penalty imposed pursuant to sub-
8236 subparagraph a., any commercial harvester receiving any judicial
8237 disposition other than acquittal or dismissal for a violation of
8238 subparagraph 5. shall be assessed an administrative penalty of
8239 up to \$5,000, and the spiny lobster endorsement under which the
8240 violation was committed may be suspended for up to 24 calendar
8241 months. Immediately upon issuance of a citation involving a
8242 violation of subparagraph 5. and until adjudication of such a
8243 violation, and after receipt of any judicial disposition other
8244 than acquittal or dismissal for such a violation, the commercial
8245 harvester holding the spiny lobster endorsement listed on the
8246 citation is prohibited from transferring any spiny lobster trap
8247 certificates.

8248 d. Any other person who violates the provisions of
8249 subparagraph 5. commits a Level Four violation under s. 379.810
8250 ~~372.83~~.

8251 7. Any certificates for which the annual certificate fee
8252 is not paid for a period of 3 years shall be considered
8253 abandoned and shall revert to the commission. During any period
8254 of trap reduction, any certificates reverting to the commission
8255 shall become permanently unavailable and be considered in that
8256 amount to be reduced during the next license-year period.

8257 | Otherwise, any certificates that revert to the commission are to
 8258 | be reallocated in such manner as provided by the commission.

8259 | 8. The proceeds of all administrative penalties collected
 8260 | pursuant to subparagraph 4. and all fines collected pursuant to
 8261 | sub-subparagraph 6.b. shall be deposited into the Marine
 8262 | Resources Conservation Trust Fund.

8263 | 9. All traps shall be removed from the water during any
 8264 | period of suspension or revocation.

8265 | 10. Except as otherwise provided, any person who violates
 8266 | this paragraph commits a Level Two violation under s. 379.810
 8267 | ~~372.83~~.

8268 | (d) No vested rights.--The trap certificate program shall
 8269 | not create vested rights in licenseholders whatsoever and may be
 8270 | altered or terminated as necessary to protect the spiny lobster
 8271 | resource, the participants in the fishery, or the public
 8272 | interest.

8273 | (3) TRAP REDUCTION.--The objective of the overall trap
 8274 | certificate program is to reduce the number of traps used in the
 8275 | spiny lobster fishery to the lowest number that will maintain or
 8276 | increase overall catch levels, promote economic efficiency in
 8277 | the fishery, and conserve natural resources. Therefore, the
 8278 | Marine Fisheries Commission shall set an overall trap reduction
 8279 | goal based on maintaining or maximizing a sustained harvest from
 8280 | the spiny lobster fishery. To reach that goal, the Marine
 8281 | Fisheries Commission shall, by July 1, 1992, set an annual trap
 8282 | reduction schedule, not to exceed 10 percent per year,
 8283 | applicable to all certificateholders until the overall trap

8284 reduction goal is reached. All certificateholders shall have
 8285 their certificate holdings reduced by the same percentage of
 8286 certificates each year according to the trap reduction schedule.
 8287 Until July 1, 1999, the Department of Environmental Protection
 8288 shall issue the number of trap tags authorized by the Marine
 8289 Fisheries Commission, as requested, and a revised statement of
 8290 certificates held. Beginning July 1, 1999, the Fish and Wildlife
 8291 Conservation Commission shall annually issue the number of trap
 8292 tags authorized by the commission's schedule, as requested, and
 8293 a revised statement of certificates held. Certificateholders may
 8294 maintain or increase their total number of certificates held by
 8295 purchasing available certificates from within the authorized
 8296 total. The Fish and Wildlife Conservation Commission shall
 8297 provide for an annual evaluation of the trap reduction process
 8298 and shall suspend the annual percentage reductions for any
 8299 period deemed necessary by the commission in order to assess the
 8300 impact of the trap reduction schedule on the fishery. The Fish
 8301 and Wildlife Conservation Commission may then, by rule, resume,
 8302 terminate, or reverse the schedule as it deems necessary to
 8303 protect the spiny lobster resource and the participants in the
 8304 fishery.

8305 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
 8306 BOARD.--There is hereby established the Trap Certificate
 8307 Technical Advisory and Appeals Board. Such board shall consider
 8308 and advise the commission on disputes and other problems arising
 8309 from the implementation of the spiny lobster trap certificate

8310 program. The board may also provide information to the
8311 commission on the operation of the trap certificate program.

8312 (a) The board shall consist of the executive director of
8313 the commission or designee and nine other members appointed by
8314 the executive director, according to the following criteria:

8315 1. All appointed members shall be certificateholders, but
8316 two shall be holders of fewer than 100 certificates, two shall
8317 be holders of at least 100 but no more than 750 certificates,
8318 three shall be holders of more than 750 but not more than 2,000
8319 certificates, and two shall be holders of more than 2,000
8320 certificates.

8321 2. At least one member each shall come from Broward, Dade,
8322 and Palm Beach Counties; and five members shall come from the
8323 various regions of the Florida Keys.

8324 3. At least one appointed member shall be a person of
8325 Hispanic origin capable of speaking English and Spanish.

8326 (b) The term of each appointed member shall be for 4
8327 years, and any vacancy shall be filled for the balance of the
8328 unexpired term with a person of the qualifications necessary to
8329 maintain the requirements of paragraph (a). There shall be no
8330 limitation on successive appointments to the board.

8331 (c) The executive director of the commission or designee
8332 shall serve as a member and shall call the organizational
8333 meeting of the board. The board shall annually elect a chair and
8334 a vice chair. There shall be no limitation on successive terms
8335 that may be served by a chair or vice chair. The board shall
8336 meet at the call of its chair, at the request of a majority of

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8337 its membership, at the request of the commission, or at such
8338 times as may be prescribed by its rules. A majority of the board
8339 shall constitute a quorum, and official action of the board
8340 shall require a majority vote of the total membership of the
8341 board present at the meeting.

8342 (d) The procedural rules adopted by the board shall
8343 conform to the requirements of chapter 120.

8344 (e) Members of the board shall be reimbursed for per diem
8345 and travel expenses as provided in s. 112.061.

8346 (f) Upon reaching a decision on any dispute or problem
8347 brought before it, including any decision involving the
8348 allotment of certificates under paragraph (g), the board shall
8349 submit such decision to the executive director of the commission
8350 for final approval. The executive director of the commission may
8351 alter or disapprove any decision of the board, with notice
8352 thereof given in writing to the board and to each party in the
8353 dispute explaining the reasons for the disapproval. The action
8354 of the executive director of the commission constitutes final
8355 agency action.

8356 (g) In addition to those certificates allotted pursuant to
8357 the provisions of subparagraph (2)(a)1., up to 125,000
8358 certificates may be allotted by the board to settle disputes or
8359 other problems arising from implementation of the trap
8360 certificate program during the 1992-1993 and 1993-1994 license
8361 years. Any certificates not allotted by March 31, 1994, shall
8362 become permanently unavailable and shall be considered as part
8363 of the 1994-1995 reduction schedule. All appeals for additional

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8364 certificates or other disputes must be filed with the board
8365 before October 1, 1993.

8366 (h) Any trap certificates issued by the Department of
8367 Environmental Protection and, effective July 1, 1999, the
8368 commission as a result of the appeals process must be added to
8369 the existing number of trap certificates for the purposes of
8370 determining the total number of certificates from which the
8371 subsequent season's trap reduction is calculated.

8372 (i) On and after July 1, 1994, the board shall no longer
8373 consider and advise the Fish and Wildlife Conservation
8374 Commission on disputes and other problems arising from
8375 implementation of the trap certificate program nor allot any
8376 certificates with respect thereto.

8377 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees and
8378 surcharges, annual trap certificate fees, and recreational tag
8379 fees collected pursuant to paragraphs (2)(a) and (b) shall be
8380 deposited in the Marine Resources Conservation Trust Fund and
8381 used for administration of the trap certificate program,
8382 research and monitoring of the spiny lobster fishery, and
8383 enforcement and public education activities in support of the
8384 purposes of this section and shall also be for the use of the
8385 Fish and Wildlife Conservation Commission in evaluating the
8386 impact of the trap reduction schedule on the spiny lobster
8387 fishery; however, at least 15 percent of the fees and surcharges
8388 collected shall be provided to the commission for such
8389 evaluation.

8390 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife
 8391 Conservation Commission may adopt rules to implement the
 8392 provisions of this section.

8393 (7) For the 2006-2007 fiscal year only, the trap tag fees
 8394 required by this section shall be waived by the commission. This
 8395 subsection expires July 1, 2007.

8396 Section 150. Section 372.5704, Florida Statutes, is
 8397 renumbered as section 379.744, Florida Statutes, and amended to
 8398 read:

8399 379.744 ~~372.5704~~ Fish and Wildlife Conservation Commission
 8400 license program for tarpon; fees; penalties.--

8401 (1) The commission shall establish a license program for
 8402 the purpose of issuing tags to individuals desiring to harvest
 8403 tarpon (*megalops atlantica*) from the waters of the state. The
 8404 tags shall be nontransferable, except that the commission may
 8405 allow for a limited number of tags to be purchased by
 8406 professional fishing guides for transfer to individuals, and
 8407 issued by the commission in order of receipt of a properly
 8408 completed application for a nonrefundable fee of \$50 per tag.
 8409 The commission and any tax collector may sell the tags and
 8410 collect the fees therefor. Tarpon tags are valid from July 1
 8411 through June 30. Before August 15 of each year, each tax
 8412 collector shall submit to the commission all unissued tags for
 8413 the previous fiscal year along with a written audit report, on
 8414 forms prescribed or approved by the commission, as to the
 8415 numbers of the unissued tags. To defray the cost of issuing any
 8416 tag, the issuing tax collector shall collect and retain as his

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8417 or her costs, in addition to the tag fee collected, the amount
8418 allowed under s. 379.720(6) ~~372.561(6)~~ for the issuance of
8419 licenses.

8420 (2) The number of tags to be issued shall be determined by
8421 rule of the commission. The commission shall in no way allow the
8422 issuance of tarpon tags to adversely affect the tarpon
8423 population.

8424 (3) Proceeds from the sale of tarpon tags shall be
8425 deposited in the Marine Resources Conservation Trust Fund and
8426 shall be used to gather information directly applicable to
8427 tarpon management.

8428 (4) No individual shall take, kill, or possess any fish of
8429 the species *megalops atlantica*, commonly known as tarpon, unless
8430 such individual has purchased a tarpon tag and securely attached
8431 it through the lower jaw of the fish. Said individual shall
8432 within 5 days after the landing of the fish submit a form to the
8433 commission which indicates the length, weight, and physical
8434 condition of the tarpon when caught; the date and location of
8435 where the fish was caught; and any other pertinent information
8436 which may be required by the commission. The commission may
8437 refuse to issue new tags to individuals or guides who fail to
8438 provide the required information.

8439 (5) Any individual including a taxidermist who possesses a
8440 tarpon which does not have a tag securely attached as required
8441 by this section commits a Level Two violation under s. 379.810
8442 ~~372.83~~. Provided, however, a taxidermist may remove the tag

8443 during the process of mounting a tarpon. The removed tag shall
 8444 remain with the fish during any subsequent storage or shipment.

8445 (6) Purchase of a tarpon tag shall not accord the
 8446 purchaser any right to harvest or possess tarpon in
 8447 contravention of rules adopted by the commission. No individual
 8448 may sell, offer for sale, barter, exchange for merchandise,
 8449 transport for sale, either within or without the state, offer to
 8450 purchase, or purchase any species of fish known as tarpon.

8451 (7) The commission shall prescribe and provide suitable
 8452 forms and tags necessary to carry out the provisions of this
 8453 section.

8454 (8) The provisions of this section shall not apply to
 8455 anyone who immediately returns a tarpon uninjured to the water
 8456 at the place where the fish was caught.

8457 Section 151. Section 370.1535, Florida Statutes, is
 8458 renumbered as section 379.745, Florida Statutes, and amended to
 8459 read:

8460 379.745 ~~370.1535~~ Regulation of shrimp fishing in Tampa
 8461 Bay; licensing requirements.--

8462 (1) No person shall operate as a dead shrimp producer in
 8463 any waters of Tampa Bay unless such person has procured from the
 8464 Fish and Wildlife Conservation Commission a dead shrimp
 8465 production permit.

8466 (2) The Fish and Wildlife Conservation Commission is
 8467 authorized to issue a dead shrimp production permit to persons
 8468 qualified pursuant to the following criteria:

8469 (a) The person has submitted an application designed by
8470 the commission for such permit.

8471 (b) One permit is required for each vessel used for dead
8472 shrimp production in the waters of Tampa Bay. A permit shall
8473 only be issued to an individual who is the principal owner of
8474 the vessel or of the business entity owning the vessel and
8475 utilizing the permit. No more than three permits shall be issued
8476 to any individual.

8477 (c) Each application for a permit shall be accompanied by
8478 a fee of \$250 for each resident of the state and \$1,000 for each
8479 nonresident of the state. The proceeds of the fees collected
8480 pursuant to this paragraph shall be deposited into the Marine
8481 Resources Conservation Trust Fund to be used by the commission
8482 for the purpose of enforcement of marine resource laws.

8483 (d) No person shall be issued a permit or be allowed to
8484 renew a permit if such person is registered for noncommercial
8485 trawling pursuant to s. 379.334(4) ~~370.15(4)~~.

8486 (e) Each applicant shall make application prior to June
8487 30, 1992, and shall hold any other license or registration
8488 required to operate a commercial fishing vessel in Tampa Bay on
8489 the date of application.

8490 (3) Each permit issued in the base year of 1992 shall be
8491 renewable by June 30 in each subsequent year upon application
8492 meeting the requirements for issuance for an initial permit
8493 pursuant to subsection (2). The number of permits outstanding in
8494 any one year shall not exceed the number issued for 1992. No
8495 permit shall be transferable by any method, including devise or

8496 inheritance, and a permit shall be renewable only by the initial
 8497 holder thereof. All permits not renewed for any reason shall
 8498 expire and shall not be renewable under any circumstances.

8499 (4) No person harvesting dead shrimp from Tampa Bay shall
 8500 sell such shrimp to any person unless such seller is in
 8501 possession of a dead shrimp production permit issued pursuant to
 8502 this section. Except for purchases from other wholesale dealers,
 8503 no wholesale dealer, as defined in s. 379.741(1)(a)3.
 8504 ~~370.07(1)(a)3.~~, shall purchase dead shrimp harvested in Tampa
 8505 Bay, unless the seller produces his or her dead shrimp
 8506 production permit prior to the sale of the shrimp.

8507 (5) The operator of any vessel used in Tampa Bay for dead
 8508 shrimp production shall possess while in or on the waters of the
 8509 bay and produce upon the request of any duly authorized law
 8510 enforcement officer a current dead shrimp production permit
 8511 issued for the vessel pursuant to this section.

8512 (6) Each person harvesting shrimp in Tampa Bay pursuant to
 8513 the permit required by this section shall comply with all rules
 8514 of the Fish and Wildlife Conservation Commission regulating such
 8515 harvest.

8516 (7) For purpose of this section, "Tampa Bay" means all the
 8517 waters of the bay east and north of the Sunshine Skyway Bridge
 8518 (U.S. 19 and Interstate 275).

8519 Section 152. Section 372.16, Florida Statutes, is
 8520 renumbered as section 379.750, Florida Statutes, to read:

8521 379.750 ~~372.16~~ Private game preserves and farms; penalty.-

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8523 (1) Any person owning land in this state may establish,
8524 maintain, and operate within the boundaries thereof, a private
8525 preserve and farm, not exceeding an area of 640 acres, for the
8526 protection, preservation, propagation, rearing, and production
8527 of game birds and animals for private and commercial purposes,
8528 provided that no two game preserves shall join each other or be
8529 connected. Before any private game preserve or farm is
8530 established, the owner or operator shall secure a license from
8531 the commission, the fee for which is \$50 per year.

8532 (2) All private game preserves or farms established under
8533 the provisions of this section shall be fenced in such manner
8534 that domestic game thereon may not escape and wild game on
8535 surrounding lands may not enter and shall be subject at any time
8536 to inspection by the Fish and Wildlife Conservation Commission,
8537 or its conservation officers. Such private preserve or farm
8538 shall be equipped and operated in such manner as to provide
8539 sufficient food and humane treatment for the game kept thereon.
8540 Game reared or produced on private game preserves and farms
8541 shall be considered domestic game and private property and may
8542 be sold or disposed of as such and shall be the subject of
8543 larceny. Live game may be purchased, sold, shipped, and
8544 transported for propagation and restocking purposes only at any
8545 time. Such game may be sold for food purposes only during the
8546 open season provided by law for such game. All game killed must
8547 be killed on the premises of such private game preserve or farm
8548 and must be killed by means other than shooting, except during
8549 the open season. All domestic game sold for food purposes must

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8550 be marked or tagged in a manner prescribed by the Fish and
8551 Wildlife Conservation Commission; and the owner or operator of
8552 such private game preserve or farm shall report to the said
8553 commission, on blanks to be furnished by it, each sale or
8554 shipment of domestic game, such reports showing the quantity and
8555 kind of game shipped or sold and to whom sold. Such report shall
8556 be made not later than 5 days following such sale or shipment.
8557 Game reared or produced as aforesaid may be served as such by
8558 hotels, restaurants, or other public eating places during the
8559 open season provided by law on such particular species of game,
8560 under such regulations as the commission may prescribe.

8561 (3) It is unlawful for any common carrier to knowingly
8562 transport or receive for transportation any domestic game unless
8563 the package or container containing such shipment has attached
8564 thereto a permit for such shipment and such package or container
8565 shall be marked on the outside showing quantity and kind of game
8566 enclosed.

8567 (4) Any person violating this section for the first
8568 offense commits a misdemeanor of the second degree, punishable
8569 as provided in s. 775.082 or s. 775.083, and for a second or
8570 subsequent offense commits a misdemeanor of the first degree,
8571 punishable as provided in s. 775.082 or s. 775.083. Any person
8572 convicted of violating this section shall forfeit to the
8573 commission any license issued under this section; and no further
8574 license shall be issued to such person for a period of 1 year
8575 following such conviction.

8576 Section 153. Section 372.66, Florida Statutes, is
 8577 renumbered as section 379.751, Florida Statutes, to read:
 8578 379.751 ~~372.66~~ License required for fur and hide dealers.-
 8579 -

8580 (1) It is unlawful for any person to engage in the
 8581 business of a dealer or buyer in alligator skins or green or
 8582 dried furs in the state or purchase such skins within the state
 8583 until such person has been licensed as herein provided.

8584 (2) Any resident dealer or buyer who solicits business
 8585 through the mails, or by advertising, or who travels to buy or
 8586 employs or has other agents or buyers, shall be deemed a
 8587 resident state dealer and must pay a license fee of \$100 per
 8588 annum.

8589 (3) A nonresident dealer or buyer must pay a license fee
 8590 of \$500 per annum.

8591 (4) All dealers and buyers shall forward to the Fish and
 8592 Wildlife Conservation Commission each 2 weeks during open season
 8593 a report showing number and kind of hides bought and name of
 8594 trapper from whom bought and the trapper's license number, or if
 8595 trapper is exempt from license under any of the provisions of
 8596 this chapter, such report shall show the nature of such
 8597 exemption. A common carrier may not knowingly ship or transport
 8598 or receive for transportation any hides or furs unless such
 8599 shipments have marked thereon name of shipper and the number of
 8600 her or his fur-animal license or fur dealer's license.

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8601 Section 154. Section 372.661, Florida Statutes, is
 8602 renumbered as section 379.7511, Florida Statutes, and amended to
 8603 read:

8604 379.7511 ~~372.661~~ Private hunting preserve license fees;
 8605 exception.--

8606 (1) Any person who operates a private hunting preserve
 8607 commercially or otherwise shall be required to pay a license fee
 8608 of \$70 for each such preserve; provided, however, that during
 8609 the open season established for wild game of any species a
 8610 private individual may take artificially propagated game of such
 8611 species up to the bag limit prescribed for the particular
 8612 species without being required to pay the license fee required
 8613 by this section; provided further that if any such individual
 8614 shall charge a fee for taking such game she or he shall be
 8615 required to pay the license fee required by this section and to
 8616 comply with the rules of the commission relative to the
 8617 operation of private hunting preserves.

8618 (2) A commercial hunting preserve license, which shall
 8619 exempt patrons of licensed preserves from the license and permit
 8620 requirements of s. 379.722(4)(c), (d), (f), (h), (i) and (j)
 8621 ~~372.57(4)(c), (d), (f), (h), (i), and (j)~~; (5)(g) and (h);
 8622 (8)(a), (b), and (e); (9)(a)2.; (11); and (12) while hunting on
 8623 the licensed preserve property, shall be \$500. Such commercial
 8624 hunting preserve license shall be available only to those
 8625 private hunting preserves licensed pursuant to this section
 8626 which are operated exclusively for commercial purposes, which

8627 are open to the public, and for which a uniform fee is charged
 8628 to patrons for hunting privileges.

8629 Section 155. Section 372.98, Florida Statutes, is
 8630 renumbered as section 379.752, Florida Statutes, to read:

8631 379.752 ~~372.98~~ Possession of nutria; license; inspection;
 8632 penalty for violation.--

8633 (1) No person shall release, permit to be released, or be
 8634 responsible for the release of, within the state, any animal of
 8635 the species myocastor coypu and known commonly in Florida and
 8636 referred to herein as nutria.

8637 (2) No person shall have in her or his possession for sale
 8638 or otherwise any nutria until such person has obtained a license
 8639 as provided herein. The fee for such license shall be \$25 per
 8640 year. Application for such license shall be made with the Fish
 8641 and Wildlife Conservation Commission on forms providing
 8642 therefor.

8643 (3) All persons licensed under this law to keep, possess,
 8644 or exhibit nutria shall provide safe, secure, and proper housing
 8645 for said nutria which will adequately safeguard against the
 8646 escape of any nutria. Requirements for the construction of such
 8647 pens or housing shall be as prescribed by the Fish and Wildlife
 8648 Conservation Commission.

8649 (4) All premises upon which nutria are kept shall be
 8650 subject to inspection by authorized representatives of the Fish
 8651 and Wildlife Conservation Commission. Such officers shall
 8652 determine whether the said nutria are securely, properly, and
 8653 safely housed. In the event the said nutria are not securely,

8654 properly, and safely housed, the inspecting officer shall so
 8655 advise in writing the person owning said nutria. Failure of the
 8656 owner to provide within 30 days after such written notice
 8657 secure, proper, and safe housing as prescribed by the Fish and
 8658 Wildlife Conservation Commission shall be grounds for revocation
 8659 of the license herein provided and confiscation and disposal of
 8660 the said nutria as a public nuisance.

8661 (5) Any person violating any provision of this section or
 8662 any rule and regulation of the Fish and Wildlife Conservation
 8663 Commission pursuant hereto shall be guilty of a misdemeanor of
 8664 the second degree, punishable as provided in s. 775.082 or s.
 8665 775.083.

8666 Section 156. Section 372.86, Florida Statutes, is
 8667 renumbered as section 379.760, Florida Statutes, to read:

8668 379.760 ~~372.86~~ Capturing, keeping, possessing,
 8669 transporting, or exhibiting venomous reptiles or reptiles of
 8670 concern; license required.--

8671 (1) No person, firm, or corporation shall capture, keep,
 8672 possess, or exhibit any poisonous or venomous reptile or reptile
 8673 of concern without first having obtained a special permit or
 8674 license therefor from the Fish and Wildlife Conservation
 8675 Commission as provided in this section.

8676 (2) By December 31, 2007, the commission shall establish a
 8677 list of reptiles of concern, including venomous, nonvenomous,
 8678 native, nonnative, or other reptiles, which require additional
 8679 regulation for capture, possession, transportation, or

8680 exhibition due to their nature, habits, status, or potential to
8681 negatively impact the environment, ecology, or humans.

8682 (3) It shall be unlawful for any person, firm, or
8683 corporation, whether licensed hereunder or not, to capture,
8684 keep, possess, or exhibit any venomous reptile or reptile of
8685 concern in any manner not approved as safe, secure, and proper
8686 by the commission. Venomous reptiles or reptiles of concern held
8687 in captivity are subject to inspection by the commission. The
8688 commission shall determine whether the reptiles are securely,
8689 safely, and properly penned. In the event that the reptiles are
8690 not safely penned, the commission shall report the situation in
8691 writing to the person, firm, or corporation owning the reptiles.
8692 Failure of the person, firm, or corporation to correct the
8693 situation within 30 days after such written notice shall be
8694 grounds for revocation of the license or permit of the person,
8695 firm, or corporation.

8696 (4) Venomous reptiles or reptiles of concern shall be
8697 transported in a safe, secure, and proper manner. The commission
8698 shall establish by rule the requirements for the transportation
8699 of venomous reptiles or reptiles of concern.

8700 Section 157. Section 372.87, Florida Statutes, is
8701 renumbered as 379.761, Florida Statutes, to read:

8702 379.761 ~~372.87~~ License fee; renewal, revocation.--

8703 (1) (a) The Fish and Wildlife Conservation Commission is
8704 authorized and empowered to issue a license or permit for the
8705 capturing, keeping, possessing, or exhibiting of venomous
8706 reptiles, upon payment of an annual fee of \$100 and upon

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8707 assurance that all of the provisions of ss. 379.760-379.516
8708 ~~372.86-372.92~~ and such other reasonable rules and regulations as
8709 the commission may prescribe will be fully complied with in all
8710 respects.

8711 (b) The Fish and Wildlife Conservation Commission is
8712 authorized and empowered to issue a license or permit for the
8713 capturing, keeping, possessing, or exhibiting of reptiles of
8714 concern upon payment of an annual fee not to exceed \$100 and
8715 upon assurance that all of the provisions of ss. 379.516,
8716 379.760, 379.761, and 379.762 ~~372.86-372.92~~ and such other
8717 reasonable rules and regulations as the commission may prescribe
8718 will be fully complied with in all respects. The annual fee for
8719 issuance or renewal of a license or permit under this paragraph
8720 for reptiles of concern is initially set at \$100. However, the
8721 commission may reduce that annual fee by rule if the commission
8722 determines that there is general compliance with ss. 379.516,
8723 379.760, 379.761, and 379.762 ~~372.86-372.92~~ and that such
8724 compliance allows for a reduction in fees to cover the costs of
8725 administering and enforcing the reptiles of concern program. The
8726 commission may issue a license or permit to an applicant who
8727 holds a current and valid license or permit for venomous
8728 reptiles under paragraph (a) and meets all requirements for the
8729 capturing, keeping, possessing, or exhibiting of reptiles of
8730 concern, but shall not require payment of an additional annual
8731 fee.

8732 (2) Such permits or licenses may be revoked by the
8733 commission upon violation of any of the provisions of ss.

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8734 | 379.516, 379.760, 379.761, and 379.762 ~~372.86-372.92~~ or upon
 8735 | violation of any of the rules and regulations prescribed by the
 8736 | commission relating to the capturing, keeping, possessing, and
 8737 | exhibiting of any venomous reptiles or reptiles of concern. Such
 8738 | permits or licenses shall be for an annual period to be
 8739 | prescribed by the commission and shall be renewable upon the
 8740 | payment of said fee and shall be subject to the same conditions,
 8741 | limitations, and restrictions as set forth in this section. All
 8742 | moneys received pursuant to this section shall be deposited into
 8743 | the State Game Trust Fund to be used to implement, administer,
 8744 | enforce, and educate the public regarding ss. 379.516, 379.760,
 8745 | 379.761, and 379.762 ~~372.86-372.92~~.

8746 | Section 158. Section 372.88, Florida Statutes, is
 8747 | renumbered as section 379.762, Florida Statutes, to read:

8748 | 379.762 ~~372.88~~ Bond required, amount.--

8749 | (1) No person, party, firm, or corporation shall exhibit
 8750 | to the public either with or without charge or admission fee any
 8751 | venomous reptile without having first posted a good and
 8752 | sufficient bond in writing in the penal sum of \$10,000 payable
 8753 | to the commission, conditioned that such exhibitor will
 8754 | indemnify and save harmless all persons from injury or damage
 8755 | from such venomous reptiles so exhibited and shall fully comply
 8756 | with all laws of the state and all rules and regulations of the
 8757 | commission governing the capturing, keeping, possessing, or
 8758 | exhibiting of venomous reptiles; provided, however, that the
 8759 | aggregate liability of the surety for all such injuries or
 8760 | damages shall, in no event, exceed the penal sum of the bond.

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8761 The surety for the bond must be a surety company authorized to
8762 do business under the laws of the state or in lieu of such a
8763 surety, cash in the sum of \$10,000 may be posted with the
8764 commission to ensure compliance with the conditions of the bond.

8765 (2) No person, party, firm, or corporation shall exhibit
8766 to the public either with or without charge or admission fee,
8767 any Class I wildlife, as defined in s. 379.781 ~~372.922~~ and
8768 chapter 68A-6, Florida Administrative Code, without having first
8769 guaranteed financial responsibility, in the sum of \$10,000, for
8770 any liability which may be incurred in the exhibition to the
8771 public of Class I wildlife. The commission shall adopt, by rule,
8772 the methods of payment that satisfy the financial
8773 responsibility, which may include cash, the establishment of a
8774 trust fund, an irrevocable letter of credit, casualty insurance,
8775 a corporate guarantee, or any combination thereof, in the sum of
8776 \$10,000 which shall be posted with the commission. In lieu of
8777 the \$10,000 financial responsibility guarantee required in this
8778 subsection, the exhibiter has the option to maintain
8779 comprehensive general liability insurance, with minimum limits
8780 of \$2 million per occurrence and \$2 million annual aggregate, as
8781 shall protect the exhibiter from claims for damage for personal
8782 injury, including accidental death, as well as claims for
8783 property damage which may arise. Proof of such insurance shall
8784 be submitted to the commission.

8785 Section 159. Section 372.6673, Florida Statutes, is
8786 renumbered as section 379.770, Florida Statutes, to read:

8787 379.770 ~~372.667~~ Taking and possession of alligators;
8788 trapping licenses; fees.--

8789 (1) (a) No person shall take or possess any alligator or
8790 the eggs thereof without having first obtained from the
8791 commission a trapping license and paid the fee provided in this
8792 section. Such license shall be dated when issued and remain
8793 valid for 12 months after the date of issuance and shall
8794 authorize the person to whom it is issued to take or possess
8795 alligators and their eggs, and to sell, possess, and process
8796 alligators and their hides and meat, in accordance with law and
8797 commission rules. Such license shall not be transferable and
8798 shall not be valid unless it bears on its face in indelible ink
8799 the name of the person to whom it is issued. Such license shall
8800 be in the personal possession of the licensee while such person
8801 is taking alligators or their eggs or is selling, possessing, or
8802 processing alligators or their eggs, hides, or meat. The failure
8803 of the licensee to exhibit such license to the commission or its
8804 wildlife officers, when such person is found taking alligators
8805 or their eggs or is found selling, possessing, or processing
8806 alligators or their eggs, hides, or meat, shall be a violation
8807 of law.

8808 (b) In order to assure the optimal utilization of the
8809 estimated available alligator resource and to ensure adequate
8810 control of the alligator management and harvest program, the
8811 commission may by rule limit the number of participants engaged
8812 in the taking of alligators or their eggs from the wild.

8813 (c) No person who has been convicted of any violation of
 8814 s. 379.840 ~~372.663~~ or s. 379.5145 ~~372.664~~ or the rules of the
 8815 commission relating to the illegal taking of crocodylian species
 8816 shall be eligible for issuance of a license for a period of 5
 8817 years subsequent to such conviction. In the event such violation
 8818 involves the unauthorized taking of an endangered crocodylian
 8819 species, no license shall be issued for 10 years subsequent to
 8820 the conviction.

8821 (2) The license and issuance fee, and the activity
 8822 authorized thereby, shall be as follows:

8823 (a) The annual fee for issuance of a resident alligator
 8824 trapping license, which permits a resident of the state to take
 8825 alligators occurring in the wild other than alligator
 8826 hatchlings, to possess and process alligators taken under
 8827 authority of such alligator trapping license or otherwise
 8828 legally acquired, and to possess, process, and sell their hides
 8829 and meat, shall be \$250.

8830 (b) The annual fee for issuance of a nonresident alligator
 8831 trapping license, which permits a person other than a resident
 8832 of the state to take alligators occurring in the wild other than
 8833 alligator hatchlings, to possess and process alligators taken
 8834 under authority of such alligator trapping license, and to
 8835 possess, process, and sell their hides and meat, shall be
 8836 \$1,000.

8837 (c) The annual fee for issuance of an alligator trapping
 8838 agent's license, which permits a person to act as an agent of
 8839 any person who has been issued a resident or nonresident

8840 alligator trapping license as provided in paragraph (a) or
8841 paragraph (b) and to take alligators occurring in the wild other
8842 than alligator hatchlings, and to possess and process alligators
8843 taken under authority of such agency relationship, shall be \$50.
8844 Such alligator trapping agent's license shall be issued only in
8845 conjunction with an alligator trapping license and shall bear on
8846 its face in indelible ink the name and license number of the
8847 alligator trapping licenseholder for whom the holder of this
8848 license is acting as an agent.

8849 (d) The annual fee for issuance of an alligator farming
8850 license, which permits a person to operate a facility for
8851 captive propagation of alligators, to possess alligators for
8852 captive propagation, to take alligator hatchlings and alligator
8853 eggs occurring in the wild, to rear such alligators, alligator
8854 hatchlings, and alligator eggs in captivity, to process
8855 alligators taken or possessed under authority of such alligator
8856 farming license or otherwise legally acquired, and to sell their
8857 hides and meat, shall be \$250.

8858 (e) The annual fee for issuance of an alligator farming
8859 agent's license, which permits a person to act as an agent of
8860 any person who has been issued an alligator farming license as
8861 provided in paragraph (d) and to take alligator hatchlings and
8862 alligator eggs occurring in the wild, and to possess and process
8863 alligators taken under authority of such agency relationship,
8864 shall be \$50. Such license shall be issued only in conjunction
8865 with an alligator farming license, and shall bear on its face in
8866 indelible ink the name and license number of the alligator

8867 farming licenseholder for whom the holder of this license is
 8868 acting as an agent.

8869 (f) The annual fee for issuance of an alligator
 8870 processor's license, which permits a person to buy and process
 8871 alligators lawfully taken by alligator trapping licenseholders
 8872 and taken or possessed by alligator farming licenseholders and
 8873 to sell alligator meat, hides, and other parts, shall be \$250.

8874 (3) For the purpose of this section, "process" shall mean
 8875 the possession and skinning or butchering of an alligator by
 8876 someone other than the holder of the alligator trapping license,
 8877 alligator trapping agent's license, alligator farming license,
 8878 or alligator farming agent's license who has authorized the
 8879 taking and possession of such alligator.

8880 (4) No person shall take any alligator egg occurring in
 8881 the wild or possess any such egg unless such person has
 8882 obtained, or is a licensed agent of another person who has
 8883 obtained, an alligator egg collection permit. The alligator egg
 8884 collection permit shall be required in addition to the alligator
 8885 farming license provided in paragraph (2)(d). The commission is
 8886 authorized to assess a fee for issuance of the alligator egg
 8887 collection permit of up to \$5 per egg authorized to be taken or
 8888 possessed pursuant to such permit. Irrespective of whether a fee
 8889 is assessed, \$1 per egg collected and retained, excluding eggs
 8890 collected on private wetland management areas, shall be
 8891 transferred from the alligator management program to the General
 8892 Inspection Trust Fund, to be administered by the Department of
 8893 Agriculture and Consumer Services for the purpose of providing

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8894 marketing and education services with respect to alligator
8895 products produced in this state, notwithstanding other
8896 provisions in this chapter.

8897 (5) The commission shall adopt criteria by rule to
8898 establish appropriate qualifications for alligator collectors
8899 who may receive permits pursuant to this section.

8900 Section 160. Section 372.6674, Florida Statutes, is
8901 renumbered as section 379.771, Florida Statutes, and amended to
8902 read:

8903 379.771 ~~372.6674~~ Required tagging of alligators and hides;
8904 fees; revenues.--The tags provided in this section shall be
8905 required in addition to any license required under s. 379.770
8906 ~~372.6673~~.

8907 (1) No person shall take any alligator occurring in the
8908 wild or possess any such alligator unless such alligator is
8909 subsequently tagged in the manner required by commission rule.
8910 For the tag required for an alligator hatchling, the commission
8911 is authorized to assess a fee of not more than \$15 for each
8912 alligator hatchling tag issued. The commission shall expend one-
8913 third of the revenue generated from the issuance of the
8914 alligator hatchling tag for alligator husbandry research.

8915 (2) The commission may require that an alligator hide
8916 validation tag (CITES tag) be affixed to the hide of any
8917 alligator taken from the wild and that such hide be possessed,
8918 purchased, sold, offered for sale, or transported in accordance
8919 with commission rule. The commission is authorized to assess a
8920 fee of up to \$30 for each alligator hide validation tag issued.

8921 Irrespective of whether a fee is assessed, \$5 per validated
 8922 hide, excluding those validated from public hunt programs and
 8923 alligator farms, shall be transferred from the alligator
 8924 management program to the General Inspection Trust Fund, to be
 8925 administered by the Department of Agriculture and Consumer
 8926 Services for the purpose of providing marketing and education
 8927 services with respect to alligator products produced in this
 8928 state, notwithstanding other provisions in this chapter.

8929 (3) The number of tags available for alligators taken
 8930 pursuant to a collection permit shall be limited to the number
 8931 of tags determined by the commission to equal the safe yield of
 8932 alligators as determined pursuant to s. 379.5143 ~~372.6678~~.

8933 Section 161. Section 372.921, Florida Statutes, is
 8934 renumbered as section 379.780, Florida Statutes, to read:
 8935 379.780 ~~372.921~~ Exhibition or sale of wildlife.--

8936 (1) In order to provide humane treatment and sanitary
 8937 surroundings for wild animals kept in captivity, no person,
 8938 firm, corporation, or association shall have, or be in
 8939 possession of, in captivity for the purpose of public display
 8940 with or without charge or for public sale any wildlife,
 8941 specifically birds, mammals, amphibians, and reptiles, whether
 8942 indigenous to Florida or not, without having first secured a
 8943 permit from the commission authorizing such person, firm, or
 8944 corporation to have in its possession in captivity the species
 8945 and number of wildlife specified within such permit; however,
 8946 this section does not apply to any wildlife not protected by law
 8947 and the rules of the commission.

8948 (2) The fees to be paid for the issuance of permits
 8949 required by subsection (1) shall be as follows:
 8950 (a) For not more than 25 Class I or Class II individual
 8951 specimens in the aggregate of all species, the sum of \$150 per
 8952 annum.
 8953 (b) For over 25 Class I or Class II individual specimens
 8954 in the aggregate of all species, the sum of \$250 per annum.
 8955 (c) For any number of Class III individual specimens in
 8956 the aggregate of all species, the sum of \$50 per annum.
 8957
 8958 The fees prescribed by this subsection shall be submitted to the
 8959 commission with the application for permit required by
 8960 subsection (1) and shall be deposited in the State Game Trust
 8961 Fund.
 8962 (3) An applicant for a permit shall be required to include
 8963 in her or his application a statement showing the place, number,
 8964 and species of wildlife to be held in captivity by the applicant
 8965 and shall be required upon request by the Fish and Wildlife
 8966 Conservation Commission to show when, where, and in what manner
 8967 she or he came into possession of any wildlife acquired
 8968 subsequent to the effective date of this act. The source of
 8969 acquisition of such wildlife shall not be divulged by the
 8970 commission except in connection with a violation of this section
 8971 or a regulation of the commission in which information as to
 8972 source of wildlife is required as evidence in the prosecution of
 8973 such violation.

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8974 (4) Permits issued pursuant to this section and places
8975 where wildlife is kept or held in captivity shall be subject to
8976 inspection by officers of the commission at all times. The
8977 commission shall have the power to release or confiscate any
8978 specimens of any wildlife, specifically birds, mammals,
8979 amphibians, or reptiles, whether indigenous to the state or not,
8980 when it is found that conditions under which they are being
8981 confined are unsanitary, or unsafe to the public in any manner,
8982 or that the species of wildlife are being maltreated,
8983 mistreated, or neglected or kept in any manner contrary to the
8984 provisions of chapter 828, any such permit to the contrary
8985 notwithstanding. Before any such wildlife is confiscated or
8986 released under the authority of this section, the owner thereof
8987 shall have been advised in writing of the existence of such
8988 unsatisfactory conditions; the owner shall have been given 30
8989 days in which to correct such conditions; the owner shall have
8990 failed to correct such conditions; the owner shall have had an
8991 opportunity for a proceeding pursuant to chapter 120; and the
8992 commission shall have ordered such confiscation or release after
8993 careful consideration of all evidence in the particular case in
8994 question. The final order of the commission shall constitute
8995 final agency action.

8996 (5) In instances where wildlife is seized or taken into
8997 custody by the commission, said owner or possessor of such
8998 wildlife shall be responsible for payment of all expenses
8999 relative to the capture, transport, boarding, veterinary care,
9000 or other costs associated with or incurred due to seizure or

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9001 custody of wildlife. Such expenses shall be paid by said owner
9002 or possessor upon any conviction or finding of guilt of a
9003 criminal or noncriminal violation, regardless of adjudication or
9004 plea entered, of any provision of chapter 828 or this chapter,
9005 or rule of the commission or if such violation is disposed of
9006 under s. 921.187. Failure to pay such expense may be grounds for
9007 revocation or denial of permits to such individual to possess
9008 wildlife.

9009 (6) Any animal on exhibit of a type capable of contracting
9010 or transmitting rabies shall be immunized against rabies.

9011 (7) The provisions of this section relative to licensing
9012 do not apply to any municipal, county, state, or other publicly
9013 owned wildlife exhibit. The provisions of this section do not
9014 apply to any traveling zoo, circus, or exhibit licensed as
9015 provided by chapter 205.

9016 (8) This section shall not apply to the possession,
9017 control, care, and maintenance of ostriches, emus, rheas, and
9018 bison domesticated and confined for commercial farming purposes,
9019 except those kept and maintained on hunting preserves or game
9020 farms or primarily for exhibition purposes in zoos, carnivals,
9021 circuses, and other such establishments where such species are
9022 kept primarily for display to the public.

9023 (9) The commission is authorized to adopt rules pursuant
9024 to ss. 120.536(1) and 120.54 to implement the provisions of this
9025 section.

9026 (10) A violation of this section is punishable as provided
9027 by s. 379.810 ~~372.83~~.

9028 Section 162. Section 372.922, Florida Statutes, is
 9029 renumbered as section 379.781, Florida Statutes, and amended to
 9030 read:

9031 379.781 ~~372.922~~ Personal possession of wildlife.--

9032 (1) It is unlawful for any person or persons to possess
 9033 any wildlife as defined in this act, whether indigenous to
 9034 Florida or not, until she or he has obtained a permit as
 9035 provided by this section from the Fish and Wildlife Conservation
 9036 Commission.

9037 (2) The classifications of types of wildlife and fees to
 9038 be paid for permits for the personal possession of wildlife
 9039 shall be as follows:

9040 (a) Class I--Wildlife which, because of its nature,
 9041 habits, or status, shall not be possessed as a personal pet.

9042 (b) Class II--Wildlife considered to present a real or
 9043 potential threat to human safety, the sum of \$140 per annum.

9044 (c) Class III--All other wildlife not included in Class I
 9045 or Class II, for which a no-cost permit must be obtained from
 9046 the commission.

9047 (3) The commission shall promulgate rules defining Class
 9048 I, Class II, and Class III types of wildlife. The commission
 9049 shall also establish rules and requirements necessary to ensure
 9050 that permits are granted only to persons qualified to possess
 9051 and care properly for wildlife and that permitted wildlife
 9052 possessed as personal pets will be maintained in sanitary
 9053 surroundings and appropriate neighborhoods.

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9054 (4) In instances where wildlife is seized or taken into
9055 custody by the commission, said owner or possessor of such
9056 wildlife shall be responsible for payment of all expenses
9057 relative to the capture, transport, boarding, veterinary care,
9058 or other costs associated with or incurred due to seizure or
9059 custody of wildlife. Such expenses shall be paid by said owner
9060 or possessor upon any conviction or finding of guilt of a
9061 criminal or noncriminal violation, regardless of adjudication or
9062 plea entered, of any provision of chapter 828 or this chapter,
9063 or rule of the commission or if such violation is disposed of
9064 under s. 921.187. Failure to pay such expense may be grounds for
9065 revocation or denial of permits to such individual to possess
9066 wildlife.

9067 (5) Any person, firm, corporation, or association
9068 exhibiting or selling wildlife and being duly permitted as
9069 provided by s. 379.780 ~~372.921~~ shall be exempt from the fee
9070 requirement to receive a permit under this section.

9071 (6) This section shall not apply to the possession,
9072 control, care, and maintenance of ostriches, emus, rheas, and
9073 bison domesticated and confined for commercial farming purposes,
9074 except those kept and maintained on hunting preserves or game
9075 farms or primarily for exhibition purposes in zoos, carnivals,
9076 circuses, and other such establishments where such species are
9077 kept primarily for display to the public.

9078 (7) Persons in violation of this section shall be
9079 punishable as provided in s. 379.810 ~~372.83~~.

9080 Section 163. Part VII of chapter 379, Florida Statutes,
 9081 consisting of sections 379.810 through 379.872, is created to
 9082 read:

9083 PART VII
 9084 PENALTIES
 9085

9086 Section 164. Section 372.83, Florida Statutes, is
 9087 renumbered as section 379.810, Florida Statutes, amended to
 9088 read:

9089 379.810 ~~372.83~~ Penalties and violations; civil penalties
 9090 for noncriminal infractions; criminal penalties; suspension and
 9091 forfeiture of licenses and permits.--

9092 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One
 9093 violation if he or she violates any of the following provisions:

9094 1. Rules or orders of the commission relating to the
 9095 filing of reports or other documents required to be filed by
 9096 persons who hold recreational licenses and permits issued by the
 9097 commission.

9098 2. Rules or orders of the commission relating to quota
 9099 hunt permits, daily use permits, hunting zone assignments,
 9100 camping, alcoholic beverages, vehicles, and check stations
 9101 within wildlife management areas or other areas managed by the
 9102 commission.

9103 3. Rules or orders of the commission relating to daily use
 9104 permits, alcoholic beverages, swimming, possession of firearms,
 9105 operation of vehicles, and watercraft speed within fish
 9106 management areas managed by the commission.

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9107 4. Rules or orders of the commission relating to vessel
 9108 size or specifying motor restrictions on specified water bodies.

9109 5. Section 379.733 ~~370.063~~, providing for special
 9110 recreational spiny lobster licenses.

9111 6. Section 379.722(1)-(15) ~~372.57(1)-(15)~~, providing for
 9112 recreational licenses to hunt, fish, and trap.

9113 7. Section 379.5121 ~~372.5717~~, providing hunter safety
 9114 course requirements.

9115 8. Section 379.5123 ~~372.988~~, prohibiting deer hunting
 9116 unless required clothing is worn.

9117 (b) A person who commits a Level One violation commits a
 9118 noncriminal infraction and shall be cited to appear before the
 9119 county court.

9120 (c)1. The civil penalty for committing a Level One
 9121 violation involving the license and permit requirements of s.
 9122 379.722 ~~372.57~~ is \$50 plus the cost of the license or permit,
 9123 unless subparagraph 2. applies.

9124 2. The civil penalty for committing a Level One violation
 9125 involving the license and permit requirements of s. 379.722
 9126 ~~372.57~~ is \$100 plus the cost of the license or permit if the
 9127 person cited has previously committed the same Level One
 9128 violation within the preceding 36 months.

9129 (d)1. The civil penalty for any other Level One violation
 9130 is \$50 unless subparagraph 2. applies.

9131 2. The civil penalty for any other Level One violation is
 9132 \$100 if the person cited has previously committed the same Level
 9133 One violation within the preceding 36 months.

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9134 (e) A person cited for a Level One violation shall sign
9135 and accept a citation to appear before the county court. The
9136 issuing officer may indicate on the citation the time and
9137 location of the scheduled hearing and shall indicate the
9138 applicable civil penalty.

9139 (f) A person cited for a Level One violation may pay the
9140 civil penalty by mail or in person within 30 days after receipt
9141 of the citation. If the civil penalty is paid, the person shall
9142 be deemed to have admitted committing the Level One violation
9143 and to have waived his or her right to a hearing before the
9144 county court. Such admission may not be used as evidence in any
9145 other proceedings except to determine the appropriate fine for
9146 any subsequent violations.

9147 (g) A person who refuses to accept a citation, who fails
9148 to pay the civil penalty for a Level One violation, or who fails
9149 to appear before a county court as required commits a
9150 misdemeanor of the second degree, punishable as provided in s.
9151 775.082 or s. 775.083.

9152 (h) A person who elects to appear before the county court
9153 or who is required to appear before the county court shall be
9154 deemed to have waived the limitations on civil penalties
9155 provided under paragraphs (c) and (d). After a hearing, the
9156 county court shall determine if a Level One violation has been
9157 committed, and if so, may impose a civil penalty of not less
9158 than \$50 for a first-time violation, and not more than \$500 for
9159 subsequent violations. A person found guilty of committing a
9160 Level One violation may appeal that finding to the circuit

9161 court. The commission of a violation must be proved beyond a
 9162 reasonable doubt.

9163 (i) A person cited for violating the requirements of s.
 9164 379.722 ~~372.57~~ relating to personal possession of a license or
 9165 permit may not be convicted if, prior to or at the time of a
 9166 county court hearing, the person produces the required license
 9167 or permit for verification by the hearing officer or the court
 9168 clerk. The license or permit must have been valid at the time
 9169 the person was cited. The clerk or hearing officer may assess a
 9170 \$5 fee for costs under this paragraph.

9171 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 9172 violation if he or she violates any of the following provisions:

9173 1. Rules or orders of the commission relating to seasons
 9174 or time periods for the taking of wildlife, freshwater fish, or
 9175 saltwater fish.

9176 2. Rules or orders of the commission establishing bag,
 9177 possession, or size limits or restricting methods of taking
 9178 wildlife, freshwater fish, or saltwater fish.

9179 3. Rules or orders of the commission prohibiting access or
 9180 otherwise relating to access to wildlife management areas or
 9181 other areas managed by the commission.

9182 4. Rules or orders of the commission relating to the
 9183 feeding of wildlife, freshwater fish, or saltwater fish.

9184 5. Rules or orders of the commission relating to landing
 9185 requirements for freshwater fish or saltwater fish.

- 9186 6. Rules or orders of the commission relating to
 9187 restricted hunting areas, critical wildlife areas, or bird
 9188 sanctuaries.
- 9189 7. Rules or orders of the commission relating to tagging
 9190 requirements for game and fur-bearing animals.
- 9191 8. Rules or orders of the commission relating to the use
 9192 of dogs for the taking of game.
- 9193 9. Rules or orders of the commission which are not
 9194 otherwise classified.
- 9195 10. All prohibitions in chapter 370 which are not
 9196 otherwise classified.
- 9197 11. Section 379.610 ~~370.028~~, prohibiting the violation of
 9198 or noncompliance with commission rules.
- 9199 12. Section 379.830(6) ~~370.021(6)~~ prohibiting the sale,
 9200 purchase, harvest, or attempted harvest of any saltwater product
 9201 with intent to sell.
- 9202 13. Section 379.313 ~~370.08~~, prohibiting the obstruction of
 9203 waterways with net gear.
- 9204 14. Section 379.314 ~~370.1105~~, prohibiting the unlawful use
 9205 of finfish traps.
- 9206 15. Section 379.333 ~~370.1121~~, prohibiting the unlawful
 9207 taking of bonefish.
- 9208 16. Section 379.335(2)(a) and (b) ~~370.13(2)(a) and (b)~~,
 9209 prohibiting the possession or use of stone crab traps without
 9210 trap tags and theft of trap contents or gear.
- 9211 17. Section 379.742 (4)(b) ~~370.135(4)(b)~~, prohibiting the
 9212 theft of blue crab trap contents or trap gear.

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9213 18. Section 379.7431(2)(c) ~~370.142(2)(e)~~, prohibiting the
9214 possession or use of spiny lobster traps without trap tags or
9215 certificates and theft of trap contents or trap gear.

9216 19. Section 379.744 ~~372.5704~~, prohibiting the possession
9217 of tarpon without purchasing a tarpon tag.

9218 20. Section 379.840 ~~372.667~~, prohibiting the feeding or
9219 enticement of alligators or crocodiles.

9220 21. Section 379.284 ~~372.705~~, prohibiting the intentional
9221 harassment of hunters, fishers, or trappers.

9222 (b)1. A person who commits a Level Two violation but who
9223 has not been convicted of a Level Two or higher violation within
9224 the past 3 years commits a misdemeanor of the second degree,
9225 punishable as provided in s. 775.082 or s. 775.083.

9226 2. Unless the stricter penalties in subparagraph 3. or
9227 subparagraph 4. apply, a person who commits a Level Two
9228 violation within 3 years after a previous conviction for a Level
9229 Two or higher violation commits a misdemeanor of the first
9230 degree, punishable as provided in s. 775.082 or s. 775.083, with
9231 a minimum mandatory fine of \$250.

9232 3. Unless the stricter penalties in subparagraph 4. apply,
9233 a person who commits a Level Two violation within 5 years after
9234 two previous convictions for a Level Two or higher violation,
9235 commits a misdemeanor of the first degree, punishable as
9236 provided in s. 775.082 or s. 775.083, with a minimum mandatory
9237 fine of \$500 and a suspension of any recreational license or
9238 permit issued under s. 379.722 ~~372.57~~ for 1 year. Such
9239 suspension shall include the suspension of the privilege to

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9240 obtain such license or permit and the suspension of the ability
9241 to exercise any privilege granted under any exemption in s.
9242 379.721 ~~372.562~~.

9243 4. A person who commits a Level Two violation within 10
9244 years after three previous convictions for a Level Two or higher
9245 violation commits a misdemeanor of the first degree, punishable
9246 as provided in s. 775.082 or s. 775.083, with a minimum
9247 mandatory fine of \$750 and a suspension of any recreational
9248 license or permit issued under s. 379.722 ~~372.57~~ for 3 years.
9249 Such suspension shall include the suspension of the privilege to
9250 obtain such license or permit and the suspension of the ability
9251 to exercise any privilege granted under s. 379.721 ~~372.562~~. If
9252 the recreational license or permit being suspended was an annual
9253 license or permit, any privileges under ss. 379.721 and 379.722
9254 ~~372.562~~ and ~~372.57~~ may not be acquired for a 3-year period
9255 following the date of the violation.

9256 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
9257 Three violation if he or she violates any of the following
9258 provisions:

9259 1. Rules or orders of the commission prohibiting the sale
9260 of saltwater fish.

9261 2. Section 379.830(2) ~~370.021(2)~~, establishing major
9262 violations.

9263 3. Section 379.830(4) ~~370.021(4)~~, prohibiting the
9264 possession of certain finfish in excess of recreational daily
9265 bag limits.

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- 9266 4. Section 379.330 ~~370.081~~, prohibiting the illegal
 9267 importation or possession of exotic marine plants or animals.
- 9268 5. Section 379.411 ~~372.26~~, prohibiting the importation of
 9269 freshwater fish.
- 9270 6. Section 379.283 ~~372.265~~, prohibiting the importation of
 9271 nonindigenous species of the animal kingdom without a permit
 9272 issued by the commission.
- 9273 7. Section 379.722(17) ~~372.57(17)~~, prohibiting the taking
 9274 of game, freshwater fish, or saltwater fish while a required
 9275 license is suspended or revoked.
- 9276 8. Section 379.5144 ~~372.662~~, prohibiting the illegal sale
 9277 or possession of alligators.
- 9278 9. Section 379.814(1), (3), and (6) ~~372.99(1), (3), and~~
 9279 ~~(6)~~, prohibiting the illegal taking and possession of deer and
 9280 wild turkey.
- 9281 10. Section 379.821 ~~372.9903~~, prohibiting the possession
 9282 and transportation of commercial quantities of freshwater game
 9283 fish.
- 9284 (b)1. A person who commits a Level Three violation but who
 9285 has not been convicted of a Level Three or higher violation
 9286 within the past 10 years commits a misdemeanor of the first
 9287 degree, punishable as provided in s. 775.082 or s. 775.083.
- 9288 2. A person who commits a Level Three violation within 10
 9289 years after a previous conviction for a Level Three or higher
 9290 violation commits a misdemeanor of the first degree, punishable
 9291 as provided in s. 775.082 or s. 775.083, with a minimum
 9292 mandatory fine of \$750 and a suspension of any recreational

9293 license or permit issued under s. 379.722 ~~372.57~~ for the
9294 remainder of the period for which the license or permit was
9295 issued up to 3 years. Such suspension shall include the
9296 suspension of the privilege to obtain such license or permit and
9297 the ability to exercise any privilege granted under s. 379.721
9298 ~~372.562~~. If the recreational license or permit being suspended
9299 was an annual license or permit, any privileges under ss.
9300 379.721 and 379.722 ~~372.562~~ and ~~372.57~~ may not be acquired for a
9301 3-year period following the date of the violation.

9302 3. A person who commits a violation of s. 379.722(17)
9303 ~~372.57(17)~~ shall receive a mandatory fine of \$1,000. Any
9304 privileges under ss. 379.721 ~~372.562~~ and 379.722 ~~372.57~~ may not
9305 be acquired for a 5-year period following the date of the
9306 violation.

9307 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
9308 Four violation if he or she violates any of the following
9309 provisions:

9310 1. Section 379.335(2)(c) ~~370.13(2)(e)~~, prohibiting
9311 criminal activities relating to the taking of stone crabs.

9312 2. Section 379.742(4)(c) ~~370.135(4)(e)~~, prohibiting
9313 criminal activities relating to the taking and harvesting of
9314 blue crabs.

9315 3. Section 379.743(4) ~~370.14(4)~~, prohibiting the willful
9316 molestation of spiny lobster gear.

9317 4. Section 379.7431(2)(c)5. ~~370.142(2)(e)5.~~, prohibiting
9318 the unlawful reproduction, possession, sale, trade, or barter of
9319 spiny lobster trap tags or certificates.

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9320 | 5. Section 379.722(16) ~~372.57(16)~~, prohibiting the making,
 9321 | forging, counterfeiting, or reproduction of a recreational
 9322 | license or possession of same without authorization from the
 9323 | commission.

9324 | 6. Section 379.814(5) ~~372.99(5)~~, prohibiting the sale of
 9325 | illegally-taken deer or wild turkey.

9326 | 7. Section 379.820 ~~372.99022~~, prohibiting the molestation
 9327 | or theft of freshwater fishing gear.

9328 | (b) A person who commits a Level Four violation commits a
 9329 | felony of the third degree, punishable as provided in s. 775.082
 9330 | or s. 775.083.

9331 | (5) VIOLATIONS OF CHAPTER.--Except as provided in this
 9332 | chapter:

9333 | (a) A person who commits a violation of any provision of
 9334 | this chapter commits, for the first offense, a misdemeanor of
 9335 | the second degree, punishable as provided in s. 775.082 or s.
 9336 | 775.083.

9337 | (b) A person who is convicted of a second or subsequent
 9338 | violation of any provision of this chapter commits a misdemeanor
 9339 | of the first degree, punishable as provided in s. 775.082 or s.
 9340 | 775.083.

9341 | (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
 9342 | order the suspension or forfeiture of any license or permit
 9343 | issued under this chapter to a person who is found guilty of
 9344 | committing a violation of this chapter.

9345 (7) CONVICTION DEFINED.--As used in this section, the term
 9346 "conviction" means any judicial disposition other than acquittal
 9347 or dismissal.

9348 Section 165. Section 372.935, Florida Statutes, is
 9349 renumbered as section 379.811, Florida Statutes, and amended to
 9350 read:

9351 379.811 ~~372.935~~ Captive wildlife penalties.--

9352 (1) LEVEL ONE.--Unless otherwise provided by law, the
 9353 following classifications and penalties apply:

9354 (a) A person commits a Level One violation if he or she
 9355 violates any of the following provisions:

9356 1. Rules or orders of the commission requiring free
 9357 permits or other authorizations to possess captive wildlife.

9358 2. Rules or orders of the commission relating to the
 9359 filing of reports or other documents required of persons who are
 9360 licensed to possess captive wildlife.

9361 3. Rules or orders of the commission requiring permits to
 9362 possess captive wildlife for which a fee is charged, when the
 9363 person being charged was issued the permit and the permit has
 9364 expired less than 1 year prior to the violation.

9365 (b) Any person cited for committing any offense classified
 9366 as a Level One violation commits a noncriminal infraction,
 9367 punishable as provided in this section.

9368 (c) Any person cited for committing a noncriminal
 9369 infraction specified in paragraph (a) shall be cited to appear
 9370 before the county court. The civil penalty for any noncriminal
 9371 infraction is \$50 if the person cited has not previously been

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9372 found guilty of a Level One violation and \$250 if the person
9373 cited has previously been found guilty of a Level One violation,
9374 except as otherwise provided in this subsection. Any person
9375 cited for failing to have a required permit or license shall pay
9376 an additional civil penalty in the amount of the license fee
9377 required.

9378 (d) Any person cited for an infraction under this
9379 subsection may:

9380 1. Post a bond, which shall be equal in amount to the
9381 applicable civil penalty; or

9382 2. Sign and accept a citation indicating a promise to
9383 appear before the county court. The officer may indicate on the
9384 citation the time and location of the scheduled hearing and
9385 shall indicate the applicable civil penalty.

9386 (e) Any person charged with a noncriminal infraction under
9387 this subsection may:

9388 1. Pay the civil penalty, either by mail or in person,
9389 within 30 days after the date of receiving the citation; or

9390 2. If the person has posted bond, forfeit bond by not
9391 appearing at the designated time and location.

9392 (f) If the person cited follows either of the procedures
9393 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
9394 deemed to have admitted the infraction and to have waived his or
9395 her right to a hearing on the issue of commission of the
9396 infraction. Such admission shall not be used as evidence in any
9397 other proceedings except to determine the appropriate fine for
9398 any subsequent violations.

9399 (g) Any person who willfully refuses to post bond or
 9400 accept and sign a summons commits a misdemeanor of the second
 9401 degree, punishable as provided in s. 775.082 or s. 775.083. Any
 9402 person who fails to pay the civil penalty specified in this
 9403 subsection within 30 days after being cited for a noncriminal
 9404 infraction or to appear before the court pursuant to this
 9405 subsection commits a misdemeanor of the second degree,
 9406 punishable as provided in s. 775.082 or s. 775.083.

9407 (h) Any person electing to appear before the county court
 9408 or who is required to appear shall be deemed to have waived the
 9409 limitations on the civil penalty specified in paragraph (c). The
 9410 court, after a hearing, shall make a determination as to whether
 9411 an infraction has been committed. If the commission of an
 9412 infraction has been proven, the court may impose a civil penalty
 9413 not less than those amounts in paragraph (c) and not to exceed
 9414 \$500.

9415 (i) At a hearing under this chapter, the commission of a
 9416 charged infraction must be proved beyond a reasonable doubt.

9417 (j) If a person is found by the hearing official to have
 9418 committed an infraction, she or he may appeal that finding to
 9419 the circuit court.

9420 (2) LEVEL TWO.—Unless otherwise provided by law, the
 9421 following classifications and penalties apply:

9422 (a) A person commits a Level Two violation if he or she
 9423 violates any of the following provisions:

9424 1. Unless otherwise stated in subsection (1), rules or
 9425 orders of the commission that require a person to pay a fee to

9426 obtain a permit to possess captive wildlife or that require the
 9427 maintenance of records relating to captive wildlife.

9428 2. Rules or orders of the commission relating to captive
 9429 wildlife not specified in subsection (1) or subsection (3).

9430 3. Rules or orders of the commission that require housing
 9431 of wildlife in a safe manner when a violation results in an
 9432 escape of wildlife other than Class I wildlife.

9433 4. Section 379.760 ~~372.86~~, relating to capturing, keeping,
 9434 possessing, transporting, or exhibiting venomous reptiles or
 9435 reptiles of concern.

9436 5. Section 379.761 ~~372.87~~, relating to requiring a license
 9437 or permit for the capturing, keeping, possessing, or exhibiting
 9438 of venomous reptiles or reptiles of concern.

9439 6. Section 379.762 ~~372.88~~, relating to bonding
 9440 requirements for public exhibits of venomous reptiles.

9441 7. Section 379.516 ~~372.92~~, relating to commission rules
 9442 and regulations to prevent the escape of venomous reptiles or
 9443 reptiles of concern.

9444 8. Section 379.780 ~~372.921~~, relating to exhibition or sale
 9445 of wildlife.

9446 9. Section 379.781 ~~372.922~~, relating to personal
 9447 possession of wildlife.

9448 (b) A person who commits any offense classified as a Level
 9449 Two violation and who has not been convicted of a Level Two or
 9450 higher violation within the past 3 years commits a misdemeanor
 9451 of the second degree, punishable as provided in s. 775.082 or s.
 9452 775.083.

9453 (c) Unless otherwise stated in this subsection, a person
9454 who commits any offense classified as a Level Two violation
9455 within a 3-year period of any previous conviction of a Level Two
9456 or higher violation commits a misdemeanor of the first degree,
9457 punishable as provided in s. 775.082 or s. 775.083 with a
9458 minimum mandatory fine of \$250.

9459 (d) Unless otherwise stated in this subsection, a person
9460 who commits any offense classified as a Level Two violation
9461 within a 5-year period of any two previous convictions of Level
9462 Two or higher violations commits a misdemeanor of the first
9463 degree, punishable as provided in s. 775.082 or s. 775.083, with
9464 a minimum mandatory fine of \$500 and a suspension of all
9465 licenses issued under this chapter related to captive wildlife
9466 for 1 year.

9467 (e) A person who commits any offense classified as a Level
9468 Two violation within a 10-year period of any three previous
9469 convictions of Level Two or higher violations commits a
9470 misdemeanor of the first degree, punishable as provided in s.
9471 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
9472 a suspension of all licenses issued under this chapter related
9473 to captive wildlife for 3 years.

9474 (3) LEVEL THREE.—Unless otherwise provided by law, the
9475 following classifications and penalties apply:

9476 (a) A person commits a Level Three violation if he or she
9477 violates any of the following provisions:

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9478 | 1. Rules or orders of the commission that require housing
9479 | of wildlife in a safe manner when a violation results in an
9480 | escape of Class I wildlife.

9481 | 2. Rules or orders of the commission related to captive
9482 | wildlife when the violation results in serious bodily injury to
9483 | another person by captive wildlife that consists of a physical
9484 | condition that creates a substantial risk of death, serious
9485 | personal disfigurement, or protracted loss or impairment of the
9486 | function of any bodily member or organ.

9487 | 3. Rules or orders of the commission relating to the use
9488 | of gasoline or other chemical or gaseous substances on wildlife.

9489 | 4. Rules or orders of the commission prohibiting the
9490 | release of wildlife for which only conditional possession is
9491 | allowed.

9492 | 5. Rules or orders of the commission prohibiting knowingly
9493 | entering false information on an application for a license or
9494 | permit when the license or permit is to possess wildlife in
9495 | captivity.

9496 | 6. Section 379.283 ~~372.265~~, relating to illegal
9497 | importation or introduction of foreign wildlife.

9498 | 7. Section 379.330 ~~370.081~~, relating to the illegal
9499 | importation and possession of nonindigenous marine plants and
9500 | animals.

9501 | 8. Section 379.516 ~~372.92~~, relating to release or escape
9502 | of nonnative venomous reptiles or reptiles of concern.

9503 9. Rules or orders of the commission relating to the
9504 importation, possession, or release of fish and wildlife for
9505 which possession is prohibited.

9506 (b)1. A person who commits any offense classified as a
9507 Level Three violation and who has not been convicted of a Level
9508 Three or higher violation within the past 10 years commits a
9509 misdemeanor of the first degree, punishable as provided in s.
9510 775.082 or s. 775.083.

9511 2. A person who commits any offense classified as a Level
9512 Three violation within a 10-year period of any previous
9513 conviction of a Level Three or higher violation commits a
9514 misdemeanor of the first degree, punishable as provided in s.
9515 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
9516 permanent revocation of all licenses or permits to possess
9517 captive wildlife issued under this chapter.

9518 (4) LEVEL FOUR.—Unless otherwise provided by law, the
9519 following classifications and penalties apply:

9520 (a) A person commits a Level Four violation if he or she
9521 violates any Level Three provision after the permanent
9522 revocation of a license or permit.

9523 (b) A person who commits any offense classified as a Level
9524 Four violation commits a felony of the third degree, punishable
9525 as provided in s. 775.082 or s. 775.083.

9526 (5) SUSPENSION OR REVOCATION OF LICENSE.—The court may
9527 order the suspension or revocation of any license or permit
9528 issued to a person to possess captive wildlife pursuant to this

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9529 chapter if that person commits a criminal offense or a
 9530 noncriminal infraction as specified under this section.

9531 (6) CONVICTION DEFINED.—For purposes of this section, the
 9532 term "conviction" means any judicial disposition other than
 9533 acquittal or dismissal.

9534 (7) COMMISSION LIMITATIONS.—Nothing in this section shall
 9535 limit the commission from suspending or revoking any license to
 9536 possess wildlife in captivity by administrative action in
 9537 accordance with chapter 120. For purposes of administrative
 9538 action, a conviction of a criminal offense shall mean any
 9539 judicial disposition other than acquittal or dismissal.

9540 Section 166. Section 370.1107, Florida Statutes, is
 9541 renumbered as section 379.812, Florida Statutes, to read:

9542 379.812 ~~370.1107~~ Definition; possession of certain
 9543 licensed traps prohibited; penalties; exceptions; consent.--

9544 (1) As used in this section, the term "licensed saltwater
 9545 fisheries trap" means any trap required to be licensed by the
 9546 Fish and Wildlife Conservation Commission and authorized by the
 9547 commission for the taking of saltwater products.

9548 (2) It is unlawful for any person, firm, corporation, or
 9549 association to be in actual or constructive possession of a
 9550 licensed saltwater fisheries trap registered with the Fish and
 9551 Wildlife Conservation Commission in another person's, firm's,
 9552 corporation's, or association's name.

9553 (a) Unlawful possession of less than three licensed
 9554 saltwater fisheries traps is a misdemeanor of the first degree,
 9555 punishable as provided in s. 775.082 or s. 775.083.

9556 (b) Unlawful possession of three or more licensed
 9557 saltwater fisheries traps is a felony of the third degree,
 9558 punishable as provided in s. 775.082 or s. 775.083.

9559 (c) Upon receipt of any judicial disposition other than
 9560 dismissal or acquittal on a charge of violating this section or
 9561 any provision of law or rule making unlawful the possession of
 9562 another's saltwater fishing trap, a person shall permanently
 9563 lose all saltwater fishing privileges, including licenses, trap
 9564 certificates, and the ability to transfer trap certificates.

9565 (3) It is unlawful for any person, firm, corporation, or
 9566 association to possess, attempt to possess, interfere with,
 9567 attempt to interfere with, or remove live bait from a live bait
 9568 trap or cage of another person, firm, corporation, or
 9569 association. Unlawful possession of one or more live bait traps
 9570 or cages is a misdemeanor of the first degree, punishable as
 9571 provided in s. 775.082 or s. 775.083.

9572 (4) This section shall not apply to the agents or
 9573 employees of the registered owner of the licensed saltwater
 9574 fisheries trap or to a person, firm, corporation, or association
 9575 who has the written consent from the owner of the licensed
 9576 saltwater fisheries trap, to possess such licensed saltwater
 9577 fisheries trap, or to agents or employees of the Fish and
 9578 Wildlife Conservation Commission who are engaged in the removal
 9579 of traps during the closed season.

9580 (5) The registered owner of the licensed saltwater
 9581 fisheries trap shall provide the Fish and Wildlife Conservation
 9582 Commission with the names of any agents, employees, or any other

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9583 person, firm, company, or association to whom the registered
 9584 owner has given consent to possess said licensed saltwater
 9585 fisheries trap.

9586 Section 167. Section 372.7015, Florida Statutes, is
 9587 renumbered as section 379.813, Florida Statutes, and amended to
 9588 read:

9589 379.813 ~~372.7015~~ Illegal killing, taking, possessing, or
 9590 selling wildlife or game; fines; disposition of fines.--In
 9591 addition to any other penalty provided by law, any person who
 9592 violates the criminal provisions of this chapter and rules
 9593 adopted pursuant to this chapter by illegally killing, taking,
 9594 possessing, or selling game or fur-bearing animals as defined in
 9595 s. 379.100 (19) or (20) ~~372.001(10) or (11)~~ in or out of season
 9596 while violating chapter 810 shall pay a fine of \$250 for each
 9597 such violation, plus court costs and any restitution ordered by
 9598 the court. All fines collected under this section shall be
 9599 remitted by the clerk of the court to the Department of Revenue
 9600 to be deposited into the Fish and Wildlife Conservation
 9601 Commission's State Game Trust Fund.

9602 Section 168. Section 372.99, Florida Statutes, is
 9603 renumbered as section 379.814, Florida Statutes, and amended to
 9604 read:

9605 379.814 ~~372.99~~ Illegal taking and possession of deer and
 9606 wild turkey; evidence; penalty.--

9607 (1) Whoever takes or kills any deer or wild turkey, or
 9608 possesses a freshly killed deer or wild turkey, during the
 9609 closed season prescribed by law or by the rules and regulations

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9610 of the Fish and Wildlife Conservation Commission, or whoever
9611 takes or attempts to take any deer or wild turkey by the use of
9612 gun and light in or out of closed season, commits a Level Three
9613 violation under s. 379.810 ~~372.83~~ and shall forfeit any license
9614 or permit issued to her or him under the provisions of this
9615 chapter. No license shall be issued to such person for a period
9616 of 3 years following any such violation on the first offense.
9617 Any person guilty of a second or subsequent violation shall be
9618 permanently ineligible for issuance of a license or permit
9619 thereafter.

9620 (2) The display or use of a light in a place where deer
9621 might be found and in a manner capable of disclosing the
9622 presence of deer, together with the possession of firearms or
9623 other weapons customarily used for the taking of deer, between 1
9624 hour after sunset and 1 hour before sunrise, shall be prima
9625 facie evidence of an intent to violate the provisions of
9626 subsection (1). This subsection does not apply to an owner or
9627 her or his employee when patrolling or inspecting the land of
9628 the owner, provided the employee has satisfactory proof of
9629 employment on her or his person.

9630 (3) Whoever takes or kills any doe deer; fawn or baby
9631 deer; or deer, whether male or female, which does not have one
9632 or more antlers at least 5 inches in length, except as provided
9633 by law or the rules of the Fish and Wildlife Conservation
9634 Commission, during the open season prescribed by the rules of
9635 the commission, commits a Level Three violation under s. 379.810
9636 ~~372.83~~ and may be required to forfeit any license or permit

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9637 | issued to such person for a period of 3 years following any such
9638 | violation on the first offense. Any person guilty of a second or
9639 | subsequent violation shall be permanently ineligible for
9640 | issuance of a license or permit thereafter.

9641 | (4) Any person who cultivates agricultural crops may apply
9642 | to the Fish and Wildlife Conservation Commission for a permit to
9643 | take or kill deer on land which that person is currently
9644 | cultivating. When said person can show, to the satisfaction of
9645 | the Fish and Wildlife Conservation Commission, that such taking
9646 | or killing of deer is justified because of damage to the
9647 | person's crops caused by deer, the Fish and Wildlife
9648 | Conservation Commission may issue a limited permit to the
9649 | applicant to take or kill deer without being in violation of
9650 | subsection (1) or subsection (3).

9651 | (5) Whoever possesses for sale or sells deer or wild
9652 | turkey taken in violation of this chapter or the rules and
9653 | regulations of the commission commits a Level Four violation
9654 | under s. 379.810 ~~372.83~~.

9655 | (6) Any person who enters upon private property and shines
9656 | lights upon such property, without the express permission of the
9657 | owner of the property and with the intent to take deer by
9658 | utilizing such shining lights, commits a Level Three violation
9659 | under s. 379.810 ~~372.83~~.

9660 | Section 169. Section 372.99022, Florida Statutes, is
9661 | renumbered as section 379.820, Florida Statutes, and amended to
9662 | read:

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9663 | 379.820 ~~372.99022~~ Illegal molestation of or theft from
9664 | freshwater fishing gear.--

9665 | (1) (a) Any person, firm, or corporation that willfully
9666 | molests any authorized and lawfully permitted freshwater fishing
9667 | gear belonging to another without the express written consent of
9668 | the owner commits a Level Four violation under s. 379.810
9669 | ~~372.83~~. Any written consent must be available for immediate
9670 | inspection.

9671 | (b) Any person, firm, or corporation that willfully
9672 | removes the contents of any authorized and lawfully permitted
9673 | freshwater fishing gear belonging to another without the express
9674 | written consent of the owner commits a Level Four violation
9675 | under s. 379.810 ~~372.83~~. Any written consent must be available
9676 | for immediate inspection.

9677 |
9678 | A person, firm, or corporation that receives a citation for a
9679 | violation of this subsection is prohibited, immediately upon
9680 | receipt of such citation and until adjudicated or convicted of a
9681 | felony under this subsection, from transferring any
9682 | endorsements.

9683 | (2) Any person, firm, or corporation convicted pursuant to
9684 | subsection (1) of removing the contents of freshwater fishing
9685 | gear without the express written consent of the owner shall
9686 | permanently lose all of his or her freshwater and saltwater
9687 | fishing privileges, including his or her recreational and
9688 | commercial licenses and endorsements, and shall be assessed an

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9689 administrative penalty of not more than \$5,000. The endorsements
 9690 of such person, firm, or corporation are not transferable.

9691 (3) For purposes of this section, the term "freshwater
 9692 fishing gear" means haul seines, slat baskets, wire traps, hoop
 9693 nets, or pound nets, and includes the lines or buoys attached
 9694 thereto.

9695 Section 170. Section 372.9903, Florida Statutes, is
 9696 renumbered as section 379.821, Florida Statutes, and amended to
 9697 read:

9698 379.821 ~~372.9903~~ Illegal possession or transportation of
 9699 freshwater game fish in commercial quantities; penalty.--

9700 (1) Whoever possesses, moves, or transports any black
 9701 bass, bream, speckled perch, or other freshwater game fish in
 9702 commercial quantities in violation of law or the rules of the
 9703 Fish and Wildlife Conservation Commission commits a Level Three
 9704 violation under s. 379.810 ~~372.83~~.

9705 (2) For the purposes of this section "commercial
 9706 quantities" shall be deemed to be a quantity of freshwater game
 9707 fish of 150 or more pounds, and the possession, movement, or
 9708 transportation of freshwater game fish in excess of such weight
 9709 shall constitute prima facie evidence of possession or
 9710 transportation for commercial purposes.

9711 Section 171. Section 372.75, Florida Statutes, is
 9712 renumbered as section 379.822, Florida Statutes, amended to
 9713 read:

9714 379.822 ~~372.75~~ Use of explosives and other substances
 9715 prohibited.--No person may throw or place, or cause to be thrown

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9716 or placed, any dynamite, lyddite, gunpowder, cannon cracker,
 9717 acids, filtration discharge, debris from mines, Indian berries,
 9718 sawdust, green walnuts, walnut leaves, creosote, oil, or other
 9719 explosives or deleterious substance or force into the fresh
 9720 waters of this state whereby fish therein are or may be injured.
 9721 Nothing in this section may be construed as preventing the
 9722 release of water slightly discolored by mining operations or
 9723 water escaping from such operations as the result of
 9724 providential causes.

9725 Section 172. Section 372.85, Florida Statutes, is
 9726 renumbered as section 379.823, Florida Statutes, amended to
 9727 read:

9728 379.823 ~~372.85~~ Contaminating fresh waters.--

9729 (1) It shall be unlawful for any person or persons, firm
 9730 or corporation to cause any dyestuff, coal tar, oil, sawdust,
 9731 poison, or deleterious substances to be thrown, run, or drained
 9732 into any of the fresh running waters of this state in quantities
 9733 sufficient to injure, stupefy, or kill fish which may inhabit
 9734 the same at or below the point where any such substances are
 9735 discharged, or caused to flow or be thrown into such waters;
 9736 provided, that it shall not be a violation of this section for
 9737 any person, firm, or corporation engaged in any mining industry
 9738 to cause any water handled or used in any branch of such
 9739 industry to be discharged on the surface of land where such
 9740 industry or branch thereof is being carried on under such
 9741 precautionary measures as shall be approved by the Fish and
 9742 Wildlife Conservation Commission.

9743 (2) Any person, firm or corporation violating any of the
 9744 provisions of this section shall be guilty of a misdemeanor of
 9745 the second degree, punishable as provided in s. 775.082 or s.
 9746 775.083 for the first offense, and for the second or subsequent
 9747 offense shall be guilty of a misdemeanor of the first degree,
 9748 punishable as provided in s. 775.082 or s. 775.083.

9749 Section 173. Section 370.021, Florida Statutes, is
 9750 renumbered as section 379.830, Florida Statutes, and amended to
 9751 read:

9752 379.830 ~~370.021~~ Administration; rules, publications,
 9753 records; penalties; injunctions.--

9754 (1) BASE PENALTIES.--Unless otherwise provided by law, any
 9755 person, firm, or corporation who violates any provision of this
 9756 chapter, or any rule of the Fish and Wildlife Conservation
 9757 Commission relating to the conservation of marine resources,
 9758 shall be punished:

9759 (a) Upon a first conviction, by imprisonment for a period
 9760 of not more than 60 days or by a fine of not less than \$100 nor
 9761 more than \$500, or by both such fine and imprisonment.

9762 (b) On a second or subsequent conviction within 12 months,
 9763 by imprisonment for not more than 6 months or by a fine of not
 9764 less than \$250 nor more than \$1,000, or by both such fine and
 9765 imprisonment.

9766
 9767 Upon final disposition of any alleged offense for which a
 9768 citation for any violation of this chapter or the rules of the

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9769 commission has been issued, the court shall, within 10 days,
9770 certify the disposition to the commission.

9771 (2) MAJOR VIOLATIONS.--In addition to the penalties
9772 provided in paragraphs (1)(a) and (b), the court shall assess
9773 additional penalties against any commercial harvester convicted
9774 of major violations as follows:

9775 (a) For a violation involving more than 100 illegal blue
9776 crabs, spiny lobster, or stone crabs, an additional penalty of
9777 \$10 for each illegal blue crab, spiny lobster, stone crab, or
9778 part thereof.

9779 (b) For a violation involving the taking or harvesting of
9780 shrimp from a nursery or other prohibited area, or any two
9781 violations within a 12-month period involving shrimping gear,
9782 minimum size (count), or season, an additional penalty of \$10
9783 for each pound of illegal shrimp or part thereof.

9784 (c) For a violation involving the taking or harvesting of
9785 oysters from nonapproved areas or the taking or possession of
9786 unculled oysters, an additional penalty of \$10 for each bushel
9787 of illegal oysters.

9788 (d) For a violation involving the taking or harvesting of
9789 clams from nonapproved areas, an additional penalty of \$100 for
9790 each 500 count bag of illegal clams.

9791 (e) For a violation involving the taking, harvesting, or
9792 possession of any of the following species, which are
9793 endangered, threatened, or of special concern:

- 9794 1. Shortnose sturgeon (*Acipenser brevirostrum*);
9795 2. Atlantic sturgeon (*Acipenser oxyrinchus*);

- 9796 | 3. Common snook (*Centropomus undecimalis*);
- 9797 | 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 9798 | 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 9799 | 6. Leatherback turtle (*Dermochelys coriacea*);
- 9800 | 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
- 9801 | *imbricata*);
- 9802 | 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 9803 | 9. West Indian manatee (*Trichechus manatus latirostris*),

9804 |
 9805 | an additional penalty of \$100 for each unit of marine life or
 9806 | part thereof.

9807 | (f) For a second or subsequent conviction within 24 months
 9808 | for any violation of the same law or rule involving the taking
 9809 | or harvesting of more than 100 pounds of any finfish, an
 9810 | additional penalty of \$5 for each pound of illegal finfish.

9811 | (g) For any violation involving the taking, harvesting, or
 9812 | possession of more than 1,000 pounds of any illegal finfish, an
 9813 | additional penalty equivalent to the wholesale value of the
 9814 | illegal finfish.

9815 | (h) Permits issued to any commercial harvester by the
 9816 | commission to take or harvest saltwater products, or any license
 9817 | issued pursuant to s. 379.740 ~~370.06~~ or s. 379.741 ~~370.07~~ may be
 9818 | suspended or revoked by the commission, pursuant to the
 9819 | provisions and procedures of s. 120.60, for any major violation
 9820 | prescribed in this subsection:

- 9821 | 1. Upon a first conviction, for up to 30 calendar days.

9822 2. Upon a second conviction which occurs within 12 months
9823 after a prior violation, for up to 90 calendar days.

9824 3. Upon a third conviction which occurs within 24 months
9825 after a prior conviction, for up to 180 calendar days.

9826 4. Upon a fourth conviction which occurs within 36 months
9827 after a prior conviction, for a period of 6 months to 3 years.

9828 (i) Upon the arrest and conviction for a major violation
9829 involving stone crabs, the licenseholder must show just cause
9830 why his or her license should not be suspended or revoked. For
9831 the purposes of this paragraph, a "major violation" means a
9832 major violation as prescribed for illegal stone crabs; any
9833 single violation involving possession of more than 25 stone
9834 crabs during the closed season or possession of 25 or more
9835 whole-bodied or egg-bearing stone crabs; any violation for trap
9836 molestation, trap robbing, or pulling traps at night; or any
9837 combination of violations in any 3-consecutive-year period
9838 wherein more than 75 illegal stone crabs in the aggregate are
9839 involved.

9840 (j) Upon the arrest and conviction for a major violation
9841 involving spiny lobster, the licenseholder must show just cause
9842 why his or her license should not be suspended or revoked. For
9843 the purposes of this paragraph, a "major violation" means a
9844 major violation as prescribed for illegal spiny lobster; any
9845 single violation involving possession of more than 25 spiny
9846 lobster during the closed season or possession of more than 25
9847 wrung spiny lobster tails or more than 25 egg-bearing or
9848 stripped spiny lobster; any violation for trap molestation, trap

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9849 robbing, or pulling traps at night; or any combination of
9850 violations in any 3-consecutive-year period wherein more than 75
9851 illegal spiny lobster in the aggregate are involved.

9852 (k) Upon the arrest and conviction for a major violation
9853 involving blue crabs, the licenseholder shall show just cause
9854 why his or her saltwater products license should not be
9855 suspended or revoked. This paragraph shall not apply to an
9856 individual fishing with no more than five traps. For the
9857 purposes of this paragraph, a "major violation" means a major
9858 violation as prescribed for illegal blue crabs, any single
9859 violation wherein 50 or more illegal blue crabs are involved;
9860 any violation for trap molestation, trap robbing, or pulling
9861 traps at night; or any combination of violations in any 3-
9862 consecutive-year period wherein more than 100 illegal blue crabs
9863 in the aggregate are involved.

9864 (l) Upon the conviction for a major violation involving
9865 finfish, the licenseholder must show just cause why his or her
9866 saltwater products license should not be suspended or revoked.
9867 For the purposes of this paragraph, a major violation is
9868 prescribed for the taking and harvesting of illegal finfish, any
9869 single violation involving the possession of more than 100
9870 pounds of illegal finfish, or any combination of violations in
9871 any 3-consecutive-year period wherein more than 200 pounds of
9872 illegal finfish in the aggregate are involved.

9873 (m) For a violation involving the taking or harvesting of
9874 any marine life species, as those species are defined by rule of
9875 the commission, the harvest of which is prohibited, or the

9876 taking or harvesting of such a species out of season, or with an
 9877 illegal gear or chemical, or any violation involving the
 9878 possession of 25 or more individual specimens of marine life
 9879 species, or any combination of violations in any 3-year period
 9880 involving more than 70 such specimens in the aggregate, the
 9881 suspension or revocation of the licenseholder's marine life
 9882 endorsement as provided in paragraph (h).

9883
 9884 The penalty provisions of this subsection apply to commercial
 9885 harvesters and wholesale and retail dealers as defined in s.
 9886 379.741 ~~370.07~~. Any other person who commits a major violation
 9887 under this subsection commits a Level Three violation under s.
 9888 379.810 ~~372.83~~. Notwithstanding the provisions of s. 948.01, no
 9889 court may suspend, defer, or withhold adjudication of guilt or
 9890 imposition of sentence for any major violation prescribed in
 9891 this subsection. The proceeds from the penalties assessed
 9892 pursuant to this subsection shall be deposited into the Marine
 9893 Resources Conservation Trust Fund to be used for marine
 9894 fisheries research or into the commission's Federal Law
 9895 Enforcement Trust Fund as provided in s. 379.205 ~~372.107~~, as
 9896 applicable.

9897 (3) PENALTIES FOR USE OF ILLEGAL NETS.--

9898 (a) It is a major violation pursuant to this section,
 9899 punishable as provided in paragraph (b) for any person, firm, or
 9900 corporation to be simultaneously in possession of any species of
 9901 mullet in excess of the recreational daily bag limit and any
 9902 gill or other entangling net as defined in s. 16(c), Art. X of

9903 the State Constitution. Simultaneous possession under this
 9904 provision shall include possession of mullet and gill or other
 9905 entangling nets on separate vessels or vehicles where such
 9906 vessels or vehicles are operated in coordination with one
 9907 another including vessels towed behind a main vessel. This
 9908 subsection does not prohibit a resident of this state from
 9909 transporting on land, from Alabama to this state, a commercial
 9910 quantity of mullet together with a gill net if:

9911 1. The person possesses a valid commercial fishing license
 9912 that is issued by the State of Alabama and that allows the
 9913 person to use a gill net to legally harvest mullet in commercial
 9914 quantities from Alabama waters.

9915 2. The person possesses a trip ticket issued in Alabama
 9916 and filled out to match the quantity of mullet being
 9917 transported, and the person is able to present such trip ticket
 9918 immediately upon entering this state.

9919 3. The mullet are to be sold to a wholesale saltwater
 9920 products dealer located in Escambia County or Santa Rosa County,
 9921 which dealer also possesses a valid seafood dealer's license
 9922 issued by the State of Alabama. The dealer's name must be
 9923 clearly indicated on the trip ticket.

9924 4. The mullet being transported are totally removed from
 9925 any net also being transported.

9926 (b)1. A flagrant violation of any rule or statute which
 9927 implements s. 16(b), Art. X of the State Constitution shall be
 9928 considered a felony of the third degree, punishable as provided
 9929 in s. 775.082 or s. 775.083. For purposes of this paragraph, a

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9930 | flagrant violation shall be the illegal possession or use of a
9931 | monofilament net or a net with a mesh area larger than 2,000
9932 | square feet. A violation means any judicial disposition other
9933 | than acquittal or dismissal.

9934 | 2. In addition to being subject to the other penalties
9935 | provided in this chapter, any violation of s. 16(b), Art. X of
9936 | the State Constitution, or any statute or rule of the commission
9937 | which implements the gear prohibitions and restrictions
9938 | specified therein shall be considered a major violation; and any
9939 | person, firm, or corporation receiving any judicial disposition
9940 | other than acquittal or dismissal of such violation shall be
9941 | subject to the following additional penalties:

9942 | a. For a first major violation within a 7-year period, a
9943 | civil penalty of \$2,500 and suspension of all saltwater products
9944 | license privileges for 90 calendar days following final
9945 | disposition shall be imposed.

9946 | b. For a second major violation under this subparagraph
9947 | charged within 7 years of a previous judicial disposition, which
9948 | results in a second judicial disposition other than acquittal or
9949 | dismissal, a civil penalty of \$5,000 and suspension of all
9950 | saltwater products license privileges for 12 months shall be
9951 | imposed.

9952 | c. For a third or subsequent major violation under this
9953 | subparagraph, charged within a 7-year period, resulting in a
9954 | third or subsequent judicial disposition other than acquittal or
9955 | dismissal, a civil penalty of \$5,000, lifetime revocation of the

9956 saltwater products license, and forfeiture of all gear and
 9957 equipment used in the violation shall be imposed.

9958 d. For a first flagrant violation under this subparagraph,
 9959 a civil penalty of \$5,000 and a suspension of all saltwater
 9960 license privileges for 12 months shall be imposed. For a second
 9961 or subsequent flagrant violation under this subparagraph, a
 9962 civil penalty of \$5,000, a lifetime revocation of the saltwater
 9963 products license, and the forfeiture of all gear and equipment
 9964 used in the violation shall be imposed.

9965
 9966 A court may suspend, defer, or withhold adjudication of guilt or
 9967 imposition of sentence only for any first violation of s. 16,
 9968 Art. X of the State Constitution, or any rule or statute
 9969 implementing its restrictions, determined by a court only after
 9970 consideration of competent evidence of mitigating circumstances
 9971 to be a nonflagrant or minor violation of those restrictions
 9972 upon the use of nets. Any violation of s. 16, Art. X of the
 9973 State Constitution, or any rule or statute implementing its
 9974 restrictions, occurring within a 7-year period commencing upon
 9975 the conclusion of any judicial proceeding resulting in any
 9976 outcome other than acquittal shall be punished as a second,
 9977 third, or subsequent violation accordingly.

9978 (c) During the period of suspension or revocation of
 9979 saltwater license privileges under this subsection, the licensee
 9980 shall not participate in the taking or harvesting, or attempt
 9981 the taking or harvesting, of saltwater products from any vessel
 9982 within the waters of the state; be aboard any vessel on which a

9983 commercial quantity of saltwater products is possessed through
 9984 an activity requiring a license pursuant to this section; or
 9985 engage in any other activity requiring a license, permit, or
 9986 certificate issued pursuant to this chapter. Any person who is
 9987 convicted of violating this paragraph:

9988 1. Upon a first or second conviction, is guilty of a
 9989 misdemeanor of the first degree, punishable as provided in s.
 9990 775.082 or s. 775.083.

9991 2. Upon a third or subsequent conviction, is guilty of a
 9992 felony of the third degree, punishable as provided in s.
 9993 775.082, s. 775.083, or s. 775.084.

9994 (d) Upon reinstatement of saltwater license privileges
 9995 suspended pursuant to a violation of this subsection, a licensee
 9996 owning or operating a vessel containing or otherwise
 9997 transporting in or on Florida waters any gill net or other
 9998 entangling net, or containing or otherwise transporting in
 9999 nearshore and inshore Florida waters any net containing more
 10000 than 500 square feet of mesh area shall remain restricted for a
 10001 period of 12 months following reinstatement, to operating under
 10002 the following conditions:

10003 1. Vessels subject to this reinstatement period shall be
 10004 restricted to the corridors established by commission rule.

10005 2. A violation of the reinstatement period provisions
 10006 shall be punishable pursuant to paragraphs (1)(a) and (b).

10007 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
 10008 CERTAIN FINFISH.--

10009 (a) It is a major violation under this section for any
 10010 person to be in possession of any species of trout, snook, or
 10011 redfish which is three fish in excess of the recreational or
 10012 commercial daily bag limit.

10013 (b) A commercial harvester who violates this subsection
 10014 shall be punished as provided under paragraph (3)(b). Any other
 10015 person who violates this subsection commits a Level Three
 10016 violation under s. 379.810 ~~372.83~~.

10017 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
 10018 HARVESTED PRODUCTS.--In addition to other penalties authorized
 10019 in this chapter, any violation of s. 379.740 ~~370.06~~ or s.
 10020 379.741 ~~370.07~~, or rules of the commission implementing s.
 10021 379.740 ~~370.06~~ or s. 379.741 ~~370.07~~, involving the purchase of
 10022 saltwater products by a commercial wholesale dealer, retail
 10023 dealer, or restaurant facility for public consumption from an
 10024 unlicensed person, firm, or corporation, or the purchase or sale
 10025 of any saltwater product known to be taken in violation of s.
 10026 16, Art. X of the State Constitution, or rule or statute
 10027 implementing the provisions thereof, by a commercial wholesale
 10028 dealer, retail dealer, or restaurant facility, for public
 10029 consumption, is a major violation, and the commission may assess
 10030 the following penalties:

10031 (a) For a first violation, the commission may assess a
 10032 civil penalty of up to \$2,500 and may suspend the wholesale or
 10033 retail dealer's license privileges for up to 90 calendar days.

10034 (b) For a second violation occurring within 12 months of a
 10035 prior violation, the commission may assess a civil penalty of up

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10036 to \$5,000 and may suspend the wholesale or retail dealer's
 10037 license privileges for up to 180 calendar days.

10038 (c) For a third or subsequent violation occurring within a
 10039 24-month period, the commission shall assess a civil penalty of
 10040 \$5,000 and shall suspend the wholesale or retail dealer's
 10041 license privileges for up to 24 months.

10042
 10043 Any proceeds from the civil penalties assessed pursuant to this
 10044 subsection shall be deposited into the Marine Resources
 10045 Conservation Trust Fund and shall be used as follows: 40 percent
 10046 for administration and processing purposes and 60 percent for
 10047 law enforcement purposes.

10048 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR HARVEST.--
 10049 It is a major violation and punishable as provided in this
 10050 subsection for any unlicensed person, firm, or corporation who
 10051 is required to be licensed under this chapter as a commercial
 10052 harvester or a wholesale or retail dealer to sell or purchase
 10053 any saltwater product or to harvest or attempt to harvest any
 10054 saltwater product with intent to sell the saltwater product.

10055 (a) Any person, firm, or corporation who sells or
 10056 purchases any saltwater product without having purchased the
 10057 licenses required by this chapter for such sale is subject to
 10058 penalties as follows:

10059 1. A first violation is a misdemeanor of the second
 10060 degree, punishable as provided in s. 775.082 or s. 775.083.

10061 2. A second violation is a misdemeanor of the first
 10062 degree, punishable as provided in s. 775.082 or s. 775.083, and

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10063 such person may also be assessed a civil penalty of up to \$2,500
 10064 and is subject to a suspension of all license privileges under
 10065 this chapter ~~and chapter 372~~ for a period not exceeding 90 days.

10066 3. A third violation is a misdemeanor of the first degree,
 10067 punishable as provided in s. 775.082 or s. 775.083, with a
 10068 mandatory minimum term of imprisonment of 6 months, and such
 10069 person may also be assessed a civil penalty of up to \$5,000 and
 10070 is subject to a suspension of all license privileges under this
 10071 chapter ~~and chapter 372~~ for a period not exceeding 6 months.

10072 4. A third violation within 1 year after a second
 10073 violation is a felony of the third degree, punishable as
 10074 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10075 term of imprisonment of 1 year, and such person shall be
 10076 assessed a civil penalty of \$5,000 and all license privileges
 10077 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10078 5. A fourth or subsequent violation is a felony of the
 10079 third degree, punishable as provided in s. 775.082 or s.
 10080 775.083, with a mandatory minimum term of imprisonment of 1
 10081 year, and such person shall be assessed a civil penalty of
 10082 \$5,000 and all license privileges under this chapter ~~and chapter~~
 10083 ~~372~~ shall be permanently revoked.

10084 (b) Any person whose license privileges under this chapter
 10085 have been permanently revoked and who thereafter sells or
 10086 purchases or who attempts to sell or purchase any saltwater
 10087 product commits a felony of the third degree, punishable as
 10088 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10089 term of imprisonment of 1 year, and such person shall also be

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10090 assessed a civil penalty of \$5,000. All property involved in
 10091 such offense shall be forfeited pursuant to s. 379.619 ~~370.061~~.

10092 (c) Any commercial harvester or wholesale or retail dealer
 10093 whose license privileges under this chapter are under suspension
 10094 and who during such period of suspension sells or purchases or
 10095 attempts to sell or purchase any saltwater product shall be
 10096 assessed the following penalties:

10097 1. A first violation, or a second violation occurring more
 10098 than 12 months after a first violation, is a first degree
 10099 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
 10100 and such commercial harvester or wholesale or retail dealer may
 10101 be assessed a civil penalty of up to \$2,500 and an additional
 10102 suspension of all license privileges under this chapter ~~and~~
 10103 ~~chapter 372~~ for a period not exceeding 90 days.

10104 2. A second violation occurring within 12 months of a
 10105 first violation is a third degree felony, punishable as provided
 10106 in ss. 775.082 and 775.083, with a mandatory minimum term of
 10107 imprisonment of 1 year, and such commercial harvester or
 10108 wholesale or retail dealer may be assessed a civil penalty of up
 10109 to \$5,000 and an additional suspension of all license privileges
 10110 under this chapter ~~and chapter 372~~ for a period not exceeding
 10111 180 days. All property involved in such offense shall be
 10112 forfeited pursuant to s. 379.619 ~~370.061~~.

10113 3. A third violation within 24 months of the second
 10114 violation or subsequent violation is a third degree felony,
 10115 punishable as provided in ss. 775.082 and 775.083, with a
 10116 mandatory minimum term of imprisonment of 1 year, and such

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10117 commercial harvester or wholesale or retail dealer shall be
10118 assessed a mandatory civil penalty of up to \$5,000 and an
10119 additional suspension of all license privileges under this
10120 chapter ~~and chapter 372~~ for a period not exceeding 24 months.
10121 All property involved in such offense shall be forfeited
10122 pursuant to s. 379.619 ~~370.061~~.

10123 (d) Any commercial harvester who harvests or attempts to
10124 harvest any saltwater product with intent to sell the saltwater
10125 product without having purchased a saltwater products license
10126 with the requisite endorsements is subject to penalties as
10127 follows:

10128 1. A first violation is a misdemeanor of the second
10129 degree, punishable as provided in s. 775.082 or s. 775.083.

10130 2. A second violation is a misdemeanor of the first
10131 degree, punishable as provided in s. 775.082 or s. 775.083, and
10132 such commercial harvester may also be assessed a civil penalty
10133 of up to \$2,500 and is subject to a suspension of all license
10134 privileges under this chapter ~~and chapter 372~~ for a period not
10135 exceeding 90 days.

10136 3. A third violation is a misdemeanor of the first degree,
10137 punishable as provided in s. 775.082 or s. 775.083, with a
10138 mandatory minimum term of imprisonment of 6 months, and such
10139 commercial harvester may also be assessed a civil penalty of up
10140 to \$5,000 and is subject to a suspension of all license
10141 privileges under this chapter ~~and chapter 372~~ for a period not
10142 exceeding 6 months.

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10143 | 4. A third violation within 1 year after a second
 10144 | violation is a felony of the third degree, punishable as
 10145 | provided in s. 775.082 or s. 775.083, with a mandatory minimum
 10146 | term of imprisonment of 1 year, and such commercial harvester
 10147 | shall also be assessed a civil penalty of \$5,000 and all license
 10148 | privileges under this chapter ~~and chapter 372~~ shall be
 10149 | permanently revoked.

10150 | 5. A fourth or subsequent violation is a felony of the
 10151 | third degree, punishable as provided in s. 775.082 or s.
 10152 | 775.083, with a mandatory minimum term of imprisonment of 1
 10153 | year, and such commercial harvester shall also be assessed a
 10154 | mandatory civil penalty of \$5,000 and all license privileges
 10155 | under this chapter ~~and chapter 372~~ shall be permanently revoked.

10156 |
 10157 | For purposes of this subsection, a violation means any judicial
 10158 | disposition other than acquittal or dismissal.

10159 | (7) PUBLICATIONS BY COMMISSION.--The commission is given
 10160 | authority, from time to time in its discretion, to cause the
 10161 | statutory laws under its jurisdiction, together with any rules
 10162 | promulgated by it, to be published in pamphlet form for free
 10163 | distribution in this state. The commission is authorized to make
 10164 | charges for technical and educational publications and
 10165 | mimeographed material of use for educational or reference
 10166 | purposes. Such charges shall be made at the discretion of the
 10167 | commission. Such charges may be sufficient to cover cost of
 10168 | preparation, printing, publishing, and distribution. All moneys
 10169 | received for publications shall be deposited into the fund from

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10170 | which the cost of the publication was paid. The commission is
10171 | further authorized to enter into agreements with persons, firms,
10172 | corporations, governmental agencies, and other institutions
10173 | whereby publications may be exchanged reciprocally in lieu of
10174 | payments for said publications.

10175 | (8) POWERS OF OFFICERS.--

10176 | (a) Law enforcement officers of the commission are
10177 | constituted law enforcement officers of this state with full
10178 | power to investigate and arrest for any violation of the laws of
10179 | this state and the rules of the commission under their
10180 | jurisdiction. The general laws applicable to arrests by peace
10181 | officers of this state shall also be applicable to law
10182 | enforcement officers of the commission. Such law enforcement
10183 | officers may enter upon any land or waters of the state for
10184 | performance of their lawful duties and may take with them any
10185 | necessary equipment, and such entry will not constitute a
10186 | trespass. It is lawful for any boat, motor vehicle, or aircraft
10187 | owned or chartered by the commission or its agents or employees
10188 | to land on and depart from any of the beaches or waters of the
10189 | state. Such law enforcement officers have the authority, without
10190 | warrant, to board, inspect, and search any boat, fishing
10191 | appliance, storage or processing plant, fishhouse, spongehouse,
10192 | oysterhouse, or other warehouse, building, or vehicle engaged in
10193 | transporting or storing any fish or fishery products. Such
10194 | authority to search and inspect without a search warrant is
10195 | limited to those cases in which such law enforcement officers
10196 | have reason to believe that fish or any saltwater products are

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10197 taken or kept for sale, barter, transportation, or other
 10198 purposes in violation of laws or rules promulgated under this
 10199 law. Any such law enforcement officer may at any time seize or
 10200 take possession of any saltwater products or contraband which
 10201 have been unlawfully caught, taken, or processed or which are
 10202 unlawfully possessed or transported in violation of any of the
 10203 laws of this state or any rule of the commission. Such law
 10204 enforcement officers may arrest any person in the act of
 10205 violating any of the provisions of this law, the rules of the
 10206 commission, or any of the laws of this state. It is hereby
 10207 declared unlawful for any person to resist such arrest or in any
 10208 manner interfere, either by abetting or assisting such
 10209 resistance or otherwise interfering, with any such law
 10210 enforcement officer while engaged in the performance of the
 10211 duties imposed upon him or her by law or rule of the commission.

10212 (b) The Legislature finds that the checking and inspection
 10213 of saltwater products aboard vessels is critical to good fishery
 10214 management and conservation and that, because almost all
 10215 saltwater products are either iced or cooled in closed areas or
 10216 containers, the enforcement of seasons, size limits, and bag
 10217 limits can only be effective when inspection of saltwater
 10218 products so stored is immediate and routine. Therefore, in
 10219 addition to the authority granted in paragraph (a), a law
 10220 enforcement officer of the commission who has probable cause to
 10221 believe that the vessel has been used for fishing prior to the
 10222 inspection shall have full authority to open and inspect all
 10223 containers or areas where saltwater products are normally kept

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10224 aboard vessels while such vessels are on the water, such as
 10225 refrigerated or iced locations, coolers, fish boxes, and bait
 10226 wells, but specifically excluding such containers that are
 10227 located in sleeping or living areas of the vessel.

10228 (9) RETENTION, DESTRUCTION, AND REPRODUCTION OF RECORDS.--
 10229 Records and documents of the commission created in compliance
 10230 with and in the implementation of this chapter or former chapter
 10231 371 shall be retained by the commission as specified in record
 10232 retention schedules established under the general provisions of
 10233 chapters 119 and 257. Such records retained by the Department of
 10234 Environmental Protection on July 1, 1999, shall be transferred
 10235 to the commission. Further, the commission is authorized to:

10236 (a) Destroy, or otherwise dispose of, those records and
 10237 documents in conformity with the approved retention schedules.

10238 (b) Photograph, microphotograph, or reproduce such records
 10239 and documents on film, as authorized and directed by the
 10240 approved retention schedules, whereby each page will be exposed
 10241 in exact conformity with the original records and documents
 10242 retained in compliance with the provisions of this section.

10243 Photographs or microphotographs in the form of film or print of
 10244 any records, made in compliance with the provisions of this
 10245 section, shall have the same force and effect as the originals
 10246 thereof would have and shall be treated as originals for the
 10247 purpose of their admissibility in evidence. Duly certified or
 10248 authenticated reproductions of such photographs or
 10249 microphotographs shall be admitted in evidence equally with the
 10250 original photographs or microphotographs. The impression of the

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10251 seal of the commission on a certificate made pursuant to the
10252 provisions hereof and signed by the executive director of the
10253 commission shall entitle the same to be received in evidence in
10254 all courts and in all proceedings in this state and shall be
10255 prima facie evidence of all factual matters set forth in the
10256 certificate. A certificate may relate to one or more records, as
10257 set forth in the certificate, or in a schedule continued on an
10258 attachment to the certificate.

10259 (c) Furnish certified copies of such records for a fee of
10260 \$1 which shall be deposited in the Marine Resources Conservation
10261 Trust Fund.

10262 (10) COURTS OF EQUITY MAY ENJOIN.--Courts of equity in
10263 this state have jurisdiction to enforce the conservation laws of
10264 this state by injunction.

10265 (11) REVOCATION OF LICENSES.--Any person licensed under
10266 this chapter who has been convicted of taking aquaculture
10267 species raised at a certified facility shall have his or her
10268 license revoked for 5 years by the commission pursuant to the
10269 provisions and procedures of s. 120.60.

10270 (12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
10271 purposes of imposing license or permit suspensions or
10272 revocations authorized by this chapter, the license or permit
10273 under which the violation was committed is subject to suspension
10274 or revocation by the commission. For purposes of assessing
10275 monetary civil or administrative penalties authorized by this
10276 chapter, the commercial harvester cited and subsequently
10277 receiving a judicial disposition of other than dismissal or

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10278 acquittal in a court of law is subject to the monetary penalty
 10279 assessment by the commission. However, if the license or
 10280 permitholder of record is not the commercial harvester receiving
 10281 the citation and judicial disposition, the license or permit may
 10282 be suspended or revoked only after the license or permitholder
 10283 has been notified by the commission that the license or permit
 10284 has been cited in a major violation and is now subject to
 10285 suspension or revocation should the license or permit be cited
 10286 for subsequent major violations.

10287 Section 174. Section 372.84, Florida Statutes, is
 10288 renumbered as section 379.831, Florida Statutes, and amended to
 10289 read:

10290 379.831 ~~372.84~~ Forfeiture or denial of licenses and
 10291 permits.--Any person convicted as aforesaid shall forfeit to the
 10292 state any license or permit that may have been issued to her or
 10293 him under the provisions of this law, or other law of this state
 10294 relating to game shall forthwith surrender the same to the
 10295 court. If such violation occurs in the open season, relating to
 10296 game, no license or permit shall be issued under the provisions
 10297 of this law to such person at any time during the remainder of
 10298 such open season, or if such violation occurs during the closed
 10299 season no license shall be issued to such person for the open
 10300 season on game next following.

10301 Section 175. Section 370.09, Florida Statutes, is
 10302 renumbered as section 379.832, Florida Statutes, to read:

10303 379.832 ~~370.09~~ Industrial hazards; oil deposits discharge
 10304 prohibited.--It is unlawful for any person to discharge, flow,

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10305 drain or deposit oil or to suffer or permit oil to be
 10306 discharged, flowed, drained or deposited upon or into any of the
 10307 salt waters of the state, either from or out of any vessel,
 10308 barge, or other floating craft, or from any wharf, mill, mine,
 10309 factory or other establishment or place whatever.

10310 Section 176. Section 372.663, Florida Statutes, is
 10311 renumbered as section 379.840, Florida Statutes, to read:

10312 379.840 ~~372.663~~ Illegal killing, possessing, or capturing
 10313 of alligators or other crocodilia or eggs; confiscation of
 10314 equipment.--

10315 (1) It is unlawful to intentionally kill, injure, possess,
 10316 or capture, or attempt to kill, injure, possess, or capture, an
 10317 alligator or other crocodilian, or the eggs of an alligator or
 10318 other crocodilian, unless authorized by the rules of the Fish
 10319 and Wildlife Conservation Commission. Any person who violates
 10320 this section is guilty of a felony of the third degree,
 10321 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 10322 in addition to such other punishment as may be provided by law.
 10323 Any equipment, including but not limited to weapons, vehicles,
 10324 boats, and lines, used by a person in the commission of a
 10325 violation of any law, rule, regulation, or order relating to
 10326 alligators or other crocodilia or the eggs of alligators or
 10327 other crocodilia shall, upon conviction of such person, be
 10328 confiscated by the Fish and Wildlife Conservation Commission and
 10329 disposed of according to rules and regulations of the
 10330 commission. The arresting officer shall promptly make a return
 10331 of the seizure, describing in detail the property seized and the

10332 facts and circumstances under which it was seized, including the
 10333 names of all persons known to the officer who have an interest
 10334 in the property.

10335 (2) The commission shall promptly fix the value of the
 10336 property and make return to the clerk of the circuit court of
 10337 the county wherein same was seized. Upon proper showing that any
 10338 such property is owned by, or titled in the name of, any
 10339 innocent party, such property shall be promptly returned to such
 10340 owner.

10341 (3) The provisions of this section shall not vitiate any
 10342 valid lien, retain title contract, or chattel mortgage on such
 10343 property in effect as of the time of such seizure.

10344 Section 177. Section 372.0725, Florida Statutes, is
 10345 renumbered as section 379.850, Florida Statutes, to read:
 10346 379.850 ~~372.0725~~ Killing or wounding of any species
 10347 designated as endangered, threatened, or of special concern;
 10348 criminal penalties.--It is unlawful for a person to
 10349 intentionally kill or wound any fish or wildlife of a species
 10350 designated by the Fish and Wildlife Conservation Commission as
 10351 endangered, threatened, or of special concern, or to
 10352 intentionally destroy the eggs or nest of any such fish or
 10353 wildlife, except as provided for in the rules of the commission.
 10354 Any person who violates this provision with regard to an
 10355 endangered or threatened species is guilty of a felony of the
 10356 third degree, punishable as provided in s. 775.082, s. 775.083,
 10357 or s. 775.084.

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10358 Section 178. Section 372.671, Florida Statutes, is
 10359 renumbered as section 379.851, Florida Statutes, and amended to
 10360 read:

10361 379.851 ~~372.671~~ Florida or wild panther; killing
 10362 prohibited; penalty.—

10363 (1) It is unlawful for a person to kill a member of the
 10364 Florida “endangered species,” as defined in s. 379.270(3)
 10365 ~~372.072(3)~~, known as the Florida panther (*Felis concolor coryi*).

10366 (2) It is unlawful for a person to kill any member of the
 10367 species of panther (*Felis concolor*) occurring in the wild.

10368 (3) A person convicted of unlawfully killing a Florida
 10369 panther, or unlawfully killing any member of the species of
 10370 panther occurring in the wild, is guilty of a felony of the
 10371 third degree, punishable as provided in s. 775.082, s. 775.083,
 10372 or s. 775.084.

10373 Section 179. Section 370.03, Florida Statutes, is
 10374 renumbered as section 379.860, Florida Statutes, to read:

10375 379.860 ~~370.03~~ Water bottoms.--

10376 (1) OWNERSHIP.--All beds and bottoms of navigable rivers,
 10377 bayous, lagoons, lakes, bays, sounds, inlets, oceans, gulfs and
 10378 other bodies of water within the jurisdiction of Florida shall
 10379 be the property of the state except such as may be held under
 10380 some grant or alienation heretofore made. No grant, sale or
 10381 conveyance of any water bottom, except conditional leases and
 10382 dispositions hereinafter provided for, shall hereafter be made
 10383 by the state, the Board of Trustees of the Internal Improvement
 10384 Trust Fund, the Department of Agriculture and Consumer Services,

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10385 or any other official or political corporation. Persons who have
10386 received, or may hereafter receive permits to do business in
10387 this state, with their factories, shucking plants and shipping
10388 depots located in this state, may enjoy the right of fishing for
10389 oysters and clams from the natural reefs and bedding oysters and
10390 clams on leased bedding grounds, and shall have the right to
10391 employ such boats, vessels, or labor and assistants as they may
10392 need. Provided that no oysters shall be transported unshucked
10393 and in the shells, out of the state, except for use in what is
10394 commonly known as the "half-shell trade." When the oyster meats
10395 have been separated from the shells it shall be permissible to
10396 ship the meats out of the state for further processing and for
10397 canning or packing. It shall be unlawful to transport oysters
10398 out of the state, unshucked and in the shells, for processing or
10399 packing.

10400 (2) CONTROL.--The Department of Environmental Protection
10401 has exclusive power and control over all water bottoms, not held
10402 under some grant or alienation heretofore made, including such
10403 as may revert to the state by cancellation or otherwise, and may
10404 lease the same to any person irrespective of residence or
10405 citizenship, upon such terms, conditions and restrictions as
10406 said division may elect to impose, without limitation as to area
10407 to any one person, for the purpose of granting exclusive right
10408 to plant oysters or clams thereon and for the purpose of
10409 fishing, taking, catching, bedding and raising oysters, clams
10410 and other shellfish. No such lessee shall re-lease, sublease,
10411 sell or transfer any such water bottom or property; provided,

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10412 that nothing herein contained shall be construed as giving said
10413 department authority to lease sponge beds.

10414 (3) FEES FOR BOTTOM LEASES, ETC.--The department shall
10415 charge and receive a fee of \$2 for each lease granted, and in
10416 all other cases, not specifically provided by this chapter, the
10417 same fees as are allowed clerks of the circuit court for like
10418 services. All fees shall be paid by the party served.

10419 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All grants
10420 prior to June 1, 1913, made in pursuance of heretofore existing
10421 laws, where the person receiving such grant, the person's heirs
10422 or assigns, have bona fide complied with the requirements of
10423 said law, are hereby confirmed; provided, that if any material
10424 or natural oyster or clam reefs or beds on such granted premises
10425 are 100 square yards in area and contained natural oysters and
10426 clams (coon oysters not included) in sufficient quantity to have
10427 been resorted to by the general public for the purpose of
10428 gathering oysters or clams to sell for a livelihood, at the time
10429 they were planted by such grantee, his or her heirs or assigns,
10430 such reefs or beds are declared to be the property of the state;
10431 and when such beds or reefs exist within the territory
10432 heretofore granted as above set forth, or that may hereafter be
10433 leased, such grantee or lessee shall mark the boundaries of such
10434 oyster and clam reefs or beds as may be designated by the
10435 department as natural oyster or clam reefs or beds, clearly
10436 defining the boundaries of the same, and shall post notice or
10437 other device, as shall be required by the department, giving
10438 notice to the public that such oyster or clam beds or reefs are

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10439 the property of the state, which said notice shall be maintained
 10440 from September 1 to June 1 of each and every year, on each
 10441 oyster bed or reef and on each clam bed for such period of each
 10442 year as the board may direct, at the expense of the grantee or
 10443 lessee. The department shall investigate all grants heretofore
 10444 made, and where, in its opinion, the lessee or grantee has not
 10445 bona fide complied with the law under which he or she received
 10446 his or her grant or lease, and the department is authorized and
 10447 required to institute legal proceedings to vacate the same, in
 10448 order to use such lands for the benefit of the public, subject
 10449 to the same dispositions as other bottoms.

10450 Section 180. Section 370.1601, Florida Statutes, is
 10451 renumbered as section 379.861, Florida Statutes, and amended to
 10452 read:

10453 379.861 ~~370.1601~~ Lease of state-owned water bottoms for
 10454 growing oysters and clams.--Effective July 1, 1988, persons
 10455 wishing to lease state-owned water bottoms for the purpose of
 10456 growing oysters and clams shall no longer be required to apply
 10457 under the provisions of s. 379.3372 ~~370.16~~; such leases shall be
 10458 issued pursuant to the provisions of ss. 253.67-253.75.

10459 Section 181. Section 370.161, Florida Statutes, is
 10460 renumbered as section 379.862, Florida Statutes, to read:

10461 379.862 ~~370.161~~ Oyster bottom land grants made pursuant to
 10462 ch. 3293.--

10463 (1) All grants previously issued by the several boards of
 10464 county commissioners under the authority of chapter 3293, 1881,
 10465 Laws of Florida, shall be subject to provisions of s. 597.010,

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10466 relating to the marking of such lands, the payment of rents, the
 10467 cultivation of such lands and the forfeiture provisions.

10468 (2) Any grantee of lands referred to in subsection (1)
 10469 shall mark such lands and begin cultivation thereof as set forth
 10470 in s. 597.010, within 90 days after the effective date of this
 10471 act. The rentals prescribed by s. 597.010, shall be payable
 10472 immediately upon the effective date of this act and in
 10473 accordance with the provisions of said section.

10474 (3) If any grantee shall fail to comply with the
 10475 provisions of this act his or her grant shall become null and
 10476 void and the lands shall return to the ownership and
 10477 jurisdiction of the state.

10478 Section 182. Section 370.1603, Florida Statutes, is
 10479 renumbered as section 379.870, Florida Statutes, and amended to
 10480 read:

10481 379.870 ~~370.1603~~ Oysters produced in and outside state;
 10482 labeling; tracing; rules.--

10483 (1) No wholesale or retail dealer, as defined in s.
 10484 379.741 (1) ~~370.07(1)~~, shall sell any oysters produced outside
 10485 this state unless they are labeled as such, or unless it is
 10486 otherwise reasonably made known to the purchaser that the
 10487 oysters were not produced in this state.

10488 (2) The Department of Agriculture and Consumer Services
 10489 shall promulgate rules whereby oysters produced in Florida
 10490 waters can be traced to the location from which they were
 10491 harvested. A wholesale or retail dealer may not sell any oysters

10492 produced in this state unless they are labeled so that they may
 10493 be traced to the point of harvesting.

10494 Section 183. Section 370.26, Florida Statutes, is
 10495 renumbered as section 379.871, Florida Statutes, to read:

10496 379.871 ~~370.26~~ Aquaculture definitions; marine aquaculture
 10497 products, producers, and facilities.--

10498 (1) As used in this section, the term:

10499 (a) "Marine aquaculture facility" means a facility built
 10500 and operated for the purpose of producing marine aquaculture
 10501 products. Marine aquaculture facilities contain culture systems
 10502 such as, but not limited to, ponds, tanks, raceways, cages, and
 10503 bags used for commercial production, propagation, growout, or
 10504 product enhancement of marine products. Marine aquaculture
 10505 facilities specifically do not include:

10506 1. Facilities that maintain marine aquatic organisms
 10507 exclusively for the purpose of shipping, distribution,
 10508 marketing, or wholesale and retail sales;

10509 2. Facilities that maintain marine aquatic organisms for
 10510 noncommercial, education, exhibition, or scientific purposes;

10511 3. Facilities in which the activity does not require an
 10512 aquaculture certification pursuant to s. 597.004; or

10513 4. Facilities used by marine aquarium hobbyists.

10514 (b) "Marine aquaculture producer" means a person holding
 10515 an aquaculture certificate pursuant to s. 597.004 to produce
 10516 marine aquaculture products.

10517 (c) "Marine aquaculture product" means any product derived
 10518 from marine aquatic organisms that are owned and propagated,

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10519 grown, or produced under controlled conditions by a person
 10520 holding an aquaculture certificate pursuant to s. 597.004. Such
 10521 product does not include organisms harvested from the wild for
 10522 depuration, wet storage, or relayed for the purpose of
 10523 controlled purification. Marine aquaculture products are
 10524 considered saltwater products for the purposes of this chapter,
 10525 except the holder of an aquaculture certificate is not required
 10526 to purchase and possess a saltwater products license in order to
 10527 possess, transport, or sell marine aquaculture products pursuant
 10528 to s. 379.740 ~~370.06~~. To renew an existing restricted species
 10529 endorsement, marine aquaculture producers possessing a valid
 10530 saltwater products license with a restricted species endorsement
 10531 may apply income from the sales of marine aquaculture products
 10532 to licensed wholesale dealers. Income from the sales of marine
 10533 aquaculture products shall not be eligible for the purpose of
 10534 acquiring a new restricted species endorsement. The holder of an
 10535 aquaculture certificate must purchase and possess a saltwater
 10536 products license in order to possess, transport, or sell
 10537 saltwater products not specifically provided for in s. 597.004.

10538 (2) The Department of Environmental Protection shall
 10539 encourage the development of aquaculture and the production of
 10540 aquaculture products. The department shall develop a process
 10541 consistent with this section that would consolidate permits,
 10542 general permits, and other regulatory requirements to streamline
 10543 the permitting process and result in effective regulation of
 10544 aquaculture activities. This process shall provide for a single
 10545 application and application fee for marine aquaculture

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10546 activities which are regulated by the department. Procedures to
10547 consolidate permitting actions under this section do not
10548 constitute rules within the meaning of s. 120.52.

10549 (3) Until aquaculture general permits under s. 403.814 can
10550 be expanded and developed, the department shall establish
10551 criteria to temporarily permit aquaculture activities that may
10552 be presumed not to result in adverse environmental impacts. The
10553 criteria developed pursuant to this subsection do not constitute
10554 rules within the meaning of s. 120.52. Permit application fees
10555 under this subsection shall be no more than that established for
10556 a general permit. The department may delegate to the water
10557 management districts the regulatory authority for aquaculture
10558 facilities subject to the temporary general permitting criteria
10559 of this subsection. During the period prior to development of a
10560 general permit under s. 403.814, the department shall establish
10561 a compliance plan based on monitoring results that will assist
10562 in the development of the general permit.

10563 (4) The department shall request that the Aquaculture
10564 Review Council identify a working group of industry
10565 representatives who can provide technical assistance in
10566 developing aquaculture general permits. The industry
10567 representatives shall come from the segment of the industry to
10568 be affected by the specific general permit to be developed. The
10569 working group shall be included in all phases of developing the
10570 aquaculture general permits.

10571 (5) The department shall:

10572 (a) Coordinate with the Aquaculture Review Council, the
 10573 Aquaculture Interagency Coordinating Council, and the Department
 10574 of Agriculture and Consumer Services when developing criteria
 10575 for aquaculture general permits.

10576 (b) Permit experimental technologies to collect and
 10577 evaluate data necessary to reduce or mitigate environmental
 10578 concerns.

10579 (c) Provide technical expertise and promote the transfer
 10580 of information that would be beneficial to the development of
 10581 aquaculture.

10582 (6) The Fish and Wildlife Conservation Commission shall
 10583 encourage the development of aquaculture in the state through
 10584 the following:

10585 (a) Providing assistance in developing technologies
 10586 applicable to aquaculture activities, evaluating practicable
 10587 production alternatives, and providing management agreements to
 10588 develop innovative culture practices.

10589 (b) Facilitating aquaculture research on life histories,
 10590 stock enhancement, and alternative species, and providing
 10591 research results that would assist in the evaluation,
 10592 development, and commercial production of candidate species for
 10593 aquaculture, including:

10594 1. Providing eggs, larvae, fry, and fingerlings to
 10595 aquaculturists when excess cultured stocks are available from
 10596 the commission's facilities and the culture activities are
 10597 consistent with the commission's stock enhancement projects.
 10598 Such stocks may be obtained by reimbursing the commission for

10599 | the cost of production on a per-unit basis. Revenues resulting
 10600 | from the sale of stocks shall be deposited into the trust fund
 10601 | used to support the production of such stocks.

10602 | 2. Conducting research programs to evaluate candidate
 10603 | species when funding and staff are available.

10604 | 3. Encouraging the private production of marine fish and
 10605 | shellfish stocks for the purpose of providing such stocks for
 10606 | statewide stock enhancement programs. When such stocks become
 10607 | available, the commission shall reduce or eliminate duplicative
 10608 | production practices that would result in direct competition
 10609 | with private commercial producers.

10610 | 4. Developing a working group, in cooperation with the
 10611 | Department of Agriculture and Consumer Services, the Aquaculture
 10612 | Review Council, and the Aquaculture Interagency Coordinating
 10613 | Council, to plan and facilitate the development of private
 10614 | marine fish and nonfish hatcheries and to encourage
 10615 | private/public partnerships to promote the production of marine
 10616 | aquaculture products.

10617 | (c) Coordinating with public and private research
 10618 | institutions within the state to advance the aquaculture
 10619 | production and sale of sturgeon as a food fish.

10620 | (7) The Fish and Wildlife Conservation Commission shall
 10621 | coordinate with the Aquaculture Review Council and the
 10622 | Department of Agriculture and Consumer Services to establish and
 10623 | implement grant programs to provide funding for projects and
 10624 | programs that are identified in the state's aquaculture plan,
 10625 | pending legislative appropriations. The commission and the

10626 Department of Agriculture and Consumer Services shall establish
 10627 and implement a grant program to make grants available to
 10628 qualified nonprofit, educational, and research entities or local
 10629 governments to fund infrastructure, planning, practical and
 10630 applied research, development projects, production economic
 10631 analysis, and training and stock enhancement projects, and to
 10632 make grants available to counties, municipalities, and other
 10633 state and local entities for applied aquaculture projects that
 10634 are directed to economic development, pending legislative
 10635 appropriations.

10636 (8) The Fish and Wildlife Conservation Commission shall
 10637 provide assistance to the Department of Agriculture and Consumer
 10638 Services in the development of an aquaculture plan for the
 10639 state.

10640 Section 184. Section 370.31, Florida Statutes, is
 10641 renumbered as section 379.872, Florida Statutes, to read:

10642 379.872 ~~370.31~~ Commercial production of sturgeon.--

10643 (1) INTENT.--The Legislature finds and declares that there
 10644 is a need to encourage the continuation and advancement of work
 10645 being done on aquaculture sturgeon production in keeping with
 10646 the state's legislative public policy regarding aquaculture
 10647 provided in chapter 597. It also finds that it is in the state's
 10648 economic interest to promote the commercial production and stock
 10649 enhancement of sturgeon. It is therefore the intent of the
 10650 Legislature to hereby create a Sturgeon Production Working
 10651 Group.

10652 (2) CREATION.--The Sturgeon Production Working Group is
 10653 created within the Department of Agriculture and Consumer
 10654 Services and shall be composed of seven members as follows:

10655 (a) The head of the sturgeon research program or designee
 10656 from the University of Florida, Institute of Food and
 10657 Agricultural Sciences. Such member shall be appointed by the
 10658 University of Florida's Vice President for Agricultural Affairs.

10659 (b) One representative from the Department of
 10660 Environmental Protection to be appointed by the Secretary of
 10661 Environmental Protection.

10662 (c) One representative from the Fish and Wildlife
 10663 Conservation Commission to be appointed by the executive
 10664 director of the Fish and Wildlife Conservation Commission.

10665 (d) One representative from the Department of Agriculture
 10666 and Consumer Services to be appointed by the Commissioner of
 10667 Agriculture.

10668 (e) Two representatives from the aquaculture industry to
 10669 be appointed by the Aquaculture Review Council.

10670 (f) One representative from a private nonprofit
 10671 organization involved in sturgeon production work, to be
 10672 appointed by the Commissioner of Agriculture.

10673 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
 10674 shall meet at least twice a year and elect, by a quorum, a chair
 10675 and vice chair.

10676 (a) The chair of the working group shall preside at all
 10677 meetings and shall call a meeting as often as necessary to carry
 10678 out the provisions of this section.

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10679 (b) The Department of Agriculture and Consumer Services
10680 shall keep a complete record of the proceedings of each meeting,
10681 which includes the names of the members present at each meeting
10682 and the actions taken. The records shall be public records
10683 pursuant to chapter 119.

10684 (c) A quorum shall consist of a majority of the group
10685 members. Members of the group shall not receive compensation,
10686 but shall be entitled to per diem and travel expenses, including
10687 attendance at meetings, as allowed public officers and employees
10688 pursuant to s. 112.061.

10689 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
10690 Sturgeon Production Working Group is to coordinate the
10691 implementation of a state sturgeon production management plan to
10692 promote the commercial production and stock enhancement of
10693 sturgeon in Florida. In carrying out this purpose, the working
10694 group shall:

10695 (a) Establish a state sturgeon production management plan
10696 to inform public or private interested parties of how to
10697 aquaculturally produce sturgeon for commercial purposes and for
10698 stock enhancement. The sturgeon production management plan
10699 shall:

10700 1. Provide the regulatory policies for the commercial
10701 production of sturgeon meat and roe, including a strategy for
10702 obtaining the required permits, licenses, authorizations, or
10703 certificates.

10704 2. Provide the management practices for culturing sturgeon
 10705 and ensure that aquacultural development does not impede the
 10706 recovery and conservation of wild sturgeon populations.

10707 3. Establish priorities for research needed to support the
 10708 commercial production of sturgeon and the recovery of native
 10709 stocks in the state.

10710 (b) Support management strategies to permit the commercial
 10711 production of native and nonnative sturgeon, including the
 10712 distribution of captive-bred Gulf sturgeon to approved certified
 10713 aquaculture facilities.

10714 (c) Support the development of a cooperative sturgeon
 10715 conservation program to coordinate conservation, habitat, and
 10716 resource management programs for native sturgeon, including an
 10717 evaluation of how stock enhancement can facilitate the
 10718 conservation and recovery of native sturgeon populations.

10719 (d) Seek federal cooperation to implement the sturgeon
 10720 production management plan, including federal designation of
 10721 captive-bred sturgeon as distinct population segments to
 10722 distinguish cultivated stocks from wild native populations.

10723 (e) Develop enforcement guidelines to ensure continued
 10724 protection of wild native sturgeon populations.

10725 (f) In furtherance of the purposes and responsibilities of
 10726 the Sturgeon Production Working Group, the state shall:

10727 1. Establish a program to coordinate conservation and
 10728 aquaculture activities for native sturgeon.

10729 2. Develop a conservation plan for native sturgeon.

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10730 3. Initiate the process to petition for delisting captive-
10731 bred shortnose sturgeon.

10732 4. Initiate the process to petition for delisting captive-
10733 bred Gulf sturgeon.

10734 (g) Establish a sturgeon broodstock committee composed of
10735 fishery scientists, fish farmers, and agency representatives to
10736 manage the taking of wild sturgeon for brood fish and spawning.

10737 (h) Establish the Cooperative Broodstock Development and
10738 Husbandry Board composed of fishery scientists, fish farmers,
10739 and agency representatives to establish standards and criteria
10740 for the management and maintenance of captive-reared sturgeon,
10741 to collect biological data, and to administer the Cooperative
10742 Broodstock Development and Husbandry Program.

10743 Section 185. Paragraph (a) of subsection (1) of section
10744 72.011, Florida Statutes, is amended to read:

10745 72.011 Jurisdiction of circuit courts in specific tax
10746 matters; administrative hearings and appeals; time for
10747 commencing action; parties; deposits.--

10748 (1) (a) A taxpayer may contest the legality of any
10749 assessment or denial of refund of tax, fee, surcharge, permit,
10750 interest, or penalty provided for under s. 125.0104, s.
10751 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
10752 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
10753 chapter 212, chapter 213, chapter 220, chapter 221, s.
10754 379.741(3) ~~370.07(3)~~, chapter 376, s. 403.717, s. 403.718, s.
10755 403.7185, s. 538.09, s. 538.25, chapter 550, chapter 561,
10756 chapter 562, chapter 563, chapter 564, chapter 565, chapter 624,

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10757 or s. 681.117 by filing an action in circuit court; or,
 10758 alternatively, the taxpayer may file a petition under the
 10759 applicable provisions of chapter 120. However, once an action
 10760 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
 10761 120.57, or s. 120.80(14)(b), no action relating to the same
 10762 subject matter may be filed by the taxpayer in circuit court,
 10763 and judicial review shall be exclusively limited to appellate
 10764 review pursuant to s. 120.68; and once an action has been
 10765 initiated in circuit court, no action may be brought under
 10766 chapter 120.

10767 Section 186. Section 97.05831, Florida Statutes, is
 10768 amended to read:

10769 97.05831 Voter registration applications made available to
 10770 the Fish and Wildlife Conservation Commission.--As required in
 10771 s. 379.720 ~~372.561~~, each supervisor of elections shall supply
 10772 voter registration applications to the Fish and Wildlife
 10773 Conservation Commission and its subagents, as needed.

10774 Section 187. Subsection (4) of section 125.01, Florida
 10775 Statutes, is amended to read:

10776 125.01 Powers and duties.--

10777 (4) The legislative and governing body of a county shall
 10778 not have the power to regulate the taking or possession of
 10779 saltwater fish, as defined in s. 379.100 ~~370.01~~, with respect to
 10780 the method of taking, size, number, season, or species. However,
 10781 this subsection does not prohibit a county from prohibiting, for
 10782 reasons of protecting the public health, safety, or welfare,
 10783 saltwater fishing from real property owned by that county, nor

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10784 | does it prohibit the imposition of excise taxes by county
10785 | ordinance.

10786 | Section 188. Subsections (1) and (4) of section 142.01,
10787 | Florida Statutes, are amended to read:

10788 | 142.01 Fine and forfeiture fund; clerk of the circuit
10789 | court.--There shall be established by the clerk of the circuit
10790 | court in each county of this state a separate fund to be known
10791 | as the fine and forfeiture fund for use by the clerk of the
10792 | circuit court in performing court-related functions. The fund
10793 | shall consist of the following:

10794 | (1) Fines and penalties pursuant to ss. 28.2402(2),
10795 | 34.045(2), 316.193, 327.35, 327.72, 379.222(1) ~~372.72(1)~~, and
10796 | 775.083(1).

10797 | (4) Proceeds from forfeited bail bonds, unclaimed bonds,
10798 | unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
10799 | 379.222(1) ~~372.72(1)~~, and 903.26(3)(a).

10800 |
10801 | Notwithstanding the provisions of this section, all fines and
10802 | forfeitures arising from operation of the provisions of s.
10803 | 318.1215 shall be disbursed in accordance with that section.

10804 | Section 189. Paragraph (c) of subsection (5) of section
10805 | 161.053, Florida Statutes, is amended to read:

10806 | 161.053 Coastal construction and excavation; regulation on
10807 | county basis.--

10808 | (5) Except in those areas where local zoning and building
10809 | codes have been established pursuant to subsection (4), a permit
10810 | to alter, excavate, or construct on property seaward of

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10811 established coastal construction control lines may be granted by
 10812 the department as follows:

10813 (c) The department may condition the nature, timing, and
 10814 sequence of construction of permitted activities to provide
 10815 protection to nesting sea turtles and hatchlings and their
 10816 habitat, pursuant to s. 379.320 ~~370.12~~, and to native salt-
 10817 resistant vegetation and endangered plant communities.

10818 Section 190. Subsection (11) of section 201.15, Florida
 10819 Statutes, is amended to read:

10820 201.15 Distribution of taxes collected.--All taxes
 10821 collected under this chapter shall be distributed as follows and
 10822 shall be subject to the service charge imposed in s. 215.20(1),
 10823 except that such service charge shall not be levied against any
 10824 portion of taxes pledged to debt service on bonds to the extent
 10825 that the amount of the service charge is required to pay any
 10826 amounts relating to the bonds:

10827 (11) From the moneys specified in paragraphs (1)(e) and
 10828 (2)(a) and prior to deposit of any moneys into the General
 10829 Revenue Fund, \$30 million shall be paid into the State Treasury
 10830 to the credit of the Ecosystem Management and Restoration Trust
 10831 Fund in fiscal year 2000-2001 and each fiscal year thereafter,
 10832 to be used for the preservation and repair of the state's
 10833 beaches as provided in ss. 161.091-161.212, \$2 million shall be
 10834 paid into the State Treasury to the credit of the Marine
 10835 Resources Conservation Trust Fund to be used for marine mammal
 10836 care as provided in s. 379.209(3) ~~370.0603(3)~~, and \$300,000
 10837 shall be paid into the State Treasury to the credit of the

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10838 General Inspection Trust Fund in fiscal year 2006-2007 and each
 10839 fiscal year thereafter, to be used to fund oyster management and
 10840 restoration programs as provided in s. 379.741(3) ~~370.07(3)~~.

10841 Section 191. Paragraph (b) of subsection (8) of section
 10842 212.06, Florida Statutes, is amended to read:

10843 212.06 Sales, storage, use tax; collectible from dealers;
 10844 "dealer" defined; dealers to collect from purchasers;
 10845 legislative intent as to scope of tax.--

10846 (8)

10847 (b) The presumption that tangible personal property used
 10848 in another state, territory of the United States, or the
 10849 District of Columbia for 6 months or longer before being
 10850 imported into this state was not purchased for use in this state
 10851 does not apply to any boat for which a saltwater fishing license
 10852 fee is required to be paid pursuant to s. 379.722(7) ~~372.57(7)~~,
 10853 either directly or indirectly, for the purpose of taking,
 10854 attempting to take, or possessing any saltwater fish for
 10855 noncommercial purposes. Use tax shall apply and be due on such a
 10856 boat as provided in this paragraph, and proof of payment of such
 10857 tax must be presented prior to the first such licensure of the
 10858 boat, registration of the boat pursuant to chapter 328, and
 10859 titling of the boat pursuant to chapter 328. A boat that is
 10860 first licensed within 1 year after purchase shall be subject to
 10861 use tax on the full amount of the purchase price; a boat that is
 10862 first licensed in the second year after purchase shall be
 10863 subject to use tax on 90 percent of the purchase price; a boat
 10864 that is first licensed in the third year after purchase shall be

10865 subject to use tax on 80 percent of the purchase price; a boat
 10866 that is first licensed in the fourth year after purchase shall
 10867 be subject to use tax on 70 percent of the purchase price; a
 10868 boat that is first licensed in the fifth year after purchase
 10869 shall be subject to use tax on 60 percent of the purchase price;
 10870 and a boat that is first licensed in the sixth year after
 10871 purchase, or later, shall be subject to use tax on 50 percent of
 10872 the purchase price. If the purchaser fails to provide the
 10873 purchase invoice on such boat, the fair market value of the boat
 10874 at the time of importation into this state shall be used to
 10875 compute the tax.

10876 Section 192. Paragraph (h) of subsection (5) of section
 10877 212.08, Florida Statutes, is amended to read:

10878 212.08 Sales, rental, use, consumption, distribution, and
 10879 storage tax; specified exemptions.--The sale at retail, the
 10880 rental, the use, the consumption, the distribution, and the
 10881 storage to be used or consumed in this state of the following
 10882 are hereby specifically exempt from the tax imposed by this
 10883 chapter.

10884 (5) EXEMPTIONS; ACCOUNT OF USE.--

10885 (h) Business property used in an enterprise zone.--

10886 1. Business property purchased for use by businesses
 10887 located in an enterprise zone which is subsequently used in an
 10888 enterprise zone shall be exempt from the tax imposed by this
 10889 chapter. This exemption inures to the business only through a
 10890 refund of previously paid taxes. A refund shall be authorized
 10891 upon an affirmative showing by the taxpayer to the satisfaction

10892 of the department that the requirements of this paragraph have
 10893 been met.

10894 2. To receive a refund, the business must file under oath
 10895 with the governing body or enterprise zone development agency
 10896 having jurisdiction over the enterprise zone where the business
 10897 is located, as applicable, an application which includes:

10898 a. The name and address of the business claiming the
 10899 refund.

10900 b. The identifying number assigned pursuant to s. 290.0065
 10901 to the enterprise zone in which the business is located.

10902 c. A specific description of the property for which a
 10903 refund is sought, including its serial number or other permanent
 10904 identification number.

10905 d. The location of the property.

10906 e. The sales invoice or other proof of purchase of the
 10907 property, showing the amount of sales tax paid, the date of
 10908 purchase, and the name and address of the sales tax dealer from
 10909 whom the property was purchased.

10910 f. Whether the business is a small business as defined by
 10911 s. 288.703(1).

10912 g. If applicable, the name and address of each permanent
 10913 employee of the business, including, for each employee who is a
 10914 resident of an enterprise zone, the identifying number assigned
 10915 pursuant to s. 290.0065 to the enterprise zone in which the
 10916 employee resides.

10917 3. Within 10 working days after receipt of an application,
 10918 the governing body or enterprise zone development agency shall

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10919 review the application to determine if it contains all the
10920 information required pursuant to subparagraph 2. and meets the
10921 criteria set out in this paragraph. The governing body or agency
10922 shall certify all applications that contain the information
10923 required pursuant to subparagraph 2. and meet the criteria set
10924 out in this paragraph as eligible to receive a refund. If
10925 applicable, the governing body or agency shall also certify if
10926 20 percent of the employees of the business are residents of an
10927 enterprise zone, excluding temporary and part-time employees.
10928 The certification shall be in writing, and a copy of the
10929 certification shall be transmitted to the executive director of
10930 the Department of Revenue. The business shall be responsible for
10931 forwarding a certified application to the department within the
10932 time specified in subparagraph 4.

10933 4. An application for a refund pursuant to this paragraph
10934 must be submitted to the department within 6 months after the
10935 tax is due on the business property that is purchased.

10936 5. The amount refunded on purchases of business property
10937 under this paragraph shall be the lesser of 97 percent of the
10938 sales tax paid on such business property or \$5,000, or, if no
10939 less than 20 percent of the employees of the business are
10940 residents of an enterprise zone, excluding temporary and part-
10941 time employees, the amount refunded on purchases of business
10942 property under this paragraph shall be the lesser of 97 percent
10943 of the sales tax paid on such business property or \$10,000. A
10944 refund approved pursuant to this paragraph shall be made within
10945 30 days of formal approval by the department of the application

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10946 | for the refund. No refund shall be granted under this paragraph
 10947 | unless the amount to be refunded exceeds \$100 in sales tax paid
 10948 | on purchases made within a 60-day time period.

10949 | 6. The department shall adopt rules governing the manner
 10950 | and form of refund applications and may establish guidelines as
 10951 | to the requisites for an affirmative showing of qualification
 10952 | for exemption under this paragraph.

10953 | 7. If the department determines that the business property
 10954 | is used outside an enterprise zone within 3 years from the date
 10955 | of purchase, the amount of taxes refunded to the business
 10956 | purchasing such business property shall immediately be due and
 10957 | payable to the department by the business, together with the
 10958 | appropriate interest and penalty, computed from the date of
 10959 | purchase, in the manner provided by this chapter.

10960 | Notwithstanding this subparagraph, business property used
 10961 | exclusively in:

- 10962 | a. Licensed commercial fishing vessels,
- 10963 | b. Fishing guide boats, or
- 10964 | c. Ecotourism guide boats

10965 |
 10966 | that leave and return to a fixed location within an area
 10967 | designated under s. 379.287 ~~370.28~~ are eligible for the
 10968 | exemption provided under this paragraph if all requirements of
 10969 | this paragraph are met. Such vessels and boats must be owned by
 10970 | a business that is eligible to receive the exemption provided
 10971 | under this paragraph. This exemption does not apply to the
 10972 | purchase of a vessel or boat.

10973 8. The department shall deduct an amount equal to 10
 10974 percent of each refund granted under the provisions of this
 10975 paragraph from the amount transferred into the Local Government
 10976 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
 10977 for the county area in which the business property is located
 10978 and shall transfer that amount to the General Revenue Fund.

10979 9. For the purposes of this exemption, "business property"
 10980 means new or used property defined as "recovery property" in s.
 10981 168(c) of the Internal Revenue Code of 1954, as amended, except:

- 10982 a. Property classified as 3-year property under s.
- 10983 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
- 10984 b. Industrial machinery and equipment as defined in sub-
- 10985 subparagraph (b)6.a. and eligible for exemption under paragraph
- 10986 (b);
- 10987 c. Building materials as defined in sub-subparagraph
- 10988 (g)8.a.; and
- 10989 d. Business property having a sales price of under \$5,000
- 10990 per unit.

10991 10. This paragraph expires on the date specified in s.
 10992 290.016 for the expiration of the Florida Enterprise Zone Act.

10993 Section 193. Paragraph (o) of subsection (1) of section
 10994 213.053, Florida Statutes, is amended to read:

10995 213.053 Confidentiality and information sharing.--

10996 (1) This section applies to:

10997 (o) Section 379.741(3) ~~370.07(3)~~, Apalachicola Bay oyster
 10998 surcharge;

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10999 Section 194. Paragraph (u) of subsection (4) of section
 11000 215.20, Florida Statutes, is amended to read:
 11001 215.20 Certain income and certain trust funds to
 11002 contribute to the General Revenue Fund.--
 11003 (4) The income of a revenue nature deposited in the
 11004 following described trust funds, by whatever name designated, is
 11005 that from which the appropriations authorized by subsection (3)
 11006 shall be made:
 11007 (u) Within the Fish and Wildlife Conservation Commission:
 11008 1. The Conservation and Recreation Lands Program Trust
 11009 Fund.
 11010 2. The Florida Panther Research and Management Trust Fund.
 11011 3. The Land Acquisition Trust Fund.
 11012 4. The Marine Resources Conservation Trust Fund, with the
 11013 exception of those fees collected for recreational saltwater
 11014 fishing licenses as provided in s. 379.722 ~~372.57~~.
 11015
 11016 The enumeration of the foregoing moneys or trust funds shall not
 11017 prohibit the applicability thereto of s. 215.24 should the
 11018 Governor determine that for the reasons mentioned in s. 215.24
 11019 the money or trust funds should be exempt herefrom, as it is the
 11020 purpose of this law to exempt income from its force and effect
 11021 when, by the operation of this law, federal matching funds or
 11022 contributions or private grants to any trust fund would be lost
 11023 to the state.
 11024 Section 195. Subsection (6) of section 290.004, Florida
 11025 Statutes, is amended to read:

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11026 290.004 Definitions relating to Florida Enterprise Zone
 11027 Act.--As used in ss. 290.001-290.016:

11028 (6) "Rural enterprise zone" means an enterprise zone that
 11029 is nominated by a county having a population of 75,000 or fewer,
 11030 or a county having a population of 100,000 or fewer which is
 11031 contiguous to a county having a population of 75,000 or fewer,
 11032 or by a municipality in such a county, or by such a county and
 11033 one or more municipalities. An enterprise zone designated in
 11034 accordance with s. 290.0065(5)(b) or s. 379.287 ~~370.28~~ is
 11035 considered to be a rural enterprise zone.

11036 Section 196. Paragraph (b) of subsection (1) and paragraph
 11037 (b) of subsection (24) of section 320.08058, Florida Statutes,
 11038 are amended to read:

11039 320.08058 Specialty license plates.--

11040 (1) MANATEE LICENSE PLATES.--

11041 (b) The manatee license plate annual use fee must be
 11042 deposited into the Save the Manatee Trust Fund, created within
 11043 the Fish and Wildlife Conservation Commission, and shall be used
 11044 only for the purposes specified in s. 379.320(4) ~~370.12(4)~~.

11045 (24) CONSERVE WILDLIFE LICENSE PLATES.--

11046 (b) The proceeds of the Conserve Wildlife license plate
 11047 annual use fee shall be forwarded to the Wildlife Foundation of
 11048 Florida, Inc., a citizen support organization created pursuant
 11049 to s. 379.240 ~~372.0215~~.

11050 1. Notwithstanding s. 320.08062, up to 10 percent of the
 11051 proceeds from the annual use fee may be used for marketing the
 11052 Conserve Wildlife license plate and administrative costs

11053 directly related to the management and distribution of the
 11054 proceeds.

11055 2. The remaining proceeds from the annual use fee shall be
 11056 used for programs and activities of the Fish and Wildlife
 11057 Conservation Commission that contribute to the health and well-
 11058 being of Florida black bears and other wildlife diversity.

11059 Section 197. Paragraph (a) of subsection (5) of section
 11060 327.02, Florida Statutes, is amended to read:

11061 327.02 Definitions of terms used in this chapter and in
 11062 chapter 328.--As used in this chapter and in chapter 328, unless
 11063 the context clearly requires a different meaning, the term:

11064 (5) "Commercial vessel" means:

11065 (a) Any vessel primarily engaged in the taking or landing
 11066 of saltwater fish or saltwater products or freshwater fish or
 11067 freshwater products, or any vessel licensed pursuant to s.
 11068 379.740 ~~370.06~~ from which commercial quantities of saltwater
 11069 products are harvested, from within and without the waters of
 11070 this state for sale either to the consumer, retail dealer, or
 11071 wholesale dealer.

11072 Section 198. Subsection (2) of section 327.41, Florida
 11073 Statutes, is amended to read:

11074 327.41 Uniform waterway regulatory markers.--

11075 (2) Any county or municipality which has been granted a
 11076 restricted area designation, pursuant to s. 327.46, for a
 11077 portion of the Florida Intracoastal Waterway within its
 11078 jurisdiction or which has adopted a restricted area by ordinance
 11079 pursuant to s. 327.22, s. 327.60, or s. 379.320(2)(p)

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11080 | ~~370.12(2)(p)~~, or any other governmental entity which has legally
 11081 | established a restricted area, may apply to the commission for
 11082 | permission to place regulatory markers within the restricted
 11083 | area.

11084 | Section 199. Paragraph (k) of subsection (1) of section
 11085 | 327.73, Florida Statutes, is amended to read:

11086 | 327.73 Noncriminal infractions.--

11087 | (1) Violations of the following provisions of the vessel
 11088 | laws of this state are noncriminal infractions:

11089 | (k) Violations relating to restricted areas and speed
 11090 | limits:

- 11091 | 1. Established by the commission pursuant to s. 327.46.
- 11092 | 2. Established by local governmental authorities pursuant
 11093 | to s. 327.22 or s. 327.60.
- 11094 | 3. Speed limits established pursuant to s. 379.320(2)
 11095 | ~~370.12(2)~~.

11096 |
 11097 | Any person cited for a violation of any such provision shall be
 11098 | deemed to be charged with a noncriminal infraction, shall be
 11099 | cited for such an infraction, and shall be cited to appear
 11100 | before the county court. The civil penalty for any such
 11101 | infraction is \$50, except as otherwise provided in this section.
 11102 | Any person who fails to appear or otherwise properly respond to
 11103 | a uniform boating citation shall, in addition to the charge
 11104 | relating to the violation of the boating laws of this state, be
 11105 | charged with the offense of failing to respond to such citation
 11106 | and, upon conviction, be guilty of a misdemeanor of the second

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11107 degree, punishable as provided in s. 775.082 or s. 775.083. A
 11108 written warning to this effect shall be provided at the time
 11109 such uniform boating citation is issued.

11110 Section 200. Subsection (1) of section 328.66, Florida
 11111 Statutes, is amended to read:

11112 328.66 County and municipality optional registration fee.--

11113 -

11114 (1) Any county may impose an annual registration fee on
 11115 vessels registered, operated, or stored in the water within its
 11116 jurisdiction. This fee shall be 50 percent of the applicable
 11117 state registration fee. However, the first \$1 of every
 11118 registration imposed under this subsection shall be remitted to
 11119 the state for deposit in the Save the Manatee Trust Fund created
 11120 within the Fish and Wildlife Conservation Commission, and shall
 11121 be used only for the purposes specified in s. 379.320(4)
 11122 ~~370.12(4)~~. All other moneys received from such fee shall be
 11123 expended for the patrol, regulation, and maintenance of the
 11124 lakes, rivers, and waters and for other boating-related
 11125 activities of such municipality or county. A municipality that
 11126 was imposing a registration fee before April 1, 1984, may
 11127 continue to levy such fee, notwithstanding the provisions of
 11128 this section.

11129 Section 201. Subsections (11) and (16) of section 328.72,
 11130 Florida Statutes, are amended to read:

11131 328.72 Classification; registration; fees and charges;
 11132 surcharge; disposition of fees; fines; marine turtle stickers.--

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11133 (11) VOLUNTARY CONTRIBUTIONS.--The application form for
11134 boat registration shall include a provision to allow each
11135 applicant to indicate a desire to pay an additional voluntary
11136 contribution to the Save the Manatee Trust Fund to be used for
11137 the purposes specified in s. 379.320(4) ~~370.12(4)~~. This
11138 contribution shall be in addition to all other fees and charges.
11139 The amount of the request for a voluntary contribution solicited
11140 shall be \$2 or \$5 per registrant. A registrant who provides a
11141 voluntary contribution of \$5 or more shall be given a sticker or
11142 emblem by the tax collector to display, which signifies support
11143 for the Save the Manatee Trust Fund. All voluntary contributions
11144 shall be deposited in the Save the Manatee Trust Fund and shall
11145 be used for the purposes specified in s. 379.320(4) ~~370.12(4)~~.
11146 The form shall also include language permitting a voluntary
11147 contribution of \$5 per applicant, which contribution shall be
11148 transferred into the Election Campaign Financing Trust Fund. A
11149 statement providing an explanation of the purpose of the trust
11150 fund shall also be included.

11151 (16) MARINE TURTLE STICKER.--The Department of Highway
11152 Safety and Motor Vehicles shall offer for sale with vessel
11153 registrations a waterproof sticker in the shape of a marine
11154 turtle at an additional cost of \$5, the proceeds of which shall
11155 be deposited in the Marine Resources Conservation Trust Fund to
11156 be used for marine turtle protection, research, and recovery
11157 efforts pursuant to the provisions of s. 379.320(1) ~~370.12(1)~~.

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11158 Section 202. Paragraph (a) of subsection (1) and
 11159 subsection (2) of section 328.76, Florida Statutes, are amended
 11160 to read:

11161 328.76 Marine Resources Conservation Trust Fund; vessel
 11162 registration funds; appropriation and distribution.--

11163 (1) Except as otherwise specified in this subsection and
 11164 less \$1.4 million for any administrative costs which shall be
 11165 deposited in the Highway Safety Operating Trust Fund, in each
 11166 fiscal year beginning on or after July 1, 2001, all funds
 11167 collected from the registration of vessels through the
 11168 Department of Highway Safety and Motor Vehicles and the tax
 11169 collectors of the state, except for those funds designated as
 11170 the county portion pursuant to s. 328.72(1), shall be deposited
 11171 in the Marine Resources Conservation Trust Fund for recreational
 11172 channel marking; public launching facilities; law enforcement
 11173 and quality control programs; aquatic weed control; manatee
 11174 protection, recovery, rescue, rehabilitation, and release; and
 11175 marine mammal protection and recovery. The funds collected
 11176 pursuant to s. 328.72(1) shall be transferred as follows:

11177 (a) In each fiscal year, an amount equal to \$1.50 for each
 11178 commercial and recreational vessel registered in this state
 11179 shall be transferred by the Department of Highway Safety and
 11180 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 11181 used only for the purposes specified in s. 379.320(4) ~~370.12(4)~~.

11182 (2) All funds collected pursuant to s. 379.740(2)
 11183 ~~370.06(2)~~ shall be deposited in the Marine Resources
 11184 Conservation Trust Fund. Such funds shall be used to pay the

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11185 cost of implementing the saltwater products license program.
 11186 Additional proceeds from the licensing revenue shall be
 11187 distributed among the following program functions:

11188 (a) No more than 15 percent shall go to marine law
 11189 enforcement;

11190 (b) Twenty-five percent shall go to the Florida Saltwater
 11191 Products Promotion Trust Fund within the Department of
 11192 Agriculture and Consumer Services, on a monthly basis, for the
 11193 purpose of providing marketing and extension services including
 11194 industry information and education; and

11195 (c) The remainder shall go to the Fish and Wildlife
 11196 Conservation Commission, for use in marine research and
 11197 statistics development, including quota management.

11198 Section 203. Subsection (5) of section 373.046, Florida
 11199 Statutes, is amended to read:

11200 373.046 Interagency agreements.--

11201 (5) Notwithstanding the provisions of s. 403.927, when any
 11202 operating agreement is developed pursuant to subsection (4), the
 11203 department shall have regulatory responsibility under part IV of
 11204 this chapter for aquaculture activities that meet or exceed the
 11205 thresholds for aquaculture general permits authorized pursuant
 11206 to ss. 379.871 ~~370.26~~ and 403.814.

11207 Section 204. Paragraph (h) of subsection (2) of section
 11208 403.41315, Florida Statutes, is amended to read:

11209 403.41315 Comprehensive illegal dumping, litter, and
 11210 marine debris control and prevention.--

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11211 (2) The comprehensive illegal dumping, litter, and marine
 11212 debris control and prevention program at a minimum must include
 11213 the following:

11214 (h) The prohibition of balloon releases as authorized
 11215 under s. 379.282 ~~372.995~~.

11216 Section 205. Paragraph (f) of subsection (2) of section
 11217 403.813, Florida Statutes, is amended to read:

11218 403.813 Permits issued at district centers; exceptions.--

11219 (2) A permit is not required under this chapter, chapter
 11220 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 11221 chapter 25270, 1949, Laws of Florida, for activities associated
 11222 with the following types of projects; however, except as
 11223 otherwise provided in this subsection, nothing in this
 11224 subsection relieves an applicant from any requirement to obtain
 11225 permission to use or occupy lands owned by the Board of Trustees
 11226 of the Internal Improvement Trust Fund or any water management
 11227 district in its governmental or proprietary capacity or from
 11228 complying with applicable local pollution control programs
 11229 authorized under this chapter or other requirements of county
 11230 and municipal governments:

11231 (f) The performance of maintenance dredging of existing
 11232 manmade canals, channels, intake and discharge structures, and
 11233 previously dredged portions of natural water bodies within
 11234 drainage rights-of-way or drainage easements which have been
 11235 recorded in the public records of the county, where the spoil
 11236 material is to be removed and deposited on a self-contained,
 11237 upland spoil site which will prevent the escape of the spoil

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11238 material into the waters of the state, provided that no more
11239 dredging is to be performed than is necessary to restore the
11240 canals, channels, and intake and discharge structures, and
11241 previously dredged portions of natural water bodies, to original
11242 design specifications or configurations, provided that the work
11243 is conducted in compliance with s. 379.320(2)(d) ~~370.12(2)(d)~~,
11244 provided that no significant impacts occur to previously
11245 undisturbed natural areas, and provided that control devices for
11246 return flow and best management practices for erosion and
11247 sediment control are utilized to prevent bank erosion and
11248 scouring and to prevent turbidity, dredged material, and toxic
11249 or deleterious substances from discharging into adjacent waters
11250 during maintenance dredging. Further, for maintenance dredging
11251 of previously dredged portions of natural water bodies within
11252 recorded drainage rights-of-way or drainage easements, an entity
11253 that seeks an exemption must notify the department or water
11254 management district, as applicable, at least 30 days prior to
11255 dredging and provide documentation of original design
11256 specifications or configurations where such exist. This
11257 exemption applies to all canals and previously dredged portions
11258 of natural water bodies within recorded drainage rights-of-way
11259 or drainage easements constructed prior to April 3, 1970, and to
11260 those canals and previously dredged portions of natural water
11261 bodies constructed on or after April 3, 1970, pursuant to all
11262 necessary state permits. This exemption does not apply to the
11263 removal of a natural or manmade barrier separating a canal or
11264 canal system from adjacent waters. When no previous permit has

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11265 | been issued by the Board of Trustees of the Internal Improvement
 11266 | Trust Fund or the United States Army Corps of Engineers for
 11267 | construction or maintenance dredging of the existing manmade
 11268 | canal or intake or discharge structure, such maintenance
 11269 | dredging shall be limited to a depth of no more than 5 feet
 11270 | below mean low water. The Board of Trustees of the Internal
 11271 | Improvement Trust Fund may fix and recover from the permittee an
 11272 | amount equal to the difference between the fair market value and
 11273 | the actual cost of the maintenance dredging for material removed
 11274 | during such maintenance dredging. However, no charge shall be
 11275 | exacted by the state for material removed during such
 11276 | maintenance dredging by a public port authority. The removing
 11277 | party may subsequently sell such material; however, proceeds
 11278 | from such sale that exceed the costs of maintenance dredging
 11279 | shall be remitted to the state and deposited in the Internal
 11280 | Improvement Trust Fund.

11281 | Section 206. Paragraph (a) of subsection (5) and paragraph
 11282 | (a) of subsection (18) and of section 597.010, Florida Statutes,
 11283 | are amended to read:

11284 | 597.010 Shellfish regulation; leases.--

11285 | (5) LEASES IN PERPETUITY; RENT.--

11286 | (a) All leases issued previously under the provisions of
 11287 | s. 379.3372 ~~370.16~~ shall be enforced under the authority of this
 11288 | chapter, notwithstanding any other law to the contrary, and
 11289 | shall continue in perpetuity under such restrictions as stated
 11290 | in the lease agreement. The annual rental fee charged for all
 11291 | leases shall consist of the minimum rate of \$15 per acre, or any

11292 fraction of an acre, per year and shall be adjusted on January
 11293 1, 1995, and every 5 years thereafter, based on the 5-year
 11294 average change in the Consumer Price Index. Rent shall be paid
 11295 in advance of January 1 of each year or in the case of a new
 11296 lease at the time of signing, regardless of who holds the lease.

11297 (18) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL
 11298 REEFS; LICENSES, ETC.; PENALTY.--

11299 (a) It is unlawful to use a dredge or any means or
 11300 implement other than hand tongs in removing oysters from the
 11301 natural or artificial state reefs or beds. This restriction
 11302 shall apply to all areas of Apalachicola Bay for all shellfish
 11303 harvesting, excluding private grounds leased or granted by the
 11304 state prior to July 1, 1989, if the lease or grant specifically
 11305 authorizes the use of implements other than hand tongs for
 11306 harvesting. Except in Apalachicola Bay, upon the payment of \$25
 11307 annually, for each vessel or boat using a dredge or machinery in
 11308 the gathering of clams or mussels, a special activity license
 11309 may be issued by the Fish and Wildlife Conservation Commission
 11310 pursuant to subsection (15) or s. 379.740 ~~370.06~~ for such use to
 11311 such person.

11312 Section 207. Paragraphs (a), (d), and (e) of subsection
 11313 (4) of section 777.04, Florida Statutes, are amended to read:

11314 777.04 Attempts, solicitation, and conspiracy.--

11315 (4) (a) Except as otherwise provided in ss. 104.091(2),
 11316 379.320(1) ~~370.12(1)~~, 828.125(2), 849.25(4), 893.135(5), and
 11317 921.0022, the offense of criminal attempt, criminal
 11318 solicitation, or criminal conspiracy is ranked for purposes of

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11319 sentencing under chapter 921 and determining incentive gain-time
 11320 eligibility under chapter 944 one level below the ranking under
 11321 s. 921.0022 or s. 921.0023 of the offense attempted, solicited,
 11322 or conspired to. If the criminal attempt, criminal solicitation,
 11323 or criminal conspiracy is of an offense ranked in level 1 or
 11324 level 2 under s. 921.0022 or s. 921.0023, such offense is a
 11325 misdemeanor of the first degree, punishable as provided in s.
 11326 775.082 or s. 775.083.

11327 (d) Except as otherwise provided in s. 104.091(2), s.
 11328 379.320(1) ~~370.12(1)~~, s. 828.125(2), or s. 849.25(4), if the
 11329 offense attempted, solicited, or conspired to is a:

- 11330 1. Felony of the second degree;
- 11331 2. Burglary that is a felony of the third degree; or
- 11332 3. Felony of the third degree ranked in level 3, 4, 5, 6,
 11333 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,
 11334 the offense of criminal attempt, criminal solicitation, or
 11335 criminal conspiracy is a felony of the third degree, punishable
 11336 as provided in s. 775.082, s. 775.083, or s. 775.084.

11337 (e) Except as otherwise provided in s. 104.091(2), s.
 11338 379.320(1) ~~370.12(1)~~, s. 849.25(4), or paragraph (d), if the
 11339 offense attempted, solicited, or conspired to is a felony of the
 11340 third degree, the offense of criminal attempt, criminal
 11341 solicitation, or criminal conspiracy is a misdemeanor of the
 11342 first degree, punishable as provided in s. 775.082 or s.
 11343 775.083.

11344 Section 208. Paragraph (g) of subsection (2) of section
 11345 810.09, Florida Statutes, is amended to read:

11346 810.09 Trespass on property other than structure or
 11347 conveyance.--
 11348 (2)
 11349 (h) Any person who in taking or attempting to take any
 11350 animal described in s. 379.100(18) or (19) ~~372.001(10) or (11)~~,
 11351 or in killing, attempting to kill, or endangering any animal
 11352 described in s. 585.01(13) knowingly propels or causes to be
 11353 propelled any potentially lethal projectile over or across
 11354 private land without authorization commits trespass, a felony of
 11355 the third degree, punishable as provided in s. 775.082, s.
 11356 775.083, or s. 775.084. For purposes of this paragraph, the term
 11357 "potentially lethal projectile" includes any projectile launched
 11358 from any firearm, bow, crossbow, or similar tensile device. This
 11359 section does not apply to any governmental agent or employee
 11360 acting within the scope of his or her official duties.

11361 Section 209. Subsection (3) of section 921.0012, Florida
 11362 Statutes, is amended to read:

11363 921.0012 Sentencing guidelines offense levels; offense
 11364 severity ranking chart.--

11365 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118 (3) (a)	3rd	Counterfeit or

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11369	212.054 (2) (b)	3rd	altered state lottery ticket.
11370	212.15 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
11371	319.30 (5)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
11372	319.35 (1) (a)	3rd	Sell, exchange, give away certificate of title or identification number plate.
11373	320.26 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
			Counterfeit, manufacture, or sell registration license

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11374

322.212 (1)

3rd

plates or validation stickers.

Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.

11375

322.212 (4)

3rd

Supply or aid in supplying unauthorized driver's license or identification card.

11376

322.212 (5) (a)

3rd

False application for driver's license or identification card.

11377

379.335 (4) (a)

~~370.13 (4) (a)~~

3rd

Molest any stone crab trap, line, or buoy which is property of

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11378	<u>379.742 (1)</u> 370.135 (1)	3rd	licenseholder. Molest any blue crab trap, line, or buoy which is property of licenseholder.
11379	<u>379.840 (1)</u> 372.663 (1)	3rd	Poach any alligator or crocodilia.
11380	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
11381	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
11382	443.071 (1)	3rd	False statement or representation to

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			obtain or increase unemployment compensation benefits.
11383	458.327 (1) (a)	3rd	Unlicensed practice of medicine.
11384	466.026 (1) (a)	3rd	Unlicensed practice of dentistry or dental hygiene.
11385	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
11386	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
11387	562.27 (1)	3rd	Possess still or still apparatus.
11388	713.69	3rd	Tenant removes property upon which

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11389	812.014 (3) (c)	3rd	lien has accrued, value more than \$50.
11390	812.081 (2)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
11391	815.04 (4) (a)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
11392	817.52 (2)	3rd	Offense against intellectual property (i.e., computer programs, data).
11393	826.01	3rd	Hiring with intent to defraud, motor vehicle services.
11394	828.122 (3)	3rd	Bigamy.
			Fighting or baiting

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11395	831.04 (1)	3rd	<p>animals.</p> <p>Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.</p>
11396	831.31 (1) (a)	3rd	<p>Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.</p>
11397	832.041 (1)	3rd	<p>Stopping payment with intent to defraud \$150 or more.</p>
11398	832.05 (2) (b) & (4) (c)	3rd	<p>Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.</p>

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11399	838.015 (3)	3rd	Bribery.
11400	838.016 (1)	3rd	Public servant receiving unlawful compensation.
11401	838.15 (2)	3rd	Commercial bribe receiving.
11402	838.16	3rd	Commercial bribery.
11403	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
11404	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
11405	849.01	3rd	Keeping gambling house.
11406	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein,

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11407	849.23	3rd	conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
11408	849.25 (2)	3rd	Gambling-related machines; "common offender" as to property rights.
11409	860.08	3rd	Engaging in bookmaking.
11410	860.13 (1) (a)	3rd	Interfere with a railroad signal.
11411	893.13 (2) (a) 2.	3rd	Operate aircraft while under the influence.
11412	893.13 (6) (a)	3rd	Purchase of cannabis.
			Possession of cannabis (more than 20 grams).

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11413

893.13 (7) (a) 10.

3rd

Affix false or
forged label to
package of
controlled
substance.

11414

934.03 (1) (a)

3rd

Intercepts, or
procures any other
person to intercept,
any wire or oral
communication.

11415

(b) LEVEL 2

11416

403.413 (5) (c)

3rd

Dumps waste litter
exceeding 500 lbs.
in weight or 100
cubic feet in volume
or any quantity for
commercial purposes,
or hazardous waste.

11417

517.07

3rd

Registration of
securities and
furnishing of
prospectus required.

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11418	590.28 (1)	3rd	Willful, malicious, or intentional burning.
11419	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
11420	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
11421	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
11422	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture

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11423	812.014 (2) (c) 1.	3rd	property.
11424	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
11425	817.234 (1) (a) 2.	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
11426	817.481 (3) (a)	3rd	False statement in support of insurance claim.
11427	817.52 (3)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
			Failure to redeliver hired vehicle.

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11428	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
11429	817.60 (5)	3rd	Dealing in credit cards of another.
11430	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
11431	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
11432	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
11433	831.01	3rd	Forgery.
11434			

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11435	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
11436	831.07	3rd	Forging bank bills or promissory note.
11437	831.08	3rd	Possession of 10 or more forged notes.
11438	831.09	3rd	Uttering forged bills; passes as bank bill or promissory note.
11439	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
11440	843.08	3rd	Falsely impersonating an officer.
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c),

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2008

11441	893.147 (2)	3rd	(2) (c), (3), or (4) drugs other than cannabis.
11442	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
11443	319.30 (4)	3rd	(c) LEVEL 3
11444	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
11445	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
11446	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
11446	319.33 (4)	3rd	With intent to

PCB

CHAPTER 379

2008

11447

328.05 (2)

3rd

defraud, possess,
sell, etc., a blank,
forged, or
unlawfully obtained
title or
registration.

11448

328.07 (4)

3rd

Possess, sell, or
counterfeit
fictitious, stolen,
or fraudulent titles
or bills of sale of
vessels.

11449

376.302 (5)

3rd

Manufacture,
exchange, or possess
vessel with
counterfeit or wrong
ID number.

11450

Fraud related to
reimbursement for
cleanup expenses
under the Inland
Protection Trust
Fund.

PCB

CHAPTER 379

2008

11451

501.001 (2) (b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

11452

697.08

3rd

Equity skimming.

11453

790.15 (3)

3rd

Person directs another to discharge firearm from a vehicle.

11454

796.05 (1)

3rd

Live on earnings of a prostitute.

11455

806.10 (1)

3rd

Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

806.10 (2)

3rd

Interferes with or assaults firefighter in performance of

PCB

CHAPTER 379

2008

11456	810.09 (2) (c)	3rd	duty. Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
11457	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
11458	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
11459	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
11460	817.233	3rd	Burning to defraud insurer.
11461	828.12 (2)	3rd	Tortures any animal

11462	831.29	2nd	with intent to inflict intense pain, serious physical injury, or death.
11463	838.021 (3) (b)	3rd	Possession of instruments for counterfeiting driver's licenses or identification cards.
11464	843.19	3rd	Threatens unlawful harm to public servant.
11465	870.01 (2)	3rd	Injure, disable, or kill police dog or horse.
11466	893.13 (1) (a) 2.	3rd	Riot; inciting or encouraging.
			Sell, manufacture, or deliver cannabis (or other s.

PCB

CHAPTER 379

2008

11467

893.13 (1) (d) 2.

2nd

893.03 (1) (c),
(2) (c), (3), or (4)
drugs).

Sell, manufacture,
or deliver s.
893.03 (1) (c),
(2) (c), (3), or (4)
drugs within 200
feet of university,
public housing
facility, or public
park.

11468

893.13 (6) (a)

3rd

Possession of any
controlled substance
other than felony
possession of
cannabis.

11469

893.13 (7) (a) 9.

3rd

Obtain or attempt to
obtain controlled
substance by fraud,
forgery,
misrepresentation,
etc.

11470

PCB

CHAPTER 379

2008

11471	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
11472	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
11473	944.401	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
11474	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
11474	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional

PCB

CHAPTER 379

2008

11475			institution.
11476			(d) LEVEL 4
11477	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.
11478	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
11479	784.075	3rd	Battery on detention or commitment facility staff.
11480	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
11481	784.081 (3)	3rd	Battery on specified official or employee.

PCB

CHAPTER 379

2008

11482	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
11483	787.03 (1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
11484	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
11485	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
11485	790.115 (1)	3rd	Exhibiting firearm or weapon within

PCB

CHAPTER 379

2008

11486	790.115 (2) (b)	3rd	1,000 feet of a school.
11487	790.115 (2) (c)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
11488	810.02 (4) (a)	3rd	Possessing firearm on school property.
11489	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
11490	810.06	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
			Burglary; possession

PCB

CHAPTER 379

2008

11491	810.08 (2) (c)	3rd	of tools. Trespass on property, armed with firearm or dangerous weapon.
11492	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
11493	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
11494	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
11495	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or

PCB

CHAPTER 379

2008

11496	837.02 (1)	3rd	permanent breeding disability to any registered horse or cattle.
11497	837.021 (1)	3rd	Perjury in official proceedings.
11498	843.025	3rd	Make contradictory statements in official proceedings.
11499	843.15 (1) (a)	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
11500			Failure to appear while on bail for felony (bond estreature or bond jumping).

PCB

CHAPTER 379

2008

11501	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
11502	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), or (2) (a) or (b) drugs).
11503	914.14 (2)	3rd	Witnesses accepting bribes.
11504	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
11505	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
11506	918.12	3rd	Tampering with jurors.

PCB

CHAPTER 379

2008

11507			(e) LEVEL 5
11507	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
11508	316.1935 (3)	3rd	Aggravated fleeing or eluding.
11509	322.34 (3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
11510	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
11511	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
11512			

PCB

CHAPTER 379

2008

11513

790.01 (2) 3rd Carrying a concealed
firearm.

11514

790.162 2nd Threat to throw or
discharge
destructive device.

11515

790.163 2nd False report of
deadly explosive.

11516

790.165 (2) 3rd Manufacture, sell,
possess, or deliver
hoax bomb.

11517

790.221 (1) 2nd Possession of short-
barreled shotgun or
machine gun.

11518

790.23 2nd Felons in possession
of firearms or
electronic weapons
or devices.

806.111 (1) 3rd Possess,
manufacture, or
dispense fire bomb
with intent to

PCB

CHAPTER 379

2008

11519	812.019 (1)	2nd	damage any structure or property. Stolen property; dealing in or trafficking in.
11520	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
11521	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
11522	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
11523	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual

PCB

CHAPTER 379

2008

11524	843.01	3rd	conduct by a child. Resist officer with violence to person; resist arrest with violence.
11525	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
11526	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), or (2) (b) drugs).
11527	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c), (3), or (4)

PCB

CHAPTER 379

2008

11528

893.13 (1) (d) 1.

1st

drugs) within 1,000 feet of a child care facility or school.

Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), or (2) (b) drugs) within 200 feet of university, public housing facility, or public park.

11529

893.13 (1) (e)

2nd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c), (3), or (4) drugs) within 1,000 feet of property used for religious services or a specified business site.

PCB

CHAPTER 379

2008

11530

893.13 (4) (b) 2nd Deliver to minor
cannabis (or other
s. 893.03(1) (c),
(2) (c), (3), or (4)
drugs).

11531

(f) LEVEL 6

11532

316.027 (1) (b) 2nd Accident involving
death, failure to
stop; leaving scene.

11533

316.193 (2) (b) 3rd Felony DUI, 4th or
subsequent
conviction.

11534

775.0875 (1) 3rd Taking firearm from
law enforcement
officer.

11535

775.21 (9) 3rd Failure to register;
failure to renew
driver's license or
identification card.

11536

784.021 (1) (a) 3rd Aggravated assault;

PCB

CHAPTER 379

2008

			deadly weapon without intent to kill.
11537	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
11538	784.041	3rd	Felony battery.
11539	784.048 (3)	3rd	Aggravated stalking; credible threat.
11540	784.048 (5)	3rd	Aggravated stalking of person under 16.
11541	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
11542	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
11543	784.081 (2)	2nd	Aggravated assault on specified official or

PCB

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2008

11544	784.082 (2)	2nd	employee. Aggravated assault by detained person on visitor or other detainee.
11545	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
11546	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
11547	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
11548	790.164 (1)	2nd	False report of deadly explosive or act of arson or violence to state property.

PCB

CHAPTER 379

2008

11549	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
11550	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
11551	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
11552	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
11553	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
11554	812.014 (2) (b)	2nd	Property stolen \$20,000 or more, but

PCB

CHAPTER 379

2008

11555	812.13 (2) (c)	2nd	less than \$100,000, grand theft in 2nd degree.
11556	817.034 (4) (a) 1.	1st	Robbery, no firearm or other weapon (strong-arm robbery).
11557	817.4821 (5)	2nd	Communications fraud, value greater than \$50,000.
11558	825.102 (1)	3rd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
11559	825.102 (3) (c)	3rd	Abuse of an elderly person or disabled adult.
11560			Neglect of an elderly person or disabled adult.

PCB

CHAPTER 379

2008

11561	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
11562	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
11563	827.03 (1)	3rd	Abuse of a child.
11564	827.03 (3) (c)	3rd	Neglect of a child.
11565	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
11566	836.05	2nd	Threats; extortion.
	836.10	2nd	Written threats to kill or do bodily injury.

PCB

CHAPTER 379

2008

11567

843.12

3rd

Aids or assists
person to escape.

11568

914.23

2nd

Retaliation against
a witness, victim,
or informant, with
bodily injury.

11569

943.0435 (6)

3rd

Sex offenders;
failure to comply
with reporting
requirements.

11570

944.35 (3) (a) 2.

3rd

Committing malicious
battery upon or
inflicting cruel or
inhuman treatment on
an inmate or
offender on
community
supervision,
resulting in great
bodily harm.

11571

944.40

2nd

Escapes.

11572

PCB

CHAPTER 379

2008

11573	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
11574	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
11575	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
11576			(g) LEVEL 7
11577	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
11578	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
	409.920 (2)	3rd	Medicaid provider

PCB

CHAPTER 379

2008

11579

494.0018(2)

1st

fraud.

Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

11580

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

11581

782.071(1)

3rd

Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).

11582

PCB

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2008

11583	782.072 (1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
11584	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
11585	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
11586	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
11587	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
11587	784.07 (2) (d)	1st	Aggravated battery on law enforcement

PCB

CHAPTER 379

2008

11588			officer.
11588	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
11589	784.081 (1)	1st	Aggravated battery on specified official or employee.
11590	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
11591	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
11592	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
11593			

PCB

CHAPTER 379

2008

11594

796.03

2nd

Procuring any person under 16 years for prostitution.

11595

800.04

2nd

Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.

11596

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

11597

810.02 (3) (a)

2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

11598

810.02 (3) (b)

2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

810.02 (3) (d)

2nd

Burglary of occupied conveyance; unarmed; no assault or

PCB

CHAPTER 379

2008

11599	812.014 (2) (a)	1st	<p>battery.</p> <p>Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.</p>
11600	812.019 (2)	1st	<p>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</p>
11601	812.133 (2) (b)	1st	<p>Carjacking; no firearm, deadly weapon, or other weapon.</p>
11602	825.102 (3) (b)	2nd	<p>Neglecting an elderly person or disabled adult causing great bodily</p>

PCB

CHAPTER 379

2008

11603

825.1025 (2)

2nd

harm, disability, or
disfigurement.

Lewd or lascivious
battery upon an
elderly person or
disabled adult.

11604

825.103 (2) (b)

2nd

Exploiting an
elderly person or
disabled adult and
property is valued
at \$20,000 or more,
but less than
\$100,000.

11605

827.03 (3) (b)

2nd

Neglect of a child
causing great bodily
harm, disability, or
disfigurement.

11606

827.04 (4)

3rd

Impregnation of a
child under 16 years
of age by person 21
years of age or
older.

11607

PCB

CHAPTER 379

2008

11608

837.05 (2)

3rd

Giving false information about alleged capital felony to a law enforcement officer.

11609

872.06

2nd

Abuse of a dead human body.

11610

893.13 (1) (c) 1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), or (2) (b) drugs) within 1,000 feet of a child care facility or school.

893.13 (1) (e)

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), or (2) (b) drugs) within 1,000 feet of property

PCB

CHAPTER 379

2008

11611	893.13(4)(a)	1st	used for religious services or a specified business site.
11612	893.135(1)(a)1.	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
11613	893.135(1)(b)1.a.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
11614	893.135(1)(c)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
11615			Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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2008

11616	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
11617	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
11618	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
11619	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
11620			(h) LEVEL 8
11621	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
11622	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.

PCB

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2008

11623

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

11624

782.04 (4)

2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

11625

782.071 (2)

2nd

Committing vehicular homicide and failing to render aid or give information.

11626

782.072 (2)

2nd

Committing vessel homicide and failing to render aid or give information.

PCB

CHAPTER 379

2008

11627

790.161 (3)

1st

Discharging a destructive device which results in bodily harm or property damage.

11628

794.011 (5)

2nd

Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

11629

806.01 (1)

1st

Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

11630

810.02 (2) (a)

1st, PBL

Burglary with assault or battery.

11631

810.02 (2) (b)

1st, PBL

Burglary; armed with explosives or dangerous weapon.

PCB

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2008

11632	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
11633	812.13 (2) (b)	1st	Robbery with a weapon.
11634	812.135 (2)	1st	Home-invasion robbery.
11635	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
11636	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
11637	827.03 (2)	2nd	Aggravated child abuse.
	837.02 (2)	2nd	Perjury in official

PCB

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2008

11638	837.021 (2)	2nd	proceedings relating to prosecution of capital felony.
11639	860.121 (2) (c)	1st	Making contradictory statements in official proceedings relating to prosecution of capital felony.
11640	860.16	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
11641	893.13 (1) (b)	1st	Aircraft piracy.
11642	893.13 (2) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b). Purchase in excess of 10 grams of any

PCB

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2008

11643	893.13 (6) (c)	1st	substance specified in s. 893.03(1) (a) or (b).
11644	893.135 (1) (a) 2.	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
11645	893.135 (1) (b) 1.b.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
11646	893.135 (1) (c) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
11647	893.135 (1) (d) 2.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
			Trafficking in phencyclidine, more

PCB

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2008

11648	893.135 (1) (e) 2.	1st	than 200 grams, less than 400 grams.
11649	893.135 (1) (f) 2.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
11650	893.135 (1) (g) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
11651	895.03 (1)	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
11652	895.03 (2)	1st	Use or invest proceeds derived from pattern of racketeering activity.
			Acquire or maintain through racketeering

PCB

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2008

11653	895.03 (3)	1st	activity any interest in or control of any enterprise or real property.
11654			Conduct or participate in any enterprise through pattern of racketeering activity.
11655	316.193 (3) (c) 3.b.	1st	(i) LEVEL 9
11656	782.04 (1)	1st	DUI manslaughter; failing to render aid or give information.
11657	782.04 (3)	1st, PBL	Attempt, conspire, or solicit to commit premeditated murder.
			Accomplice to murder in connection with arson, sexual

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2008

11658	782.07 (2)	1st	battery, robbery, burglary, and other specified felonies.
11659	782.07 (3)	1st	Aggravated manslaughter of an elderly person or disabled adult.
11660	787.01 (1) (a) 1.	1st, PBL	Aggravated manslaughter of a child.
11661	787.01 (1) (a) 2.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
11662	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
			Kidnapping with intent to interfere with performance of

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2008

11663

787.02 (3) (a)

1st

any governmental or political function.

False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.

11664

790.161

1st

Attempted capital destructive device offense.

11665

794.011 (2)

1st

Attempted sexual battery; victim less than 12 years of age.

11666

794.011 (2)

Life

Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

11667

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2008

11668	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
11669	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
11670	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
11671	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
11672	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.

PCB

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2008

11673

847.0145(2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

11674

859.01

1st

Poisoning food, drink, medicine, or water with intent to kill or injure another person.

11675

893.135

1st

Attempted capital trafficking offense.

11676

893.135(1)(a)3.

1st

Trafficking in cannabis, more than 10,000 lbs.

11677

893.135(1)(b)1.c.

1st

Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

893.135(1)(c)1.c.

1st

Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

PCB

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2008

11678

893.135 (1) (d) 3. 1st Trafficking in
phencyclidine, more
than 400 grams.

11679

893.135 (1) (e) 3. 1st Trafficking in
methaqualone, more
than 25 kilograms.

11680

893.135 (1) (f) 3. 1st Trafficking in
amphetamine, more
than 200 grams.

11681

(j) LEVEL 10

11682

782.04 (2) 1st, PBL Unlawful killing of
human; act is
homicide,
unpremeditated.

11683

787.01 (1) (a) 3. 1st, PBL Kidnapping; inflict
bodily harm upon or
terrorize victim.

11684

787.01 (3) (a) Life Kidnapping; child
under age 13,
perpetrator also

PCB

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2008

11685	794.011 (3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
11686	876.32	1st	Treason against the state.
11687	Section 210. Paragraphs (b) and (c) of subsection (3) of		
11688	section 921.0022, Florida Statutes, are amended to read:		
11689	921.0022 Criminal Punishment Code; offense severity		
11690	ranking chart.--		
11691	(3) OFFENSE SEVERITY RANKING CHART		
11692	(b) LEVEL 2		
11693	Florida	Felony	Description
11694	Statute	Degree	
11695			

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2008

11696

379.320 (1) (e) 3

3rd

Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

~~370.12(1)(e)3.~~

11697

379.320 (1) (e) 4

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

~~370.12(1)(e)4.~~

11698

403.413 (5) (c)

3rd

Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

517.07

3rd

Registration of securities and furnishing of prospectus required.

11699

590.28 (1)

3rd

Willful, malicious,

PCB

CHAPTER 379

2008

11700

784.05 (3)

3rd

or intentional
burning.

Storing or leaving a
loaded firearm
within reach of
minor who uses it to
inflict injury or
death.

11701

787.04 (1)

3rd

In violation of
court order, take,
entice, etc., minor
beyond state limits.

11702

806.13 (1) (b) 3.

3rd

Criminal mischief;
damage \$1,000 or
more to public
communication or any
other public
service.

11703

810.061 (2)

3rd

Impairing or
impeding telephone
or power to a
dwelling;
facilitating or

PCB

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2008

11704	810.09 (2) (e)	3rd	furthering burglary. Trespassing on posted commercial horticulture property.
11705	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
11706	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
11707	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
11708	817.234 (1) (a) 2.	3rd	False statement in

PCB

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2008

11709	817.481 (3) (a)	3rd	support of insurance claim. Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
11710	817.52 (3)	3rd	Failure to redeliver hired vehicle.
11711	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
11712	817.60 (5)	3rd	Dealing in credit cards of another.
11713	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
11714	817.61	3rd	Fraudulent use of

PCB

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2008

11715			credit cards over \$100 or more within 6 months.
11715	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
11716	831.01	3rd	Forgery.
11717	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
11718	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
11719	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
11720			

PCB

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2008

11721	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
11722	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
11723	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
11724	843.08	3rd	Falsely impersonating an officer.
11725	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.

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2008

11726
11727
11728
11729
11730
11731
11732
11733

893.147 (2) 3rd Manufacture or
delivery of drug
paraphernalia.

(c) LEVEL 3

Florida Statute Felony Degree Description

119.10 (2) (b) 3rd Unlawful use of
confidential
information from
police reports.

316.066 (6) (b) - (d) 3rd Unlawfully obtaining
or using
confidential crash
reports.

316.193 (2) (b) 3rd Felony DUI, 3rd
conviction.

316.1935 (2) 3rd Fleeing or
attempting to elude
law enforcement
officer in patrol

PCB

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2008

11734

319.30 (4)

3rd

vehicle with siren
and lights
activated.

11735

319.33 (1) (a)

3rd

Possession by
junkyard of motor
vehicle with
identification
number plate
removed.

Alter or forge any
certificate of title
to a motor vehicle
or mobile home.

11736

319.33 (1) (c)

3rd

Procure or pass
title on stolen
vehicle.

11737

319.33 (4)

3rd

With intent to
defraud, possess,
sell, etc., a blank,
forged, or
unlawfully obtained
title or
registration.

PCB

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2008

11738

327.35 (2) (b)

3rd

Felony BUI.

11739

328.05 (2)

3rd

Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

11740

328.07 (4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

11741

379.320 (1) (e) 5.

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests

~~370.12 (1) (e) 5.~~

PCB

CHAPTER 379

2008

11742

379.320 (1) (e) 6.
~~370.12(1)(e)6.~~

3rd

in violation of the
Marine Turtle
Protection Act.

Soliciting to commit
or conspiring to
commit a violation
of the Marine Turtle
Protection Act.

11743

376.302 (5)

3rd

Fraud related to
reimbursement for
cleanup expenses
under the Inland
Protection Trust
Fund.

11744

400.903 (3)

3rd

Operating a clinic
without a license or
filing false license
application or other
required
information.

11745

440.1051 (3)

3rd

False report of
workers'
compensation fraud

PCB

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2008

11746	501.001 (2) (b)	2nd	or retaliation for making such a report.
11747	624.401 (4) (a)	3rd	Tampers with a consumer product or the container using materially false/misleading information.
11748	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority.
11749	626.902 (1) (a) & (b)	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
11750			Representing an unauthorized insurer.

PCB

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2008

11751	697.08	3rd	Equity skimming.
11752	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
11753	796.05 (1)	3rd	Live on earnings of a prostitute.
11754	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
11755	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

PCB

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2008

11756	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
11757	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
11758	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
11759	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
11760	817.233	3rd	Burning to defraud insurer.
11761	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of

PCB

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2008

11762	817.234 (11) (a)	3rd	persons involved in motor vehicle accidents.
11763	817.236	3rd	Insurance fraud; property value less than \$20,000.
11764	817.2361	3rd	Filing a false motor vehicle insurance application.
11765	817.413 (2)	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
11766	817.505 (4)	3rd	Sale of used goods as new.
11767	828.12 (2)	3rd	Patient brokering.
			Tortures any animal with intent to inflict intense pain, serious

PCB

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2008

11768	831.28 (2) (a)	3rd	physical injury, or death. Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
11769	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
11770	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
11771	843.19	3rd	Injure, disable, or kill police dog or horse.
11772	860.15 (3)	3rd	Overcharging for

PCB

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2008

11773

870.01 (2)

3rd

repairs and parts.

Riot; inciting or encouraging.

11774

893.13 (1) (a) 2.

3rd

Sell, manufacture, or deliver cannabis (or other s.

893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).

11775

893.13 (1) (d) 2.

2nd

Sell, manufacture, or deliver s.

893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of university.

11776

893.13 (1) (f) 2.

2nd

Sell, manufacture,

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2008

			<p>or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.</p>
11777	893.13(6)(a)	3rd	<p>Possession of any controlled substance other than felony possession of cannabis.</p>
11778	893.13(7)(a)8.	3rd	<p>Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.</p>
11779	893.13(7)(a)9.	3rd	<p>Obtain or attempt to obtain controlled</p>

PCB

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2008

11780

893.13 (7) (a) 10.

3rd

substance by fraud,
forgery,
misrepresentation,
etc.

Affix false or
forged label to
package of
controlled
substance.

11781

893.13 (7) (a) 11.

3rd

Furnish false or
fraudulent material
information on any
document or record
required by chapter
893.

11782

893.13 (8) (a) 1.

3rd

Knowingly assist a
patient, other
person, or owner of
an animal in
obtaining a
controlled substance
through deceptive,
untrue, or
fraudulent

11783

893.13 (8) (a) 2.

3rd

representations in
or related to the
practitioner's
practice.

Employ a trick or
scheme in the
practitioner's
practice to assist a
patient, other
person, or owner of
an animal in
obtaining a
controlled
substance.

11784

893.13 (8) (a) 3.

3rd

Knowingly write a
prescription for a
controlled substance
for a fictitious
person.

11785

893.13 (8) (a) 4.

3rd

Write a prescription
for a controlled
substance for a
patient, other
person, or an animal

11786	918.13 (1) (a)	3rd	if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
11787	944.47 (1) (a) 1.-2.	3rd	Alter, destroy, or conceal investigation evidence.
11788	944.47 (1) (c)	2nd	Introduce contraband to correctional facility.
11789	985.721	3rd	Possess contraband while upon the grounds of a correctional institution. Escapes from a juvenile facility (secure detention or residential commitment facility).

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11790 Section 211. Paragraph (e) of subsection (6) of section
 11791 932.7055, Florida Statutes, is amended to read:
 11792 932.7055 Disposition of liens and forfeited property.--
 11793 (6) If the seizing agency is a state agency, all remaining
 11794 proceeds shall be deposited into the General Revenue Fund.
 11795 However, if the seizing agency is:
 11796 (e) The Fish and Wildlife Conservation Commission, the
 11797 proceeds accrued pursuant to the provisions of the Florida
 11798 Contraband Forfeiture Act shall be deposited into the State Game
 11799 Trust Fund as provided in ss. 379.620, 379.621, and 379.622
 11800 ~~372.73, 372.9901, and 372.9904~~, into the Marine Resources
 11801 Conservation Trust Fund as provided in s. 379.619 ~~370.061~~, or
 11802 into the commission's Federal Law Enforcement Trust Fund as
 11803 provided in s. 379.205 ~~372.107~~, as applicable.
 11804 Section 212. This act shall take effect July 1, 2008.