

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ENRC 08-02 FWCC Consolidation
SPONSOR(S): Environment & Natural Resources Council
TIED BILLS: IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|-----------|---------------------|----------------|
| Orig. Comm.: Environment & Natural Resources Council | 14 Y, 0 N | Zeiler / Bellflower | Dixon / Hamby |
| Committee on Conservation & State Lands | 10 Y, 0 N | Zeiler | Zeiler |
| 1) _____ | _____ | _____ | _____ |
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| 4) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

The bill consolidates chapters 370 and 372, F.S., relating to the regulation of wild animal life, freshwater aquatic life, and marine life into one combined chapter 379, F.S. The bill provides intent language. Each section of both chapters of existing law is renumbered into a new chapter and conforming cross-references are provided.

The bill repeals obsolete provisions of law. Obsolete provisions include statutory provisions clearly under the purview of the Florida Fish and Wildlife Conservation Commission's (FWCC) constitutional authority and provisions that have expired pursuant to specified dates.

The bill provides an effective date, July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides limited Government: The bill consolidates two chapters of law into one organized chapter.

B. EFFECT OF PROPOSED CHANGES:

Background

In 1998, Florida voters amended the Florida Constitution by approving a revision proposed by the Constitutional Revision Commission that created the Florida Fish and Wildlife Conservation Commission (FWCC). The revision, known as revision 5¹, is presently found in Article IV, Section 9, and Article XII, Section 23 of the Florida Constitution.

Article IV, Section 9 of the Florida Constitution established and describes the Fish and Wildlife Conservation Commission and states: "There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from license fees for the taking of wild animal life and fresh water aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution."

Article XII, SECTION 23² of the Florida Constitution provides additional instructions regarding the establishment of the "Fish and Wildlife Conservation Commission.—

(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the marine fisheries commission who are serving on those

¹ Proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

² This section, originally designated section 22 by Revision No. 5 of the Constitution Revision Commission, 1998, was redesignated section 23 by the editors in order to avoid confusion with section 22 as created in H.J.R. 969, 1997.

commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the commission shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than seven members remaining.

(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.

(c) On the effective date of this amendment, the marine fisheries commission and game and fresh water fish commission shall be abolished.

(d) This amendment shall take effect July 1, 1999.”

Prior to the adoption of the 1998 amendment, regulation of Florida's wild animal life, freshwater aquatic life, and marine life was performed primarily by three separate agencies: the Game and Freshwater Fish Commission, the Marine Fisheries Commission and the Department of Environmental Protection. The amendment abolished the Game and Fresh Water Fish Commission and the Marine Fisheries Commission.

The 1998 amendment consolidated the functions performed by the Marine Fisheries Commission and the Game and Freshwater Fish Commission into the FWCC, and granted the FWCC the executive and regulatory powers of the state over wild animal life and fresh water aquatic life. In addition, the FWCC was granted executive and regulatory powers over marine species. With respect to threatened or endangered marine species, the Florida Supreme Court has ruled that the Department of Environmental Protection and the FWCC share regulatory authority.³ The amendment authorizes the Legislature to: (1) establishing fees and penalties, (2) adopting laws in aid of the FWCC, and (3) appropriating funds.

Chapters 370 and 372, F.S., currently provide the statutory authority for the FWCC to carry out its regulatory responsibilities. Chapter 370, F.S., contains provisions regulating saltwater fisheries and marine life, while Chapter 372, F.S., contains provisions regulating wildlife and freshwater aquatic life. The FWCC administers the provisions of both chapters.

While numerous revisions have since taken place, many provisions in these two statutes have not been revised since the FWCC was created in 1999 to consolidate functions performed by the Marine Fisheries Commission and the Game and Freshwater Fish Commission. Therefore, the provisions in these chapters often appear inconsistent and/or ambiguous

³ Caribbean Conservation Corporation, Inc. v. Florida Fish and Wildlife Conservation Commission, 838 So.2d 492, 501-502 (Fla. 2003). Wherein the Court found, "... we must also construe article XII, section 23, with article IV, section 9 When the two constitutional sections are read together, we conclude that the provisions gave to the FWCC regulatory and executive powers with respect to marine life, including the regulatory and executive powers of the Marine Commission in effect on March 1, 1998. However, whether this gave to the FWCC regulatory and executive powers over all marine life depends on whether regulatory and executive powers over some marine life remained with other agencies after the voters approved the revision 5 amendments. We find that such power did remain with the DEP regarding endangered and threatened species of marine life."

Since 1999, the House of Representatives has conducted two related interim projects; a statutory repeal project (February 2003) and Rewrite of Chapters 370 and 372, F.S., (January 2006). The House Committee on Natural Resources completed an interim project on this issue in 2003-2004. House staff conducted a section-by-section legal analysis of Chapters 370 and 372, F.S., in consultation with the FWCC, resulting in draft legislation. The main goal of this legislation was to consolidate Chapters 370 and 372, F.S., into one chapter that consistently and clearly addresses issues related to FWCC. In addition to consolidating language, the draft legislation makes changes to ensure the statutory provisions are consistent with provisions of the Constitution related to the regulation of wild animal life, freshwater aquatic life, and marine life. Although it is well settled that the Constitution vests in the FWCC exclusive power of the state to regulate wild animal life and freshwater aquatic life, the extent of the FWCC's jurisdiction with respect to marine life is not as well-defined and appears to be less extensive. Therefore, a review of the constitutional delegation of authority was necessary in order to determine whether a statutory provision is within the Legislature's constitutional authority to enact. Lastly, the legislation repeals statutory provisions that appear to be outdated or unnecessary.

Although draft legislation was completed as part of the House interim project, it was never filed. The interim report recommended filing the legislation in the 2005 Regular Session, at which time the FWCC reorganization was expected to be substantially complete. The filing of proposed legislation was delayed in anticipation of the sunset review of FWCC, which is underway during the 2008 Legislative Session to take place this year.

Present Situation

Chapters 370 and 372, F.S., provide the FWCC the necessary statutory authority to exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, as well as regulatory and executive powers of the state with respect to and marine life. These chapters include all license fees for taking wild animal life, fresh water aquatic life and marine life; and the penalties for violating regulations of the commission.

The House Committee on Conservation and State Lands held two public workshops in committee and held two public workgroup meetings between the two public workshops. These four meetings represent the committee's efforts to develop the bill in an open forum with public input.

Effects of Proposed Change

The bill provides intent language that no substantive changes were intended by combining chapters 370 and 372, F.S. The intent language further provides that the combined chapter is not intended to expand any constitutional authority of the FWCC or grant any additional Legislative authority to the FWCC.

The bill combines chapters 370 and 372, F.S., into chapter 379 F.S., which is organized into eight parts:

- Part I - "General Provisions" comprised of s. 379.100 through s.379.237, F.S.
- Part II - "Marine Life" comprised of s. 379.2401 through s.379.2525, F.S.
- Part III - "Fresh Water Aquatic Life" comprised of s. 379.280, F.S.
- Part VI - "Wild Animal Life" comprised of s. 379.3001 through s.379.3063, F.S.
- Part V - "Law Enforcement" comprised of s. 379.330 through s.379.343, F.S.

Part VI - "Licenses for Recreational Activities" comprised of s. 379.350 through s.379.3582, F.S.

Part VII - "Licenses for Non-Recreational Activities" comprised of s. 379.360 through s.379.377, F.S.

Part VIII- "Penalties" comprised of s. 379.400 through s.379.414, F.S.

Conforming cross-reference revisions are provided.

Repealed Provisions

Section 370.081, F.S., "Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations" (Bill Section 206):

This provision of statute governs the importation and possession of marine plants or marine animals, not indigenous to the state. The provision provides exceptions to the prohibition, as well as penalties for violations and rulemaking authority. Under chapter 120, F.S., FWCC has adopted chapter 68E-1, Florida Administrative Code (F.A.C.), "Permits for the collection and possession of indigenous saltwater animals for experimental, scientific, educational or exhibitional purposes. According to FWCC, the exemption provisions were added to statute for an entertainment park exhibition that never came to fruition and no permits have been issued. After repeal, Chapter 68-5, F.A.C., governs non-native species and specifically prohibits the importation, sale, or transport of any live specimen or eggs, with listed exceptions.

Section 370.0821, F.S., "St. Johns County; use of nets" (Bill Section 206):

This provision of statute provides a prohibition of any net other than a common recreational cast net in certain salt waters of St Johns County without a permit from the FWCC. The statute was adopted by the 1977 Legislature prior to the creation of FWCC. The Marine Fishery Commission had exclusive rulemaking authority regarding the regulation of gear and that authority was transferred to FWCC. Currently, the FWCC rule, chapter 68B-3.006 F.A.C., "St. Johns County, Use of Nets", would continue to govern this activity. Since the Constitutional Amendment that provided the Net Limitation, the net license for St. Johns County has not been sought by fishers or sold by the agency.

Section 370.09, F.S., "Industrial hazards; oil deposits discharge prohibited" (Bill Section 206):

This provision of statute prohibits the discharge oil into saltwaters of the state. Current provisions in chapter 403, F.S., provide the Department of Environment Protection authority to regulate air and water pollution on a statewide basis. Specifically, s. 403.061, F.S., states "Department; powers and duties.--The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it..." The provisions of chapter 403, F.S., will continue to govern the discharge of oil into the saltwater of the state.

Section 370.1105, F.S., "Saltwater finfish; fishing traps regulated" (Bill Section 206):

This provision of statute governs the types of traps authorized to take marine species in Florida waters and prohibits possession of any other type of trap or take or sale of any finfish taken by such other trap. FWCC has exclusive rulemaking authority regarding the regulation of gear. FWCC has adopted chapters 68B-4.020(1), 68B-14.005(1), and 68B-31.007(2), F.A.C., to replace subsection (1) of this statute relating to saltwater traps, and Rule 68B-4.020(2), F.A.C.,

to replace subsection (2) of the statute prohibiting use of any other type of trap to take finfish. The penalty provisions are covered in remaining penalty provisions of the bill.

Section 370.15, F.S., "Shrimp; regulation" (Bill Section 213):

This provision of statute establishes the state's policy with respect to regulation of the shrimp fishery, establishes closures, both areal and seasonal, and regulates shrimp traps. The FWCC has authority to establish rules that regulate gear specifications; prohibited gear; bag limits; size limits; species that may not be sold; closed areas, except for public health purposes; quality control, except for oysters, clams, mussels, and crabs; seasons; and special considerations relating to eggbearing females. The FWCC has adopted chapter 68B-31.0157, F.A.C., which is a seasonal nighttime shrimp closure on the Atlantic Ocean; chapter 68B-31.007(2)(e), F.A.C., relating to shrimp traps; chapter 68B-31.018(9), F.A.C., relating to a shrimping closure in Santa Rosa Sound; chapter 68B-31.0136, F.A.C., closing a portion of Monroe County to shrimp harvest. The requirement that shrimp trawlers operate pursuant to a Saltwater Products License (SPL) can be eliminated without an FWCC replacement rule because s. 370.06, F.S., requires all commercial harvesters of saltwater products to have the SPL License. Paragraphs (5)(b) and (6)(b) of the statute are penalty provisions that are retained. The penalty provisions are covered in remaining penalty provisions of the bill.

Section 370.155, F.S., "Regulation of shrimp fishing in a designated area" (Bill Section 214):

This provision of statute establishes a closure to shrimping for a specified area in Gulf and Franklin Counties. It was invalidated in 1978 by Franklin County Court Judge Eldon McCloud and has not been enforced since. It is repealed without a replacement FWCC rule in place.

Section 372.0225, F.S., Freshwater organisms (Bill Section 215):

This provision of statute charges the FWCC with the effective regulation of commercial freshwater fish production "to produce the optimum sustained yield consistent with the protection of the breeding stock," but makes it clear that the FWCC is not to supersede or duplicate the Department of Agriculture and Consumer Services in the regulation of aquaculture. All functions covered by this statute are either covered by FWCC's authority under Article IV, Section 9 of the Florida Constitution, or statutes governing aquaculture.

Section 372.107, F.S., "Federal Law Enforcement Trust Fund" (Bill Section 216):

The provision of statute creates the Federal Law Enforcement Trust Fund, which was repealed in 2005 (2005-17, L.O.F.)

Section 372.27, F.S., "Silver Springs and Rainbow Springs" (Bill Section 217):

This provision of statute closes Silver Springs and Rainbow Springs to fishing. The Department of Environmental Protection has rulemaking authority for state parks to prohibit fishing.

Section 372.667, F.S., Feeding or enticement of alligators or crocodiles unlawful; penalty” (Bill Section 206):

This provision of statute prohibits the feeding of alligators or crocodiles, with exception of those in protective captivity or FWCC employees or agents involved in relocation. These provisions are adequately covered by FWCC Rule 68A-25.001, F.A.C. The penalty provisions are covered in remaining penalty provisions of the bill.

Section 372.85, F.S., “Contaminating fresh waters” (Bill Section 206):

This provision of statute prohibits the contamination the freshwaters of the state. Current provisions in chapter 403, F.S., provide the Department of Environment Protection authority to regulate air and water pollution on a statewide basis. Specifically, section 403.061, F.S., states “Department; powers and duties.--The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it....” The provision of chapter 403, F.S., will continue to govern the discharge of contaminants into the freshwaters of the state.

Section 372.98, F.S., “Possession of nutria; license; inspection; penalty for violation” (Bill Section 206):

This provision of statute prohibits the release of nutria in the state, sets a fee to possess nutria in captivity, requires secure housing of nutria pursuant to FWCC regulations, allows FWCC to inspect such facilities, and establishes a penalty. Current Class III captive wildlife rules in Rule Chapter 68A-6, F.A.C., adequately provide for the control of nutria. According to the FWCC, the \$25 permit authorized in subsection (2) has not been issued due to lack of demand.

Section 372.981, F.S., “Regulation of importation of caiman” (Bill Section 206):

This provision of statute directs the FWC to adopt rules to control the importation of caiman. Current Class III captive wildlife rules in Rule Chapter 68A-6, F.A.C., adequately provide for the control of caimans. The statute is unnecessary and the subject is within FWCC’s authority under Article IV, Section 9 of the Florida Constitution.

Section 372.993, F.S., “Land-based commercial and recreational fishing activities; legislative findings and purpose; definitions; legal protection; local ordinances; prohibited activity” (Bill Section 206):

This provision of statute duplicated in s. 370.1103, F.S., and remains in the bill as 379.2351, F.S., (Bill Section 56).

C. SECTION DIRECTORY:

Section 1: Creates Chapter 379, F.S., comprised of ss. 379.100 through 379.413, F.S., and provides a title "Fish and Wildlife Conservation".

Section 2: Creates Part I of chapter 379, F.S., consisting of ss. 379.101, 379.102, 379.1025, 379.10255, 379.103, 379.104, 379.105, 379.106, 379.201, 379.202, 379.202, 379.203, 379.204, 379.205, 379.206, 379.207, 379.208, 379.209, 379.211, 379.2201, 379.2202, 379.2203, 379.2211, 379.2212, 379.2213, 379.2221, 379.2222, 379.2223, 379.2224, 379.2225, 379.223, 379.224, 379.2251, 379.2252, 379.2253, 379.2254, 379.2255, 379.2256, 379.2257, 379.2258, 379.2259, 379.226, 379.2271, 379.2272, 379.2281, 379.2282, 379.2291, 379.2292, 379.230, 379.231, 379.232, 379.233, 379.2341,

379.2342, 379.2351, 379.2352, 379.2353, 379.236, and 379.237, F.S., and provides a title "General Provisions".

- Section 3:** Section 370.01, F.S., is renumbered as s. 379.101, F.S., and is amended to include the definitions from s.372.001, F.S. Definitions are provided to be used in construing the newly created chapter 379, F.S. The definition for resident is amended to provide consistency in application.
- Section 4:** Section 372.01, F.S., is renumbered as s. 379.102, F.S., providing for the membership, appointment of a chair and the compensation of FWCC members.
- Section 5:** Section 372.021, F.S., is renumbered as s. 379.1025, F.S., providing for the powers, duties, and authority of the FWCC in adopting rules, regulations, and orders.
- Section 6:** Section 372.03, F.S., is renumbered as s. 379.10255, F.S., providing for the authority to establish a headquarters for the FWCC.
- Section 7:** Section 372.05, F.S., is renumbered as s. 379.103, F.S., providing for the duties of executive director of the FWCC.
- Section 8:** Section 372.002, F.S., is renumbered as s. 379.104, F.S., providing citizens of Florida the right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by general law and the rules of the FWCC.
- Section 9:** Section 372.705, F.S., is renumbered as s. 379.105, F.S., and is amended to provide conforming cross-references. The harassment of individuals attempting to take fish or game is prohibited and penalties are provided.
- Section 10:** Section. 370.023, F.S., is renumbered as s. 379.106, F.S., providing for the administration of FWCC grant programs and requiring the rules providing for the administration of such grant programs to be established under chapter 120, F.S., procedures.
- Section 11:** Section 372.101, F.S., is renumbered as s. 379.201, F.S., providing for the establishment of the Administrative Trust Fund and its authorized uses.
- Section 12:** Section 372.127, F.S., is renumbered as s. 379.202, F.S., providing for the establishment of the Conservation and Recreation Lands Program Trust Fund and its authorized uses.
- Section 13:** Section 372.106, F.S., is renumbered as s. 379.203, F.S., and is amended to provide conforming cross-references. The Dedicated License Trust Fund is established and its authorized uses are provided.
- Section 14:** Section 372.102, F.S., is renumbered as s. 379.204, F.S., providing for the establishment of the Federal Grants Trust Fund and its authorized uses.

- Section 15:** Section 372.672, F.S., is renumbered as s. 379.205, F.S., providing for the establishment of the Florida Panther Research and Management Trust Fund and its authorized uses.
- Section 16:** Section 372.103, F.S., is renumbered as s. 379.206, F.S., providing for the establishment of the Grants and Donations Trust Fund and its authorized uses.
- Section 17:** Section 372.105, F.S., is renumbered as s. 379.207, F.S., and is amended to provide conforming cross-references. The Lifetime Fish and Wildlife Trust Fund is established and its authorized uses are provided.
- Section 18:** Section 370.0603, F.S., is renumbered as s. 379.208, F.S., and is amended to provide conforming cross-references. The Marine Resources Conservation Trust Fund is established and its authorized uses are provided.
- Section 19:** Section 372.991, F.S., is renumbered as s. 379.209, F.S., providing for the establishment of the Nongame Wildlife Trust Fund and its authorized uses.
- Section 20:** Section 372.09, F.S., is renumbered as s. 379.211, F.S., F.S., and is amended to provide conforming cross-references. The State Game Trust Fund is established and its authorized uses provided.
- Section 21:** Section 372.074, F.S., is renumbered as s. 379.212, F.S., providing for the establishment of the Board of Trustees of the Internal Improvement Trust Fund and its authorized uses.
- Section 22:** Section 372.5701, F.S., is renumbered as s. 379.2201, F.S., and is amended to provide conforming cross-references. The deposit and distribution of license fees and allocation of federal funds is authorized. Provisions repealed by 2007-337 L.O.F. are removed from statute.
- Section 23:** Section 372.5702, F.S., is renumbered as s. 379.2202, F.S., and is amended to provide conforming cross-references. The expenditure of funds for grants and contracts for research with certain research institutions is authorized.
- Section 24:** Section 372.72, F.S., is renumbered as s. 379.2203, F.S., providing for the disposition of fines, penalties, and forfeitures. Conforming cross-references are provided.
- Section 25:** Section 372.5712, F.S., is renumbered as s. 379.2211, F.S., and is amended to provide conforming cross-references. The distribution and uses of Florida waterfowl permit revenues is authorized.
- Section 26:** Section 372.5715, F.S., is renumbered as s. 379.2212, F.S., providing for the authorized distribution and uses of Florida wild turkey permit revenues. Conforming cross-references are provided.

- Section 27:** Section 372.573, F.S., is renumbered as s. 379.2213, F.S., providing for the authorized distribution of management area permit revenues. Conforming cross-references are provided.
- Section 28:** Section 372.12, F.S., is renumbered as s. 379.2222, F.S., providing for the acquisition of state game lands.
- Section 29:** Section 372.121, F.S., is renumbered as s. 379.2223, F.S., providing for control and management of state game lands
- Section 30:** Section 372.19, F.S., is renumbered as s. 379.2224, F.S., providing that no property acquired as state game lands, or any private lands used as game refuges, shooting grounds, privileges, hatcheries or breeding grounds for fish, game, birds or fur-bearing animals, except for state-owned lands are exempt from state, county or district taxation.
- Section 31:** Section 372.025, F.S., is renumbered as s. 379.2225, F.S., providing for Everglades recreational sites.
- Section 32:** Section 372.0215, F.S., is renumbered as s. 379.223, F.S., providing for the establishment of citizen support organizations, their use of state property and required audits.
- Section 33:** Section 370.06091, F.S., is renumbered as s. 379.224, F.S., providing for memorandum of agreement between the FWCC and the Fish and Wildlife Research Institute.
- Section 34:** Section 370.103, F.S., is renumbered as s. 379.2251, F.S., providing the FWCC authority to establish agreements with Federal Government for the preservation of saltwater fisheries.
- Section 35:** Section 370.18, F.S., is renumbered as s. 379.2252, F.S., providing the FWCC authority to enter into reciprocity compacts and agreements with other states to allow non-residents to take fish.
- Section 36:** Section 370.19, F.S., is renumbered as s. 379.2253, F.S., providing for the implementation of the Atlantic States Marine Fisheries Compact.
- Section 37:** Section 370.20, F.S., is renumbered as s. 379.2254, F.S., providing for the implementation of the Gulf States Marine Fisheries Compact
- Section 38:** Section 372.831, F.S., is renumbered as s. 379.2255, F.S., and is amended to provide conforming cross-references. The Wildlife Violator Compact Act is authorized and established.
- Section 39:** Section 372.8311, F.S., is renumbered as s. 379.2256, F.S., providing the authority for compact licensing and enforcement and the requirement for administrative review under chapter 120, F.S. Conforming cross-references are provided

- Section 40:** Section 372.74, F.S., is renumbered as s. 379.2257, F.S., authorizing and empowering the FWCC to establish cooperative agreements with U. S. Forest Service. Related fees and penalties are provided.
- Section 41:** Section 372.77, F.S., is renumbered as s. 379.2258, F.S., providing the state's assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the States in Wildlife Restoration Projects, and for other purposes," approved September 2, 1937 (Pub. L. No. 415, 75th Congress).
- Section 42:** Section 372.7701, F.S., is renumbered as s. 379.2259, F.S., and is amended to provide conforming cross-references. The state assents to the provisions of the Federal Aid in Fish Restoration Act of August 9, 1950.
- Section 43:** Section 370.21, F.S., is renumbered as s. 379.226, F.S., and is amended to provide conforming cross-references. This provision establishes the Florida Territorial Waters Act.
- Section 44:** Section s. 370.06092, F.S., is renumbered as s. 379.2271, F.S., providing for the establishment of the Harmful-Algal-Bloom Task Force.
- Section 45:** Section s. 370.06093, F.S., is renumbered as s. 379.2272, F.S., providing for the implementation, goals, and funding of the harmful-algal-bloom program.
- Section 46:** Section 372.97, F.S., is renumbered as s. 379.2281, F.S., providing the FWCC authorization to enter into an agreement of reciprocity with the State of Georgia and the State of Alabama to take game and freshwater fish from the waters of the lake created by the Jim Woodruff Dam.
- Section 47:** Section 372.971, F.S., is renumbered as s. 379.2282, F.S., providing the FWCC authorization to enter into an agreement of reciprocity with the State of Georgia to take game and freshwater fish from the waters of the St. Marys River.
- Section 48:** Section 372.072, F.S., is renumbered as 379.2291, F.S., providing the Endangered and Threatened Species Act.
- Section 49:** Section 372.073, F.S., is renumbered as s. 379.2292, F.S., and is amended to provide conforming cross-references. This provision establishes Endangered and Threatened Species Reward Program.
- Section 50:** Section 372.771, F.S., is renumbered as s. 379.23, F.S., providing limited jurisdiction to the Federal government for acquiring conservation lands for fish and wildlife.
- Section 51:** Section 372.265, F.S., is renumbered as s. 379.231, F.S., and is amended to provide conforming cross-references. The provision provides for the regulation of foreign animals.
- Section 52:** Section 370.03, F.S., is renumbered as s. 379.232, F.S., providing for the regulation of water bottoms of the state.

- Section 53:** Section 372.995, F.S., is renumbered as s. 379.233, F.S., providing for the release of balloons.
- Section 54:** Subsection (7) of s. 370.021, F.S., is renumbered as s. 379.2341, F.S., and is amended to provide conforming cross-references. The provision provides for publications by the FWCC.
- Section 55:** Section 372.0222, F.S., is renumbered as s. 379.2342, F.S., and is amended to provide conforming cross-references. The provision authorizes private publication agreements, advertising, and the costs of production of such publication.
- Section 56:** Section 370.1103, F.S., is renumbered as s. 379.2351, F.S., providing provisions that prohibit a local governing authority from adopting any ordinance that declares any commercial or recreational fishing operation to be a nuisance solely because it is a commercial or recreational fishing operation, or any zoning ordinance that unreasonably forces the closure of any commercial or recreational fishing operation.
- Section 57:** Section 370.27, F.S., is renumbered as s. 379.2352, F.S., providing for the priority consideration of qualified displaced employees formerly employed in the saltwater fishing industry for state employment.
- Section 58:** Section 370.28, F.S., is renumbered as s. 379.2353, F.S., providing for the Office of Tourism, Trade, and Economic Development to identify communities suffering adverse economic impacts from the adoption of the constitutional amendment limiting the use of nets to harvest marine species and to designate enterprise zones.
- Section 59:** Subsection 9 of section 370.021, F.S., is renumbered as s. 379.236, F.S., and is amended to provide conforming cross-references. The provision provides for the retention, destruction, and reproduction of commission records.
- Section 60:** Subsection 10 of section 370.021, F.S., is renumbered as s. 379.237, F.S., and is amended to provide conforming cross-references. The provision provides for jurisdiction of courts of equity.
- Section 61:** Creates Part II of chapter 379, F.S., consisting of ss. 379.2401, 379.2402, 379.2411, 379.2412, 379.2413, 379.2421, 379.2422, 379.2423, 379.2424, 379.2425, 379.2431, 379.2432, 379.2433, 379.244, 379.245, 379.246, 379.247, 379.248, 379.249, 379.25, 379.2511, 379.2512, 379.2521, 379.2522, 379.2523, 379.2524, and 379.2525, F.S., and provides a title "Marine Life".
- Section 62:** Section 370.025, F.S., is renumbered as s. 379.2401, F.S., providing the policies and standards of the state's marine fisheries.
- Section 63:** Section 370.0607, F.S., is renumbered as s. 379.2402, F.S., authorizing the establishment of marine information system.

- Section 64:** Section 370.101, F.S., is renumbered as s. 379.2411, F.S., and is amended to provide conforming cross-references. The provision authorizes the establishment of certain regulations for saltwater fisheries.
- Section 65:** Section 370.102, F.S., is renumbered as s. 379.2412, F.S., and is amended to provide conforming cross-references. The provision prohibits a local government from regulating the taking or possession of saltwater fish. This power is expressly reserved to the state.
- Section 66:** Section 370.11, F.S., is renumbered as s. 379.2413, F.S., providing for the regulation of fishers and equipment. The provisions prohibit the catching of food fish for purposes of making oil. The provision regulating tarpon is repealed; however, the provision for tarpon tags and certain prohibitions are retained. FWCC rules, 68B-32 F.A.C., provide for the regulation of tarpon. The provisions prohibiting the use of explosives and chemicals in marine waters are repealed. FWCC rules, 68B-4.0083 F.A.C., provide for the prohibition for the use of explosives and chemicals.
- Section 67:** Section 370.08, F.S., is renumbered as s. 379.2421, F.S., and is amended to provide conforming cross-references. The provision prohibits the illegal use of nets.
- Section 68:** Section 370.093, F.S., is renumbered as s. 379.2422, F.S., and is amended to provide conforming cross-references. The provision prohibits the use of illegal nets.
- Section 69:** Section 370.092, F.S., is renumbered as s. 379.2423, F.S., and is amended to provide conforming cross-references. The provisions regulate the carriage of proscribed nets across Florida waters.
- Section 70:** Subsection 1 of section 370.143, F.S., is renumbered as s. 379.2424, F.S., and is amended to provide conforming cross-references. The provision authorizes the FWCC to implement a trap retrieval program for retrieval of spiny lobster, stone crab, blue crab, and black sea bass.
- Section 71:** Section 370.172, F.S., is renumbered as s. 379.2425, F.S., providing provisions that prohibit spearfishing within the boundaries of the John Pennekamp Coral Reef State Park.
- Section 72:** Section 370.12, F.S., is renumbered as s. 379.2431, F.S., and is amended to provide conforming cross-references. The provision provides for the regulation of marine animals. Provisions that are time certain and obsolete are repealed.
- Section 73:** Section 370.1201, F.S., is renumbered as s., 379.2432, F.S., providing provisions that require the study of manatees and the establishment of manatee protections.
- Section 74:** Section 370.1202, F.S., is renumbered as s. 379.2433, F.S., providing requirements for an enhanced manatee protection study.
- Section 75:** Section 370.10, F.S., is renumbered as s. 379.244, F.S., providing for the regulation of crustacea, and certain marine animals and fish.

- Section 76:** Section 370.1405, F.S., is renumbered as s. 379.245, F.S., and is amended to provide conforming cross-references. The provisions require spiny lobster reports by dealers during closed season.
- Section 77:** Section 370.151, F.S., is renumbered as s. 379.246, F.S., providing provisions allowing the FWCC to accept gifts for monitoring and enforcement effects in the Tortugas shrimp beds. The provision closing the Tortugas shrimp beds are repealed. FWCC rules, 68B-31.016 F.A.C., provide for the closure of the Tortugas shrimp beds. Penalty provisions are repealed and moved to general penalty section.
- Section 78:** Section 370.153, F.S., is renumbered as s. 379.247, F.S., and is amended to provide conforming cross-references. The provisions provide for the regulation of shrimp fishing in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.
- Section 79:** Section 370.17, F.S., is renumbered as s. 379.248, F.S., and is amended to provide conforming cross-references. The provision provides for the regulation of taking sponges.
- Section 80:** Section 370.25, F.S., is renumbered as s. 379.249, F.S., providing for the state's artificial reef program.
- Section 81:** Section 370.23, F.S., is renumbered as s. 379.25, F.S., providing for the sale of unlawfully landed product.
- Section 82:** Section 370.1601, F.S., is renumbered as s. 379.2511, F.S., and is amended to provide conforming cross-references. The provision provides for the lease of state-owned water bottoms for growing oysters and clams
- Section 83:** Section 370.161, F.S., is renumbered as s. 379.2512, F.S., providing for Oyster bottom land grants made pursuant to chapters 3293 and 1881, L.O.F.
- Section 84:** Section 370.027, F.S., is renumbered as s. 379.2521, F.S., providing for rulemaking authority with respect to marine life. Marine aquaculture producers are to be regulated by the Department of Agriculture and Consumer Services (DACs).
- Section 85:** Section 370.1603, F.S., is renumbered as s. 379.2522, F.S., and is amended to provide conforming cross-references. The provision provides rulemaking authority to DACs for the labeling and tracing of oysters produced in and outside state.
- Section 86:** Section 370.26, F.S., is renumbered as s. 379.2523, F.S., providing provisions relating to aquaculture.
- Section 87:** Section 370.31, F.S., is renumbered as s. 379.2524, F.S., providing provisions relating to the commercial production of sturgeon.
- Section 88:** Section 370.16, F.S., is renumbered as s. 379.2525, F.S., and is amended to provide conforming cross-references. The provisions provide regulations relating to the noncultured shellfish harvesting.

- Section 89:** Creates Part III of chapter 379, F.S., consisting of s. 379.28, F.S., and provides a title "Fresh Water Aquatic Life".
- Section 90:** Section 372.26, F.S., is renumbered as s. 379.28, F.S., and is amended to provide conforming cross-references. The provision provides for the regulation of imported fish.
- Section 91:** Creates Part IV of chapter 379, F.S., consisting of ss. 379.3001, 379.3002, 379.3003, 379.3004, 379.3011, 379.3012, 379.3013, 379.3014, 379.3015, 379.3016, 379.3017, 379.302, 379.303, 379.304, 379.305, 379.3061, 379.3062, and 379.3063, F.S., and provides a titled "Wild Animal Life".
- Section 92:** Section 372.0025, F.S., is renumbered as s. 379.3001, F.S., providing provisions relating to no net loss of hunting lands
- Section 93:** Section 372.023, F.S., is renumbered as s. 379.3002, F.S., providing provisions relating to J. W. Corbett Wildlife Management Area and Cecil M. Webb Wildlife Management Area.
- Section 94:** Section 372.988, F.S., is renumbered as s. 379.3003, F.S., and is amended to provide conforming cross-references. The provision provides for required clothing for persons hunting deer.
- Section 95:** Section 372.7016, F.S., is renumbered as s. 379.3004, F.S., and is amended to provide conforming cross-references. The provisions provide for a "Voluntary Authorized Hunter Identification Program".
- Section 96:** Section 372.6671, F.S., is renumbered as s. 379.3011, F.S., and is amended to provide conforming cross-references. The provisions provide definitions for the alligator trapping program.
- Section 97:** Section 372.6672, F.S., is renumbered as s. 379.3012, F.S., providing provisions relating to the FWCC's authority to implement an alligator management and trapping program.
- Section 98:** Section 372.6678, F.S., is renumbered as s. 379.3013, F.S., providing provisions relating to alligator study requirements.
- Section 99:** Section 372.662, F.S., is renumbered as s. 379.3014, F.S., providing provisions relating to the unlawful sale, possession, or transporting of alligators or alligator skins.
- Section 100:** Section 372.664, F.S., is renumbered as s. 379.3015, F.S., providing provisions relating to violation laws protecting alligators.
- Section 101:** Section 372.6645, F.S., is renumbered as s. 379.3016, F.S., providing provisions relating to the unlawful to sale of alligator products.
- Section 102:** Section 372.665, F.S., is renumbered as s. 379.3017, F.S., providing provisions relating to the prohibitions to use of the word "alligator" or "gator" in certain sales.

- Section 103:** Section 372.16, F.S., is renumbered as s. 379.302, F.S., providing provisions relating to private game preserves and farms. (NOTE: Fee provision is in Section 155 of the bill)
- Section 104:** Subsections (3) and (4) of s. 372.922, F.S., are renumbered as s. 379.303, F.S., and conforming cross-references are provided. The provisions provide for the classification of wildlife and the seizure of captive wildlife. (NOTE: Remaining provisions are in Section 164 of the bill)
- Section 105:** Section 372.921, F.S., is renumbered as s. 379.304, F.S., and conforming cross-references are provided. The provisions provide for exhibition or sale of wildlife. Specifically, subsections (4),(5),(6),(9) and (10) are incorporated into this new section (NOTE: Remaining provisions are in Section 163 of the bill)
- Section 106:** Section 372.92, F.S., is renumbered as s. 379.305, F.S., and is amended to provide conforming cross-references. The provisions provide for the rules and regulation of venomous reptiles or reptiles of concern.
- Section 107:** Section 372.673, F.S., is renumbered as s. 379.3061, F.S., providing provisions relating to the Florida Panther Technical Advisory Council.
- Section 108:** Section 372.5714, F.S., is renumbered as s. 379.3062, F.S., and is amended to provide conforming cross-references. The provisions provide for the Waterfowl Advisory Council.
- Section 109:** Section 372.992, F.S., is renumbered as s. 379.3063, F.S., providing provisions relating to the Nongame Wildlife Advisory Council.
- Section 110:** Creates Part V of chapter 379, F.S., consisting of ss. 379.33, 379.3311, 379.3312, 379.3313, 379.332, 379.333, 379.334, 379.335, 379.336, 379.337, 379.338, 379.339, 379.340, 379.341, 379.342, and 379.343, F.S., and provides a title "Law Enforcement".
- Section 111:** Section 370.028, F.S., is renumbered as s. 379.330, F.S., and is amended to provide conforming cross-references. The provision provides for the enforcement of commission rules and the penalties for violating rules.
- Section 112:** Section 372.07, F.S., is renumbered as s. 379.3311, F.S., providing provisions relating to the police powers of FWCC and its agents.
- Section 113:** Section 372.071, F.S., is renumbered as s. 379.3312, F.S., and is amended to provide conforming cross-references. The provision provides for the powers of arrest by agents of DEP and FWCC.
- Section 114:** Subsection (8) of s. 370.021, F.S., is renumbered as s. 379.3313, F.S., and is amended to provide conforming cross-references. The provision provides for the powers of FWCC law enforcement officers.
- Section 115:** Section 372.70, F.S., is renumbered as s. 379.332, F.S., providing provisions relating to state attorneys to representing the state in prosecutions.

- Section 116:** Section 372.701, F.S., is renumbered as s. 379.333, F.S., providing provisions relating to the arrest by officers of the FWCC.
- Section 117:** Section 372.76, F.S., is renumbered as s. 379.334, F.S., providing provisions relating to the authorization of and limitation on search and seizure.
- Section 118:** Section 372.761, F.S., is renumbered as s. 379.335, F.S., and is amended to provide conforming cross-references. The provision provide for the issuance of warrant for search of private dwellings.
- Section 119:** Section 370.22, F.S., is renumbered as s. 379.336, F.S., providing provisions relating to the venue for proceedings against citizens and residents charged with violations outside state boundaries.
- Section 120:** Section 370.061, F.S., is renumbered as s. 379.337, F.S., and is amended to provide conforming cross-references. The provisions provide for the confiscation, seizure, and forfeiture of property and products. References to the Federal Law Enforcement Trust Fund are repealed.
- Section 121:** Section 372.73, F.S., is renumbered as s. 379.338, F.S., providing provisions relating to the confiscation and disposition of illegally taken game. Reference to the Federal Law Enforcement Trust Fund is repealed.
- Section 122:** Section 372.9901, F.S., is renumbered as s. 379.339, F.S., and is amended to provide conforming cross-references. The provision provides for the seizure, forfeiture and disposition of illegal hunting devices. Reference to the Federal Law Enforcement Trust Fund is repealed.
- Section 123:** Section 372.9904, F.S., is renumbered as s. 379.3395, F.S., and is amended to provide conforming cross-references. The provision provides for the seizure, disposition and forfeiture of illegal transportation devices.
- Section 124:** Section 372.99021, F.S., is renumbered as s. 379.341, F.S., providing provisions relating to the disposition of illegal fishing devices.
- Section 125:** Section 372.9905, F.S., is renumbered as s. 379.342, F.S., providing provisions relating to the seizure and forfeiture of animals, vehicles, vessels, or other transportation devices.
- Section 126:** Section 372.0715, F.S., is renumbered as s. 379.343, F.S., providing provisions relating to rewards.
- Section 127:** Creates Part VI of chapter 379, F.S., consisting of ss. 379.350, 379.3501, 379.3502, 379.3503, 379.3504, 379.3511, 379.3512, 379.352, 379.353, 379.354, 379.355, 379.356, 379.357, 379.3581, 379.3582, and 379.3582, F.S., and provides a title "Licenses for Recreational Activities".

- Section 128:** Section 372.5711, F.S., is renumbered as s. 379.35, F.S., providing provisions relating to the review of fees for licenses and permits. NOTE: The current provision requires the review of fees under chapter 372, F.S. The review is expanded to fees under chapters 370 and 372, F.S., as the proposed chapter 379 which would include non-recreational fees.
- Section 129:** Section 372.571, F.S., is renumbered as s. 379.3501, F.S., and is amended to provide conforming cross-references. The provision provides for the expiration of licenses and permits.
- Section 130:** Section 372.59, F.S., is renumbered as s. 379.3502, F.S., providing provisions relating to the transferability of licenses and permits.
- Section 131:** Section 372.58, F.S., is renumbered as s. 379.3503, F.S., and is amended to provide conforming cross-references. The provision provides for a penalty when providing a false statement in an application for license or permit.
- Section 132:** Section 372.581, F.S., is renumbered as s. 379.3504, F.S., and is amended to provide conforming cross-references. The provision prohibits the entering of false information on licenses or permits.
- Section 133:** Section 372.574, F.S., is renumbered as s. 379.3511, F.S., and is amended to provide conforming cross-references. The provisions provide for the appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.
- Section 134:** Section 372.551, F.S., is renumbered as s. 379.3512, F.S., providing provisions relating to the competitive bidding for certain sale of licenses and permits and the issuance of authorization numbers.
- Section 135:** Section 372.561, F.S., is renumbered as s. 379.352, F.S., and is amended to provide conforming cross-references. The provisions provide for the issuance, costs and reporting of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life.
- Section 136:** Section 372.562, F.S., is renumbered as s. 379.353, F.S., and is amended to provide conforming cross-references. The provision provides for the fees and requirements of recreational licenses and permits.
- Section 137:** Section 372.57, F.S., is renumbered as s. 379.354, F.S., and is amended to provide conforming cross-references. The provision provides for the fees for recreational licenses, permits, and authorization numbers.
- Section 138:** Section 370.063, F.S., is renumbered as s. 379.355, F.S., and is amended to provide conforming cross-references. The provision provides for the special recreational spiny lobster license. The repealed provisions are addressed in FWCC rule, 68B-24.0035 F.A.C., which provides for the recreation spiny lobster license.

- Section 139:** Section 372.5705, F.S., is renumbered as s. 379.356, F.S., providing provisions relating to the fish pond license.
- Section 140:** Section 372.5704, F.S., is renumbered as s. 379.357, F.S., and is amended to provide conforming cross-references. The provisions provide for the license program for tarpon. The provision regarding the number of licenses is repealed because it falls under the constitutional authority of the FWCC and it has never been met (2,500 licenses at \$50 per license)
- Section 141:** Section 372.5717, F.S., is renumbered as s. 379.3581, F.S., and is amended to provide conforming cross-references. The provision provides the requirements for the hunter safety course.
- Section 142:** Section 372.5718, F.S., is renumbered as s. 379.3582, F.S., and is amended to provide conforming cross-references. The provision provides the requirements for the hunter safety course for juveniles.
- Section 143:** Creates Part VII of chapter 379, F.S., consisting of ss. 379.361, 379.362, 379.363, 379.3635, 379.364, 379.365, 379.366, 379.367, 379.3671, 379.368, 379.369, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377, F.S., and provides a title "Licenses for Non-Recreational Activities".
- Section 144:** Section 370.06, F.S., is renumbered as s. 379.361, F.S., and is amended to provide conforming cross-references. The provision provides for non-recreational licenses for marine activities.
- Section 145:** Section 370.07, F.S., is renumbered as s. 379.362, F.S., and is amended to provide conforming cross-references. The provision provides for the regulation of wholesale and retail saltwater products dealers.
- Section 146:** Section 372.65, F.S., is renumbered as s. 379.363, F.S., and is amended to provide conforming cross-references. The provision provides for the freshwater fish dealer's license.
- Section 147:** Section 372.651, F.S., is renumbered as s. 379.3635, F.S., providing provisions relating to Lake Okeechobee and the permits to haul seine and trawl.
- Section 148:** Section 372.66, F.S., is renumbered as s. 379.364, F.S., providing provisions relating to the license requirements for fur and hide dealers.
- Section 149:** Section 370.13, F.S., is renumbered as s. 379.365, F.S., and is amended to provide conforming cross-references. The provisions provide for the regulation of stone crabs. A provision that is time certain and obsolete is repealed.
- Section 150:** Section 370.135, F.S., is renumbered as s. 379.366, F.S., and is amended to provide conforming cross-references. The provisions provide for the regulation of blue crabs.

- Section 151:** Section 370.14, F.S., is renumbered as s. 379.367, F.S., and is amended to provide conforming cross-references. The provisions provide for the regulation of spiny lobster.
- Section 152:** Section 370.142, F.S., is renumbered as s. 379.3671, F.S., and is amended to provide conforming cross-references. The provision provides for the spiny lobster trap certificate program. A provision that is time certain and obsolete is repealed.
- Section 153:** Subsections (2),(3) and (4) of s. 370.143, F.S., are renumbered as s. 379.368, F.S., and conforming cross-references are provided. The provision provides for the fees for the retrieval of spiny lobster, stone crab, blue crab, and black sea bass traps during closed season.
- Section 154:** Section 370.1535, F.S., is renumbered as s. 379.369, F.S., and conforming cross-references are provided. The provision provides for the fees for shrimp fishing in Tampa Bay. The repealed provision is regulated by the FWCC rule, chapter 68B-31.019, F.A.C.
- Section 155:** Section 379.3711, F.S., is created. The provision provides for the license fee for private game preserves and farms. (NOTE: The fee provision is from Section 103 of the bill)
- Section 156:** Section 372.661, F.S., is renumbered as s. 379.3712, F.S., and is amended to provide conforming cross-references. The provision provides exceptions for the private hunting preserve license fee.
- Section 157:** Section 372.86, F.S., is renumbered as s. 379.372, F.S., providing the license required to capture, keep, possess, transport, or exhibit venomous reptiles or reptiles of concern.
- Section 158:** Section 372.87, F.S., is renumbered as 379.373, F.S., providing the license fee for the venomous reptiles or reptiles of concern
- Section 159:** Section 372.88, F.S., is renumbered as s. 379.374, F.S., providing the bond requirements for exhibiting certain wildlife.
- Section 160:** Section 372.6673, F.S., is renumbered as s. 379.3751, F.S., providing fees for trapping licenses to take and possess alligators.
- Section 161:** Section 372.6674, F.S., is renumbered as s. 379.3752, F.S., and is amended to provide conforming cross-references. The provision provides for the fees and required tagging of alligators and hides.
- Section 162:** Subsections (1), (2), (3), (7) and (8) of section 372.921, F.S., is renumbered as s. 379.3761, F.S., providing the classifications of wild life and the fees for the exhibition or sale of wildlife.
- Section 163:** Subsections (1),(2),(5),(6), and (7) of section 372.922, F.S., is renumbered as s. 379.3762, F.S., and conforming cross-references are provided. The provision provides for the personal possession of wildlife. Specifically, subsections (1),(2),(5),(6) and (7) are incorporated into this new section (NOTE: Remaining provisions are in Section 103 of the bill)

- Section 164:** Section 372.653, F.S., is renumbered as s. 379.377, F.S., and is amended to provide conforming cross-references. The provision provides for the tag fees for sale of Lake Okeechobee game fish. FWCC rule, chapter 68A-23.0012, F.A.C., provide for the regulation of Lake Okeechobee game fish.
- Section 165:** Creates Part VIII of chapter 379, F.S., consisting of ss. 379.401, 379.4015, 379.402, 379.403, 379.404, 379.405, 379.406, 379.407, 379.408, 379.409, 379.411, 379.4115, 379.412, 379.413, and 379.414, F.S., and provides a title "Penalties".
- Section 166:** Section 372.83, F.S., is renumbered as s. 379.401, F.S., and is amended to provide conforming cross-references. The provision provides for the penalties and violations of Chapter 379, F.S., and FWCC rules, including civil penalties for noncriminal infractions, criminal penalties, suspension and forfeiture of licenses and permits.
- Section 167:** Section 372.935, F.S., is renumbered as s. 379.4015, F.S., and is amended to provide conforming cross-references. The provisions provide for captive wildlife penalties.
- Section 168:** Section 370.1107, F.S., is renumbered as s. 379.402, F.S., providing provisions relating to certain licensed traps.
- Section 169:** Section 372.7015, F.S., is renumbered as s. 379.403, F.S., and is amended to provide conforming cross-references. The provisions provide fines for the illegal killing, taking, possessing, or selling wildlife or game.
- Section 170:** Section 372.99, F.S., is renumbered as s. 379.404, F.S., and is amended to provide conforming cross-references. The provisions provide for the illegal taking and possession of deer and wild turkey.
- Section 171:** Section 372.99022, F.S., is renumbered as s. 379.405, F.S., and is amended to provide conforming cross-references. The provision provides for the illegal molestation of or theft from freshwater fishing gear.
- Section 172:** Section 372.9903, F.S., is renumbered as s. 379.406, F.S., and is amended to provide conforming cross-references. The provision provides for the illegal possession or transportation of freshwater game fish in commercial quantities.
- Section 173:** Subsections (1), (2), (3), (4), (5), (6), (11), and (12) of section 370.021, F.S., is renumbered as s. 379.407, F.S., and conforming cross-references are provided. The provision provides for the penalties and violations of Chapter 379, F.S., and FWCC rules relating to marine resources, including civil penalties for noncriminal infractions, criminal penalties, suspension and forfeiture of licenses and permits. Specifically, subsections (1),(2),(3),(4),(5),(6),(11) and (12) are incorporated into this new section (NOTE: Remaining provisions are in Sections 54, 59 and 60 of the bill)
- Section 174:** Section 372.84, F.S., is renumbered as s. 379.408, F.S., and is amended to provide conforming cross-references. The provision provides for the forfeiture or denial of licenses and permits.

- Section 175:** Section 372.663, F.S., is renumbered as s. 379.409, F.S., providing provisions relating to the illegal killing, possessing, or capturing of alligators or other crocodilia or eggs.
- Section 176:** Section 372.0725, F.S., is renumbered as s. 379.411, F.S., providing provisions for criminal penalties for the killing or wounding of any species designated as endangered, threatened, or of special concern.
- Section 177:** Section 372.671, F.S., is renumbered as s. 379.4115, F.S., and is amended to provide conforming cross-references. The provisions provide the killing of Florida or wild panther and the related penalty.
- Section 178:** Subsection (3) of s. 370.1121, F.S., is renumbered as s. 379.413, F.S., and conforming cross-references are provided. The provision provides for the penalties for violating bonefish regulations.

Subsections (1) and (2) of section 370.1121 F.S., "Bonefish; regulation" are deleted:

This provision of statute prohibits commercial harvest of bonefish and the sale of bonefish. FWCC has exclusive rulemaking authority regarding the regulation of species whose sale is prohibited. The FWCC has adopted chapter 68B-34.002 and 68B-34.003, F.A.C., which maintain the prohibition of commercial harvest and the sale of bonefish. The penalty provisions are covered in remaining penalty provisions of the bill.

- Section 179:** Creates s. 379.414, F.S., providing for additional penalties for saltwater products dealers violating record requirements. The section maintains penalties moved from other sections of current statute.
- Section 180:** Paragraph (a) of subsection (1) of s. 72.011, F.S., is amended to provide conforming cross-reference.
- Section 181:** Section 97.05831, F.S., is amended to provide conforming cross-references.
- Section 182:** Subsection (4) of s. 125.01, F.S., is amended to provide conforming cross-references.
- Section 183:** Subsections (1) and (4) of s. 142.01, F.S., are amended to provide conforming cross-references.
- Section 184:** Paragraph (c) of subsection (5) of s. 161.053, F.S., is amended to provide conforming cross-references.
- Section 185:** Subsection (11) of s. 201.15, F.S., is amended to provide conforming cross-references.
- Section 186:** Paragraph (b) of subsection (8) of s. 212.06, F.S., is amended to provide conforming cross-references.
- Section 187:** Paragraph (h) of subsection (5) of s. 212.08, F.S., is amended to provide conforming cross-references.

- Section 188:** Paragraph (o) of subsection (1) of s. 213.053, F.S., is amended to provide conforming cross-references.
- Section 189:** Paragraph (u) of subsection (4) of s. 215.20, F.S., is amended to provide conforming cross-references.
- Section 190:** Subsection (6) of s. 290.004, F.S., is amended to provide conforming cross-references.
- Section 191:** Paragraph (b) of subsection (1) and paragraph (b) of subsection (24) of s. 320.08058, F.S., are amended to provide conforming cross-references.
- Section 192:** Paragraph (a) of subsection (5) of s. 327.02, F.S., is amended to provide conforming cross-references.
- Section 193:** Subsection (2) of s. 327.41, F.S., is amended to provide conforming cross-references.
- Section 194:** Paragraph (k) of subsection (1) of s. 327.73, F.S., is amended to provide conforming cross-references.
- Section 195:** Subsection (1) of s. 328.66, F.S., is amended to provide conforming cross-references.
- Section 196:** Subsections (11) and (16) of s. 328.72, F.S., are amended to provide conforming cross-references.
- Section 197:** Paragraph (a) of subsection (1) and subsection (2) of s. 328.76, F.S., are amended to provide conforming cross-references.
- Section 198:** Subsection (5) of s. 373.046, F.S., is amended to provide conforming cross-references.
- Section 199:** Paragraph (h) of subsection (2) of s. 403.41315, F.S., is amended to provide conforming cross-references.
- Section 200:** Paragraph (f) of subsection (2) of s. 403.813, F.S., is amended to provide conforming cross-references.
- Section 201:** Paragraph (a) of subsection (5) and paragraph (a) of subsection (18) and of s. 597.010, F.S., are amended to provide conforming cross-references.
- Section 202:** Paragraphs (a), (d), and (e) of subsection (4) of s. 777.04, F.S., are amended to provide conforming cross-references.
- Section 203:** Paragraph (g) of subsection (2) of s. 810.09, F.S., is amended to provide conforming cross-references.
- Section 204:** Paragraphs (b) and (c) of subsection (3) of s. 921.0022, F.S., are amended to provide conforming cross-references.
- Section 205:** Paragraph (e) of subsection (6) of s. 932.7055, F.S., is amended to provide conforming cross-references.

Section 206: Repeals ss. 370.081, 370.0821, 370.09, 370.1105, 370.15, 370.154, 370.155, 372.0225, 372.107, 372.27, 372.667, 372.75, 372.85, 372.98, 372.981, 372.993, F.S.,

Section 207: Provides an effective date, July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

No fiscal impacts are anticipated in the implementation of this bill

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

No rulemaking authority is granted to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 372.75, F.S., , "Use of explosives and other substances prohibited" is not included in the bill:

This provision of statute prohibits the use of explosives in fresh water that may injure fish. Current FWCC Rule 68A-23.002(5) and (7), F.A.C., prohibits the use of explosive substances for the take of freshwater fish. The statute is unnecessary and the subject is within FWCC's authority under Article IV, Section 9 of the Florida Constitution.

D. STATEMENT OF THE SPONSOR

N/A

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.